

## EXTENSIONS OF REMARKS

WORLD FOOD DAY  
TELECONFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GILMAN. Mr. Speaker, October 16, 1992, marked another World Food Day and another Inter-American World Food Day Teleconference, the ninth in a series that began in 1984. This teleconference was recognized by the relevant United Nations organizations as an important preparatory activity for the International Conference on Nutrition [ICN] which was held a few weeks later in Rome under the auspices of the Food and Agriculture Organization and the World Health Organization. The United States played an important role in that conference, and so did a strong coalition of American nongovernmental organizations, and we are generally pleased with the result. Under the ICN plan of action each nation is committed to develop a specific national nutrition plan and to submit that plan to the FAO by December 1994. Today I am happy to announce that preparations for a U.S. nutrition plan of action are moving ahead and that a meeting to discuss it is being held August 4 sponsored by the Departments of Agriculture and Health and Human Services and by the Agency for International Development.

Pat Young and the U.S. Committee for World Food Day are deserving of our gratitude for their work in bringing this important issue to public attention and in helping prepare for the international conference. I also want to thank the U.S. Information Agency and the Agency for International Development for their support and technical assistance in the organization of the World Food Day Teleconference. I especially want to praise USIA WorldNet for a job well done in carrying the program throughout Latin America and the Caribbean.

Mr. Speaker, I invite my colleagues to read the executive summary of the World Food Day Teleconference, which I request be inserted at this point in the RECORD:

1992 WORLD FOOD DAY TELECONFERENCE  
EXECUTIVE SUMMARY

The Ninth Annual World Food Day Teleconference was broadcast from the studios of George Washington University Television in Washington, DC on October 16, 1992. It linked a distinguished panel of experts on food, nutrition and economic development issues to 1,000 receive sites in the United States and throughout the Western Hemisphere. The theme for this teleconference was "Nutrition: Linking Food, Health and Development."

After years of growth since the World Food Day teleconference series began in 1984 (actually doubling the number of sites from 500 to 1000 in 1992) the program is believed to be the largest, single development education broadcast ever organized in the U.S. The Spanish-language broadcast, involving si-

multaneous interpretation from English, began in 1990 with a pilot project in Mexico through the cooperation of the Instituto Tecnológico de Monterrey, which relayed the broadcast in Spanish to its 26 national campuses over Mexico's Morelos II satellite. Outreach to the rest of Latin America and the Caribbean was initiated in 1992 with the support of the UN Food and Agriculture Organization and the U.S. Information Agency WorldNet System.

World Food Day, held for the first time in 1981 and marking the anniversary of the founding of FAO in 1945, has captured the imagination of people throughout the world. In the U.S. the day is observed in virtually every community in the country, with especially strong support in schools and worship centers. The U.S. National Committee for World Food Day has grown in membership to more than 450 private voluntary organizations and works directly at the grassroots through 20,000 community organizers.

Serving on the teleconference expert panel in 1992 were Richard Jolly, deputy director for programs at UNICEF, Dr. Fernando Monckeberg, director of the Chilean Institute of Nutrition and Food Technology, Dr. A. Wynante Patterson, director of the Caribbean Food and Nutrition Institute located in Jamaica, and Dr. Per Pinstrup Andersen, director-general of the International Food Policy Research Institute in Washington, DC. TV and film star Eddie Albert hosted the program for the ninth straight year, and the moderator was CNN Washington correspondent Deborah Potter. FAO Director-General Edouard Saouma also appeared on the program through a special videotape message from the organization's Rome headquarters.

## THE TELECONFERENCE CONCEPT

In the U.S. the World Food Day Teleconference has become a model for development education on global issues, in part because of the enormous growth in interactive site participation and the additional millions of viewers accessed through collaborating networks and in part because of the year-around use of the programs' study materials and the teleconference videotape itself in college-level courses in a great variety of disciplines. The "internationalization" of the program since 1990 has further increased its impact and was broadly welcomed by participating colleges and universities in the U.S. The main components of the teleconference package are: (1) a Study/Action Packet of print materials prepared by the non-governmental U.S. National Committee for World Food Day and distributed to all participating schools and other study centers (and distributed in Spanish translation to the participating sites in Latin America); (2) the three-hour satellite telecast on World Food Day composed of three hour-long segments for expert panel presentations, site consideration of the issues and a site-panel question and answer interchange; (3) publication of the Teleconference Report including written responses by panelists to questions that were not taken up on the air for reasons of time; and (4) analysis by selected site organizers after each year's program to make recommendations for the year to follow. All of the main teleconference components are designed as college-level curricular aids.

## THE STUDY/ACTION PACKET

The Study/Action Packet is designed as an integral part of the teleconference package, but also serves as a separate study resource for groups planning World Food Day observances but not participating in the telecast. More than 1,500 copies of the packet were distributed on request in the months prior to the broadcast to colleges, other institutions, community study groups, schools and individuals. All or part of the packet materials were reproduced by many of the participating sites.

Again in 1992 the Study/Action Packet was translated into Spanish and reