EXTENSIONS OF REMARKS

TRIBUTE TO WILLIAM R. PEARCE

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. RAMSTAD. Mr. Speaker, I rise today to pay special tribute to William R. Pearce on his retirement this June after a highly distinguished career with Cargill, Inc., in my district.

During his 40-year tenure, Bill not only influenced the course that Cargill took as a company, but he also profoundly impacted U.S. domestic and foreign affairs.

Bill Pearce began his career at Cargill in 1952. He helped build Cargill into the country's largest privately held business, one that buys, sells, transports, and processes grain.

Because of his strong efforts for Cargill, Bill also successfully lobbied for U.S. agriculture policies to keep food prices low for consumers and export markets open for U.S. goods.

Bill took a leave of absence from Cargill in the 1970's to serve as Assistant U.S. Trade Representative. During his tenure, he was highly successful in maneuvering a major trade bill through Congress that has set the stage for U.S. international trade policy for generations.

Upon his return to Cargill, Bill Pearce performed a near impossible feat by fundamentally restructuring the company.

As vice chairman of the board, Pearce pushed for a new board of directors, dealt with the desires of the many owners and instituted an employee stock option plan [ESOP] that served to turn the company around.

Mr. Speaker, for his efforts not only in the private sector, but also his strong influence on U.S. agricultural and trade policy, I highly commend Mr. Pearce for his efforts.

I also ask permission to enter the full text of an article that appeared in the June 29 edition of the Minneapolis Star-Tribune concerning Bill's retirement.

[From the Star-Tribune, June 29, 1993]

PEARCE: A QUIET NAVIGATOR—LEAVES CARGILL AFTER CHARTING ITS NEW COURSE

(By John J. Oslund and Tony Kennedy)

In 1973, as the Watergate scandal swirled around Washington, D.C., crippling the Nixon administration, William R. Pearce was at work where he is most comfortable—behind the scenes.

Diplomat, problem-solver and string-puller extraordinaire, the soft-spoken Pearce was on leave from Cargill Inc. to serve as assistant U.S. trade representative. Maneuvering quietly, as is his style, he steered a major trade bill through a hostile Congress, setting the stage for U.S. international trade policy for a generation.

President Richard Nixon was appreciative, but baffled.

"Nixon told me he did not understand how it happened," Pearce said in a recent interview. "It's the only thing that worked for him [at that time]."

Pearce, 65, has made a lot of things work during his 40 years of a mostly private career, and perhaps has had more influence on public policy than most elected officials, save presidents.

But despite a lifetime spent influencing the private affairs of Cargill Inc., the domestic affairs of U.S. agriculture and the foreign affairs of the United States' most powerful friends and enemies, most Minnesotans have never heard of Cargill's retiring vice chairman.

But the right people have. Hubert Humphrey was a friend. So is Walter Mondale, former vice president and soon-to-be U.S. ambassador to Japan.

"Nothing created more suspicion of me in the White House in those days than that [Mondale] thought it was important that I get the job" as assistant trade rep. Pearce said.

Articulate and witty, clear-minded and empathetic. Pearce became the consummate broker of competing interests by listening, laughing, learning and then leading.

"He had an easy way of getting things done," said former Secretary of State George Shultz. "And he got them done the way he wanted them done."

Perhaps Pearce's most enduring contribution has been made in the past few years as the architect of a restructuring plan at privately held Cargill where, until recently, fewer than 90 heirs controlled a company with sales of $47 billion, and profits of $450 million.

During the 80s, tensions mounted as third- and fourth-generation heirs of the founding Cargill and MacMillan families wondered what there might be at the big company for them. Answers to those questions were needed, and the sooner the better.

Cargill Chairman Whitney MacMillan asked Pearce to negotiate a solution that would satisfy the heirs, some of whom wanted management roles and others who wanted to cash in their stock. Truth was, no one with the name "Cargill" or "MacMillan" was ready to take on top operating responsibility.

"He has always been our outside person," MacMillan said. "If your ox is being gored, well, that's his job."

Shultz, who worked with Pearce, in the '70s, was not surprised that MacMillan placed such a delicate matter in Pearce's hands.

"Did you ever see Joe DiMaggio play baseball?" Shultz asked. "Did you ever see him catch a fly ball? He just sort of drifts under that ball, he makes it look easy. Then you'll see other people out there, and all sorts of antics that they go through to catch the same fly ball.

"Well, [Pearce] made the hard ones look easy."

In 1952, Cargill Inc. recruited a class of management trainees including a freshly minted attorney named William R. Pearce. He graduated from Faribault High School before attending the University of Minnesota and the university's law school.

It was (and still is) Cargill's strategy to pick the best people and promote primarily from within. Pearce's contemporaries included Whitney MacMillan, who eventually would become chairman.

But Pearce would not make his career in Cargill's legal department. By the mid-1950s, a much more challenging assignment beckoned—public relations.

Decades of controversy combined with an unbending passion for secrecy at the highest levels left the company unknown by most people and despised by a vocal few—including influential senators and congressmen.

The company's policy of meeting fiery criticism with icy silence was, in the end, bad for business.

"One of the costs of choosing not to say much about yourself is that you are pretty much at the mercy of other people who are quite willing to characterize you," Pearce said. "It became a serious handicap in trying to defend ourselves.

With Pearce at the public relations helm over the next several decades, positive stories about Cargil began to appear in small-town weeklies, farm magazines and larger dailies that featured some aspect of Cargil's business—which was buying, selling, transporting and processing grain. Negative stories continued, but the public record on Cargil began to approach equilibrium.

Meanwhile, Pearce pressed the company's message in Washington, D.C., that U.S. agricultural policy hobbled efficient traders like Cargill in export markets while protecting inefficient domestic while protecting inefficient domestic producers. As a result, Cargil scored several major public policy victories in the 1960's and 1970s that bolstered export opportunities.

As always, the company's success bred suspicion. The Cargill name is still associated in some minds with corporate in some minds with corporate arrogance, market manipulation, secrecy and unholy power over U.S. agricultural policy.

Former Minnesota Agriculture Commissioner Jim Nichols still harbors scorn for the company and views Pearce as an enemy of family farming. For the past 20 years, with Pearce as a principal lobbyist, Cargill has advocated U.S. agricultural policies that have kept farm prices low, Nichols said.

While Cargill pushed for lower U.S. grain prices ostensibly to boost exports, the company's true interest was low prices for the benefit of its immense livestock feeding and grain processing businesses in the United States, said Nichols, who describes Pearce as "very smooth and very much behind-the-scenes."

"They used exports as a front to get lower grain prices," Nichols said.

Pearce does not apologize for being an effective advocate.

"We had the capacity to expand exports . . . so our public relations efforts were very importantly tied to the role that we played in building markets for U.S. farmers abroad."

Pearce also is known for straight talk.

"My sense from the beginning of this work is that the first thing to do is put your own self-interest on the table because it is often perceived to be something different than it is, actually. The process begins by saying, This is what we do and this is how this issue affects our business. And this is why it does

not make sense for us—or for anyone else. And here is a better way to do it."

But Cargill certainly didn't win every battle. Take the 1980 grain embargo, for example. When the Soviet Union invaded Afghanistan in 1979–80, the Carter administration, scratching for a way to punish Moscow, finally settled on a trade embargo.

Cargill and the other big U.S. grain companies were stunned. Suddenly eliminating the Soviets from the market left the U.S. grain companies exposed to hundreds of millions in potential losses.

Pearce argued, successfully, for the U.S. government to buy the grain already on order that was destined for the Soviet Union. The government agreed on the condition that only the companies' costs would be covered—not anticipated profits.

"We advanced the idea . . . but it had a lot of support," Pearce said. Then-President Jimmy Carter, through Agriculture Secretary Bob Bergland, asked Cargill to halt all grain sales to Moscow through its foreign subsidiaries.

The request posed a classic tradeoff: Legally, the company's foreign units could trade with the Soviets. But that would be seen as undermining the president in a time of crisis.

After rigorous internal debate led by Pearce, Cargill subsidiaries from Canada to Argentina honored the embargo.

Why? "The administration was in an extremely difficult position with respect to the issues that surrounded our relationship with Russia," Pearce recalled. "And I have never found it very helpful to go out of our way to embarrass people who are trying to deal with difficult issues. It's not productive."

Bergland gives the company high marks. ". . . [Pearce] and his company did what they said they would do. They never once attempted to cheat the U.S. government, never withheld information. No games played. It was absolutely above-board, straight-arrow and honest."

The freshest evidence of Pearce's effectiveness is a new board of directors at Cargill and an Employee Stock Option Plan (ESOP)—two gargantuan accomplishments.

Whitney MacMillan, the 63-year-old chairman of Cargill Inc. and a member of one of the richest families in the United States, put his finger squarely on the issue: "If you don't solve the liquidity issue, you can get into a lot of trouble.

With any family-owned company, there is the danger for disruption as the pool of heirs grows. In Cargill's case, some stockholders of the company stock weren't satisfied with dividend checks and wanted cash for some of their shares.

Professional managers, in turn, get nervous when owners get anxious. How would this business with 68,000 employees fare in the future? With no obvious family successor, MacMillan turned to Pearce for a solution.

"We needed a way of managing the transition from older to younger," said new board member Lucy MacMillan Stitzer, daughter of W. Duncan MacMillan.

"I am not going to say that without Bill the board restructuring never would have happened, because it would have happened some way or the other. But Bill was really a driving force behind it."

Along with other top officers of the company, including Whitney MacMillan, Pearce championed the ESOP as a safety valve for family financial pressures.

In the minds of some, the idea of sharing ownership with employees was revolutionary. But Pearce sold the idea as an incentive tool to improve corporate performance—as owners themselves, employees would be more motivated.

In total, family members tendered 17 percent of their shares for $730.5 million, or an average of $8.3 million per family member.

In the process, ownership ranks swelled from fewer than 90 family members to nearly 20,000 when the shares held in trust for employees in the ESOP are included. The family still controls the company. The board of directors, however, divides power among the family, corporate management and, for the first time, outside directors.

As painful as it was for some heirs, plans for the immediate future did not call for any of them to occupy management roles. Instead, two younger family members—both women—were added to the board of directors.

"There were some very tense times" creating the ESOP, Stilzer said.

"We weren't fighting, but people have differences of opinion. And Bill was always there to kind of smooth things over."

Mike Bonsignore, chief executive of Honeywell, Inc. and one of the five outside directors named to the restructured Cargill board, said Pearce "was the only one perhaps of sufficient 'lack of bias,' If I can use that word, to represent all the parties involved. That's why everyone was anxious to see this governance process completed before Bill Pearce left."

June 10 was Pearce's last day on the job at the Minnetonka mansion that serves as Cargill's headquarters.

The company he left, perhaps the world's pre-eminent commodities trader, is sailing smoothly on a course charted by an extraordinary navigator who, incidently, never bought or sold a bushel of grain in his life.

FARM FAMILY OF THE YEAR

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. KOPETSKI. Mr. Speaker, I rise today to recognize the Josi family of Tillamook, OR. The Josi family has been selected for the 1993 Oregon State Fair's Farm Family of the Year Award. This award goes to a family which is strongly involved in all phases of farm management, uses innovative management or production techniques, and is active in the community, agricultural associations, and agricultural youth programs.

The Josis more than qualify for this award. Their 240-acre Wilsonview Dairy Farm provides them with 100 percent of their income. There, each of the 12 family members does her or his share to keep the farm running smoothly. Whether it's Julie, who does bookkeeping and secretarial work, Don, who milks and manages the herd, or Carolin, who, along with her five younger siblings, cleans and beds calves, all members of this extended family contribute to the overall success and livelihood of the farm.

In the past few years, the Josis have started an embryo transfer program. The international demand for semen and embryo means that the Josis now have a spot in the foreign market. As a result, the Josis host between 50 and 100 visitors a year, who represent countries such a Australia, New Zealand, Germany, Japan, Switzerland, England, and Brazil. The Josis also benefit directly from their innovative embryo transfer program; their production has increased at home due to the genetically improved offspring that result from these transfer animals.

The Josis farm with an environmental conscience. They belong to 1,000 Friends of Oregon, Oregon Environmental Council, Nature Conservatory, and the National Soil and Water Society of America. They have begun a no-till plot of land, which, if it improves the pasture, will keep loose soil from eroding into the river. They built the dry-storage barn and above-ground-liquid tank to reduce runoff into the river, and to comply with the Clean Water Act, which they strongly supported. They no longer use commercial fertilizer, and now have a dry-manure storage shed.

The family belongs to countless agricultural organizations and trade groups, and many members of the family hold or have held positions as director, chair, vice chair, and secretary of these organizations. In addition to all of this, each member of the Josi family still finds time to give to many community groups. Ernie and Josie are 4-H leaders, members of the Catholic Church, Knights of Columbus, Elks, Swiss Society, Chamber of Commerce, and County Ambassadors. Their children, Don and Desi, Bill and Linda, are involved in similar organizations. The six grandchildren—ranging from 17-year-old Carolin to 10-year-old Derrick—are busy with extra curricular school activities: cheerleading, student council, football, basketball, OSSUM club, Boy Scouts, dancing, speech team, golf, and editing the school paper.

That each member of the Josi family can be committed to so many organizations—those that do and those that don't pertain to their family farm—and at the same time smoothly run this dairy farm by themselves, is why they are receiving the Farm Family of the Year Award and my recognition today. The Josis are committed to teaching each other, generation to generation, how to care for others and the land. They are concerned citizens who work hard for their own good and for the good of others. Mr. Speaker, I am proud to acknowledge this exemplary family from my district.

PAULETTE BROWN AT THE HELM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues an event that took place last weekend. It was the installation of Paulette Brown as president of the National Bar Association [NBA], the Nation's oldest and largest minority bar association. Ms. Brown, a long-time acquaintance and resident of New Jersey, is sure to become one of the organization's more notable leaders and continue to serve as a role model for many.

As a young girl growing up in Baltimore in the late 1960's, she saw lawyers as mere images on television and in books. She didn't

know any lawyers personally. Now she heads New Jersey's largest minority law firm—Brown, Lofton, Childress and Wolf.

The National Bar Association was founded in 1925 by 12 black lawyers. At that time, the American Bar Association did not accept black lawyers, and would not admit them until the 1950s. Consequently, black lawyers founded their own bar association. Today, the organization has 82 affiliate chapters nationwide and a professional network of more than 16,000 lawyers, judges, educators, and law students. It recently joined the Society of Black Lawyers of England and Wales to establish the International Black Bar Association, made up of attorneys representing Indian, Hispanic, South African, Asian, African-American, Canadian, European, Pacific, Pakistani, Native American, and Caribbean bars.

Ms. Brown is a graduate of Seton Hall University School of Law. She is involved in community service and is affiliated with several local and national bar organizations including the Garden State Bar, the State affiliate of the NBA; the American Bar Association; the Association of Black Women Lawyers of New Jersey; and the New Jersey State Bar Association. She has received many awards including the New Jersey State Bar Association's Young Lawyer of the Year. She is a former Plainfield, NJ, municipal court judge. Before going into private practice she served as an attorney for Bucks Consultants, Prudential Insurance Co., and National Steel Corp.

Ms. Brown is known as a true renaissance woman who worked her way up the ladder. Her professionalism, acuity, leadership ability, boundless energy, and capacity to care, will serve her well as she charts the course of the NBA. Mr. Speaker, I am sure my colleagues will want to join me as I offer my congratulations and best wishes to the National Bar Association for a progressive and successful year and to Ms. Paulette Brown of whom I am extremely proud.

TRIBUTE TO SISTER THEO FURNISS, IN HONOR OF HER GOLDEN JUBILEE IN THE ORDER OF THE SISTERS OF CHARITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. MENENDEZ. Mr. Speaker, I am pleased and honored to take this opportunity to recognize the accomplishments of Sister Theo Furniss, who is being honored this year by the Sisters of Charity as she celebrates a remarkable 50 years of dedicated and devoted service to her community.

Born in Jersey City, NJ, she is the daughter of the late Dr. and Mrs. T. Benedict Furniss, and the brother of Frank and the late Father John Furniss, S.J. Her lifelong dedication to education began with her own schooling at St. Paul's Grammar School and St. Aloysius Academy of Jersey City. She received a bachelor of arts in mathematics from the College of St. Elizabeth. In her graduate work at the University of Notre Dame, she received a grant from the National Science Foundation, and again for her work at the service institute in mathematics at St. Peter's College in Jersey City.

Sister Theo entered the Sisters of Charity on September 8, 1943. After her profession she was assigned to Epiphany in Grantwood, NJ, and later returned to her old school, St. Aloysius in Jersey City.

In 1965, Sister Theo arrived at Mother Seton High School with her degree in mathematics, and the certification to teach high school mathematics and science. Since then she has taught physics and imparted to her students her knowledge of mathematics in classes which range from algebra I to calculus. She has done extensive graduate work at Fordham University, the University of Notre Dame and the Newark College of Engineering in the fields of mathematics and physics, and has offered several courses of study as an instructor at her alma mater, the College of St. Elizabeth. She has also offered her expertise in her service on the Union County Curriculum Council and as a member of both the New Jersey and National Councils of Teachers of Mathematics.

Sister Theo's teaching expertise goes beyond mathematics. She has instructed Mother Seton students in behind-the-wheel driver's education, and has put in long hours of work as school play coordinator since Mother Seton's first production, "The Sound of Music," in 1967.

Sister Theo shares her love not only with the Mother Seton community, but extends it to others. She has aided many people through her missionary work, in the Mother Seton Mission Club, with the McCoy Mission Club and the Jesuit Mission Bureau in New York.

It is for these and the countless other examples of her remarkable dedication over the past 50 years that I rise in tribute to Sister Theo today. I am certain that my colleagues join me in wishing her many more years in which to share her love and her knowledge with the community.

CHANGE THE WAY CONGRESS DOES BUSINESS

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. BUYER. Mr. Speaker, today, I am introducing legislation to bring reform to the House of Representatives. While I believe there is no magic bullet to enhance our performance as an institution, I believe my legislation provides needed improvements to make the Congress more democratic and receptive to the exchange of ideas and opinions of all Members.

Over the last few weeks, I have held over 21 town meetings in my rural Indiana district. The turnout at these meetings was excellent. The people are genuinely concerned with the issues facing our country.

A constant theme at all of these town meetings was one of a trust deficit between the Government and its people. The people are disillusioned and angry—very angry.

They don't know who they can trust with their tax dollars. They perceive a Congress that is too quick to spend money. A Congress that is unwilling or unable to cut spending. A Congress that is unwilling or unable to terminate programs. They perceive a Government and a Congress that has an insatiable appetite for tax dollars and they are working harder and harder but getting farther and farther behind.

My legislation, a series of bills to change the Rules of the House, is aimed to change our procedures to encourage more cooperation and comity among Members of Congress; to improve the end product of legislation; and to have more democracy in our proceedings. Such reforms will give our constituents a greater voice in their Government and address the trust deficit between the people and their Government.

Let me quote from former-Speaker Sam Rayburn—

> It is in the Congress that out of the clash of contending opinions is forged the democratic unity of a democratic people. * * * Not all measures which emerge from the Congress are perfect, not by any means, but there are very few which are not improved as a result of discussion, debate, and amendment.

While I respect the right of the majority to set the legislative agenda, the House of Representatives as it currently functions does not have the discussion, debate, and amendment that lead to quality legislative products. It is to address this need that my legislation is geared.

Prior to my swearing in, as I anticipated carrying out my new responsibilities, I envisioned being able to hear, and perhaps participate in, debates on national issues—debates where there would be great give and take, debates that would bring out the broad and fine points of an issue. And from these informed debates, I expected to be able to weigh the facts and come to decisions that best represented the views of my constituents.

This does not happen in the House of Representatives. In the 95th Congress, 1977–78, 85 percent of the rules were open rules, which meant that bills were open to amendments pursuant to the general rules of the House. In the 102d Congress, 34 percent of the rules were open.

There is no give and take. There is not even the opportunity to offer a germane amendment because of closed rules. Rules also waive points of order, even those that are in the rules to enforce the Budget Act.

Thomas Jefferson recognized the need for defined procedures as a foundation to conducting our business:

> It is much more material that there should be a rule to go by than what the rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of its members. It is very material that order, decency and regularity be preserved in a dignified public body.

Jefferson, in his work "Jefferson's Manual of Parliamentary Practice," which is still included as a part of the House Rules, goes even further to endorse the concept that orderly procedure is necessary to the protection of the rights of the minority. He quotes Speaker Onslow of the House of Commons:

> Nothing tended more to throw power into the hands of the administration, and those

who acted with a majority of the House of Commons, than a neglect of or departure from the rules of proceedings: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power.

By constantly waiving our rules through Rules Committee actions, minority rights, regardless of party, are being abrogated and the result is poor legislation and ill-will among Members.

The proposals I am introducing today are an attempt to foster debate, enhance minority right to be constructive participants in the legislative process, and improve our standing with our constituents.

I am introducing three amendments to the House rules. First, require the membership of the Rules Committee to reflect the ratio of majority to minority party Members of the House at the beginning of the Congress.

Second, require a three-fifths vote on the House floor to adopt a rule that waives the ability to offer germane amendments.

Third, if the rules of the House require a supermajority to waive a requirement or point of order, that same supermajority would be required to adopt a rule making such a waiver.

My third bill addresses the situation which arose during consideration of the family leave bill. We adopted a rule by majority vote that waived a requirement for a two-thirds vote to bring up the conference report. We violated a supermajority requirement by a majority vote.

Finally, I am introducing a bill to require a three-fifths vote to waive points of order under the Budget Act. The Senate has a similar requirement. My bill would amend the Budget Act to impose the same requirement on the House.

All Members of Congress, constitutionally speaking are the same; we represent equal quantities. Our districts are the same, roughly, numerically speaking. We should all have the same right to have our voices heard. We should all have the same ability to have access to the legislative process.

THE NUTRITION ADVERTISING COORDINATION ACT OF 1993

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. WAXMAN. Mr. Speaker, I am pleased to join as a cosponsor of the Nutrition Advertising Coordination Act of 1993.

Mr. Speaker, as you know, in 1990 Congress enacted the Nutrition Labeling and Education Act or the NLEA. Mr. MOAKLEY was a key supporter of that bill, as were you, Mr. Speaker.

In May 1994, the regulations to implement the NLEA will become effective. After that time, virtually all food sold in this country will have information about calories, fat, and other nutrients.

Equally important, the NLEA will require that claims made on food labels be truthful. As I am sure you remember, Mr. Speaker, prior to 1990, food labeling was out of control. Consumers could not possibly understand terms such as "light" or "low fat" since their meaning varied from product to product. Manufacturers were allowed to make claims such as "fiber prevents cancer" without having first presented their scientific evidence to the Food and Drug Administration. In order to present a false picture of health, fiber was added to unhealthy products, including some brands of potato chips.

The NLEA will prohibit such false claims on food labels. Food manufacturers will not be able to use terms such as "light" unless they comply with the FDA definition of those terms. Disease claims are prohibited unless the FDA has found that the claim is supported by a significant scientific agreement.

The one flaw in this scheme is that it does not apply to advertising. The FDA has exclusive jurisdiction over food labels on all products, except meat and poultry which are regulated by the U.S. Department of Agriculture under similar labeling rules. However, under a memorandum of understanding, the Federal Trade Commissioner has jurisdiction over food advertising. Chaos will reign if the FTC's advertising rules are different from the FDA labeling rules. Yet the signals from the FTC indicate that there will be significant differences unless Congress acts.

The purpose of the Nutrition Advertising Coordination Act of 1993 is to achieve this consistency. Under the bill, the FTC is required to prescribe health claim rules that are consistent with FDA's health claim rules "to the fullest extent feasible."

With respect to disease claims, this standard will require the FTC to follow the FDA. The bill will prohibit a claim that a food cures a disease unless the FDA has found that claim meets the standard of the NLEA. Similarly, under the bill, terms such as "light" would have to comply with the FDA's definitions, regardless of whether they are used in advertising or on a food label.

There are obvious format differences between labeling and advertising, and certain disclosures required in labeling may not be feasible in advertising. The bill gives the FTC this flexibility. It does not require the FTC to follow the FDA exactly. Instead, it requires that the FTC follow the FDA "to the fullest extent possible."

Mr. Speaker, I wish to congratulate Mr. MOAKLEY for his leadership on this bill. I also want to congratulate Mr. STUDDS for the contribution he has made to it. This is an important piece of legislation, and it is my hope that it can be enacted expeditiously.

NUTRITION ADVERTISING COORDINATION ACT OF 1993

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. MOAKLEY. Mr. Speaker, I am very pleased today to reintroduce my legislation from the 102d Congress known as the Nutrition Advertising Coordination Act. I also want to thank my colleagues HENRY WAXMAN and GERRY STUDDS for joining with me in sponsoring the legislation. This bill, although slightly modified from the original bill, still has the same goal, to ensure that the Federal Trade Commission [FTC] in its oversight of advertising for Food and Drug Administration [FDA] food products, abide by the standards, definitions and regulations developed by the Food and Drug Administration pursuant to the requirements of the Nutrition Education and Labeling Act [NLEA] and accepted by the Department of Agriculture for meat and poultry products with regard to nutrition and health claims on food labels. The bill does not require the duplication of nutrition information or across the board compliance with the NLEA, but simply adherence to the requirements for health and nutrition claims.

Unlike my legislation from the 102d Congress, this bill requires that the FTC write regulations which abide by the standards developed in the NLEA for health and nutrition claims. But by implementing these regulations, it will give the FTC a solid foundation from which to judge compliance with the law and from which to enforce such rules in the courts. It will also send a consistent message to consumers who now must sort through a maze of mixed labeling and advertising messages.

It has been almost 3 years since the Congress overwhelmingly approved and enacted into law the NLEA. This landmark legislation authorized the FDA to develop new rules and regulations governing nutrition labeling for foods under the jurisdiction of the FDA. The NLEA empowered the FDA to reformulate the list of nutrition information on the back of a food label and to present this list in a more understandable format. It also required that the FDA develop regulations to assure that nutrition and health claims on the front panel of food labels are accurate and responsible. These new labels, which will for the first time be required on virtually all FDA regulated food products—as well as processed meats and poultry—will help consumers choose foods in the context of a total daily diet without the confusing and even misleading information that is all too often found on food labels. The FDA has done an exemplary job in this most difficult and complex task. Last winter, they published final regulations for these new labels which will be required on all covered products by May 1, 1994. Additionally, the Agriculture Department has said it will use the FDA labeling requirements for the labeling of processed meat and poultry products which are under the jurisdiction of the Department of Agriculture.

Unfortunately, however, in spite of the excellent work at the FDA and the support from Agriculture, it has become painfully clear to me that the NLEA by itself cannot guarantee that food advertising, which is under the jurisdiction of the Federal Trade Commission, will follow the same standards regarding health and nutrition claims as does the FDA in food labeling. Even under this new law, advertisements may still be able to use claims that will not be allowed on the labels of the exact same products. So it appears that the efforts of the past 3 years may not be enough to fully protect consumers from being subjected to misleading, inaccurate, and confusing messages in advertising.

Therefore, one of my top legislative initiatives for the 103d Congress will continue to be

the Nutrition Advertising Coordination Act. I believe the only way to ensure consistent, accurate, and responsible information in advertising as well as on labels, is through a legislative route, to bring the FTC into compliance with the FDA on this issue. Additionally, the FTC will be required to write regulations which are in compliance with the NLEA with regard to health and nutrient claims. However, the bill does call for such regulations to be developed on an expedited rulemaking procedure that will not impose the otherwise lengthy and cumbersome Magnuson-Moss rulemaking process generally required at the FTC.

Currently the FTC, under a memorandum of understanding with the FDA, retains primary authority over good advertising. Although passage of the NLEA establishes a clear and concise prohibition against misleading nutrition and health claims on food labels, the FTC has not proposed any guidelines or restrictions on such claims with regard to food advertising. The FTC continues to evaluate these claims on a lengthy, case by case, piecemeal basis using, by its own admission, weaker standards than those currently followed by FDA. Furthermore, cases that are settled by the FTC usually take many months, even years to be finalized—during which time the manufacturer is not required to pull the deceptive advertisement or to run a retraction. By that time, the ads have run their course and the public is never the wiser. If fines are imposed, and most often they are not, the amounts are generally very low and certainly not a deterring factor to the violator.

The evidence for allowing health claims on labels of foods regulated by the FDA requires basic agreement from many significant scientific sources. The FTC has allowed health claims based on some reliable sources—in some cases research resulting from a business sponsored project. All that has been required by the FTC is that the source be cited in the advertisement. In effect, the potential for use of unreliable data as a source for a claim is far too great. The FTC, under this legislation, would be required to include in their regulations that health claims in food advertising be consistent with the FDA and there must also be supported by significant scientific agreement. If a health claim is made about a product and then later found to be incorrect or even overstated in its impact, it serves no helpful purpose and only further confuses an already suspicious public.

The FTC continues to justify its noncompliance with FDA rules by asserting that advertising and labeling are very different and should not be judged by the same standard. While I agree that there are differences between the two, I do not agree that they are so far apart that the requirements for claims on labels do not need to be applied to advertising. Since the late eighties when the Reagan administration allowed manufacturers to put health and nutrition claims on foods labels, labels became essentially synonymous with advertisements for the same products. In fact, during that same period in the eighties, the Federal Trade Commission advocated that the same standards should apply to labels and advertisements.

The dissemination of accurate and complete nutrition information to the American people is my goal in helping to ensure a healthier, better educated public with regard to nutrition and its significant impact on health. I continue to be impressed at the number of major scientific studies and statistical findings that directly linked the eating habits and patterns of Americans with this country's top health problems, particularly the number one and two killers, heart disease and cancer. The NLEA was created in large part to help people better educate themselves on the major role that nutrition plays in our lives. It makes sense that the agency that is responsible for monitoring the products with these new labels should hold the advertisements to the same standards.

FTC Commissioner Janet Steiger has stated that the potential benefit of advertising is enormous. I agree—used responsibly and in an accurate and complete format, advertising is a wonderful source of information and education for consumers. However, when information in advertising is incomplete, inaccurate, or tells a partial truth, it can be very damaging. Consumers can either become completely confused and misled into thinking certain products are beneficial or harmful, or they can simply become so disenchanted with advertising that they don't believe anything they see or hear and make no effort to change or improve their eating habits. This is my biggest fear, that the skepticism from mixed, blurred messages will discourage the average consumer from trying to understand or learn more about the foods they eat and the potential impact of diet on a healthier life.

As the importance of diet on our health continues to grow, it is extremely critical that consumers have access to accurate and consistent information regarding the foods we eat. Almost on a monthly basis new studies and research findings clearly indicate that diet is a very significant factor in our overall good health. We need to have accurate information regarding the foods we eat if we are to plan a truly healthy diet for our families and ourselves. Yet, two of our Government agencies which are primarily responsible for controlling much of the information on our foods have different standards and policies about these products. My legislation would help ensure that Federal policies and regulations regarding food and nutrition are consistent throughout all agencies of the Government. I hope the House will move forward with this legislation so that these agencies' guidelines regulating health and nutrition claims will complement and not compete with each other and ultimately serve the best interests of the consumer.

LEGISLATION TO EXEMPT THE FFELP FROM THE FTC HOLDER RULE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. GOODLING. Mr. Speaker, today, I am introducing legislation to exempt loans made under the Federal Family Education Loan Program [FFELP] from a Federal Trade Commission [FTC] regulation, commonly referred to as the holder rule.

The FTC holder rule is designed to ensure that a consumer—student—is protected against seller—for-profit institution and lender—misconduct. The rule applies to only for-profit entities. While this rule may be appropriate with regard to some commercial transactions, in my opinion it is entirely inappropriate in the case of loans made under the FFELP.

Earlier this year the Department of Education made a decision to include the FTC holder rule on the common student loan application form and promissory note mandated by the Higher Education Amendments of 1992. The rule, when applied to student loans, essentially requires banks, who make loans under the program, to take on the responsibility as the absolute guarantor of the school's educational quality. I believe that lenders are unwilling to accept this role because they are not equipped for the task and to do so would not be economical.

One of the major accomplishments of last year's reauthorization of the Higher Education Act was the inclusion of a significant new section of the law to address the oversight and monitoring of a school's eligibility to participate in the Student Loan Program. Under this authority, the Department of Education, State Postsecondary Review Entities, guaranty agencies, and accrediting commissions are all charged with evaluating and overseeing the quality of institutions who participate in the FFELP Program. Only after each of these entities have given approval are institutions eligible to participate in the FFELP Program. Given that we have this elaborate system for monitoring FFELP institutional participation, I question whether there is a need to conduct an additional level of scrutiny. More importantly, lenders are not well equipped to provide much more than a superficial review of educational quality.

I fear that the application of the FTC holder rule to the FFELP will create a powerful disincentive for lenders to serve students at for-profit institutions. Students attending for-profit institutions are typically noncollege bound individuals who are seeking job skills. Their loan balances tend to be low and they provide a higher degree of risk than students attending traditional educational institutions—these factors make their loans less profitable than most.

The final budget reconciliation bill with regard to the FFELP contains a substantial phase-in of direct Government lending and a sharp reduction in lender profits. Given these factors, lenders will likely be more cautious than ever to guard against making unprofitable loans.

In recent years, I have joined my colleagues in seeking to rid the Student Loan Program of shoddy, fly-by-night schools. Applying the FTC holder rule is not just another means to this end, it erects a barrier to loan access for noncollege bound students.

I urge my colleagues to join me in supporting this legislation.

CONSERVATION AND MANAGEMENT OF FISHERY RESOURCES IN AN AREA OF THE BERING SEA KNOWN AS THE DONUT HOLE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a concurrent resolution calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

The Donut Hole is a small enclave comprising less than 10 percent of the Bering Sea. The 200-mile exclusive economic zones of the United States and Russia encompass the Donut Hole. The total Bering Sea area contains an important commercial fishery, the Aleutian Basin pollock stock. The fishery spawns only in the exclusive economic zones of Russia and the United States but straddles not only these zones but also the Donut Hole. While the location of the resource makes it particularly important for the people of Alaska, the fishery has provided nourishment for anyone who has ever eaten a fish stick.

Unfortunately, this valuable fishery resource has suffered extreme declines from overharvesting in the Donut Hole by non-coastal nations. The fishery first developed in the mid-1980's when 360,000 metric tons were harvested by foreign fishermen. In 1989, that amount dramatically increased to 1.4 million metric tons. In 1992, as a result of the overutilization of the stock, only 10,000 metric tons could be harvested. If we fail to take appropriate action now, the Aleutian Basin pollock stock will never recover.

Actions taken by the United States and the Russian Federation have failed to achieve satisfactory resolution of the issues. The U.S. first imposed strict regulations and subsequently suspended the Aleutian basin pollock fishery. The Russian Federation has also passed similar rules for its exclusive economic zone. Yet these conservation efforts have little success if similar measures are not taken for the Donut Hole.

Despite numerous attempts at negotiations with those distant-water fishing nations which have harvested pollock in the Donut Hole, no long-term solution has been found. Currently, a temporary suspension of fishing in the Donut Hole is in effect for 1993 and 1994. A long-term agreement is needed before the temporary suspension expires.

it is clear that international agreements must be reached soon. All users of the fishery must understand the need to protect the resource through appropriate conservation and management. Furthermore, they must be willing to enter into serious negotiations to ensure the possible commercial viability of the fishery.

It is vital that the Congress of the United States provides a clear statement of its determination to protect this resource. This concurrent resolution will establish a firm foundation to foster cooperation among all users of Donut Hole fishery. I urge you to support its contents in their entirety.

TRIBUTE TO RON HILKEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. McINNIS. Mr. Speaker, today I rise to commend Ron Hilkey, an individual whose name has become synonymous with law enforcement in Rio Blanco County, in Colorado's Third Congressional District.

For the last 15 years, Ron has provided excellent service as the Sheriff of Rio Blanco County. Beginning with informal law enforcement training he has developed recognized in all aspects of law enforcement and during his career has shown exceptional investigative abilities.

Ron Hilkey's law enforcement career began in 1967 when he was appointed undersheriff of the Rio Blanco County Sheriff's department. He served in this capacity until 1973 when he entered the private sector. After 2 years in private industry, Ron became the chief of police for Meeker, CO. He was elected Rio Blanco County Sheriff in 1978 and has continued to serve in this capacity.

In these days of fiscal restraint for all levels of government—municipal to Federal—Ron deserves special commendation for always being conservative with his fiscal requests and accurate in the fiscal needs of the Sheriff's department.

While serving as Rio Blanco County Sheriff, Ron has taken part in some very interesting investigations. For example, he is credited with saving the life of a young woman who had nearly froze to death in 1968. A more recent highlight involved the discovery of the skeletal remains of a Ute Indian near the Rio Blanco Store. Finally, he has solved all the murder cases within his jurisdiction.

I commend Ron Hilkey for his outstanding service to the people of Rio Blanco County, and wish him the best of luck in his future endeavors. Thank you, Mr. Speaker.

WEFA STUDY MEANS MORE JOBS, ENHANCED COMPETITION AND LOWER TELEPHONE RATES

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. HASTERT. Mr. Speaker, last month, the Nobel Prize recipient, Wharton Econometric Forecasting Associates [WEFA] Group released a study predicting that more than 3.6 million jobs would be created over the next 10 years if the line-of-business restrictions were lifted on the seven Bell companies. More than 160,000 of those jobs—mostly non-Bell jobs—would be created in my home State of Illinois.

Increased competition and lower long-distance and local rates will benefit consumers if these restrictions are lifted. It's noteworthy that within the last 2 weeks the three largest U.S. long-distance companies have each raised their prices by nearly 4 percent. Where is the competition in pricing among these oligopolies? Even an FCC Commissioner, this week, raised concerns about these companies' lockstep price increases. Enhanced price competition will not occur until the seven Bell companies are free to offer all long-distance services. Local telephone rate increases will be minimized and long-distance rates would be 50 percent lower with full Bell competition before the turn of the 21st century.

Finally, Mr. Speaker, these millions of new jobs and lower telephone rates would be accomplished without spending one Federal, State or local red cent. Now that's an economic recovery plan we can all support. If it takes the administration and Congress to bring these new benefits to the American public, let's get on with it.

THE 30TH ANNIVERSARY OF LIMITED TEST BAN TREATY

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. KOPETSKI. Mr. Speaker, today, we commemorate one of President John F. Kennedy's greatest achievements. Thirty years ago today President Kennedy completed successfully the Limited Test Ban Treaty.

For nearly 50 years, world citizens have suffered the existence and use of nuclear bombs. Each of those years at least one bomb exploded, in fact, on average nations and especially the United States, detonated 20 nuclear bombs.

Different from David's slingshot, the French lance, the English arrow, the Winchester rifle, or even precision aerial bombardment, a nuclear bomb can destroy planet Earth.

Now the bombs are silent. They've been silent for almost a year. They are silent because organizations like Parliamentarians for Global Action and individuals throughout the world cried, "Silence!, Enough!" . . . and forced Congress, President Bush, President Clinton and world leaders to bring silence.

Thirty years ago today President Kennedy led the world to the signing of the LTBT. Let's hope that within 30 months, through the leadership of President Clinton, we will have achieved a comprehensive test ban and nuclear bombs will be forever silent.

A VETERANS' CEMETERY AT FORT SHERIDAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. CRANE. Mr. Speaker, the United States has always been a country which honors its veterans before all others. As a nation which has had to fight for freedom, we recognize the sacrifices made by those patriots who choose to serve in uniform. From the frozen fields of Valley Forge to the desert dunes of Kuwait, our Nation's Armed Forces have served admirably, and from Arlington National Cemetery, just a stone's throw from the Capitol, to the hundreds of Department of Veterans Affairs

cemeteries scattered across the country, we honor those veterans.

Unfortunately, veterans in the Chicagoland area do not have the opportunity to be buried in a VA cemetery near their homes. To receive this honor, veterans must elect to be buried either in Milwaukee, or as much as 150 miles from their homes. Because of this hardship, the VA has made Chicago one of its priorities for a cemetery, but has been unable to actually produce a location. I believe those who call Chicago home and who have so gallantly served their country deserve better.

As a result, I have introduced legislation which would direct the Secretary of the Army to transfer as much as 200 acres of Fort Sheridan, which was closed as part of the 1988 base closure and realignment proceedings, to the Department of Veterans Affairs for use as a veterans cemetery. This bill is substantively identical to an understanding that has been previously worked out, but which fell apart over the issue of how much the Pentagon would be compensated for the transfer. Under my proposal, no such roadblock could sidetrack the bill because the transfer would be executed without compensation to the Department of Defense.

This legislation would resolve a great injustice that is being visited upon veterans from northeastern Illinois, and I urge my colleagues and this administration to support my proposal.

CUT SPENDING FIRST

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. COMBEST. Mr. Speaker, supporters of the tax bill have been saying that special interest will cause its defeat. They are right. I am not ashamed to admit that my vote against this bill is due to special interest. The special interest of the 566,217 people who elected me. The people of the 19th district who have made their views loud and clear—cut spending first.

This farce of a deficit reduction bill contains the largest tax increase in history and will still result in a trillion dollar increase on our national debt. The real kicker is taxes will be retroactive to January 1, 1993. Where are the spending cuts? They aren't retroactive that's for sure. They are years down the road with 80 percent of cuts coming after the 1996 presidential elections.

The sad truth is Congress doesn't have a clue how to read a map and gets lost before the route to spending cuts are found.

No wonder the American people have lost faith in this institution. This bill is a slap in the face to the taxpayers of this country. This isn't the change the American people had in mind last November and this isn't responsible fiscal policy. We cannot continue to run to the taxpayers to bail out Congress for their fiscal mismanagement—they will not stand for the continued misuse of their hard earned dollars. Now is the time to do what the American taxpayers have demanded—cut spending first.

DISABILITY RIGHTS IN AMERICAN FOREIGN POLICY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. HOYER. Mr. Speaker, it was just 3 years ago that the Congress passed, and President Bush signed into law, the Americans with Disabilities Act. With ADA, this Nation fortified its commitment to a national policy based on equality of opportunity, full participation, and inclusion. Today, with my good friend and colleague BEN GILMAN, ranking minority member on the House Foreign Affairs Committee, I am introducing a bill to extend this commitment to our foreign policy as well.

Our bill will direct the Secretary of State to include an examination of discrimination against people with disabilities as part of the Department's annual reporting on human rights. The text of the bill is simple, but its message is profound. This bill tells the world that America holds dear the rights of all people, including those people with disabilities. It tells the world that we will consider the respect for the human rights of people with disabilities as an important component of human rights policy. It reaffirms our conviction that people with disabilities can and should be full, contributing participants in society all across the globe.

As chairman of the Commission on Security and Cooperation in Europe, I have seen the way international attention and concern can speed the promotion and protection of human rights. The CSCE process, by setting human rights standards and commitments for persons belonging to national minorities, migrant workers, Roma (Gypsies), and others who suffer persecution or discrimination, has helped focus both governmental and nongovernmental efforts on improving the lives of hundreds of thousands of people.

At the CSCE Moscow meeting in 1991, I advocated and achieved the establishment of CSCE commitments on the human rights of persons with disabilities. For the first time in CSCE history, the participating states agreed to take steps to ensure the equal opportunity of persons with disabilities to participate fully in the life of their society. They agreed to promote the appropriate participation of such persons in decisionmaking in fields concerning them, and to encourage favorable conditions for the access of persons with disabilities to public buildings and services, housing, transportation and cultural and recreational activities. They also agreed to encourage services and training of social workers for the vocational and social rehabilitation of persons with disabilities. Commitments like these, now an established component of CSCE human rights standards, can be an important yardstick against which to measure performance.

Mr. Chairman, the issue of human rights is one that transcends all boundaries. It is an issue that unites, rather than divides, bringing diverse people and groups under one grand umbrella of humanity, dignity, and respect. In our own Congress, we have forged tremendous partnerships to champion this cause, because it is one that strikes a chord in all Americans, whatever their political beliefs or geographical backgrounds. I want to commend the minority leader in the Senate, our colleague BOB DOLE, who has played a strong leadership role on this issue, spearheading the Senate version of this legislation and rallying impressive bipartisan support.

This bill gives us a chance to make a positive contribution to the cause of human rights around the world, one that concerns not only the 500 million individuals with disabilities, but every single member of society. Prohibiting discrimination and promoting inclusion are practices that benefit us all. In a world too often torn by division and hatred, let us take a moment to remember and affirm that each individual matters.

I urge my colleagues to join me in support of this bill.

IN CELEBRATION OF INDIAN INDEPENDENCE DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today in celebration of what has become an annual tradition for the Indian-American community in Jersey City, NJ: the hoisting of the Indian flag with the American flag on Indian Independence Day.

This annual event is sponsored by the Federation of Indian Associations, NJ, an umbrella organization dedicated to nonprofit, nonpolitical, educational, social, and charitable representation of the interests of the Indian-American community in the State of New Jersey. The federation is funded by the International Mahatma Gandhi Association, founded by Mr. Hardyal Singh of Jersey City in 1980.

This year, on August 16, at 2 p.m., the member organizations of the federation will gather at city hall in Jersey City for this event, celebrating the contributions and achievements of the Indian-American community, and our continuing friendship with the world's most populous democracy.

I am sure that my colleagues join me in extending our best wishes to those who will be joining in the festivities on Indian Independence Day.

SALUTE TO VENTURA TODAY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor "Ventura Today," Ventura County, CA's, first weekly television program that highlights topical issues and prominent people in business, government, and the media.

Public affairs television programming plays a major role both nationally and locally in helping the American people better understand the issues of the day. Indeed, at its best, such programming helps shape those issues.

Since its inception last October, "Ventura Today" has striven to do just that by educating

and informing the public on the aims and goals of community leaders as Ventura County nears a new century. The show also seeks to project a favorable image for the business community, as well as help business succeed in order to create jobs and create a stable and growing tax base.

I would like to recognize some of the people who have made "Ventura Today" possible—O.C. Jenkins, the founder and moderator; executive producer Kathryn Tanis; and producer Alan Putter.

I would also like to recognize a number of volunteers who have been instrumental in furthering the goals of the program—Stan Seavey, Priscilla McDaniel, Anne Hubbard, Nancy S. Cloutier, Joseph Gallo, Marilyn Woods, Nancy Williams, Pat and Dee Plew, John Irby, editor of the Ventura County Star-Free Press; John Bowman, editor and publisher of the Simi Valley Enterprise; Julia Wilson, editor of the Ventura County editions of the Los Angeles Times; and Karen Magnusson-Richards, editor of the Oxnard Press Courier.

Mr. Speaker, I ask my colleagues to join me in recognizing these outstanding individuals, and in wishing great success to "Ventura Today."

TRIBUTE TO COL. CASMIER JASZCZAK

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. DELLUMS. Mr. Speaker, I rise today to recognize Col. Casmier Jaszczak—affectionately known as Cash—for his exceptionally distinguished and patriotic service to the U.S. Air Force, this House, and this great Nation as chief of the House Liaison Office from May 23, 1991 to August 30, 1993. It is not often we have the pleasure of being touched by such as exemplary individual. I have come to know Cash on both a professional and personal level. His professional competence is unequaled. He has provided me, as chairman of the House Armed Services Committee, advice and counsel which have been critical to the formulation of national policy objectives on a wide range of issues from military intervention in Bosnia, Somalia, and the Middle East to developing the Armed Forces of the future. He has framed the debate on force structure. His personal combat experience in Desert Storm and Southern Watch proved invaluable to us. His comprehension of the difficult geopolitical climate and its relationship to the establishment of national military policy and objectives is extraordinary. He has been of great service to me as chairman; my predecessor, Secretary Aspin; and all the members and staff of the HASC. His charisma, wit and character have deeply touched all of the Members of this institution, and he will be truly missed. Cash makes things happen, and, believe me, that is a difficult thing to do over here. Cash is an officer of unlimited potential, and I sincerely hope the senior military leadership recognizes his myriad of accomplishments. On a personal level, his warmth, compassion, and sincerity are not often found in such a resolute combat warrior. Cash is what I hope all military officers aspire to be—an honest, courageous protector of those liberties and freedoms upon which our Founding Fathers felt strongly enough to build our Nation. Cash is a role model for our armed services. We wish him, his lovely wife, Marilyn, and his children, Leah, Charles, Janelle, Renee, Elizabeth, and Drew our very best. Godspeed.

THE SHAQ ATTACK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, this time last year I had the pleasure to congratulate Shaquille O'Neal on being selected NBA No. 1 draft pick. Shaquille R. O'Neal is a native of Newark, NJ. He was a resident of the city's central ward where he lived with his parents, Philip Harrison and Lucille O'Neal Harrison. Shaquille's father is a career military officer and Shaquille has had the opportunity to live in many cities and towns in the United States as well as overseas. He has lived in Bayonne, NJ; Athens, GA; San Antonio, TX; and Wildflacken, Germany where he was spotted by coach Dale Brown of Louisiana State University. And as they say, the rest is history.

As a student at Cole High School in Texas, Shaquille played in the McDonald Basketball Classics where he started as center. As a student at Louisiana State University, he attended an Olympic festival in Minneapolis in July 1990. In the four games he participated in, he scored 98 points, had 55 rebounds, and 27 blocks. They called him a man among boys.

As an LSU sophomore, he was named "Player of the Year" by Tanqueray. Never forgetting his hometown he donated the cash award that accompanied the Tanqueray honor to the Boys' and Girls' Clubs of Newark. At the end of his junior year, Shaquille elected to enter the NBA draft where he was chosen the No. 1 draft pick in the Nation and joined the Orlando Magic.

Over the past year, Shaquille has grown professionally and civically. He has taken his talent and resources to help better the lives of many, including the homeless and the young.

Mr. Speaker, I am sure my colleagues would like to join me as I thank Shaquille "Shaq" O'Neal for being the type of role model our young people need and to encourage him to keep the "Shaq Attack" alive.

TRIBUTE TO JOSEPH FLAKNE

HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Ms. BYRNE. Mr. Speaker, I rise today to pay tribute to an individual who has devoted his life to helping people who needed help and fighting for people who needed a fighter on their side. Joseph Flakne never passed up an opportunity to make life a little better for his fellow Americans, whether it was pioneers in our Nation's hinterlands, or women in our Nation's workplaces and voting booths.

The Alaskan Territories were a cold and foreboding place when Joe Flakne first arrived there in 1929. The son of a Norwegian immigrant, he hitchhiked from his native Minnesota to study the Arctic. He paid his way through school by driving an 11-dog team through the barren tundra, caring for and feeding reindeer, caribou and mountain sheep for the U.S. Biological Survey.

When he graduated from the University of Alaska at Fairbanks, Joe went to work for the Agricultural and Forestry Experiment Station, helping settlers cultivate farmland and raise livestock in the Matanusak Valley near Anchorage, so that they could survive Alaska's brutal winters.

After serving his country during World War II as President Roosevelt's Alaska Specialist for the War Manpower Commission, Joe and his wife Irene came to Washington, where he ran the Interior Department's Alaskan Territories Office. In 1953, he left government service to join the Arctic Institute for North America, where he fought to make his adopted State of Alaska our Nation's 49th State. In 1964, Joe settled in northern Virginia in a log cabin he built along the banks of the Potomac, a permanent reminder of his days in the Arctic.

But protecting the Alaskan wilderness was not Joe's only passion. Long before it was fashionable, he fought for the rights of women. Joe learned early in life that women can do anything that men can do. In hard economic times, while the Flakne's moved from the prairie to Minneapolis and back to the country looking for work, it was his mother who held the family together through sheer determination and courage.

Joe demonstrated his commitment to the aspirations of women by marrying Irene, a schoolteacher from the Pacific Northwest who would not marry him until he received his college diploma. He demonstrated his commitment to the working rights of women when, as President Roosevelt's Alaska Specialist, he worked tirelessly to provide women with more responsibilities and duties. And he demonstrated his commitment to the voting rights of women by spearheading a campaign to place a historic marker in Lorton, VA, to designate the sight where suffragists were jailed over 70 years ago for picketing the White House.

Joe Flakne joined the League of Women Voters as soon as it went co-ed. It is through this wonderful organization that I had the pleasure of first meeting Joe and hearing firsthand his tales of caring for wildlife in the Matansuka Valley and his experiences fighting to give women under his wartime command job opportunities they never had before.

It has been a privilege and a joy to know Joe Flakne, and I am proud to say that, 2 weeks ago, the University of Alaska at Fairbanks—Joe's alma mater—awarded him their highest tribute, an honorary doctorate of laws. I ask my colleagues to join me on the floor of the House of Representatives to congratulate a truly great American, Doctor Joseph Flakne.

HARLEM YOUTH MARINES, INC., APPLAUDED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the outstanding achievements of the Harlem Youth Marines, Inc., which has served countless young men and women throughout the city of New York and the tristate area. As a Representative from that area, I can personally attest to the importance of this group to our community.

The Harlem Youth Marines, Inc., provides youth in our city with alternatives to negative peer influence by immersing them in community-based activities. It channels young peoples' energies in a positive direction.

By sponsoring such programs as community safety patrol and home shopping, the Harlem Youth Marines, Inc., brings much needed aid to senior citizens in the community and forms a generational bridge which instills a sense of personal responsibility in its young participants. In addition, the Harlem Youth Marines, Inc., maintains an Emergency Response Youth Force in readiness which has successfully assisted the Red Cross in providing natural disaster relief to those who suffered in the recent winter storms which have rocked our area. During the gulf war, the Harlem Youth Marines, Inc., participated in support services for families of National Guardsmen who were called away to serve their country in combat.

The Harlem Youth Marines, Inc., encourages the scholastic achievement of New York City's youth. By giving young people a way to make a difference right now, it provides them with a direction for future success. The U.S. Marine Corps has officially recognized the achievements of this important organization, and I ask my colleagues to join with me in applauding all of their efforts on behalf of our Nation's youth.

MEMBERSHIP IN THE UNITED NATIONS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. PORTMAN. Mr. Speaker, Article 4 of the United Nations Charter states that "membership in the United Nations is open to all * * * peace loving states which accept the obligations contained in the present Charter * * *" Today, the United Nations comprises 184 members: almost all the nations of the world. Unfortunately, Taiwan is one of the handful of countries that is not a member of the United Nations.

Among the nations of the world, Taiwan ranks 41st in population with over 21 million people. Taiwan ranks 13th in world trade and 25th in per capita income. Taiwan is the United States sixth largest trading partner and is the largest holder of foreign reserves worldwide.

Why is Taiwan not a member? On October 25, 1971, the U.N. General Assembly expelled "the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it." The consequent restoration to the People's Republic of China of its seat in the United Nations was considered "necessary in order to strengthen the authority and prestige of the U.N. for "no important international problem could be solved without the participation of the PRC."

Since then the people of Taiwan have not been represented in the United Nations, although their legislators have expressed the desire of the people of Taiwan to join the United Nations. As a Member of the United States House of Representatives, I believe that the 21 million people of Taiwan deserve membership in the United Nations, just as the People's Republic of China does.

But, for Taiwan to be taken seriously by the international community in general and by the members of the United Nations in particular, the Taiwan Government must give up its claims on the mainland. A separate Taiwan seat in the United Nations would help confirm the reality of Taiwan's independence.

In 1972 it was necessary that the People's Republic of China be seated in the United Nations in order to strengthen the authority and prestige of the United Nations. Now, in 1993 it is necessary to grant Taiwan membership in the United Nations in order to strengthen the authority and prestige of the United Nations.

A TRIBUTE TO REV. HENRY H. HONG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. TOWNS. Mr. Speaker, we are all aware of the strained social and economic relations that exist between minority groups in America, particularly African-Americans and Korean-Americans. I am very concerned about this situation. That is why I am leading a delegation of African-American Members of Congress and religious leaders to Seoul, Korea, to see how we can promote cross-cultural understanding and economic cooperation. One person who has played a vital role in serving as a bridge between our two cultures is Rev. Henry H. Hong.

Reverend Hong has consistently been involved in efforts to promote harmony and mutual understanding between two proud cultures. He was responsible for organizing a food bank that distributed food and fruits to poor people donated by Korean-Americans in 1992. He has also organized a prayer service to honor black veterans of the Korean conflict. And he has led black pastors to Seoul, Korea. One of his many, and most important contributions is his creation of the Cross Cultural Pastors' Association.

Reverend Hong has demonstrated his commitment to peace and harmony. Recently, he brought a group of African-American high school students to Seoul, Korea, with the Korea Society. In a time when there is so much strife, I am pleased to commend the efforts of a pastor of peace. In the aftermath of Korean shop boycotts in New York, and riots in Los Angeles that targeted Korean businesses, it is vitally important to build bridges of friendship. Reverend Hong is clearly serving as an architect and builder of positive relations. I am very pleased to introduce my colleagues in the House of Representatives to Rev. Henry H. Hong—a living example of the Christian principle of "love thy neighbor."

HOUSE SALUTES WILLIAM URBAETIS, OLDEST SURVIVING CREWMEMBER OF THE USS "NEW YORK"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. SOLOMON. Mr. Speaker, as you know, some of the proudest ships in the U.S. Navy are named after the various States. And some of our proudest sailors are those who have served on those ships.

Today I would like to salute and wish a belated but very happy 99th birthday to one of those sailors, William Urbaetis of Mechanicville, NY. Mr. Urbaetis is the oldest living crewmember of the U.S.S. *New York*.

Mr. Urbaetis was born on July 19, 1894. The U.S.S. *New York* (BB 34) was commissioned in 1915. Mr. Urbaetis joined the U.S. Navy on July 26, 1917, served on the U.S.S. *Rondo* and the U.S.S. *Madawaska* before assignment aboard the *New York* in 1918. There he remained until his discharge on September 6, 1919.

After leaving the service Mr. Urbaetis worked for the West Virginia Paper and Pulp Mill for 45 years until his retirement.

He and his wife, the former Freda Kokosky, raised a daughter and five sons, all of whom are still alive.

Mr. Urbaetis is a life member of the Veterans of Foreign Wars and American Legion. He is an avid stamp collector, and until recently was a beekeeper.

Mr. Speaker, I hardly need remind you of my interest in veterans. There are many reasons for that interest. Our veterans have made enormous sacrifices to preserve our freedoms since this country was founded. And many of them are walking chronicles of our history to preserve those freedoms. Mr. Urbaetis fits into both categories, and I am very proud to represent him in Congress.

Mr. Speaker, I would ask you and other Members to join me in expressing happy birthday, with many returns, to a good sailor and great American, William Urbaetis of Mechanicville, NY.

LOCAL FLEXIBILITY ACT WOULD ENCOURAGE BETTER COORDINATION OF FEDERAL PROGRAMS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. CONYERS. Mr. Speaker, on August 3, Mr. CLINGER and I introduced the Local Flexibility Act of 1993, H.R. 2856, to achieve better coordination of Federal programs at the local level.

According to the General Accounting Office, local governments are now eligible to receive assistance from over 350 separate Federal programs. Each of these programs makes sense when viewed in isolation from Washington. But testimony from local not-for-profit group and public officials demonstrates that at the local level the requirements of these multiple Federal programs cause confusion and inefficiency.

The bill, the Local Flexibility Act of 1993, creates a Federal Interagency Review Council, comprised of the heads of 10 Federal agencies—the Secretaries of Agriculture, Commerce, Education, Health and Human Services, Housing and Urban Development, Interior, Labor and Transportation; the Attorney General and the Administrator of the Environmental Protection Agency. The Council will be able to grant waivers from Federal regulations, other than anti-discrimination requirements, to local governments and not-for-profit organizations in six areas—education, employment training, health, housing, nutrition, or other social services—if the Council approves the plan submitted by the local government that is designed to help its poor residents.

Local governments and not-for-hire organizations will also receive priority in the review of their applications for Federal funds in these six areas if the Council has approved the local governments' plan.

This is a 5-year demonstration program that would enable local governments and not-for-profit organizations to use amounts under certain Federal assistance programs based on an integrated assistance plan prepared locally. The plan would provide the basis for the integration of Federal assistance and would require the involvement of low-income people in developing the plan.

The provisions of this bill would provide a basis for testing an approach to better coordination and efficiency in the use of Federal programs. The program would sunset after 5 years, and the bill directs the GAO to evaluate the program after 4 years and recommend to Congress whether it should be continued.

I urge my colleagues to support this bipartisan legislation.

TRIBUTE ON THE RETIREMENT OF SISTER MARY CARITAS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I pay tribute today to one of the truly special and outstanding women in the field of health care administration in our country, Sister Mary Caritas. Sister Mary Caritas has committed her entire life to the service of others, showering the people around her with warmth and fondness. Her forthcoming retirement as President of Mercy Hospital will be a tremendous loss to the citizens of western Massachusetts.

Sister Mary Caritas' career in the health care field began with the attainment of her nursing degree from the Mercy Hospital School of Nursing. She continued her education with graduate degrees in the field of medical administration at such prestigious schools as Regis College, Tufts University, and St. Louis University, to name a few.

The enormous impact Sister Mary Caritas has had on the health care field in Hampden County is evident. Very recently I was fortunate enough to work in a project with Sister Caritas regarding Medicare reimbursements to local hospitals, including Mercy Hospital. Because of Sister Caritas' dedication and leadership on this issue, millions of dollars in Medicare funds will be coming back to western Massachusetts. These funds will be used to provide jobs and better health care services to the people in western Massachusetts.

Prior to becoming President of Mercy Hospital in 1977, Sister Mary Caritas worked in administrative positions at the Sisters of Providence, the Berkshire Medical Center, and St. Lukes Hospital. She also served as the chair of the Massachusetts Hospital Association, Caritas Christi Health System of Boston, and the Catholic Health Association, as well as being a member of the board of the American Hospital Association, several colleges, charitable associations, and local businesses.

All who know Sister Mary Caritas are fully aware of her inspiring work and dedication in health care and service to the Greater Springfield community. She has taken an active role in her community, and her lifelong leadership has set a standard which will be difficult for her successor to emulate. She has developed a record which has not gone unnoticed.

Sister Caritas received the most distinguished William Pynchon award in 1983, the honor of Woman of the Year from the Greater Springfield Chamber of Commerce in 1990, and was recognized by Business West magazine as the Business Person of the Year in 1992. She also received honorary degrees from the College of Our Lady of the Elms and Western New England College.

With all of her impressive accomplishments, hard work, and dedicated service to the community, it is not difficult to understand why Sister Mary Caritas will be greatly missed upon her retirement. But I am convinced that her service to the public is far from over. I am certain that she will continue to play a significant role in protecting the health and well-being of the residents of western Massachusetts. Her interest and involvement in her religious and civic communities will only serve to embellish the truly remarkable reputation which she has so justifiably earned.

Mr. Speaker, I ask all of my colleagues to join me in honoring Sister Mary Caritas, who faithfully served her community with integrity, for a lifetime of achievements.

MEDICINE THAT DIDN'T WORK: NOT AGAIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. STARK. Mr. Speaker, the pharmaceutical industry has a proposal pending before the Justice Department. Basically they say, "Let us collude on drug prices, and we in the industry will then voluntarily control our horrendous record on price increases." Others in the health industry—insurers and provider groups alike—have similarly suggested to the administration, "Don't worry. On a voluntary basis, we—the industry that has been driving up costs at greater and greater rates over the past decades—will stop this cost spiral." A member of this camp has even suggested that they will sue the Government if anything stronger than a "presidential please" is requested of them.

History proves instructive when considering these proposals.

History has proven a voluntary approach to hospital cost containment to be a fiasco. Direct regulatory approaches have proven successful. Back in the early eighties, the ill-founded notion of a price-competitive hospital industry under Medicare was put aside by none other than the Reagan administration. A regulatory approach was introduced.

The results with hospital cost containment under Medicare have been telling. Prior to the institution of Medicare's DRG system, the tremendous industry-wide hospital cost increases were exceeded only by the increases in hospital costs under Medicare. The costs of hospital services in the 1970–80 period rose more than 50 percent faster under Medicare than in the private sector. But by the 1985–91 period when the DRG system was fully phased in, the situation reversed. Hospital costs under Medicare were increasing at one-third their previous rate and 40 percent slower than the rate in the private sector.

In some areas, voluntarism is great. In the area of health care cost containment, experience has shown that benevolence is not a sufficient force to slow an industry growing $90 billion a year. To suggest that it is, ignores history.

I'd like to insert an article into the RECORD that has great relevance today. John Iglehart, the editor of the quarterly Health Affairs, had a few interesting things to say about health care cost containment back in 1982. What he had to say was on the mark then and is even more so today.

His January 25, 1982 article in the Washington Post follows:

[From the Washington Post, Jan. 25, 1982]

MEDICINE THAT DIDN'T WORK

(By John K. Iglehart)

President Reagan is perhaps the foremost advocate of voluntarism—the belief that if Americans are left to their own devices, they will find solutions to the ills that afflict society. He recently established a commission to encourage it in the private sector.

In some areas of the society, no doubt, voluntarism packs potential as an agent of change. But in health care, a four-year national experiment with voluntarism as the

chief weapon against soaring costs has proven a failure.

The proof was well documented by the principal advocates of voluntarism in the health sector—the American Hospital Association, the American Medical Association and the Federation of American Hospitals—at a recent public hearing. These private interests created the "Voluntary Effort to Contain Health Care Costs" in late 1977 when they faced the prospect that President Carter's hospital cost-containment legislation would impose mandatory controls.

The voluntary effort began with promise. During 1978 and 1979, while Congress debated Carter's legislation, the voluntary effort substantially met or exceeded the major goals that it set in December 1977. These early successes formed the basis for the most persuasive argument used against Carter's hospital-cost bill on the day in November 1979 when the House killed it.

Once the threat of government action died, however, the exhortations of the voluntary effort proved no match for the powerful economic incentives that relentlessly drive the health-cost spiral.

Once before in the 1970s, after the demise of President Nixon's economic stabilization program, a similar phenomenon occurred. Addressing this issue Dec. 15 while testifying before the House Energy and Commerce subcommittee on health and the environment, John Alexander McMahon, president of the American Hospital Association, said: "I think in the short run, very clearly, we got the attention of the hospitals and the physicians to hold the line, and they did. However, they did it more, it looks like, out of some postponement of things than would have otherwise been the case . . . than came this constant hammering . . . the pressures on the demand side were stronger than our preachments."

In 1980, total national health expenditures totaled $247.2 billion—$1,067 for every man, woman and child in America. In a single year from 1979 to 1980, total health spending rose 15.2 percent, the sharpest increase in any year over the 50-year period for which statistics have been compiled. And the 1981 increase will be greater than 15.2 percent. In other words, at a time when the general economy is slowing, medical-care costs are rising at an unprecedented rate.

The record of the voluntary effort fell shortest in moderating hospital cost increases. In 1979, hospital costs exceeded the industry's goal by 1.8 percent. In 1980, the hospital industry's performance was 5 percentage points above its own voluntarily established goal. In 1981, the voluntary effort set a goal of simply lowering the 16.8 percent increase registered the year before. Through the first nine months of 1981, hospital in-patient expenses climbed at an annual rate of 18.8 percent.

Taking the voluntary effort to task, Karen Davis, a professor of economics at Johns Hopkins University who was a deputy assistant secretary of health and human services in the Carter administration, testified Dec. 15: "In short, the hospital industry has broken promise after promise—failing to meet even modest targets. Instead, hospital costs have skyrocketed since Congress took the voluntary effort at its word and dropped action to impose mandatory controls."

The need for compulsion in some form seems the inevitable conclusion from this failure of voluntarism, unless society suddenly decides that medical care is so valuable that no limits should be placed on its cost. Clearly, there is no consensus on what form compulsion might take. The anti-regulatory mood of the country makes it highly unlikely that Congress would approve anytime soon something similar to Carter's hospital cost-containment legislation.

The Reagan administration seems to favor development of a health-care model based on marketplace principles. But Reps. Richard A. Gephardt (D-Mo.) and Edward R. Madigan (R-Ill.), both advocates of the marketplace model, suggested at the Dec. 15 hearing that short-term regulatory steps would have to be taken first to stem the cost spiral.

In whatever direction the system ultimately moves, it seems time to declare dead as the prime policy choice a reliance on voluntarism to check health costs that are squeezing government budgets and corporate profits.

INTRODUCTION OF LEGISLATION REGARDING DISPOSABLE GOWNS AND DRAPES

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. WHITTEN. Mr. Speaker, I am introducing legislation today to restore duty parity among the competing producers of disposable gowns and drapes. This legislation would reinstate the temporary reduction of import duties on certain disposable surgical gowns and drapes through December 12, 1996, and would allow manufacturers such as Kimberly-Clark Corp., a maker of these products in my district, to compete on an equal basis.

A similar provision was in effect from 1984 to 1992 reducing the duty on imports of disposable surgical gowns and drapes made of manmade, bonded-fiber fabric to 5.6 percent ad valorem and providing equal tariff treatment with competing products. Without this temporary tariff legislation, these products are subject to rates of 17 percent ad valorem for surgical gowns and 9 percent ad valorem for surgical drapes.

Unlike Kimberly-Clark's products, which are made entirely of manmade fiber, its competitors' products are about 45 percent polyester and 55 percent wood pulp. As a result of Customs Service rulings, imports of those products are subject to a duty rate of 5.6 percent. Without renewal of the temporary duty reduction, Kimberly-Clark will continue in a disadvantaged position against almost identically manmade products.

While in effect, the provision had a favorable impact on U.S. industry and employment by supporting and expanding the demand for the component fabric and raw materials produced by Kimberly-Clark and its suppliers. The bonded-fiber fabric for Kimberly-Clark's gowns and drapes is produced in my district in Corinth, MS, and throughout the country at LaGrange, GA; Lexington, NC; and Nennah, WI. Altogether these plants employ over 1,000 people with an investment of over $200 million. In addition, Kimberly-Clark's facilities in Tucson, AZ, employing over 200 people, cut and prepare the fabric and other materials for assembly in Mexico, as well as preparing the packaging of special packs containing surgical gowns and other items. Following importation, the finished gowns and drapes undergo sterilization and, in some cases, packaging in the United States prior to sale.

This legislation needs to be enacted in order to ensure that all companies producing disposable surgical gowns and drapes compete on an equal basis. I urge my colleagues to support this bill and insert a copy of the bill in the RECORD:

H.R. —

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

SECTION 1. EXTENSION OF REDUCTION OF DUTY ON CERTAIN DISPOSABLE SURGICAL GOWNS AND DRAPES.

Heading 9902.62.10 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/96".

SEC. 2. EFFECTIVE DATE.

(A) IN GENERAL.—Except as provided in subsection (b), the amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouses for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law to the contrary, upon a request filed with the appropriate customs officer before the 180th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption of goods to which the amendment made by section 1 applies and that was made—

(1) after December 31, 1992; and

(2) before the 15th day after the date of the enactment of this Act;

and with respect to which there would have been a lower duty if the amendment made by section 1 had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on such 15th day.

TRIBUTE TO DOMINIC PAUL DIMAGGIO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to a gifted athlete and talented entrepreneur, Dominic Paul Dimaggio. Born February 12, 1918, Dom, younger brother of hall-of-famer Joe Dimaggio, had a stellar career in professional baseball. All Boston Red Sox fans, myself included, revered his grace and speed as he caught long drives in Fenway Park's deep center field, his strength and accuracy of arm used to throw out courageous, or foolish, runners who dared to try and tag up on fly balls hit to Dom's territory, and his ability to stroke base hits with a consistency unmatched by the vast majority of baseball players.

While his professional baseball career has ended, it is useful to the sports enthusiast to review his 10 seasons with the Red Sox, which were interrupted by 3 years of dedicated service in the U.S. Navy. Dom achieved great statistical success at the plate and in the field. His keen mind and sports acumen have

seldom been matched. A .298 lifetime batting average, a team record of 31 consecutive games with at least one hit—1949—and an American League record for an outfielder of 503 putouts in one season—1948—are all examples of his considerable skill. Dom's career in baseball exemplifies excellence of the highest order.

This tribute, however, is not just to a former great baseball player. In addition to his distinguished record as an athlete, Dom has also achieved great success in business. By his profitable involvement with textile-type manufacturing plants, sand and gravel companies, banks, and restaurants, he has demonstrated a natural talent for business equal to his natural gifts in athletics. He is truly a man of whom all Americans, and Italian-Americans in particular, should be proud.

Forty years after his retirement from baseball in 1953, I am pleased to recognize and honor this fine individual who has distinguished himself as a superior athlete, an adroit businessman, and an outstanding person.

EMANUEL PIETERSON HISTORICAL SOCIETY HONORED FOR WORK IN PRESERVING HERITAGE OF NEW YORK CITY AND THE NATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. RANGEL. Mr. Speaker, I rise today to commend the Emanuel Pieterson Historical Society for their diligent efforts over the past 10 years to have two historically significant New York City churches in my district designated as city landmarks. This designation was recently granted by the New York City Landmarks Commission.

The Mother African Methodist Episcopal Zion and Abyssinian Baptist churches together are an extraordinary part of the African-American chronicle, and our Nation's history. Mother Zion was founded in 1796 by James Varick, a veteran of the Revolutionary War. In 1809, Abyssinian Baptist organized on the same lower Manhattan street. The two churches offered a religious voice more applicable to the African-American experience and struggle. Today they sit around the corner from each other in Harlem. Mother Zion is the mother church of an international religious organization. Abyssinian Baptist is a strong community institution with an active voice.

The Mother A.M.E. Zion Church is the oldest African-American church in New York City. Members of the church have played an important role in American history. Harriet Tubman and Frederick Douglas to name a few. The church's founder, James Varick, was an abolitionist himself. Today, his remains are in a crypt in the basement of Mother Zion.

Mother Zion is the mother church of the African Methodist Episcopal Zion Church. This denomination has churches from coast to coast and over half a million members. The first A.M.E. Zion church in Africa was founded in Liberia in 1878. There are now A.M.E. Zion churches and schools in Ghana and Nigeria as well. In addition, there are churches and schools in several Caribbean countries. The A.M.E. Zion Church maintains Livingston College, located in Salisbury, N.C. Livingstone College is a 4 year accredited college, founded in 1879 by Joseph C. Price.

Mother Zion was erected at its present site in 1924, on West 137th Street, between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard. Prior to this, it was located on West 136th Street, between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard. This site is currently occupied by the James Varick Community Center, which is sponsored by Mother Zion.

The Abyssinian Baptist Church was organized in 1808, when slavery was a fact of life in America. Though slavery had been flickering in New York, the early church members were the survivors of the half freedom status of the New York Colony. A few black Americans and members of the First Baptist Church, then located on Gold Street, refused to accept racially segregated seating for worship. Out of this protest, Rev. Thomas Paul, a minister from Boston, founded the Abysinnian Baptist Church on what was then Anthony Street, now Worth Street. It was the first African American Baptist Church in New York State.

Uner the pastorate of Reverend Paul, the Worth Street property was purchased and retained for several years. It was later sold and the church moved to Broadway Tabernacle, then to Thompson Street and Spring Street Hall.

In 1856, the Rev. A.B. Spellman became church pastor, serving nearly 30 years. It was during his pastorate that the church again sought a permanent place of worship and purchased property on Waverly Place.

In 1885, Rev. Robert D. Wynn, from Norwich, CT became pastor, serving until 1902, when another move took the church to West 40th Street. Reverend Wynn was succeeded by Rev. Charles Morris. In 1908, he was succeeded by the first of the legendary Powells. Under the administration of Rev. Adam Clayton Powell, Sr. from the Immanuel Baptist Church of New Haven, CT, ground was broken at the church's present site, 132 West 138th Street.

The present gothic and Tudor structure with a pulpit of imported Italian marble, and featuring European stained glass windows, had a construction cost of $400,000.

In 1937 Dr. Powell, Sr. was succeeded by his son, Adam Clayton Powell, Jr. His passion for justice and social change led him to combine a political career with his ministry, He served in the U.S. Congress for 14 terms with distinction.

After Dr. Powell, Jr.'s death in 1972, Dr. Samuel S. Proctor, an educator and administrator, became pastor. Renovation of the church under his leadership included installation of a new organ, dedicated on November 12, 1978.

The Abyssinian Baptist Church has stood through slavery, through the civil rights movement, and through every American war since the War of 1812. It has always contributed it's piece to the history of our country. It has been and continues to be a beacon reflecting the religious freedom and independence embodied by the Constitution. It is synonymous with the glory of the Harlem community.

Despite this, it took 10 years of hard work by the Emanuel Pieterson Historical Society, under the inspiring leadership of its founder and President, Mr. Horace Carter. The society was chartered by the New York State Department of Education Board of Regents on August 1, 1975. Their mandate has been to work for a better popular understanding of the contributions made by African-Americans to the Nation's history. The society is not-for-profit and functions with a modest budget, but with great commitment.

There were two additional sites in my district designated as landmarks in which the society played an important role. The Theresa building, a work of the late architect Vertner Tandy, and the St. Philips's Episcopal Church are acclaimed for their architecture.

Mr. Carter is the recipient of the second annual Elliot Wilensky Award, a prestigious honor presented by the New York City Landmarks Commission to those giving outstanding effort to historical preservation. The award is named after one of the commission's former vice chairmen. As testimony to Mr. Carter's dedication and achievement, I would like to submit for the record a portion of the text of the speech made by New York City Landmarks Commission Chair Laurie Beckelman upon the presentation of the award to Mr. Carter on June 2, 1993:

This year, we've chosen a recipient who exemplifies that part of Elliot that fought for preservation, persevered doggedly, and never wavered in his beliefs. Horace Carter founded the Emanuel Pieterson Historical Society twenty years ago, at a time when cultural history had not achieved anything like the prominence it has today. But his dedication to African-American history goes back years before that, to his early collecting of memorabilia, artifacts, clippings, art and works of all kinds by and about Americans of African descent.

Horace Carter's advocacy of historic preservation dates to the early sixties, when he became involved in the attempt to save the original Bridge Street Church, the home of Brooklyn's oldest African-American congregation and a link in the Underground Railroad, with cubicles in the basement used to hide runaway slaves. Though the church was lost, he went on to struggle for the protection of other sites important to the history of African-Americans in this city, using his position both as President of the Emanuel Pieterson Historical Society and as a member and Chairman of Harlem's Community Board 10. Among the sites he has fought to preserve, now recognized as official city landmarks are the Harlem River Houses, the Langston Hughes House, the Schomburg Library, the Metropolitan Baptist Church, the Astor Row Houses, the 369th regiment Armory, and the Adams House on 128th Street, all in Harlem, and Sandy Ground, the African-American burial ground in Staten Island. Even more influential has been his work with schools, bringing a knowledge of and appreciation for black history to the city's students.

In honor of all his long-standing efforts, his tireless work, and simply his refusal to give up the good fight, it is my pleasure to present the Elliot Wilensky Award to Horace Carter.

I wish to congratulate the Abyssinian Baptist Church and the Mother A.M.E. Zion Church for receiving this deserved recognition. I also wish to applaud Mr. Carte and the Emanuel

Pieterson Historical Society for their most recent victory and to thank them for their continuing work to preserve New York City's African-American heritage.

MATHIAS TOWNSHIP CELEBRATES 100TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mathias Township, located in the heart of Michigan's Upper Peninsula, in Alger County, which I represent. The year 1993 represents a landmark as the residents of Mathias Township celebrate the 100th anniversary of their township's founding.

The rich history of Mathias Township begins in 1883 with John A. Mathias, who ventured alone into the untamed wilderness and set the foundation for the future. Joined by others in 1885, Mathias began cultivating the fertile land in the summer and working in logging or shingle mills by winter. With the promise of acres of fertile land, more and more settlers arrived. The advent of the new settlers brought a need for a local government. On April 1, 1893, the township of Mathias was formed, dawning a new era of dedication and workmanship toward the American way.

The industry in Mathias Township is deeply rooted in the industrial base of America. Logging camps, saw mills, and shingle mills, the first industries developed in the township, have been a mainstay of Mathias ever since. A testament to diligence, the timber industry has withstood hardships, adapting with the changing times. Today, the timber industry remains one of the top employers in Mathias Township.

Farming has provided a livelihood for residents for years in Mathias Township. From the beginning, farmers of Mathias have tirelessly tilled the land, making an honest living for their families. The number of farmers declined with the grasshopper plague in the 1930's, but the farmers persevered, maintaining the lifestyle that has supported their families over the years. Today, farmers produce mainly dairy beef and strawberries to promote their livelihood.

Over the century of history Mathias Township has been part of, the residents remain the focus of the plot. They are model citizens, working tirelessly to make their township, and at the same time, America, a better place to live. While the residents of Mathias Township constantly look toward the future, they will never forget their ancestors who chiseled out of the rocky wilderness the township they know today. Mathias has grown, and times have changed, but the ideals of the residents remain the same: dedication to the job at hand, pride in a job completed, and knowledge that the family comes first. I am grateful that the residents of Mathias Township are my constituents and would like to congratulate them on the 100th anniversary of their township.

IN HONOR OF WHIRLEY INDUSTRIES, WARREN, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. CLINGER. Mr. Speaker, I rise today to honor Whirley Industries of Warren, PA for their outstanding commitment to the physically and mentally challenged. For over 20 years, Whirley has dedicated itself to employing challenged individuals, not as a symbolic gesture, but as a genuine attempt to incorporate these talented individuals into their team. In recognition of these efforts, they will be honored at MECA's annual meetings in September. MECA is an organization which itself has served the mentally and physically challenged for 20 years. I am pleased to have this opportunity to congratulate Robert Sokolski, president, Harry Conarro, vice president, and everyone in the Whirley operation on this special occasion.

Previously honored in 1991 with the Organization Distinguished Service Award from the Pennsylvania Association of Rehabilitative Facilities, this fine organization has established itself as an integral part of its community, and its efforts have had positive effects across State borders as well. In 1993, through contracted work operations with 14 vocational facilities in northwestern Pennsylvania and southwestern New York, Whirley Industries will provide work for approximately 1,000 challenged individuals, yielding $1,800,000 in wages and revenues. In addition, the company has made generous financial contributions to these facilities, including donations, interest-free loans, and production materials such as fork lifts and air-driven tools.

Manufacturers of advertising and promotional items such as pens and cups, Whirley has been successful in national and international markets and has always been committed to values over and above the bottom line. Its involvement with vocational facilities in the area and beyond has given people the sense of accomplishment that comes with being part of such a quality organization.

Mr. Speaker, Whirley Industries is an excellent selection for the MECA business recognition. I congratulate everyone at Whirley and offer them my best wishes for continued success.

WE MUST DEMAND JUSTICE FOR OUR SERVICEMEN KILLED IN EL SALVADOR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. DORNAN. Mr. Speaker, I rise today to urge my colleagues and all the citizens of this country to join me in voicing outrage over the travesty of justice with regards to the cold-blooded murder of two American servicemen, Lt. Comdr. David H. Pickett and Pfc. Earnest Dawson, Jr., in El Salvador on January 2, 1991.

On January 2, Lieutenant Commander Pickett and his crew were returning to Honduras after a logistics support mission to El Salvador when suddenly their helicopter was shot down by a FMLN patrol. One of the crew CWO Dan Scott, was killed in the crash. However, both Lieutenant Commander Pickett and Private First Class Dawson survived and were seen by witnesses walking around the crash site asking for water and aid. When discovered by the FMLN patrol, they were executed without trial nor reason. Forensic experts confirmed the murders with the following details:

Dawson died of a single, small caliber gunshot wound to the head * * * the shot being fired from within 1 or 2 feet although I am inclined to think the gun was directly in contact with Dawson's head. Pickett was hit by 10 gunshots from at least two bursts of automatic fire but he died as a result of four shots directly into his face from a range of 2 to 3 feet while he was lying on his back.

After first denying these murders, the FMLN arrested two individuals, "Porforio"—Ferman Hernandez—and "Aparicio"—Severino Fuentes—who later surrendered to the El Salvador Government. Then, in what can only be described as a corrupt sense of justice, amnesty was granted to these murderers as part of an overall agreement between Government and rebel officials.

I urge my colleagues and every citizen in this country in the strongest terms possible to call upon both our Government and the Government of El Salvador to bring these murderers to justice now. Lieutenant Commander Pickett and Private First Class Dawson were not the victims of war; they were the victims of cold-blooded murder. Their families and comrades in arms deserve no less than swift and fair justice.

KEEP FEDERAL AGENCIES IN THE DISTRICT OF COLUMBIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. STARK. Mr. Speaker, today I am introducing a bill to protect employment and the economy in the District of Columbia. My bill, the District of Columbia Economic Impact Notification Act, proposes to keep most Federal agencies right here where they belong, in the District of Columbia.

The Congress and executive agencies are a large reservoir for employment in the District of Columbia. That steady source of jobs feeds the local economy quite abundantly. This bill seeks to ensure, through the submission of District of Columbia economic impact statements, that Federal workers, the local government, and affected businesses are put on notice that a Federal agency plans to relocate to another jurisdiction. The bill requires that information about a proposed transfer involving 50 or more employees is gathered and prepared well in advance. Congress would have to approve such a move.

In addition, the bill requires that all Federal agencies maintain their headquarters functions in the District of Columbia. Virtually every agency currently does so, and the bill would simply maintain the status quo.

In 1988, Congress passed the Worker Assistance and Retraining Notification Act, requiring private employers to grant notice to communities and employees before relocating their businesses elsewhere. Federal agencies in the District of Columbia are analogous to the employers covered in that act. The impact of the planned transfer of Federal jobs from the District of Columbia is no less threatening to the economy and employment of this city than the relocation of an auto manufacturing plant out of any community in America.

Mr. Speaker, the District of Columbia Government is struggling to shrink the size of its work force. The loss of those jobs presents a real hardship for many D.C. government workers and their families. An endangered local economy makes those tough choices critical. The exportation of Federal jobs from the District could exacerbate hardship and have a domino effect on the entire economy of the District of Columbia. I urge my colleagues to support this proposal.

VILAS COUNTY CENTENNIAL

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. ROTH. Mr. Speaker, I rise today in celebration of the centennial of Vilas County in the North Woods of Wisconsin. The people of Vilas County will host a weekend-long festival on August 13, 14 and 15 to commemorate the first 100 years of their great county.

The celebration kicks off Friday, August 13, at the Vilas County Fair. On Saturday, we will line the streets for the Centennial Parade. The festivities conclude Sunday with a fireworks display. Other activities over the 3-day gala include a horseshoe tournament, a native American pow wow, and numerous musical and cultural demonstrations.

Vilas County has always been a special place for me. Over the years I have fished its lakes and strolled its forests many times. But the county's most precious resource, Mr. Speaker, is the hard-working and good-hearted people who call Vilas home.

Vilas County has a long and fascinating history. The first pioneers from the East Coast settled in the area in the 1850's, where they found virgin pine timber and plenty of streams and lakes to drive logs down to the mills in the middle of the State. Many more entrepreneurs followed and founded logging, sawmilling and trading towns in Eagle River, Lac du Flambeau, Maintowish Waters, Winchester, Presque Isle, Arbor Vitae, Boulder Junction, St. Germain, Sayner, Land 'O Lakes, Conover and Phelps.

Among these first pioneers was William Freeman Vilas (1840–1908). Mr. Vilas built a prosperous timber, business and served as a University of Wisconsin professor, a cabinet member in the Grover Cleveland administration and a United States Senator. The county was named for Mr. Vilas upon its creation in 1893.

The natural splendor of the sparkling lakes and pine forests of the North Woods draw another industry to Vilas: tourism. Vilas offers vacationing families and dedicated sporting enthusiasts boundless opportunities for hunting, fishing, boating, water and snow skiing, snowmobiling and countless other recreational activities.

Historians believe the Thomas family on Lac Vieux Desert opened the area's first resort in 1882. Once the first vacationers fell under the North Woods' charm, resorts and lodges sprung up all over the county.

Today, logging and tourism are still the driving force behind Vilas' economy. I take great pride in knowing the timber from Vilas goes to every corner of the world, and that pleasure seekers from every corner of the world go to Vilas.

During this anniversary we will look back with pride on the outstanding achievements of the people who made Vilas County the jewel of the North Woods. We will also make this celebration the starting point for another century of progress for all who call Vilas home. Mr. Speaker, I ask my colleagues to join me in honoring Vilas County for its first 100 years and in wishing for a second century of unbounded success.

RESTORATION OF THE HOME OFFICE DEDUCTION

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. HOAGLAND. Mr. Speaker, I am deeply concerned about the adverse effect that the recent Supreme Court ruling, Commissioner versus Soliman, will have on the ability of entrepreneurs to deduct legitimate home office expenses. I am in the process of developing legislation to establish a test to determine the eligibility for the deduction that is more reasonable than the test imposed by the Supreme Court. I hope to have the legislation ready for introduction when Congress returns from the August recess, and I intend to press for its inclusion in the first available appropriate legislative vehicle.

I am pleased to see that several Members have already introduced bills to address this issue. Specifically, Representative MFUME, Representative ALLARD, and Representative GRAMS have each taken a different approach to the issue. I look forward to working with them in this effort in developing a consensus position which can be reasonably enforced.

Prior to the Soliman ruling, in order to qualify for the home office deduction, taxpayers had to prove that the home office was the only office, essential to the business, and used regularly—meaning continually and year round—and used exclusively for business. In light of the Soliman ruling, the Internal Revenue Service will now apply three additional criteria: where the most important work of the business is performed, where the most contact is made with clients or customers, and where a majority of the taxpayer's business time is spent.

The effect of these additional restrictions will be to deny the home office deduction for many taxpayers who legitimately operate businesses from their homes. A May 30, 1993 article by Rhonda M. Abrams carried by the Gannett news service illustrates some of the problems:

A gardener, whose only office is in her home, who spends 20 hours a week there making appointments, ordering supplies, and paying bills, would not be allowed to take a deduction. Neither would a plumber, seminar leader, contractor, or housecleaner, because the most important part of the business, the actual work, is performed outside the home office.

But even if you actually produce your work in your home office, there's still bad news.

If you meet with clients and sell your products outside the office, you may not qualify for a tax deduction, as the IRS may consider sales the most important part of your business.

So watch out—particularly if you're a craftsperson, bookkeeper, or writer.

There have been volumes written and spoken about how vital small businesses, including home businesses, are to economic growth and job creation. Encouraging entrepreneurs to operate their own business, including making allowance for home businesses, is sound economic policy.

Denying deductions for home office expenses is unfair. If a business rents office space, the rent is deductible. But if a business person chooses to operate from an office in the home, performing the same work, then the expenses are not deductible. The Tax Code should not discriminate against home offices.

Home offices are a crucial part of the economy now more than ever. As our economy responds to international competitive pressures and defense budget reductions, large companies are trying to find ways to operate more efficiently. While this is good for the economy in the long term, it the short run it often means a painful loss of jobs. It seems as if every day the news has another story about major employers laying people off. Those people must then turn their talents to another job. Many decide to go into business themselves. The Tax Code must make a reasonable allowance for people who are just getting off the ground and use a part of their home as a place of business.

In most families, both parents work. This is a source of significant stress on the family, both in terms of the financial burden of finding adequate child care, as well as the emotional stress that comes from struggling to make ends meet. Some parents choose to operate a business in the home, which can substantially mitigate those stresses. For working mothers who feel as if they are forced to choose between the career track and the mommy track, a home office may allow them to choose both. Home offices may also provide opportunity for women who are frustrated by glass ceilings. For these and other reasons, one effect of restricting the home office deduction will be to hurt the working families that work at home.

In some cases, a disabled person may choose to operate a home business because their home already affords the facilities to accommodate their disability, whereas establishing an office with the same facilities may be prohibitively expensive. We should not make the Tax Code another obstacle to disabled entrepreneurs.

We must restore a reasonable standard for the home office deduction. There are as many

reasons to do so as there are individuals who operate offices in their homes. Preliminary data from the IRS statistics of income for 1991 indicates over 1.6 million taxpayers claimed a deduction for their home office. I urge my colleagues to join me in this effort.

NEARING PASSAGE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. DUNCAN. Mr. Speaker, I would like to bring to the attention of my colleagues and other readers of the RECORD an editorial which appeared in the Knoxville News Sentinel today.

NEARING PASSAGE—TOUTED AS DEFICIT-REDUCING, BUDGET WILL INCREASE FEDERAL SPENDING

Under the budget nearing final passage by Congress, federal spending will rise from $1.4 trillion next year to $1.7 trillion in 1998. During that same period the government will, in Lloyd Bentsen's memorable phrase, write $1 trillion in hot checks.

Nevertheless, this is the budget the president and congressional Democrats brazenly tout for its deficit reduction, even though they project deficits of $200 billion and growing five years out. If Washington would just freeze federal spending, the budget would be balanced by 1996.

Of course, Washington won't freeze spending. It can't philosophically or politically or practically. The bulk of the budget consists of mandatory outlays, required by law—such payments as Social Security benefits and health care for the poor and elderly and farm subsidies and military retirement, and what have you. As eligible populations grow, expenditures bulge.

Bowing to the culture of spending, the Democrats' budget trims few nondefense programs; even the infamous honey subsidy and helium reserve survive. And where this budget does purport to slow the growth of programs, such cuts are mostly postponed until the end of the five-year budget plan—until after the end of President Clinton's term.

By contrast, expensive new programs and a 4.3-cent-per-gallon gas tax kick in at once. Sharp income tax increases on the top bracket are actually retroactive to Jan. 1, an unusual if not unprecedented measure. Advertised as fairness by the president, his new taxes will shift billions from private pockets to public coffers, presumably on the theory that government invests and hires more wisely than families and corporations and the many small businesses that file under the income tax code.

The president's budget asks citizens to sacrifice now and to take it on faith that government will grow less later, producing deficits lower than they otherwise would have been. The other benefit the president holds out is a restored economy. But with growth now a sluggish 1.6 percent, tax increases will dampen enterprise and channel energies into sheltering income.

The president maintains that his budget is the first serious attempt to rein in the federal deficit. This too is false. He prefers to forget that deficits were declining in the last Reagan years—and that as recently as 1990 a bipartisan budget summit raised the gas tax and top income tax rates but failed to deliver the projected jobs and deficit reduction.

Americans recognize inflated claims and retread promises. The only way out of the deficit is spending discipline combined with private-sector growth. Tax increases should be the last resort.

THE 1993 NAHRO AWARD OF MERIT WINNERS

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. ORTON. Mr. Speaker, since coming to Congress, I have spent a great deal of time and energy working on the issue of affordable housing. Last Congress, as a member of the Housing Subcommittee, I was proud to work with my colleagues to pass a housing bill designed to encourage more flexibility and autonomy at the local level, and to design better Federal programs to meet the overwhelming needs of low and moderate income families and individuals in finding decent housing.

At the same time, as a member of the Budget Committee and as someone greatly concerned about our Federal deficit, I recognize that we have limited Federal resources to address the many housing problems we have. It is becoming increasingly obvious that we must rely on the dedication and innovation of local housing officials and non-profit organizations to use limited resources to solve our problems.

Therefore, I would like to take this opportunity to acknowledge the Housing Authority of the County of Salt Lake and the Utah Department of Community and Economic Development for being 1993 NAHRO Award of Merit winners. NAHRO, the National Association of Housing and Redevelopment, makes these annual awards to recognize the innovative solutions which local housing authorities and community development agencies are using to address their community's special and unique situations.

The State received an award for their Villa Maria project. This project was developed to meet the needs of homeless pregnant women. The State's Department of Community and Economic Development initiated this project by buying an abandoned and boarded-up house from HUD at 40 percent below appraised value. The City's Redevelopment Agency provided a rehabilitation loan, and Catholic Community Service took responsibility for day-to-day operation of the home. Intermountain Health Care provides prenatal care and other services to the women living in the home. In the last year, twenty homeless women have lived in the Villa Maria, 9 babies were born, and 13 women have found permanent housing.

The Housing Authority of the County of Salt Lake was cited for two different activities. Under their Building and Apartment Maintenance Apprenticeship Program, nine housing authority maintenance employees completed classwork and training necessary to achieve journeyman status. This education program was carried out in conjunction with the Utah Home Builders Association and the Salt Lake Community College. As a result of the higher skill level of maintenance employees, the housing authority is more efficient and saves money.

The Housing Authority also received a separate award for their efforts to involve residents of housing authority complexes in ongoing maintenance. As a result, regular call-in and emergency work orders have decreased 20 percent.

What is striking about each of these projects is the participation of a number of sources—public, non-profit and for profit—working together to make the Salt Lake area a better place to live. I applaud these efforts and encourage everyone here in Congress to study how we can direct Federal resources more efficiently to complement these excellent local efforts. In this way, I believe that we can leverage limited Federal resources to the greatest degree possible to meet our serious housing problems.

A CONGRESSIONAL VIEW OF MFN FOR CHINA

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. ROYCE. Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD a speech DANA ROHRABACHER made on July 29, 1993, at the Heritage Foundation, Washington, DC.

A CONGRESSIONAL VIEW OF MFN FOR CHINA

(By Dana Rohrabacher)

Good afternoon, it is a pleasure to be here with you. I am always happy to participate in gatherings like this one which play such an important role in shaping the debate on issues and ultimately, our policies.

I have been asked to give you my view of Most Favored Nation status for China. Since the Tiananmen massacre, the Congress has essentially split into two camps on how to best approach Beijing, with both sides claiming that their method is the best way to encourage freedom and foster positive change in China.

The two positions can be generally thought of as—an "either-or" debate in which one side favors encouraging China to stop its gross human rights abuses by opposing MFN, and the other side supports MFN in the hope that economic engagement will eventually expand human freedom—this through increased interaction and cross pollination with the West, not to mention economic interdependence that gives the West leverage over decision makers in China.

Both positions are theoretically honest, but these "either-or" alternatives may not provide the best answer.

As you are aware, I have been outspoken in condemning China for its human rights abuses. I have voted against MFN each and every time it has come up. I don't believe that since Tiananmen in 1989, the policy of economic engagement has worked. Tyranny, human rights abuses, continue unabated.

Profits as usual and lipservice to human rights don't count in my book or in their book either. America has to be more than a congregation of 250 million people trying to make a buck. We must stand for freedom as well as profit. My approach so far, confrontation with the hardliners, could well be disruptive—I admit that. Is there a third alternative to "either-or?"

China's economic vitality and potential can't be ignored. I understand that and I realize the positive effect economic development is having on millions of people in China. But new dynamics are being created. The economy of Southern China is growing faster than any other area of the world—in direct contrast to Northern China. In fact, there appears to be the distinct possibility of a split in China, perhaps precipitated by the reversion of Hong Kong. In short, Hong Kong may end up taking over Southern China rather than China taking over Hong Kong.

The fall of this great commercial and financial center will not be tolerated by the party officials and military officers in Southern China. They know that Southern China's economic future depends on a vibrant Hong Kong. You see, the Party bosses and their families run many of the private companies and the Army is involved in capitalism up to its rifle butt.

I appreciate the damage that revoking China's MFN status would do to our own business community, as well as to that of our friends, especially in Hong Kong and Taiwan. And with 8% growth rates and higher—the pain of eliminating MFN would be even more excruciating. Yet, tyranny and oppression also exists on the mammoth scale in China. Decent people cannot turn their heads, even as they put their hands in pockets.

The threat of revoking MFN is essential in keeping their attention during human rights sessions. We have been going through these sessions for over a decade, nevertheless political repression, forced abortions, slave labor, torture, genocide in Tibet and all the rest keep going, on and on. Will China "develop out of it" as many recommend? Certainly, as I say, the threat of revoking MFN has forced these issues to be addressed. But do we have other leverage?

No one can forget that it was President Nixon who altered the nature of the U.S.-China relationship. One should remember that it was done in the context of the Cold War, and during the Cold War there was no need to justify playing one tyrant off against another. Today, of course, those circumstances have changed.

China is a permanent Member of the UN Security Council, a nuclear power, and so on . . . and has to be considered in proportion to its considerable power to affect our interests. China remains one of the top international players on the planet, but we no longer need "the China card" as leverage against a belligerent communist enemy in the Soviet Union. So times have changed, and its time we bring a new card to play. I am suggesting we play the "China card" . . . "The Free China Card."

I am suggesting today that there is an alternative to the "either-or" debate. I believe a strategy for promoting freedom in China must include a new approach to Taiwan, which has made the transition to democracy, and whose 20 million people do twice as much business with the United States as do all of China's billion.

To the degree that the Mainland is less important for strategic reasons, in the wake of the collapse of the Soviet Union, and to the degree that Taiwan has successfully transitioned to democracy—while developing its economy—marks the degree to which we should improve our bilateral relationship with The Republic of China and cool our ties with Red China.

What I am suggesting is that the United States officially move closer to Taiwan as a means of leveraging progress on human rights and democratic reform on the mainland. It is a message that will be understood.

For example, we should support Taiwan's efforts to reclaim a seat in the United Nations, under its policy of "One nation, two seats." We should invite high-level Taiwanese officials to visit Washington, I personally would like to see President Lee make an official trip to the United States. While we do not see China as our enemy, we should openly call Taiwan our friend, and sell it the weapons needed for its defense.

The United States may continue to do business in China, but at high-level meetings our officials can let the communists know that as long as the human rights situation in their country continues as it is, the U.S. will continue to warm our relationship with Taipei.

The Mainland's retaliation, perhaps on a key vote in the Security Council, perhaps in nuclear proliferation, or perhaps on some other matter critical to our interests, must be anticipated, weighed, and taken into consideration as part of our total policy approach to China. As I said just a moment ago, we respect China's power, and we would not jeopardize the critical interests of the United States. But expanding liberty is one of America's interests.

This middle approach of "leverage by degree" through a new flavor in our relationship with Taiwan has great appeal to many of my colleagues in Congress. Taiwan has new friends in Congress, especially the liberal democrats who no longer see it as some kind of pariah, who now, at long last, join conservative Republicans in actively opposing communist tyranny.

Mr. Speaker, let me amplify one of the points Mr. ROHRABACHER made in his remarks above, that is Taiwan's current exclusion from the United Nations. It is an oddity that a nation of 21 million people and a democratically elected government is excluded from the United Nations. The Republic of China is a major economic power, a country with the 20th largest GNP in the world and the 14th largest trader in the world.

The People's Republic of China doesn't represent all the Chinese people. Since the Republic of China was forced to withdraw from the UN in 1971, 22 years ago, there has been no representative in the United Nations to represent the 21 million Chinese people living on Taiwan.

Since 1971 things have dramatically changed. As Mr. ROHRABACHER mentioned in his remarks at the Heritage Foundation, the Soviet Union no longer exists, and the PRC is thought of more as a place where students are massacred than as a counterweight to Soviet imperialism. The Republic of China, on the other hand, is thought of as a beacon of hope, democracy, and prosperity.

I believe that democratic Republic of Taiwan is entitled to UN membership. Re-admitting the Republic of China to the United Nations is consistent with the principle of universality of the United Nations' Charter.

Moreover, the membership precedent set by the two Germanys and the two Koreas clearly pave the way for both the People's Republic of China and the Republic of China to be full-fledged members of the United Nations.

Mr. Speaker, I urge my colleagues to consider the new realties in Asia now that the cold war is over, and to support the Republic of Taiwan's rightful bid to reclaim its seat in the United Nations.

GAYLORD HIGH SCHOOL SYMPHONY BAND HONORED

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the Gaylord High School Symphony Band, from Gaylord, MI, in Michigan's First District, which I represent. On July 15, 1993, the Symphony band was awarded the "Ehrenpreis der Wien", "Price of the City of Vienna", as the best band at the 22d International Youth and Music Festival in Vienna, Austria. This extraordinary group of individuals came together as one harmonic unit to claim their place among the elite as one of the world's best.

The International Youth and Music Festival is held annually in Vienna, Austria, where countries from around the world area represented. This year's festival included bands, orchestras, and choirs from the United States, Austria, England, Germany, Japan, Scotland, South Africa, and Sweden. Invitations are awarded based on reputation for excellence in performances, earned over a period of many years. The Gaylord Symphony Band has truly earned their reputation as one of the world's elite, winning honors that include: First Division ratings at M.S.B.O.A. District and State Band Festivals, a Superior (First Division) rating at the National Adjudicators Invitational Concert Band Festival in St. Louis, MO in 1989, a Superior—First Division—rating and first place trophy as best band in their division at the Grand National Adjudicators Invitational Concert Band Festival in 1991, an invitation to perform at the American School Band Directors Association's National Concert Band Festival in 1984 and 1985, and, an invitation to perform at the annual Concert Band Symposium at Central Michigan University in 1991. In Vienna, the symphony band, conducted by Ralph Schweigert, received 282 out of 300 possible points, finished ahead of 8 other bands and claimed the grand prize. The band won the additional honor of performing a full-length broadcast concert in the studios of ORF (Austrian National Radio).

Mr. Speaker, the Gaylord High School Symphony Band made not only the community of Gaylord proud, but all of America as well. Ambassadors to the world of music, they stand as a shining example of the success possible in our great nation. I am proud to call these outstanding young individuals my constituents and wish them continuing success in their musical careers.

INTRODUCTION OF CHLORINE ZERO DISCHARGE ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing legislation that if enacted will, within 5 years, eliminate the use of chlorine and chlorinated compounds as bleaching agents in the production of pulp and paper.

My bill, the Chlorine Zero Discharge Act of 1993, would amend the Clean Water Act to require a reduction to absolute zero of the discharge or release into water of any organochlorine compounds, byproducts, or metabolites formulated as a result of the use of chlorine or any other chlorinated oxidizing agents in the pulp and paper manufacturing process.

I am pleased to introduce this legislation today with the support of my colleagues HENRY WAXMAN, LOUIS STOKES, CYNTHIA MCKINNEY, LESLIE BYRNE, CARLOS ROMERO-BARCELO, GEORGE BROWN of California, LANE EVANS, ELIZABETH FURSE, DAN HAMBURG, PATRICIA SCHROEDER, ELEANOR HOLMES NORTON, and HOWARD BERMAN.

The use of chlorine and chlorine compounds in the pulp and paper industry is the second largest use of chlorine in the United States and Canada. Chlorine and its compounds are used as bleaching agents to remove residual lignins from wood pulp to make the resulting paper white.

The use of chlorine as a bleaching agent in the production of pulp and paper results in the release of an estimated 1,000 organochlorines in the waste water of pulp and paper mills. The average pulp mill releases 35 tons of toxic organochlorines each day. However, only three of the 1,000 organocholines released are currently regulated by the EPA: dioxin, furan and chloroform. Only the State of Oregon regulates organochlorines as a class of pollutants.

The use of chlorine in the pulp and paper industry is clearly a hazard that must be controlled. We can no longer afford the environmental and economic effects the use of chlorine produces.

A recent report in the Journal of the National Cancer Institute on organochlorines produced as a result of pesticide use found that "environmental chemical contamination with organochlorine residues may be an important etiologic factor in breast cancer."

The increased use of chlorine-free paper by our European economic competitors is decreasing the American share of the paper market and seriously threatening our future economic competitiveness.

Despite claims to the contrary, only chlorine-free paper processes will achieve maximum pollution prevention. Chlorine dioxide, and other chlorine compounds that reduce the levels of dioxin released, still allow 60 percent of organochlorine toxins to pollute rivers, lakes and ground water. A 1992 report issued by the international Joint Commission on the Great Lakes Basin concluded that "the use of chlorine and its compounds should be avoided in the manufacturing process."

Fortunately, alternatives to chlorine and chlorinated compounds do exist. These alternatives include oxygen and hydrogen peroxide pre-bleaching and oxygen-based bleaching including oxygen, ozone and hydrogen peroxide.

In addition to eliminating the environmental havoc wreaked by chlorinated pollutants, eliminating its reliance on chlorine to bleach paper will save industry money. According to industry estimates, installing closed loop bleaching processes that use less water than current chlorinated processes will allow mills to produce paper products for 30 percent less than chlorinated processes. If every paper mill in America had eliminated chlorine and installed closed loop bleaching processes in 1991, industry could have saved 94 billion gallons of water in that year alone.

The oxygen-based alternatives to chlorine bleaches, in addition to being non-toxic, also require approximately one-eighth as much energy to produce. In 1992, 4.8 billion kiloWatt hours of energy were consumed producing chlorine for the bleaching process, much of which could have been saved had the industry been chlorine-free.

In fact, many of these methods are now in use in mills throughout the world for production of numerous types and grades of pulp and paper, including the highest quality market pulp. Twenty-six mills worldwide are now producing totally chlorine-free market pulp, including 17 that make kraft pulp for paper production. Although the majority of these facilities are in Scandinavia, three mills in Canada are now producing totally chlorine-free market pulp, and the Louisiana-Pacific kraft mill in Samoa, California is now producing 250 tons of totally chlorine-free paper per day. Remarkably, two other major American papermakers hold patents for chlorine-free production processes, but have never used them.

Commercial use of chlorine-free paper is slowly rising: the General Services Administration has begun to issue commercial item descriptions which stipulate the use of chlorine-free paper and the State of Texas is currently using a totally chlorine-free paper product as a standard for eight of their procurement standards. In addition, McDonald's has begun to use chlorine-free paper bags for its french fries, and Time Magazine has announced plans to use chlorine-free paper when a suitable supply is available in this country.

By eliminating the use of chlorine and its compounds in the bleaching process, the Chlorine Zero Discharge Act provides a responsible, effective solution to the environmental and economic degradation of chlorine use in the pulp and paper industry. Federal intervention to ensure that the use of these unnecessary, dangerous chemicals is eliminated is necessary to protect the public from potential life-threatening health and environmental impacts.

I urge all of my colleagues to join me in supporting this important health and environmental protection legislation.

FEDERAL PAYMENT FORMULA REVISION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. STARK. Mr. Speaker, today I am introducing legislation to revise and make permanent the Federal payment formula for the District of Columbia. Unfortunately, since enactment of the legislation that established the Federal payment formula in 1991, the formula has been a matter of confusion and varying interpretation. That is so unfortunate; the intent of that law was to set an equitable and predictable formula for determining the proper compensation to the local government for limitations imposed on the District because of the continuing Federal presence. Undeniably, those restrictions deprive the city of valuable potential revenue.

A Federal payment for the District of Columbia is not a novel concept. Since 1790, the Federal Government has provided funds to support the operation of the local government. For many years that payment amounted to more than 40 percent of the local government's expenditures.

At the advent of Home Rule nearly 20 years ago, the Federal payment stood well over 30 percent. However, throughout the Home Rule era, the percentage steadily declined to roughly 14 percent in 1990. Despite efforts to set formula payment at 30 percent when the 1991 law was debated, in line with recommendations of the Rivlin Commission and others, the Congress settled on a 24 percent figure, helping ensure passage of the bill.

Despite expectations that the 1991 Federal payment formula law would yield a fair and reliable annual Federal payment, it has not. Disagreements over the terms of the law have led to disparate estimates of the amount of the Federal payment. For fiscal year 1994, for instance, calculations have ranged from a low of less than $630 million to a high $800 million. Ultimately the only figure that really counts is the one set in the DC appropriations bill: $630 million.

My legislation seeks to remedy and prevent uncertainty in the future; these are its highlights:

Authorizes Federal payments to the District of Columbia based on a percentage of adjusted District General Fund revenues from other than Federal sources.

The revenue base would be determined from adjusted District General Fund revenues for the second fiscal year preceding the fiscal year at issue, same as current law.

The formula would be permanent, with a sliding scale beginning in fiscal year 1995 to raise the current percentage, 24 percent, 1 percent each year for 6 years, until it reaches 30 percent.

To preclude wild fluctuations in the authorization, caused by local revenue reductions, a floor would be set so that the Federal payment authorized for any given year is no less than the average appropriations for the preceding 3 years.

The District will be required to prepare its annual report so that adjusted District General Fund revenues from other than Federal sources would be identified. The report would be included in the annual independent audit of the District required under current law since 1976.

GAO would continue to review the audited report and certify its findings, as required under current law.

Mr. Speaker, let me emphasize that the Federal payment is not a gift to the District of Columbia. Rather, it reflects the Federal Government's obligation to the local citizenry for services and burdens that go hand-in-hand with this city hosting the seat of National Government. Finally, the formula law merely authorizes funds. The appropriators must balance the authorization against other competing authorizations of Federal dollars. The Federal Payment Formula Revision Act of 1993

proposes to make calculation of that authorization permanent, fair, and more predictable.

ABOLISH MANDATORY MINIMUM SENTENCES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. EDWARDS of California. Mr. Speaker, the Washington Post has it exactly right in its editorial on August 4, 1993. According to the U.S. Sentencing Commission, mandatory minimum sentences are inconsistent with the Federal sentencing guidelines and they create uncertainty, inequities, and disparities in sentencing. Moreover, they are applied in a racially discriminatory fashion. This is especially true when it comes to crack versus powder cocaine. I have introduced H.R. 957 to repeal all Federal mandatory minimum sentences, and I urge my colleagues to cosponsor it.

The article follows:

[From the Washington Post, Aug. 4, 1993]

SAME DRUG; DIFFERENT PENALTIES

Possession of five grams of crack cocaine carries a federal mandatory minimum sentence of five years without parole for a first offender. But possession of cocaine in the form of powder carries no mandatory minimum sentence at all; offenders could get off with probation. This sentence disparity, mandated by Congress in 1988, is even more egregious than it appears. Crack is the preferred form of the drug in black communities, while powder is more widely used by whites. Three times as many Americans use cocaine in its powdered form as use crack, which is smoked, but there are far more prosecutions for the latter. A representative sample of 1992 federal drug cases prepared by the U.S. Sentencing Commission revealed that all defendants convicted of simple possession of crack during the time studied were black.

What possible justification is there for this tremendous variation in penalty for what is essentially the same offense? Some claim that because the onset of cocaine effects is slower when it is sniffed in powdered form than when it is smoked as crack or injected as liquid cocaine, it is less dangerous. But the substances are pharmacologically the same. In addition, any injectable drug like liquid cocaine carries the risk of HIV infection. There is no logic in making the penalty greater because crack is cheaper and easier to obtain. Nor is the mandatory minimum justified by the fact that crack users commit more violent crimes than cocaine sniffers. Drug possession is one thing, violent crime another.

A more plausible explanation for the disparity lies in crack's emergence as a frightening phenomenon in the mid-'80s. Much attention was focused on its socially disruptive aspects, such as crack mothers—as if coke sniffers were model parents. Crack was new, its use was increasing, and social workers and law enforcement personnel were still mobilizing to address it. Congress took notice and accorded it special treatment.

It's time to reconsider the fairness of the mandatory minimum sentence and to correct it if no justification can be found. The courts are already being asked to intervene on equal-protection grounds. A conference scheduled this month by reform advocates is expected to prompt congressional action. It is not being soft on crime to insist on parity in penalties for the use of what is essentially the same drug in different forms. The statute as written is discriminatory in operation and unjustifiable on its face.

IMMIGRATION REFORM NEEDED

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. DUNCAN. Mr. Speaker, we are facing a tremendously growing problem in this Nation with illegal immigration. In fact, President Clinton recently announced his support for an immigration reform package, and the House just passed, and I supported, an increase in funding for the Border Patrol.

I do not suppose I have ever spoken in favor of an amendment to increase spending, but I supported this because illegal immigration is at a very serious point now and is going to grow in the future.

An Immigration and Naturalization Service official told me that 187,000 illegal aliens were apprehended at the Mexican border in 1 month alone. There are some estimates that there are three of four times as many coming across as are apprehended. We must correct this very serious problem.

Another situation that I find troubling is that the INS recently conducted a citizenship ceremony in Tucson, AZ primarily in Spanish. This is ridiculous. We must require the Immigration and Naturalization Service to conduct their citizenship ceremonies in English.

In addition, a high school student in San Diego, CA, who recently won a $28,000-a-year scholarship to the University of Chicago, could not produce proof of citizenship to the university admissions office.

It was revealed that the student came to the United States from Mexico 13 years ago and has never been documented.

INS officials have said that because of the student's good grades, he will likely be allowed to stay in the United States. And the university is saying that it will guarantee his scholarship regardless of what INS does.

This student is taking away a scholarship from an American student because the INS is not enforcing the laws that it has sworn to uphold. What kind of message are we sending to the world? Are we saying that it does not matter if you break the law, just as long as you make good grades?

It is just ridiculous that we are spending so much taxpayer money on illegal aliens. A professor at Rice University presented a recent study which shows that we spend at least $12.5 billion on the approximately 5 million illegal immigrants here now. Some estimates are even higher.

We need immigration reform, and we need it now. Hardworking U.S. taxpayers as well as the millions of immigrants who have entered this Nation through the legal process deserve nothing less.

WESTCHESTER COUNTY PRESS HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize today the 65th anniversary of the Westchester County Press, which provides issue-oriented coverage of African-American concerns to many residents of my district.

By reporting the news with its unique style and point of view, the Westchester County Press has developed into an integral part of the political and social landscape in Westchester County. The week is surely not complete without reading "Snoopy Allgood" or "M. Paul Tells All".

The current publisher of the paper, M. Paul Redd, purchased the Westchester County Press from Alger L. Adams in November 1968. When Mr. Adams passed away last year, the community lost a man of great spirit and insight.

Thankfully, that spirit lives on within the pages of Westchester County Press, where Mr. Redd and his wife, Orial, have continued and enhanced the legacy of Alger L. Adams.

I congratulate all those who have contributed to the 65 years of success being celebrated at the Westchester County Press, and I wish them many more years of prosperity.

ELSIE GIBBS—PERTH AMBOY HIGH SCHOOL HALL OF FAMER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, it is not often that we find individuals who have dedicated their entire lives to excellence, caring, and understanding. I am fortunate to know such an individual. On April 30, 1993, Elsie F. Gibbs became the first African-American woman to be inducted into the Perth Amboy, NJ, High School Hall of Fame. Ms. Gibbs' life has included many firsts. She was the first woman chairman of the Perth Amboy Citizens Advisory Board to the Planning Board, first black member of the Perth Amboy League of Women Voters, first black member of the Perth Amboy Planning Board.

Ms. Gibbs has spent most of her life learning about her heritage and sharing what she has learned with family and friends. Although Ms. Gibbs formally retired in 1981 from the YMCA with 32 years of service, she has remained active. She is the volunteer coordinator of the Schomburg Center for Research in Black Culture, where she supervises its 130-member volunteer staff. She was appointed a commissioner of the Schomburg Center by the New York Public Library in 1991. She has been an active member of the NAACP for more than 40 years. I first met Ms. Gibbs through my involvement with the NAACP youth and college chapters when she served as youth advisor. I was pleased when we

were reacquainted through our involvement with the YMCA's of America. Her work involved extensive national and international travel to Europe; the Caribbean; and Africa, where she received an award from the YMCA of Uganda for her contributions.

She is a member of the National Urban League, the United Negro College Fund, the National Council of Negro Women, and the National Black Child Development Institute. She also serves on the executive council of the New York Public Library Volunteers. She has received numerous awards including recognition from the Samuel Fraunces Tavern Museum in New York for dedicated service and a certificate of appreciation in 1986 from Hands Across America for taking a stand against hunger and homelessness.

Mr. Speaker, as you can see Ms. Gibbs' successes in her career have been paralleled by her involvement in civic, cultural, and social organizations. These accomplishments were the results of her strong commitment to and deep concern for her community and for the preservation and strength of family life. I am sure my colleagues will want to join me as I congratulate Elsie F. Gibbs on her accomplishments.

INTRODUCTORY STATEMENT BY THE HON. STEVE GUNDERSON THE PRESIDENT'S "SCHOOL-TO-WORK TRANSITION ACT OF 1993"

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. GUNDERSON. Mr. Speaker, I am happy to join Chairman Ford, and others, in the introduction of President Clinton's "School-to-Work Transition Act of 1993." Similar to legislation that Mr. Goodling and I introduced earlier this Congress, this bill is designed to establish high quality, work-based learning programs throughout the United States, that train youth for skilled, high wage careers which do not require a 4-year college degree. As I stated when we introduced our bill in March of this year, establishment of such a school-to-work transition system in this country, would address a serious inadequacy in this Nation's educational system, as well as significantly improve the quality of the U.S. workforce, enabling the United States to better compete in the global marketplace.

Demographic trends, technological change, increased international competition, and inadequacy of U.S. education and training systems have resulted in shortages of skilled workers, and an excess of unskilled, hard-to-employ individuals. Such a mismatch must not be allowed to continue. To add to this problem, a significant proportion of youth graduate from high school with inadequate basic skills and totally lacking in work-readiness competencies. An estimated 17 million workers need remedial education each year. Employers are so concerned, they are spending nearly a billion dollars a year just in basic skills education for their workers. Yet the United States is the only major industrial nation lacking a formal system for helping youth make the transition from school to work. Very little attention is paid in our United States educational system to preparing youth for the workplace.

Like our earlier legislation, the bill being introduced today has the goal of expanding the range of education and career options for the 70 to 75 percent of American youth who will not complete a 4-year B.A. degree. By providing a broad degree of flexibility in establishment of school-to-work systems in States and localities, the legislation builds on successful efforts undertaken by innovative States and communities, while providing Federal guidance on the establishment of a national school-to-work policy. The legislation calls for the development of local partnerships of educators, employers, workers, and students to build high quality school-to-work programs. Under the proposal, school-based and work-based learning are integrated, with students participating in school-to-work programs gaining valuable work experience, under the guidance of a workplace mentor. Finally, students completing this program would receive a high school diploma, a certificate of competency in an occupation, entry into appropriate postsecondary education—where appropriate—and/or entry into a skilled, high-paying job with career potential.

I commend the President and the Secretaries of Labor and Education on their development of this legislation. And, I look forward to continuing our bipartisan work to improve our U.S. work force preparation system.

TAYLOR LAUDS RUTHERFORD COUNTY "EARNING BY LEARNING" PILOT PROGRAM

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to take this time today to praise the Earning by Learning program in Forest City, Rutherford County, NC, its director Betty Hollifield, the volunteers who helped Betty administer the program, and the children who participated in it.

The Earning by Learning pilot program paid 3d and 4th graders at Forest City Elementary School and Dunbar Elementary $2.00 for each book that they read.

We have seen this program work in other areas of the country and we saw that the children of western North Carolina respond in a positive way, too. I am very proud of each and every child who participated in this program.

Mr. Speaker, almost $3,000 was donated to this program for the 1,396 books that were read by 57 youngsters. Businesses and civic organizations, like the Republican Women of Rutherford County, Haynes-Jones Furniture Co., Liberty Press, and Sara Lee Knit Products also participated in the program.

Reading is one of the most important skills a youngster must have in order to survive in today's world. Adults should act as role models to encourage today's children to be tomorrow's leaders.

The program was administered by Betty Hollifield of Bostic and ran from June 14 until July 23. A monitor quizzed each child after they read a book. If the child passed the quiz, he or she was given $2.00 for each book they read. Betty oversaw the 15 volunteers who helped with this program and oversaw the entire administration of the Earning by Learning program.

My hat is off to Betty Hollifield and the other volunteers without whom this program would not have survived. These folks unselfish efforts went above and beyond the call of duty. They are to be commended by all members of the community for their outstanding efforts.

I encourage other Members of Congress to institute programs similar to this in their districts. I will certainly be encouraging pilot programs like this throughout my district. There is no better experience that we impart on the youngsters of our communities than that of knowledge. We must encourage our children to ready, for they hold the future of our country in their minds.

Mr. Speaker, I have included a list of the volunteers and the participants in this program and the number of books they read. I again commend these unselfish volunteers and these ambitious youngsters.

LIST OF VOLUNTEERS

STUDENTS

Aisha Baxter, Summer Boykins, Crystal Brendle, David Brendle, Roni Bristol, Quentin Bristol, Randi Burns, Robert Carson, Ruth Daniels, Lenny Forman, Alex Gainza, Brandon Hamilton, Sophia Hamilton, Crystal Hamrick, Bucky Higgins, LaKeisha Hill, Shynese Hill, Kellie Hudson, Kandy Isenhour, Christopher Jackson, Danny Jackson, Montray Jackson, Reico Jackson, Tabitha Jackson, Miyako Jones, Scottie Jones, Shan Laney, Christopher Lavendar. Iaisha Littlejohn, Jay Littlejohn, Kevin Logan, Corey Lynch, Shara McEntyre, Kathy McKinney, Kenya Miller, Candra Moore, Brandon Price, Stencil Robinson, Christopher Scruggs, Donta Shelton, Anita Simmons, Brandon Simmons, Kevin Smith, Christy Stott, Christopher Thompson, "Gazz" Thompson, Tyler Thompson, Scotty Turner, Brandon Twitty, Jason Walker, Ashley Watkins, Wendy Whitesides, Maurice Wilkins, Denisa Williams, Don Williams, Josh Williams, Aaron Yelton.

STUDENT VOLUNTEERS

Sherekka Baxter, Tijwana Baxter, Latoya Bradley, John Clements, Julius Hamilton, Melanie Higgins, Shaneeka Lattimore, Claudishu Miller, Dazja Miller, DeWonda Shelton, Lashaad Shelton, Vanessa Ransom.

ADULT VOLUNTEERS

Nichole Allen, Lathelma Becknell, Erma Benedict, Faye Bishop, Lynn Black, Sarah Blanton, Ann Boyd, Jeanna Brooks, Pat Burgin, Philip Byers, Wendell Camp, Deborah Clements, Pat Cowan, Lamar Crisp, Carolyn Gardner, Larry Gardner, Betty Gettys, Gail Good, Dan Gold, Janet Hill, Alice Herring, Betty Lynn Hollifield, Emily Hollifield.

Kate Hughes, Missy Hughes, Latasha Jackson, Amy Jenkins, Susan Lloyd, Peggy McFarland, Herb Myers, Diane Norville, Hicks Norville, Nelda Oalkers, Sheila Padgett, Dana Parkes, Mary Ann Ransom, Joyce Rivard, Jane Ronan, Jane Rucker, Judy Scott, Kristy Scruggs, Vivian Sitton, Dori Taratoot, Lois Toney, Lin Venhuizen, Jerry Whiteside, Carroll Whitesides.

A special thanks to the many people who contributed of their time, money and effort.

A special thanks to: BB&T, Forest City Housing Authority, Supt. of Schools "Buck" Petty and Staff, Dunbar Elementary School, First Industrial Supply, Forest City Elementary School, Haynes-Jones Furniture Co., Liberty Press, Norris Public Library, Rutherford County Transit Administration, Sara Lee Knit Products, The Red Cross Safety Clowns.

TRIBUTE TO MARSHALL UNIVERSITY'S MEDICAL SCHOOL AND ITS STUDENTS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. RAHALL. Mr. Speaker, I would like to take a moment to recognize Marshall University's medical school and its recent graduates who entered primary care fields. According to an Association of American Medical Colleges report, Marshall's medical school ranked fifth nationally in the percentage of students who became primary care physicians. Twenty-three of Marshall's 54 graduates, or 43 percent, went into primary care fields such as pediatrics, internal medicine, and family practice. Nationwide, only 30 percent of doctors in the United States are in primary care fields.

Given the current health care crisis, the value of general practitioners cannot be underestimated. Because primary care physicians perform regular check-ups and simple in-office procedures, with a focus on preventing health problems, they can provide high quality care while reducing the overall costs of health care. General practitioners are the first line of defense against costly specialized treatments; compare a cardiologist's fee for clearing your clogged arteries on the surgical table to the cost of a preemptive visit to a family doctor who checks your cholesterol and teaches you how to lower it.

Equally important as the Marshall graduates who are primary care doctors, are those who choose to practice in rural areas. A recent survey showed that 25 percent of all Marshall medical graduates practice in towns of less than 10,000 people. These doctors are helping to ease the shortage of doctors in rural areas.

The doctors graduating from Marshall are the kind this Nation and southern West Virginia need. I salute them and Marshall's medical school. I hope that many of these doctors choose to stay and practice in southern West Virginia.

THE AMERICAN WORKPLACE BECOMES FAMILY FRIENDLY TODAY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mrs. SCHROEDER. Mr. Speaker, today, the Family and Medical Leave Act goes into effect.

Starting today, American workers will no longer have to choose between their work and families.

Starting today, American workers will have a right under the law to take a job-guaranteed leave without pay in the case of the birth or adoption of a child, or in the case of a family medical emergency.

I would like to alert both workers and employers to learn your rights and responsibilities under the law.

For workers, the group Nine to Five will be sponsoring a hotline to answer any questions about workers' rights and how the law works. That tollfree number is 1–800–522–0925.

For employers, Secretary of Labor Robert Reich is leading the Department of Labor in an extensive public education effort to educate employers on the law and its regulations.

Mr. Speaker, when I first introduced the Family and Medical Leave Act in 1985, workers were afraid to mention family responsibilities, for fear they would be stigmatized as poor or second-rate workers. In fact, workers were more apt to complain about parking spaces than childcare problems.

Today, that all changes and we begin an era in the American workplace where being family friendly is good for business, good for employees, and good for families.

No doubt, over the next weeks, constituents will be asking Members of Congress questions about the family and medical leave law. I am inserting information, prepared by 9 to 5, Working Women Education Fund, to help answer those questions.

FAMILY AND MEDICAL LEAVE—
UNDERSTANDING YOUR NEW RIGHTS

The Family and Medical Leave Act, passed by Congress and signed by President Clinton in February 1993, takes effect on August 5, 1993.

Am I eligible?

If you work for a company with 50 or more local employees, have been on the job at least 12 months and worked at least 1,250 hours (about 25 hrs/week), you are eligible. All State, local and Federal employees are covered, as well as anyone who works for Congress.

The law allows companies to exempt the highest paid 10% of employees.

Companies don't have to provide leave to employees in an area where there are less than 50 employees in a 75 mile radius. This means small regional offices of large companies may be exempt. Many companies will want to have uniform policies for all employees, so check with your personnel department if this is your situation.

When can I take this leave?

When you get a new child by birth, adoption or foster care; when you need to care for a spouse, child or parent who has a serious health condition; when you're so sick yourself that you can't perform your job. (see below)

How long a leave can I take?

Twelve weeks per year. For a new child, you have to take the leave all at once unless your employer agrees to a different schedule. For medical problems however, you can work out a more flexible arrangement, if a doctor certifies that is what is needed. You may be able to take a day or week when needed or reduce your workweek or workday.

If you and your spouse work for the same employer and have a new child, you will get a single 12 week period, to split between the two of you any way you like.

How sick does someone have to be to qualify for this leave?

The law defines "serious health conditions" as an illness, injury, physical or mental condition that requires: An overnight stay in a hospital; an absence of more than 3 calendar days of work, school or other regular activities; or continuing treatment by a health care provider. Your employer may require certification of the need for medical leave for yourself or a family member.

Do I get any pay during leave or qualify for unemployment?

The leave is unpaid, so your paycheck will stop. There is no federal government compensation such as unemployment. (Five states do and Puerto Rico do, however, have Temporary Disability Insurance, which provides partial income during your own medical leave; they are Rhode Island, New York, California, New Jersey and Hawaii).

Your employer must continue to pay your health care premiums while you're on leave. If you have a co-pay system, each party continues to pay their part. Employers can opt to continue your group life insurance, accrued vacation and other benefits, but are not required to do so.

If any company already gives me 2 weeks sick leave, do I get an additional 12 weeks?

No. Your employer can count your accrued paid vacation, sick leave and personal-leave days toward the 12 weeks of family leave. If you use three weeks vacation leave and another week sick leave, you're left with only 8 weeks of job protected family leave. Some employers may let you decide whether to include paid leave time as part of unpaid family leave if you prefer, but they are not required to do so.

What happens if I decide not to come back to work after having a baby or being ill?

Your employer can require you to reimburse them for the health insurance premiums they paid during the time you were on leave unless a serious medical problem or other circumstances beyond your control prevent you from returning to work.

What if my state also has a family leave law?

You may use whichever law offers you the greatest benefit. For example Vermont law covers companies with as few as 10 employees to give up to 12 weeks for serious illness. Connecticut offers 16 weeks every 24 months. If you have a baby in 1994, you may be able to take leave under federal law. You'll need to know your rights to get the best arrangement.

Where do I call if my employer denies me leave or a job to come back to?

When you are ready to return from leave, your employer is required to give you the same or equivalent position, in terms of pay, conditions of employment and benefits.

If you are denied leave or return to employment, contact the nearest office of the Wage and Hour Division of the US Dept. of Labor. Look in the government listings of your phone book under US Government, Dept. of Labor, Employment Standards Admin. You also have the right to bring a civil case against your employer in state court to get reinstatement, lost wages and attorney's fees.

CONSERVATIONISTS MOURN THE LOSS OF TWO OF THE WORLD'S LEADING TROPICAL BIOLOGISTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. PORTER. Mr. Speaker, I rise today to give tribute to Theodore A. Parker III and

Alwyn Gentry, Ph.D., two of the world's preeminent field biologists, who died in an airplane crash in Ecuador on August 3. Parker and Gentry, founders of Conservation International's Rapid Assessment program [RAP], were on a RAP reconnaissance trip when the crash occurred. They were doing an aerial survey of the coastal area of Ecuador, 350 miles southwest of Quito. Two other people died in the crash, including Eduardo Aspiazu, president of the Guayaquil Chapter of Fundación Natura. Three others survived.

Parker, 40, was the RAP team leader and a senior scientist for Conservation International. Considered the world's leading field ornithologist, Parker was known for his unique ability to identify nearly 4,000 species of birds by their sound alone. His knowledge was not limited to birds; he was an expert on all neotropical biodiversity.

Gentry, 48, senior curator of the Missouri Botanical Garden, was equally revered for his botanical knowledge of South America. He collected an unprecedented 70,000 herbarium specimens during his lifetime. His understanding of woody tropical plants, a subject about which he had recently published a major volume, was unsurpassed.

In the words of Conservation International president Russell Mittermeier, Ph.D. "Ted and Al carried two-thirds of the unpublished knowledge of neotropical biodiversity, especially the tropical Andes, in their heads. We have lost friends and colleagues whose invaluable biological and conservation knowledge is irreplaceable. Ted and Al knew firsthand what others only theorized." Mittermeier had known both men for more than 20 years.

"Both men were conservation pioneers. Together, they were an unmatchable reservoir of knowledge. Their contribution to science has long been recognized. But what made them special was how they applied their knowledge to the cause of conservation. Their deaths are an enormous setback for the world's wild places." said Peter Seligmann, Conservation International's chief executive officer and chairman of the board.

The Rapid Assessment Program, started 4 years ago at Conservation International to inventory the biodiversity of previously unmapped areas in the tropics, was the perfect platform for Parker's and Gentry's talents. Their findings and recommendations in the countries where they worked as RAP team members have already resulted in major conservation programs. For example, the World Bank, the U.S. Agency for International Development and several developing country governments have used their assessments as the basis for the creation of new protected areas.

Mr. Speaker, these men were true conservation leaders and will be sorely missed by their colleagues and the scientific community as a whole. Their legacy to the world is the knowledge they shared and the passion they inspired in all of us to protect the future of both man and nature.

INTRODUCTION OF THE NUTRITION LABELING AND EDUCATION ACT AMENDMENTS OF 1993

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. BLILEY. Mr. Speaker, I am pleased to join my colleagues in introducing this bill to provide a limited exemption from the Nutrition Labeling and Education Act [NLEA] for small food manufacturers. This bill is the results of months of negotiation with members of both the House and the Senate and the affected members of the small business community. While the bill does not go as far as I had hoped, it does remedy an important oversight in the crafting of the original statute. It provides an appropriate balance between making nutrition information available to consumers and the ability of small businesses to provide this information.

In 1990, the Nutritional Labeling and Education Act [NLEA] was enacted into law requiring nutrition labeling on the vast majority of food products. The NLEA does not provide for any exemption from the nutrition labeling requirements for small manufactures. The labeling requirements of the law go into effect on May 8, 1994. While the NLEA does provide an exemption for only small retailers, the FDA did issue regulations extending it to small manufacturers. Thus, it is important that this matter be addressed very quickly in order to protect those companies who have reasonably relied on this regulation.

Preliminary FDA data suggests very small firms will bear nearly half the cost of nutrition labeling—approximately 45 percent. Hearings conducted by FDA on this subject provided substantial testimony that small firms which produce low volume products, with multiple product lines, will not be able to afford nutrition labeling on a per product basis. This is especially true for confectioners and for the speciality food industry where most of the marketing and advertising is done via their labeling and packaging. The initial average cost of labeling a product is about $3,000. These companies have argued that they intend to nutrition label their products eventually for competitive reasons, but simply need more time to comply.

A brief description of the bill is outlined below:

Until May 8, 1995, the exemption as described by FDA stands—thus, manufacturers as well as retailers with gross annual sales of less than $500,000 qualify for the exemption. As a result, manufacturers who have reasonably relied on FDA's statements will not be disadvantaged. After May 8, 1995, this exemption is only available to retailers.

A new phased in exemption from the requirements of NLEA will be made available on an annual basis for small manufacturers based on the number of employees and the number of units of a particular product that is sold. After May 8, 1997, the Exemption will be fully phased in on a product-by-product basis for persons that employ fewer than an average of 100 full-time equivalent employees and that sold less than 100,000 units in the United States in the preceding 12-month period. For new products, manufacturers need only reasonably anticipate that they will sell fewer than 100,000 units during the exempt period. The exemption will be phased in as follows beginning on May 8, 1994:

For the 12-month period preceding May 8, 1994, the person claiming the exemption for the product employs fewer than an average of 300 full-time equivalents and sold fewer than 600,000 units of the product in the U.S.

For the 12-month period preceding May 8, 1995, the person claiming the exemption for the product employs fewer than an average of 300 full-time equivalents and sold fewer than 400,000 units of the product in the U.S.

For the 12 month period preceding May 8, 1996, the person claiming the exemption for the product employs fewer than an average of 200 full-time equivalents and sold fewer than 200,000 units of the product in the U.S.

If during the 12-month period, the person claiming the exemption exceeds either the unit or employee limit, the person will have 18 months in which to come into compliance with the statute.

Companies claiming the exemption must file a notice with FDA; the exemption is not contingent on any FDA action or approval. An exemption from the Notice requirement is provided for individuals if they are not importers, have fewer than 10 full-time equivalent employees, and sell fewer than 10,000 units of any food product in any year.

The exemption notice must include: the average number of full-time equivalent employees in the prior 12 months; and the approximate number of units sold in the United States—or if a new product, a reasonable estimate of what number is expected to be sold.

Numerous highly technical changes to the Food, Drug and Cosmetics Act which make no substantive modifications in law.

TELEVISION VIOLENCE REDUCTION THROUGH PARENTAL EMPOWERMENT ACT OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Television Violence Reduction Through Parental Empowerment Act of 1993 which will give parents the power to block from their homes, and from their children's viewing, television programs which contain harmful depictions of violence. I am very pleased to be joined in the introduction of this most important piece of legislation by Mr. DINGELL, Mr. FIELDS, Ms. MARGOLIES-MEZVINSKY, Mr. OXLEY, Mr. SLATTERY, Mr. HASTERT, Mr. COOPER, Mr. GILLMOR, Mr. SYNAR, Mr. SHEPHERD, and Ms. SCHENK.

Televised violence is ubiquitous and insidious. Even the most conscientious parents are often powerless to monitor their children's viewing all week long, leaving them susceptible to the excessive level of murder and mayhem that comes over the air and through the cable. Not only are young children exposed to graphic images of violence and death, but they see these images over and

over and over again. By the time they finish elementary school, the average child has witnessed over 100,000 acts of violence and 8,000 murders according to the American Psychological Association.

And make no mistake about it, the violence children watch on television is anything but benign. The scientific evidence is in and is indisputable: Watching television violence as a child leads to increased aggression and violent behavior, and the effects last over a lifetime. In fact, three Surgeons General, the National Institute of Mental Health, and the Centers for Disease Control, American Medical Association, and the American Academy of Pediatrics have concurred for nearly 20 years as to the deleterious effects of television violence on children.

It is time for Congress to act. Parents are demanding action. They want the television industry to reduce the level of violence, on broadcast, cable, and satellite television. But this time they want more than promises. They want the power to protect their own children, in their own homes. And they want the power to do so even when they are not at home.

Parents want to counter a violence-laden ratings sweep, such as the one we had in May, with a sweep of their own. The V-chip technology proposed in this legislation allows parents to sweep out the excessive violence images from the TV screens at home, to screen their children from the harmful effects of televised violence.

In this way, parents are given the power to send a message directly to the industry. The Government will not be involved. This is the most democratic of initiatives—it gives the heartland the power to combat the excessive violence contained in programs like "Murder in the Heartland."

Today, with the introduction of the Television Violence Reduction Through Parental Empowerment Act, a broad bipartisan coalition of Members of Congress are acting to empower parents to protect their children from the tide of violent images that invades their living rooms every night.

This legislation contains two requirements:

First, TV sets must be capable of blocking programs based on a violence rating or advisory sent electronically by the broadcasters or cablecaster on line 21 of the vertical blanking interval; and

Second, TV sets must be capable of blocking the display of programs or time slots as well as channels so that parents can block any individual program even if it does not carry an advisory.

It is a fact of life that millions of kids no longer come home to mom or dad and a peanut butter and jelly sandwich after school. Millions of children in this country do not have direct parental supervision for a good portion of the day. Often they fill this time watching television. This is a fact of life. We need to deal with the situation as it really exists, not as we might like it to be. The television industry has a responsibility to help parents block violence—and to stop blocking parents.

Today we are calling on the broadcast, cable, and satellite industries to assist parents by sending, electronically, the advanced parental advisory for violence. This is the only way that parents can simply, easily, and effectively block out all programs rated violent by the industry and protect their children from watching these programs even if the parents are not in the room to supervise.

This legislation will fully protect the First Amendment rights of producers, writers and directors; and it will also protect the rights of parents to decide what their children watch on television. The Television Violence Reduction Through Parental Empowerment Act strikes the proper balance between these delicate interests.

This legislation is not a substitute for other important efforts to reduce epidemic levels of violence in society. There are many complex factors that contribute to the violence that invades our culture. Research has shown, however, that television plays a very significant part in creating this culture of violence—a culture where children learn that violence is no longer a last resort, but a first response to resolving conflicts and solving problems.

Television violence is only one part of the problem—and it can only be one part of the solution. But we can make progress on this remedy with the bill I am introducing today, the Television Violence Reduction Through Parental Empowerment Act of 1993.

The proposal for V-chip technology has received widespread support from television industry leaders, newspapers editors, public health professionals, and civic organizations as is indicated in the following statements I am including in my remarks. In particular, I would like to call to the attention of my colleagues the supportive comments of Newton N. Minow, former FCC Chairman, in the August 3, 1993, edition of the Wall Street Journal. I have also included the full text of this article in my remarks.

WHAT PEOPLE ARE SAYING ABOUT REP. MARKEY'S V-CHIP PROPOSAL

FORMER FCC CHAIRMAN

Newton Minow, the Wall Street Journal, August 3, 1993: "Today, a simple, inexpensive and readily available computer chip, if built into a TV set, could provide a technological answer * * * The Chip would exponentially expand the power of the remote control, making it possible for parents to lock out programs unsuitable for children. But if millions of other parents chose to block out [programming rated as violent], what concern is that of broadcasters, who for years have insisted that the public interest is whatever interests the public? * * * It is time we used the First Amendment to protect and nurture our children, rather than as an excuse to ignore them."

TELEVISION INDUSTRY LEADERS

Ted Turner, Chairman, Turner Broadcasting System, Inc.: "We are happy to strongly support your call for industry-developed violence ratings combined with a chip in television sets that would allow parents to block out violent programming. This approach will give parents a realistic chance to control their children's viewing."

John Hendricks, Chairman and CEO, Discovery Communications, Inc.: "Our company supports your two-pronged approach to addressing the problem of violence exposure to children. Your approach is not to, in any way, censor our cherished right to free expression but it is simply to devise effective methods that enable and empower parents to use television more responsibly for the ultimate benefit of our society."

Winston Cox, Chairman and CEO, Showtime Networks, Inc. and Chairman of the NCTA's Satellite Network Programmers Committee: "What we are talking about here is the presence of violence on television, because as television expands to 500 channels it becomes a much more pervasive delivery medium. We must provide adequate controls over access, and that is why I am very supportive of your proposal. The proposal recommends that the television industry adopt and implement a unified ratings system to give viewers the information they need to make informed viewing choices. The proposal would also mandate that new television sets contain technology capable of blocking out selected programs or channels. We support these two concepts."

Nickolas Davatzes, President and CEO, A&E Network: "You can be assure the A&E is prepared to participate in the development of an industry-wide ratings system * * * and also support the implementation of "blocking chip" technology that would enable parents to prevent their children from viewing violent programming."

EDITORIALS

Mortimer Zuckerman, Editor-in-Chief, U.S. News and World Report, August 2, 1993: "The alert system is no more than a beginning, a recognition but not a resolution. The minimum next step is to take advantage of the technical capacity to manufacture TV sets with a computer chip that will allow parents, unilaterally, to block off programs carrying the V ratings—just as we now mandate sets to help the deaf. And with that should go an earnest effort by the creative controllers to take the V out of much more of their television."

Chicago Tribune, July 6, 1993: "The network's advisory system addresses only one-half of a solution to the TV violence dilemma: the need for information * * * Congress can supply the essential second half of the solution, however, by requiring manufacturers to give parents the power to block out shows they feel are unhealthy. After that, the consumers must let broadcasters and cable companies know, by their viewing choices, if indeed they want less violence on TV."

The Miami Herald, July 1, 1993: "The warnings will give viewers, especially parents, a modicum of control over what comes into their homes. The better solution would be a technological means for parents to block out offensive programs and channels. If viewers zap enough overly violent programs, broadcasters will have even stronger reason to zap them first—before the mayhem and gore get on the air."

The New York Times, July 1, 1993: "Mr. Markey says he'll continue to press for the installation of a computer chip in all new television sets. In this age of the two-paycheck family, parents aren't always around to monitor their youngsters. With that chip they could block out shows they didn't want their children to see. Mr. Markey is right to pursue. "Some things aren't suitable for children' may be an old saw, but it still cuts true."

PUBLIC HEALTH PROFESSIONALS AND OTHERS

Dr. Robert E. McAfee, President-Elect, American Medical Association: "Measures which should be considered [by Congress] include requiring newly manufactured television sets, to the extent technologically feasible, to be equipped with a microchip that would give parents the ability to block out violent programs."

Mr. Williams S. Abbott, President, National Foundation to Improve Television:

"We strongly support this initiative of Chairman Markey. The introduction of such an industry-initated ratings system and the accompanying technology would allow millions of concerned, but not omnipresent, parents to exercise more responsibility in their supervision of their children's viewing."

Joe M. Sanders, Jr., Executive Director, American Academy of Pediatrics: Rep. Markey's measure, in conjunction with increased educational and instructional programming and continued parental supervision, should help control the hazardous effects of violent television on children * * * we support the concept as an innovative solution that is consistent with our goal to increase parental control of television.

[From the Wall Street Journal, Aug. 3, 1993]

HOW TO ZAP TV VIOLENCE

(By Newton N. Minow)

Television producers, writers and network executives met yesterday in Beverly Hills with parents, psychologists and public officials to talk about television violence and its effect on children. This meeting of warring camps came after both houses of Congress held hearings on the subject this spring, and only a month after the television networks announced that they will begin labeling programs to alert parents to their violent content.

As expected, this "consciousness-raising" seminar, led by ABC's Jeff Greenfield, was strong on hand-wringing and soul-searching, was studiously polite and unusually educational. But it didn't go far enough. Few people seriously believe that the proposed warning system is equal to the problem, and most people think it will make the problem worse by drawing attention to especially offensive programs.

Nonetheless, the conference participants managed to tiptoe around the prospect of further action. And little wonder. Anyone who proposes doing anything more to curb violence is almost certain to be shouted down as a censor. This refrain is already de rigueur in the television industry, and Congress is understandably reluctant to get into the standards-and-practices side of television programming. Even many parents who think television violence is excessive are uncomfortable with judging speech.

They shouldn't be. If we really cared about our children, invocations of the First Amendment would mark the beginning, not the end, of such discussions. For more than a quarter century the Supreme Court has recognized the need to protect children from expression intended exclusively for adults. But providing such protection has proved especially difficult in broadcasting, which, unlike the magazine rack or the video store, cannot be partitioned or its contents hidden in a plain brown wrapper. Commenting on the broadcast industry's cynical demand that parents be ever vigilant against offense. Justice John Paul Stevens once wrote: "To say that one may avoid further offense by turning off the radio when he hears indecent language is like saying that the remedy for an assault is to run away after the first blow."

Today, a simple, inexpensive and readily available computer chip, if built into a TV set, could provide a technological answer to this old constitutional dilemma. The chip would exponentially expand the power of the remote control, making it possible for parents to lock out programs unsuitable for children, provided only that such programs are transmitted with a code that labels them as such. When Massachusetts Rep. Edward Markey suggested that the chip be a required component of all television sets, broadcasters disdainfully dubbed this lock-out technology the "v-chip" and equated it with censorship.

More likely is that the v-chip might chip into advertising revenues. After all, these are the same broadcasters who for generations have insisted that the responsibility for children's television belongs with parents, whose sole power resides in their control of the on-off switch. Now that a truly effective switch exists, the entertainment industry is indignant. "I'm opposed to a single button that can block out a whole program day or a single program week," said Motion Picture Association of America President Jack Valenti. Fox TV Chairman Lucie Salhany argues: "Quite frankly, the very idea of a v-chip scares me. I'm also very concerned about setting a precedent. Will we have an 's-chip' [for sex]?"

The real question is what kind of programming is appropriate for children, especially the millions who watch with little or no adult supervision. The best answer is simply to rate all programs in much the same way motion pictures are rated, thereby notifying parents of a program's suitability for children. Such ratings should apply to all broadcasters and all cable programmers.

Rating programs is not censorship—far from it. Indeed, when combined with lock-out technologies, a ratings system would actually extend the reach of free expression on television, allowing adults to watch whatever suited them while effectively eliminating children from the audience. Parents would still have to go to the trouble of locking out undesirable programs, and doubtless many would continue to neglect their primary responsibility of monitoring what their children watch. But if millions of other parents chose to block out "America's Most Wanted" or "NYPD Blue" (ABC's steamy new police drama), what concern is that of broadcasters, who for years have insisted that the public interest is whatever interests the public?

At bottom, the v-chip controversy is illustrative of the fact that while the "public interest" is supposed to be the guiding principle behind television regulation, neither Congress, the television industry nor the public itself has ever been clear on just where that interest lies. The debate over televised violence offers an opportunity to rethink the question at a propitious time, as television is being transformed into a new, interactive medium.

Those meeting yesterday in Beverly Hills had the first opportunity to address these essentially moral questions in a serious way. Even if their effort fell short, the discussion they began must not be allowed to close with the conference. It is time we used the First Amendment to protect and nurture our children, rather than as an excuse to ignore them.

PHILADELPHIA AMBASSADOR'S CHORALE AND ENSEMBLE WELCOME TO THE NATION'S CAPITOL

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. BLACKWELL. Mr. Speaker, on Thursday July 15, 1993, the American Folklife Center at the Library of Congress presented an outstanding program of African American sacred music that was performed by the Philadelphia Ambassadors Chorale and Ensemble, under the direction of Ms. Evelyn Simpson-Curenton. The program was part of the Library's Annual Neptune Plaza Concert Series. I have learned that gospel concerts have been among the most popular in the series each year.

I am proud to inform my colleagues that the Library graciously invited me to meet, greet and introduce the Ambassadors. As a long time champion of black sacred music traditions, I accepted the invitation and was welcomed to the concert by the Librarian of Congress, Dr. James Billington; Deputy Librarian, Danielle Mulhollan; and by Associate Librarian for Cultural Affairs, Carolyn Brown. Mr. Speaker, the Ambassadors were warmly received by a standing room only audience, including Library staff, other Capitol Hill employees and visitors from near and far. In fact, one family visiting from Czechoslovakia attended the entire concert.

Mr. Speaker, I think it is especially important for the Federal Government to promote and celebrate culture and artistic traditions.

My remarks given at this exhilarating concert and the program commentary produced by the Library of Congress' American Folklife Center follows:

STATEMENT OF CONGRESSMAN LUCIEN E. BLACKWELL, JULY 15, 1993

Dr. Billington and friends, it is a pleasure for me to present the Philadelphia Ambassadors Chorale and Ensemble. This group, from my home town, is directed by a composer; an arranger; a pianist; an organist and vocalist; and a graduate of Temple University, Ms. Evelyn Simpson Curerton. You are about to be treated to delightful musical offerings by an outstanding and remarkable group of young adult musicians. Their music is not just entertaining, it is informative and educational. From the dark days of slavery, through the highs and lows of the twentieth century, to modern day, these multi-talented musicians trace the history and development of African-American sacred music, like none other. You will hear the rhythm of African chants; be inspired by soulful spirituals; be amazed by the a capella harmonies; and tap your feet to the gospel selections.

Spiritual songs have always been a part of the African-American heritage. They have carried us through good times and bad.

It is, therefore, with great pleasure that I ask you to join me in a warm welcome of the Philadelphia Ambassadors Chorale and Ensemble. Thank you.

THE PHILADELPHIA AMBASSADORS CHORALE AND ENSEMBLE

African slaves taken from their homeland retained and passed on to their descendants many of their cultural expressions, among them the rhythmic patterns of the music from their homeland. In the United States, these patterns were combined with Christian imagery and European hymnody to create one of the oldest forms of African-American sacred music, the spiritual. The spiritual dates back to the period of the Great Awakening (the 1790s), when traveling Baptist and Methodist ministers held large camp meetings throughout the countryside in an effort to reach poor whites and blacks. The spiritual grew directly from the camp-meeting song tradition. When the first black churches were formed during the late eighteenth

and early nineteenth centuries, spiritual songs become an important part of the services.

Spirituals gained a broad appeal and recognition during the mid-nineteenth century with the publication of several collections of slave music and the performances of black college choirs like Fisk University's Jubilee Singers, who brought spiritual songs to the concert halls. Yet as the spirituals were gaining popularity in the secular world, in the black Christian church they were being replaced by gospel.

Gospel's development is linked to the great migration of blacks from the rural South to the urban centers in the North during the later part of the nineteenth century and the early twentieth centuries. Gospel rose out of a religious fundamentalism that developed in urban centers to address the spiritual need of southern transplants. It combined the characteristics of spirituals and jubilee (songs of celebration) with the rhythms, scales, and instrumentation of jazz and blues.

The popularity of this musical form is largely attributed to Thomas Dorsey and his mentor, Rev. Charles Albert Tindley. Thomas Dorsey, often referred to as the "father of Gospel," was a Georgia-born blues pianist who blended blues, ragtime, and church songs into what he called "gospel music." Reverend Tindley was a charismatic and influential Methodist minister who was very active in Philadelphia during the early part of this century. Tindley and many of the members of his congregation were among the thousands of southern rural blacks who migrated to northern cities in search of new opportunity. Reverend Tindley wrote his sermons and music to inspire his people to persevere through the day-to-day struggle and hardships of urban life. After hearing Tindley's music, Thomas Dorsey devoted the next seventy years to composing and promoting gospel music.

African-American sacred music has always been an integral part of the Neptune Plaza Concert Series. Through the performances of talented artists such as the late Pearl William Jones, the late Mattie Johnson and the Stars of Faith, Prophecy: Cops for Christ, the Southneers, and the McCollough King's of Harmony, the series has presented a variety of sacred music styles from spirituals to contemporary gospel. On July 15, the series will present the Philadelphia Ambassadors Chorale and Ensemble, whose performance will trace the history and development of African American sacred music from slavery to modern times. Under the direction of musician and composer Evelyn Simpson-Curenton, the Philadelphia Ambassadors will perform a range of African-American sacred musical traditions, including rhythmic African chants, soulful spirituals, and capella harmonies of jubilee, and inspiring gospel selections by composers Charles Albert Tindley and Thomas A. Dorsey.

The performers include: Director, Evelyn Simpson-Curenton, Sheila Booker, Marla Cornell, Diane B. Davis, Constance Dorsey, H. Walter Early, Sharon Green, Gloria Ingram, Marie Jervay, Leamon Monk, Carolyn B. Payne, Joseph Simpson, Melvin Simpson, Sr., Robert Washington, and Frank Wells.

TRIBUTE TO BENJAMIN MEAGROW

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. GILLMOR. Mr. Speaker, it is a special pleasure to rise today to pay tribute to 15-year-old Benjamin Meagrow, of Norwalk, OH, who has earned the rank of Eagle Scout and will have a presentation ceremony in September.

I wanted to particularly mention Benjamin's Eagle Scout project which was remarkable for its scope and usefulness. His work, which had to benefit his school or community, consisted of wire brushing off loose paint and totally repainting the metal support structure and boards on seven sets of bleachers at Norwalk Middle School. After the repainting was finished, Benjamin and his father replaced boards in the bleachers which were rotted or broken. His project took 5 weeks to complete and accounted for 226 hours of manpower donated by 41 fellow Boy Scouts, friends and family members, including his grandparents.

Benjamin is now an honor roll student at Norwalk High School and is taking advanced courses. He also plays on the school golf and tennis teams. At a time when we so often read negative news of our young people, it is a pleasure to bring to the attention of my colleagues Benjamin's splendid example of thoughtful citizenship.

I offer his parents, Terry and Sandra Meagrow, my very best wishes on their son's achievements. And to Benjamin himself, I wish I could be there personally as you receive the coveted Eagle Scout Award for your hard work and dedication to your community.

PRESIDENT POISED TO BEGIN OFFENSIVE MILITARY OPERATIONS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. ROTH. Mr. Speaker, the President is poised to begin offensive military operations in the Balkans. U.S. air, naval and ground forces are assembled in the Adriatic. Hundreds of Americans are already in Bosnia, Croatia, and Macedonia. Thousands more are close by, ready for military action.

At NATO Headquarters in Brussels, our diplomats and military planners are hammering out the final details of when and where to attack. Although the British, French, Germans, and our other allies have been consulted, the Congress has been told very little about the military operation that is being prepared. There was a briefing yesterday, but we learned very little, other than to confirm our worst suspicions.

There is no more serious business than going to war. And make no mistake, if we start hostile military operations in the Balkans, it will drag us into that war. But the President has not consulted Congress. In a few hours, Congress will adjourn for a month. If the President orders an attack while Congress is gone, the Congress will not be able to speak up for the American people, whose sons and daughters, husbands and wives, fathers and mothers will carry out this operation. If offensive military action starts next week, or any time later this month, the American people will have no way to affect the decision. That is the job of Congress—to speak and act for the people.

But next week, we will be silenced by the recess. To send a signal to the President, today I have introduced legislation requiring him to obtain specific congressional approval for any offensive military action in the Balkans, before it commences. Specifically, it requires an act of Congress before any U.S. military personnel are sent into hostile action in any part of the former Yugoslavia.

Last night, some of us tried to open the debate on the President's Balkan policy, but the majority leadership blocked this effort. By introducing this bill, I am giving voice to all those Members, and all those Americans, who do not want us involved in the Balkan civil war without a full debate in Congress and a vote by the people's representatives.

If we are going to war in the Balkans, then the President owes the American people a clear statement of why this is justified, what he wants to achieve, and how he expects to get us out of the Balkans. This is the time to debate the President's policy in the Balkans.

As the House meets here today, American officials, acting under the guise of NATO, are ready to launch air strikes against the Serbian forces around Sarajevo and in parts of Bosnia. But there will be no debate in this House.

What happens during the next 4 weeks, when Congress is out of session? How will the Congress be able to debate this policy once the airstrikes begin?

Supposedly, the President's policy is aimed at breaking the siege of Sarajevo. But anyone with any military background knows that airstrikes alone cannot protect a city—you need ground troops. The President's men claim there is no plan to send in ground forces. If that is true, what do the airstrikes really accomplish?

Serbia has 235,000 men under arms, with 10,000 encircling Sarajevo, armed with artillery, tanks, and other heavy weapons. So, we are about to become directly engaged in this civil war, just as the Serbs are about to complete their conquest of Bosnia.

What can the President hope to accomplish? The truth is, our Government has no clear goals, no strategy for success, and no plan for getting out, once we are in. Those were the preconditions that the Secretary of State established in April for any United States role in the Balkans. Has he forgotton his own advice, or did the President just not listen?

Meanwhile, there are some 700 Americans in the Balkans—in Croatia, in Bosnia, and in neighboring Macedonia, which is the next likely target for the Serbian Army. In Macedonia, the President has deliberately put 300 American soldiers in as a tripware, presumably to trigger a bigger military involvement if the Serbs attack. At the same time that our troops sit in the mountains of Macedonia, we are moving to cut Macedonia's trade with Serbia.

Now, when the airstrikes begin and the Macedonian border is sealed, what do my colleagues think will be the Serbian response?

American troops will be the targets, and after we suffer casualties, we will either have to pull them out, or we will have to send more troops. If we pull out, we leave our allies committed militarily, after we dragged them in. What, then, will be their attitude toward President Clinton and the United States? But if we sent more troops, it will become America's war. This policy is a prescription for disaster. Macedonia is as much a danger zone as Bosnia. Serbian leaders are claiming that Macedonia is part of Serbia.

Some of us have been pushing for clear answers to some basic questions about what we are doing in Macedonia: If the mission of our 300 troops is to be a tripwire, what exactly does that mean? Does the President want them to be attacked, so he can send in reinforcements? If not, then who will defend our troops? What are the rules of engagement for our troops? Are they allowed to defend themselves if challenged, or are they supposed to surrender as the U.N. commander—a Danish general—has stated publicly?

Recently, I wrote to President Clinton, asking these questions. I was surprised to get a direct response from the President, but his letter raised even more questions. The President wrote to me that he has a plan to defend our troops in Macedonia if they are threatened.

Well, what is that plan? Does the President intend to send more Americans to reinforce our troops in Macedonia? Doesn't that get us more involved in the Balkans? Won't we then become responsible for defending Macedonia? And why are we committed to defending a country that we don't even formally recognize as independent?

Mr. Speaker, for many of us, the memory of the Beirut massacre of 241 Marines is still fresh and painful.

Some of us have read the history of how the Balkans triggered World War I. Some of us recall Bismark's remark that a world war would be caused by some problem in the Balkans. Our Government should not prove him right again. Today, we have hundreds of Americans in the Balkans, and we have thousands more ready for military action. Our forces have been drawn together, just like the guns of August 1914. The President's course is fraught with peril, without any clear goal or strategy. There is now a real chance that we will see a repetition of the Beirut tragedy, and perhaps a wider war in Europe.

The American people want and deserve a complete debate by their Congress, before Americans enter the Balkans civil war. The President must submit his plan to Congress and obtain its approval before getting us into the Balkan civil war.

That is the purpose of my resolution. If the President allows us to be dragged into a war in the Balkans, many Americans will be killed, the cost will be great, and whatever chance there is for peace in that troubled region will be lost.

To me, there is only one sensible course for the United States: stay out of the Balkans. For the country's sake, the President should come to Congress and make his case, so the American people's voice can be heard.

THE 1973 HIGHWAY SAFETY ACT: ONE OF CONGRESS' FINEST HOURS REMEMBERED

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. OBERSTAR. Mr. Speaker, August 13 marks the 20th anniversary of the enactment of the Highway Safety Act of 1973 (P.L. 93–87). As one present at the creation, I don't want this date to pass unnoticed. We heirs and custodians of the Highway Safety Act can take justified pride in celebrating this anniversary of one of Congress' finest hours.

It is astonishing to realize that only one member of the Public Works and Transportation Committee who participated in that historic bill is still in Congress. I served here then as a member of the staff, the committee's administrator. All the other principal players and prime movers in the conception, drafting, debate, passage, and enactment of the 1973 Safety Act are long gone from Capitol Hill. They are the heroes whose names I will call in a moment.

But first, I want to point out to this body why the Highway Safety Act is such a remarkable piece of legislation, and why all who shared in its creation have reason to be proud.

To begin with, the 1973 act was not the product of the executive branch, then under President Nixon. It did not spring from the expertise of the Federal Highway Administration or the Department of Transportation. Nor was it the handiwork of the highway safety community or of industry. Rather, it was 100 percent the product of the 93d Congress and specifically of the Public Works and Transportation Committee.

And, even though it was initially drafted by Bill Harsha (R–OH), ranking Republican on our then-diminutive 37-member committee, the bill had full bipartisan backing from the very beginning.

To put this pioneering legislation in context, until the Highway Safety Act became law, almost 60,000 Americans were dying on our highways every year. Despite the carnage, Congress had never even considered, much less enacted, a systematic program to fund and fix hazards and obstacles and bad road conditions on and off the Federal-Aid system.

This landmark measure was literally loaded with breakthrough provisions, but the first one, perhaps, was the astonishing revelation that not all highway accidents were the driver's fault. The committee Investigations and Oversight Subcommittee, chaired from its inception by my predecessor, John A. Blatnik, documented case after case of unforgiving highways: of misleading and difficult-to-read signs; of dangerous highway design features resulting in brutal gore areas, and areas that collected water, sending cars hydroplaning out of control; of projecting guard rails that literally speared the drivers of cars that veered off the highway lanes; and of light and sign poles which highway crews assiduously strengthened into death traps every time they were hit.

Now we have far more forgiving highways, where signs are brightly lit or reflective, and far more instructive and useful; of highways designed with safety in mind; of buried guardrail ends; and break-away light and sign poles. And many, many more safety features and ideas, including:

For the first time, Highway Trust Fund monies were allocated to finance the cost of highway safety improvements. Before then, general revenue moneys had to be appropriated separately, and suffered accordingly.

For the first time, a balance of authorizations was struck between highway construction and highway safety, to ensure that the legitimate needs of both would be taken care of.

For the first time, States were required to identify and establish inventories of roadway and roadside hazards and obstacles. Thereafter, they had to eliminate or correct more hazards based on cost-effective evaluations which were built into the programs.

The Federal contribution for these road safety improvements was 90 percent.

In addition, programs were established to place reflective center and edge lines on all highways nationwide, both on and off the Federal-Aid system; to provide financial incentives to encourage the States to adopt safety-belt-use laws; and to initiate research to develop new road safety devices to make driving conditions safer in all weather conditions. The curb ramps for the handicapped proposal, which today make it so much easier for wheelchair-bound people to get around, was added to the act by Bella Abzug (D–NY).

Mr. Speaker, any program's worth is measured not by what its proponents promise, but by what it actually produces.

On that score, the 1973 act's accomplishments have been outstanding.

To assess performance, the act required the Federal Highway Administration, working with the States, to evaluate results and submit annual reports to Congress. FHWA's Office of Highway Safety has done that each year starting in 1974. According to its latest estimates, to date—almost 100,000 lives have been saved: 1.7 million injuries have been prevented; and a truly staggering $350 billion in societal damages have been averted.

But the true bottom line is that, even with the millions more vehicles on the road today than there were in 1973; even with the billions more miles driven, the death toll on our highways have fallen from almost 60,000 in 1973 to under 40,000 last year. Other measures passed since 1973 have surely contributed to this dramatic reduction, but the pioneering road safety programs of the Highway Safety Act of 1973 charted and set the course.

Looking back to that time, it is clear that every member of the Committee on Public Works and Transprotation—Democrat and Republican—was a hero. Absent the committee's rock-solid bipartisan commitment, it might never have seen the light of day.

A few names stand out: William H. Harsha (R–OH), the act's father; John A. Blatnik (D–MN), its godfather; James C. Wright, Jr. (D–TX), James J. Howard (D–NJ), and Robert A. Roe (D–NJ), its indefatigable champions; and that grand elder statesman in the other body, Senator Jennings Randolph (D–WV).

And I also want to credit the staff of the committee for their skill in crafting the bill, and the Citizens for Highway Safety, created in 1974 after the Nixon administration impounded

the funds, to guide, support, oversee, and force when they had to, the act's implementation.

Mr. Speaker, I urge my colleagues to consider the extraordinary accomplishments of the Highway Safety Act of 1973. In these days of partisan wrangling, we need to reflect on what good things we can accomplish for all Americans when we work together on a bipartisan basis. This anniversary of the Highway Safety Act should remind us that, when we work together, Congress can accomplish work of noble purpose and lasting value, of which the Highway Safety Act is a shining example.

We need to remind ourselves, and the American people, that a united and purposeful Congress can still get the job done.

A TRIBUTE TO WILLIAM ALAN HYMES, M.D.

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. KING. Mr. Speaker, I rise to recognize the hard work and outstanding accomplishments of a good friend and native Long Islander, Dr. William Alan Hymes.

Earlier this month, the eminent surgeon, Dr. William C. Devries of Louisville, KY, announced his association with Dr. Hymes for the practice of cardiovascular and thoracic surgery. For Dr. Hymes, this represents the official beginning of what promises to be an outstanding career of service to his fellow man.

To be sure, this new opportunity also marks the culmination of 15 years of dedicated and determined study. In fact, those who know Bill, know just what the word "commitment" means. He has worked tirelessly in pursuit of knowledge. He has worked selflessly to master skills that have no equal in their difficulty. In doing so, he has maintained a unique sense of humor and close bonds with family, friends, and community. Bill Hymes has proven to be the kind of outstanding young American who merits the recognition and appreciation of the Members of this institution.

Dr. William A. Hymes completed his residency in thoracic and cardiovascular surgery at Baylor College of Medicine, Houston, TX. He received his medical degree from the State University of New York, Syracuse, NY and completed his residency in general surgery at the State University of New York Sciences Center at Stony Brook. Dr. Hymes is a diplomate, American board of surgery and a candidate for the American board of thoracic surgery.

Bill is also an honors graduate of Williams College, Williamstown, MA and of Long Beach Senior High School, Long Beach, NY. Dr. Hymes is the son of Mr. and Mrs. Robert Hymes of Lido Beach, NY.

Mr. Speaker, on behalf of the people of the Third Congressional District of New York, I congratulate Bill and wish him, his wonderful wife Dena, and their beautiful daughter Kelly all the best as they make their new life in Louisville.

INTRODUCTION OF THE NUTRITION LABELING AND EDUCATION ACT AMENDMENTS OF 1993

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. WAXMAN. Mr. Speaker, I am pleased to cosponsor the Nutrition Labeling and Education Act Amendments of 1993.

I believe that the Nutrition Labeling and Education Act of 1993 will be a great success. On May 8 of next year, the Food and Drug Administration's regulations to implement the NLEA will become effective. After that time, virtually all food labels will have the essential nutrition information that consumers want.

However, Mr. Speaker, during the past several months it has become apparent that certain small businesses will have extreme difficulty complying with the NLEA by May 8, 1994. The problem is that it can cost several thousand dollars to change the label of a food product to bring it into compliance with the NLEA. If the product has a small volume of sales, then this cost can severely disadvantage the small business that is selling the product.

The NLEA Amendments of 1993 will address this problem. Under the amendments, qualifying businesses will be given 1 to 3 additional years to comply with the NLEA. After May 8, 1997, any business with fewer than 100 employees can qualify for an exemption for any products for which it sells fewer than 100,000 cans or other units per year. However, after May 8, 2002, the Food and Drug Administration may lower the employee or unit requirements of the law if a lower requirement will not place an undue burden on small business. The bill contains no authority to administratively raise the requirements.

Mr. Speaker, this is a bipartisan bill. It has the support of key members of the minority and the majority in both the House and the Senate. In drafting the legislation, we consulted with organizations representing small businesses, organizations representing large food processing companies, consumer groups and with the Food and Drug Administration.

There is widespread support for this bill. A significant number of small businesses believe that it is essential to their survival, and for that reason I am committed to working to obtain its enactment as soon as possible.

INTRODUCTION OF THE NUTRITION LABELING AND EDUCATION ACT AMENDMENTS OF 1993

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. DINGELL. Mr. Speaker, I am pleased today to introduce the Nutrition Labeling and Education Act Amendments of 1993.

When Congress passed the Nutrition Labeling and Education Act [NLEA] in 1990, we did so in the interest of providing consumers with accurate and clear information about the nutritional content of their food. The act already has prompted a great deal of change. Publicity about this legislation has contributed greatly to a high level of consumer interest in the food label. Consumers care more than ever about the nutritional content of their food, and they are reading labels. Thanks to the NLEA and to the overwhelming positive response to the act by the food industry, when the final FDA regulations go into effect in May 1994, essentially every product in the American market basket will be nutritionally labeled.

Over the last 2 years, it has become evident that, unfortunately, the NLEA exemption for small businesses was too limited. It became clear that many small food businesses simply could not comply with the law's requirements in the timeframe allowed. Some very small businesses may have great difficulty complying at all. Concerns about this matter have been raised to FDA's attention and ours. They are legitimate concerns and they should be addressed. The bill we are introducing today addresses companies with small numbers of employees and products sold in relatively small quantities.

Under the NLEA amendments, small businesses will be given an additional 3 years to comply with NLEA nutrition labeling requirements. A sliding scale related to product quantity and number of employees is established, until May 8, 1997. After that date, an exemption remains in place for companies with fewer than 100 employees and products with sales of fewer than 100,000 units. The amendments allow the Secretary of Health and Human Services to reduce the exemption after the year 2002, if the Secretary determines that a reduction will not create an undue financial burden on small businesses.

The bill establishes a notification system, whereby the FDA will receive notice from a business claiming an exemption for a product. The system is a simple one that does not require complicated reporting or a response from FDA. Businesses with fewer than 10 employees, with product sales of fewer than 10,000 units, are not required to file this notice.

These amendments will provide greatly needed help to small businesses for whom a more realistic deadline for NLEA compliance is essential. Small specialty food manufacturers and retail confectioners, many of whom rely on low-volume sales of seasonal products, will be able to spread the cost of product analysis and printing over a 2- or 3-year period. This literally will allow them to stay in business. According to the Retail Confectioners Association, for example, a 1-year delay in NLEA implementation saves hundreds of millions of dollars.

This legislation has been developed in consultation with the administration and with both Democrats and Republicans in the House and Senate. There has been discussion not only with representatives of small businesses, but also with importers, representatives of large food companies, and consumer groups. This is a broadly supported concept, and the bill establishes a systematic, responsible approach to dealing with a problem faced by small businesses. This bill solves a nationwide dilemma, and deals with problems faced by small companies in virtually every State in the United States.

I am committed to working with my colleagues in the House and Senate to achieve speedy enactment of this legislation. If we fail to act promptly, we will jeopardize the future of small food companies all over the country.

Mr. Speaker, the text of the bill I am introducing today is reprinted below.

H.R.—

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nutrition Labeling and Education Act Amendments of 1993".

SEC. 2. SMALL BUSINESS EXEMPTION.

(a) APPLICATION OF EXISTING EXEMPTION.—(1) BEFORE MAY 8, 1995.—Before May 8, 1995, the exemption provided by section 403(q)(5)(D) of the Federal Food, Drug, and Cosmetic Act shall be available in accordance with the regulations of the Secretary of Health and Human Services published at 21 CFR 101.9(j)(1)9i)(1993).

(2) AFTER MAY 8, 1995.—After May 8, 1995, the exemption provided by section 403(q)(5)(D) of the Federal Food, Drug, and Cosmetic Act shall only be available with respect to food when it is sold to consumers.

(b) NEW EXEMPTION.—Section 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by redesignating clauses (E) and (F) as clauses (F) and (G), respectively, and by adding after clause (D) the following:

"(E)(i) During the 12-month period for which an exemption from subparagraphs (1) and (2) is claimed pursuant to this subclause, the requirements of such subparagraphs shall not apply to any food product if—

"(I) the labeling for such product does not provide nutrition information or make a claim subject to paragraph (r),

"(II) the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 100 full-time equivalent employees,

"(III) such person provided the notice described in subclause (iii), and

"(IV) in the case of a food product which was sold in the 12-month period preceding the period of which an exemption was claimed, fewer than 100,000 units of such product were sold in the United States during such preceding period, or in the case of a food product which was not sold in the 12-month period preceding the period for which such exemption is claimed, fewer than 100,000 units of such product are reasonably anticipated to be sold in the United States during the period for which such exemption is claimed.

"(ii) During the 12-month period after the applicable date referred to in this sentence, the requirements of subparagraphs (1) and (2) shall not apply to any food product which was first introduced into interstate commerce before May 8, 1994, if the labeling for such product does not provide nutrition information or make a claim subject to paragraph (r), if such person provided the notice described in subclause (iii), and if—

"(I) during the 12-month period preceding May 8, 1994, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 300 full-time equivalent employees and fewer than 600,000 units of such product were sold in the United States,

"(II) during the 12-month period preceding May 8, 1995, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 300 full-time equivalent employees and fewer than 400,000 units of such product were sold in the United States, or

"(III) during the 12-month period preceding May 8, 1996, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 200 full-time equivalent employees and fewer than 200,000 units of such product were sold in the United States.

"(iii) The notice referred to in subclauses (i) and (ii) shall be given to the Secretary prior to the beginning of the period during which the exemption under subclause (i) or (ii) is to be in effect, shall state that the person claiming such exemption for a food product has complied with the applicable requirements of subclause (i) or (ii), and shall—

"(I) state the average number of full-time equivalent employees such person employed during the 12 months preceding the date such person claims such exemption,

"(II) state the approximate number of units the person claiming the exemption sold in the United States,

"(III) in the exemption is claimed for a food product which was sold in the 12-month period preceding the period for which the exemption was claimed, state the approximate number of units of such product which were sold in the United States during such preceding period, and, if the exemption is claimed for a food product which was not sold in such preceding period, state the number of units of such product which such person reasonably anticipates will be sold in the United States during the period for which the exemption was claimed, and

"(IV) contain such information as the Secretary may require to verify the information required by the preceding provisions of this subclause if the Secretary has questioned the validity of such information.

If a person is not an importer, has fewer than 10 full—time equivalent employees, and sells fewer than 10,000 units of any food product in any year, such person is not required to file a notice for such product under this subclause for such year.

"(iv) In the case of a person who claimed an exemption under subclause (i) or (ii), if, during the period of such exemption, the number of full-time equivalent employees of such person exceeds the number in such subclause or if the number of food products sold in the United States exceeds the number in such subclause, such exemption shall extend to the expiration of 18 months after the date the number of full-time equivalent employees or food products sold exceeded the applicable number.

"(v) For any food product first introduced into interstate commerce after May 8, 2002, the Secretary may by regulation lower the employee or units of food products requirement of subclause (i) if the Secretary determines that the cost of compliance with such lower requirement will not place an undue burden on persons subject to such lower requirement.

"(vi) For purposes of subclauses (i), (ii), (iii), (iv), and (v)—

"(I) the term 'unit' means the packaging or, if there is no packaging, the form in which a food product is offered for sale to consumers,

"(II) the term 'food product' means food in any sized package which is manufactured by a single manufacturer or which bears the same brand name, which bears the same statement of identity, and which has similar preparation methods, and

"(III) the term 'person' in the case of a corporation includes all domestic and foreign affiliates of the corporation.".

SEC. 3. TECHNICAL AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) REFERENCE.—Whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(b) SECTION 201.—Paragraphs (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), and (ff) of section 201 (21 U.S.C 321) are redesignated as paragraphs (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), and (ee) respectively.

(c) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (j), by striking out "721, or 708" and inserting in lieu thereof "708, or 721"; and

(2) in subsection (s), by striking out "412(d)" and inserting in lieu thereof "412(e)".

(d) SECTION 302.—Section 302 (21 U.S.C. 332) is amended

(1) in subsection (a), by striking out ", and subject to" and all that follows through "381),", and

(2) in subsection (b), by striking out the second sentence.

(e) SECTION 303.—Section 303 (21 U.S.C. 333) is amended by redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(f) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(1), by striking out ": *Provided, however*, That no" and inserting in lieu thereof a period and "No", and

(2) in subsection (d)(1)—

(A) by striking out ": *Provided*, That after" and inserting in lieu thereof a period and "After",

(B) by striking out ": *Provided, however*, That the" and inserting in lieu thereof a period and "The",

(C) by striking out ": *And provided further*, That where" and inserting in lieu thereof a period and "Where", and

(D) by striking out "the foregoing proviso" and inserting in lieu thereof "the preceding sentence"

(g) SECTION 307.—Section 307(b)(3)(A) (21 U.S.C. 337(b)(3)(A)) is amended by striking out "Act" and inserting in lieu thereof "section".

(h) SECTION 401.—Section 401 (21 U.S.C. 341) is amended by striking out "and/or reasonable standards of fill of container: *Provided*, That no" and inserting in lieu thereof "or reasonable standards of fill of container. No".

(i) SECTION 402.—Section 402 (21 U.S.C. 342) is amended—

(1) by striking out "; or" at the end of subparagraphs (1) and (2) of paragraph (a) and inserting in lieu thereof a period and by striking out "if it" at the beginning of subparagraph (3) of such paragraph and inserting in lieu thereof "If it",

(2) in paragraph (d)(1), by striking out ": *Provided*, That this clause" and inserting in lieu thereof ", except that this subparagraph", and

(3) in paragraph (d)(3), by striking out ": *Provided*, That this clause" and inserting in lieu thereof ", except that this subparagraph" and by striking out ": *And provided further*, That the Secretary may, for the purpose of avoiding or resolving uncertainty as to the application of this clause" and inserting in lieu thereof ", except that the Secretary may, for the purpose of avoiding or resolving uncertainty as to the application of this subparagraph".

(j) SECTION 403.—Section 403 (21 U.S.C. 343) is amended—

(1) in paragraph (e), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(2) in paragraph (i), by striking out ", other than those sold as such" and inserting in lieu thereof "unless sold as spices, flavorings, or such colors" and by striking out ": *Provided*, That, to the extent" and inserting in lieu thereof a period and "To the extent",

(3) in paragraph (k), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(4) in paragraph (l), by striking out ": *Provided, however*, That" and inserting in lieu thereof ", except that";

(5) in paragraph (r)(1)(B), by striking out "5(D)" and inserting in lieu thereof "(5)(D)"; and

(6) in paragraph (r)(4)(B), by striking out "subsection" and inserting in lieu thereof "paragraph".

(k) SECTION 408.—Section 408 (21 U.S.C. 346a) is amended—

(1) in subsection (a)(1), by striking out "Secretary of Health and Human Services" and inserting in lieu thereof "Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the 'Administrator')",

(2) in subsection (d)(5), by striking out "section 7(c) of the Administrative Procedure Act (5 U.S.C., sec. 1006(c))" and inserting in lieu thereof "section 556(c) of title 5, United States Code",

(3) in subsection (l), by striking out "It the event" and inserting in lieu thereof "In the event",

(4) in subsection (n), by striking out "of the Federal Food, Drug, and Cosmetic Act",

(5) in subsection (o), by striking out "Secretary of Health and Human Services" each place it occurs and inserting in lieu thereof "Administrator", and

(6) by striking out "Secretary" each place it occurs except when followed by "of Agriculture" and inserting in lieu thereof "Administrator".

(l) SECTION 412.—Section 412(h) (21 U.S.C. 350a(h)) is amended by striking out "(c)(1)(B)," and inserting in lieu thereof "(e)(1)(B)".

(m) SECTION 502.—Section 502 (21 U.S.C. 352) is amended—

(1) in paragraph (e)(3), by striking out ": *Provided further*, That" and inserting in lieu thereof ", except that",

(2) in paragraph (f), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(3) in paragraph (g), by striking out ": *Provided*, That the method" and inserting in lieu thereof a period and "The method" and by striking out ": *Provided further*, That," and inserting in lieu thereof ", except that", and

(4) in paragraph (n), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that".

(n) SECTION 505.—Section 505 (21 U.S.C. 355) is amended—

(1) in subsection (j)(6)(A)—

(A) by striking out "Secretry" in clause (ii) and inserting in lieu thereof "Secretary", and

(B) by inserting a comma after "Secretary" the first time it appears in clause (iii).

(2) in subsection (k)(1), by striking out ": *Provided, however*, That regulations" and inserting in lieu thereof a period and "Regulations".

(o) SECTION 506.—Section 506(a) (21 U.S.C. 356(a)) is amended by striking out "Federal Security Administrator" and "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(p) SECTION 507.—Section 507 (21 U.S.C. 357) is amended—

(1) in subsection (a), by striking out "Federal Security Administrator" and "Administrator" each place it appears and inserting in lieu thereof "Secretary",

(2) in subsection (e)—

(A) by striking out "section 507" each place it occurs and inserting in lieu thereof "this section",

(B) by striking out "or 507" and inserting in lieu thereof "or this section", and

(C) by striking out ": *Provided*, That, for purposes" and inserting in lieu thereof a period and "For purposes",

(3) in subsection (g)(1), by striking out ": *Provided, however*, That regulations" and inserting in lieu thereof a period and "Regulations".

(4) in subsection (h), by striking out "507".

(q) SECTION 508.—Subsections (c) and (e) of section 508 (21 U.S.C. 358) are each amended by striking out "section 4 of the Administrative Procedure Act (5 U.S.C. 1003)" and inserting in lieu thereof "section 553 of title 5, United States Code".

(r) SECTION 512.—Section 512 (21 U.S.C. 360b) is amended—

(1) in subsection (c)(2)(A)(ii), by inserting "in" after "provided",

(2) in subsection (c)(2)(F)(i), by striking out "(C)(iii)" and inserting in lieu thereof "(D)(iii)",

(3) in subsection (c)(2)(H), by striking out "subclause" the first time it appears and inserting in lieu thereof "subclauses",

(4) in subsection (d)(1), by striking out "subparagraphs (A) through (G)" and inserting in lieu thereof "subparagraphs (A) through (I)", and

(5) in subsection (n)(1)—

(A) by striking out "201(w)" in subparagraphs (B)(ii)(II) and (C)(ii)(I) and inserting in lieu thereof "201(v)", and

(B) by striking out in the last sentence "(H)" and inserting in lieu thereof "(I)".

(s) SECTION 513.—Section 513(b)(3) (21 U.S.C 360c(b)(3)) is amended by striking out "5703(b)" and inserting in lieu thereof "5703".

(t) SECTION 515.—Section 515(c)(2)(A) (21 U.S.C. 360e(c)(2)(A)) is amended by striking out "refer such application".

(u) SECTION 519.—Section 519(a) (21 U.S.C. 360i(a)) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (7)".

(v) SECTION 527.—Section 527(b) (21 U.S.C. 360cc(b)) is amended—

(1) by striking out "507,," and inserting in lieu thereof "507,", and

(2) in paragraph (1), by striking out "The" and inserting in lieu thereof "the".

(w) SECTION 534.—Section 534(f)(2) (21 U.S.C. 360kk) is amended by striking out "this Act" and inserting in lieu thereof "the Public Health Service Act".

(x) SECTION 601.—Section 601(a) (21 U.S.C. 361) is amended by striking out ": *Provided*, That this" and inserting in lieu thereof ", except that this".

(y) SECTION 701.—Section 701 (21 U.S.C. 371) is amended—

(1) in subsection (e)(1), by striking out the period after "Regulations)" the second time it occurs, and

(2) in subsection (f)(4), by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

(z) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(2) by striking out ": *Provided further*, That" and inserting in lieu thereof ", and except that"

(aa) SECTION 704.—Section 704(a)(1) (21 U.S.C. 374(a)(1) is amended—

(1) by striking out the semicolon after "materials" and inserting in lieu thereof a comma, and

(2) by striking out "(j)" the first time it appears and inserting in lieu thereof "(k)".

(bb) SECTION 721.—Section 721(b)(5)(D) (21 U.S.C. 379e(b)(5)(D)) is amended by striking out "5703(b)" and inserting in lieu thereof "5703".

(cc) SECTION 801.—Section 801(b) (21 U.S.C. 381(b) is amended—

(1) by striking out "Administrator" the first time it occurs and inserting in lieu thereof "Secretary of Health and Human Services",

(2) by striking out "Administrator" the second and third time it occurs and inserting in lieu thereof "Secretary",

(3) by striking out "Administrator's" and inserting in lieu thereof "Secretary's", and

(4) by striking out "Federal Security Agency" and inserting in lieu thereof "Department of Health and Human Services".

(dd) AGRICULTURE.—

(1) Sections 201(c), 201(d), 701(b), and 801(a) (21 U.S.C. 321(c), 321(d), 371(b), and 381(a) are each amended by striking out "Agriculture" each place it appears and inserting in lieu thereof "Health and Human Services".

(2) Sections 702(c) and 706 (21 U.S.C. 372(c) and 376) are each amended by striking out "of Agriculture" each place it appears.

SEC. 4. TECHNICAL AMENDMENTS TO AMENDATORY ACTS.

(a) SAFE MEDICAL DEVICES ACT OF 1990.—

(1) Section 18(b) of the Safe Medical Devices Act of 1990 (Public Law 101-629) is amended by striking out "(b)(4)(B)" and inserting in lieu thereof "(b)",

(2) Section 19(a)(4) of the Safe Medical Devices Act of 1990 (Public Law 101-629) is amended—

(A) by striking out "as amended by paragraphs (1) and (2)" and inserting in lieu thereof "as amended by paragraphs (1), (2), and (3)",

(B) by striking out "530" and inserting in lieu thereof "531", and

(C) by striking out "354" and inserting in lieu thereof "355".

(b) MEDICAL DEVICE AMENDMENTS OF 1992.—Section 6(a) of the Medical Device Amendments of 1992 (Public Law 102-300) is amended by inserting "wherever appearing" after "'any of its principal'".

(c) NUTRITION LABELING AND EDUCATION ACT OF 1990.—Section 8 of the Nutrition Labeling and Education Act of 1990 is amended by striking the period at the end and inserting close quotation marks and a period.

HEALTH CARE REFORM

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. LIVINGSTON. Mr. Speaker, as this administration continues to deliberate on how to present and package their health care reform legislation, I hope they do not continue to rely on the Federal Government to administer every aspect of our health care delivery system. As the story by Doc. Peter Gott that appeared in the July 11 New Orleans Times Picayune indicates, we cannot afford to pass

more laws that put patient decisions in the hands of bureaucrats:

MEDICARE REFUSES A DYING MAN

(By Peter H. Gott, M.D.)

I had known my patient, an 82-year old man, for more than 20 years. When he came to the office because he felt weak, I was surprised; he ordinarily avoided medical attention—except for routine checkups a couple of times a year. He enjoyed his retirement and prided himself in enjoying good health. In fact, he believed that life's aches and pains were too trivial to need "doctoring." Nonetheless, he had subjected himself to the necessary medical supervision since having had a colon cancer removed six years before.

On examination, he was pale and had a prominent abdomen. Because his liver was enlarged, I obtained blood tests and discovered that his anemia was complicated by liver damage. Therefore, I chose to admit him to hospital on May 4; he was too unsteady on his feet for homecare. By May 6, I had discovered the cause of his problem: His colon cancer had spread to his liver, right shoulder blade and brain.

After reviewing the case, my cancer-specialist colleague confirmed the hopelessness of the situation. My patient had untreatable, metastatic cancer. We agreed that a comfort-oriented approach was appropriate and made plans to transfer my patient to a nursing home as soon as possible.

On May 7, a representative of the hospital utilization review committee informed me that my patient's hospitalization would be "denied," meaning that Medicare would not pay.

"Here is a man with advanced cancer who cannot function at home," I explained. "Why are his hospital benefits going to be denied?"

"Because he is not receiving acute care commensurate with that offered by a general hospital," the representative replied. "He is not getting physical therapy or a feeding tube, for example."

On May 10, the patient's sons arrived, one from Florida, the other from Colorado. We met with the patient and the four of us held a strategy session, during which I explained the situation in detail. The patient and his family agreed that life-saving measures would be inappropriate and would only add to his discomfort. The patient insisted that he did not want intravenous fluids (which were unnecessary) or transfusions. We settled on pain medicine (when needed) and a liquid diet. He was made comfortable.

During the week, the patient's clinical state steadily deteriorated. He slept much of the time but was able to visit with his sons, whom he had not seen since their mother's death several years before.

Finally, on May 14, thanks to the superhuman efforts of the hospital's Social Service department, he was transferred to a nursing home for terminal care.

On May 16, he quietly died in his sleep. Two days later, I received official notification from the Medicare authorities that his hospital benefits were denied because he "didn't need" the care offered in the hospital.

This is not a rare case. This sort of unjust decision is made—probably many times a day—by non-M.D. insurance and Medicare personnel. And it isn't going to improve under any future health-care plan. Rather, I suspect it will get worse. As the cost cutters strive to reduce medical bills, many sick patients—even the terminally ill—will be deprived of hospital benefits to which they assumed they were entitled.

Of course, I could have played the game by plugging my patient to IV feedings and performing heroic acts that would merely have postponed death. But these actions wouldn't have been in his best interests. My patient died after less than two weeks of hospitalization, with dignity and with minimal suffering. As I reflect on this unhappy event, I am troubled by two rhetorical questions:

Was Hillary Rodham Clinton's father denied Medicare benefits? And if he had been, would the new health-care proposals reflect this?

You see, in today's cut-throat, cost-containment feeding frenzy, it's not so much what you have as who you are that determines what you get.

COSPONSORING H.R. 962, BANKING REGULATORY RELIEF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mrs. ROUKEMA. Mr. Speaker, today I am joining many of my House colleagues in cosponsoring H.R. 962, the Financial Institutions Regulatory Paperwork Reduction Act. I do so out of concern for the amount of paperwork and costs associated with the regulation of our financial institutions, and the expanded role the agencies have been given as part of their regulatory responsibilities.

In addition to creating unnecessary paperwork, we may have, in our efforts to re-regulate our institutions in the wake of the S&L crisis, gone farther than necessary. In many cases, our regulatory agencies are no longer just examining our banks for the overall financial condition of the institution. They are, in fact, examining the day-to-day operations and business decisions of the banks which add to the paperwork and the regulatory burden.

As a member of the House Banking Committee, and a strong supporter of tough capital and regulatory standards, I have decided to cosponsor this legislation after careful review of current banking laws to see if there are specific statutes or regulations which are overly burdensome and costly to the banks and which do not enhance the safety and soundness of our financial institutions or serve to protect the general public.

After reviewing this legislation and after extensive communication with the New Jersey Bankers Association and many of our local banks in an attempt to understand the exact nature of the problem, I believe that there are such burdensome laws and that they should be considered for revision. Many of the provisions of H.R. 962 take this important step.

Unnecessary burdensome regulation do probably impose a cost on our financial institutions. But while the exact cost may be debatable any unnecessary cost does result in diminished earnings, does impair the ability of banks to raise capital and, in some cases, may limit lending capacity.

Now, I hold a rather healthy skepticism with respect to the argument that this regulatory and paperwork burden has somehow contributed to the credit crunch. The availability of credit was a problem long before the banking industry made regulatory relief their top priority. The fact is, banks and other institutions, over the past 3 or 4 years have been attempting to rebound from the enormous losses they incurred in real estate and other lending. In addition, the general state of the economy has, in the view of several in the Federal Reserve, lessened the demand for loans. Nevertheless, there is a credit availability problem especially with respect to the small business community and industries such as the homebuilding industry which must be addressed.

While recognizing the need to address the issues of regulatory reform and paperwork reduction my cosponsorship of H.R. 962 does not mean that I endorse all of the provisions of the bill. In fact, I have specific concerns with several provisions which I believe have very little to do with regulatory relief or paperwork reduction and a lot to do with the safety and soundness of our financial institutions.

First, FDICIA requires bank regulatory agencies to develop capital standards to account for interest rate risk, concentration of credit risk and the risk of nontraditional activities. H.R. 962 would delay the phasein of those standards until similar international capital standards are implemented. As a strong supporter of tough capital standards, I do not support this delay because there is no indication when those international standards will be agreed to.

Second, H.R. 962 would repeal the FDICIA requirement that banks disclose the true market value of their assets. This mark-to-market provision serves to give a truer estimate of the banks net exposure and should not be repealed.

Third, H.R. 962 would repeal current statutory limitations on the amount of loans banks may make to their own officers and directors. Abuses involving insider lending played a key role in many of the problems of our banks and thrifts. These sensible restrictions serve to protect the banks from abuse and should not limit the ability of banks to hire officers and directors.

Fourth, the legislation would modify the current annual examination requirements to allow certain banks to be examined every 2 years instead of every year. While the examination process is often long and cumbersome, the requirement for an annual exam should not be weakened.

Fifth, the legislation would amend the Truth in Lending Act and the Electronic Fund Transfer Act to place a higher burden of liability on consumers to pay for unauthorized charges to their credit cards or unauthorized use of ATM cards.

Finally, H.R. 962 attempts to create a safe harbor from the provisions of the Community Reinvestment Act by aggregating the ratings of subsidiary institutions of a bank holding company. While CRA paperwork should be reduced and performance goals substituted, the basic requirements of CRA should not be eliminated.

Mr. Speaker, in conclusion, I am cosponsoring H.R. 962 because I believe that unnecessary and costly rules and regulations should be eliminated or revised. The general thrust of this legislation would accomplish this goal. However, I believe the larger and more important issues which must yet be addressed are the issues of interstate banking and branching

and the careful revision of Glass-Steagall laws.

I have reservations about this bill which I have highlighted. These concerns have more to do with the safety and soundness of the banking industry than with paperwork reduction.

I look forward to working with the authors of this legislation, the gentleman from Nebraska, Mr. BEREUTER and the gentleman from Florida, Mr. BACCHUS, and others to craft a regulatory burden relief bill which can move through the Banking Committee and will result in regulatory relief while not impairing the safety and soundness of our institutions.

TRIBUTE TO WILLIAM F. ANDERSON

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. BAKER of California. Mr. Speaker, William F. Anderson, 80, has been a Contra Costa County resident since childhood. He began his real estate career in 1936 in Walnut Creek and, except for military service from 1942–45, has been an active realtor for 50 years.

Bill Anderson has served on the Contra Costa Association of Realtors board of directors for over 10 years, serving as its president in 1948. Mr. Anderson has also been active in the California Association of Realtors, chairing many committees and serving on its executive committee 8 years. He was awarded the honorary presidency in 1978. Anderson has also served the real estate profession as a National Association of Realtors director for 10 years.

William F. Anderson is a community leader dedicating much of his time to charitable, civic, religious, and political organizations. He has served on the Walnut Creek planning commission plus Chamber of Commerce president in past years.

The Contra Costa Association of Realtors are honoring Bill Anderson with a testimonial dinner on August 6, 1993, and the County Board of Supervisors have proclaimed that day as William F. Anderson Day in his honor. The Congress of the United States is privileged to acknowledge the accomplishments of William F. Anderson as a civic and community leader and bringing the American dream of home ownership to thousands of Contra Costa residents.

THE PRESIDENT'S "SCHOOL-TO-WORK TRANSITION ACT OF 1993"

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1993

Mr. GOODLING. Mr. Speaker, I am pleased to join with Chairman FORD, others today, in the introduction of President's School-to-Work Transition Act 0f 1993. This legislation is designed to bring together partnerships of employers, educators, and others for the purpose of building a high quality school-to-work system in the United States. Such a system would prepare this Nation's youth for careers in high-skill, high-wage jobs. For this reason, I look forward to working with the administration, in a bipartisan manner, to further develop this legislation, and to see the establishment of such a comprehensive school-to-work system in this country.

It has become a well-known statistic in recent years, that only about 50 percent, or approximately 1.4 million of this Nation's youth enter some form of postsecondary education the fall after they graduate high school. Of these, only about half successfully complete a baccalaureate degree. For the remainder, representing three out of four U.S. youth, a rough and often painful transition to a career begins. Yet our U.S. educational system continues to be disproportionately geared to meeting the needs of college-bound youth. There is simply no mechanism in our schools to link young people to employers. As a result, youth unemployment stays consistently at three times the level of adult unemployment. For minority youth, it is often five times that of the adult level. Yet good jobs do exist.

Seventy-five percent of the jobs in the United States do not require a 4 year college education. However good jobs, with career potential, do require a strong foundation in academic, technical, and employability skills, and many require some form of postsecondary education or training.

While not identical, the legislation we are introducing today, shares many of the key components of a bill that Representative STEVE GUNDERSON and I introduced earlier this year to create a system of school-to-work transition and youth apprenticeship programs in the United States. Both measures provide considerable flexibility at the State and local levels—allowing local communities to develop programs that meet their individual economic and labor market needs. Both are built around partnerships at the local level, that bring employers, schools, workers, and students together to design the system. Both bills require the integration of school-based and work-based learning. And both bills are designed so that the successful completion of a school-to-work program will lead to a high school diploma, a portable certificate of competency in an occupation, a certificate or diploma from a postsecondary institution, if appropriate, and employment in a high-skill, high-paying job.

There is growing consensus in this country that U.S. competitiveness is directly dependent on the skills levels of our work force. While I do not necessarily agree with every minute detail this legislation, and I look forward to working with the administration on these points of difference, I strongly agree with the overall thrust of the bill—that of moving our educational system into the 21st century.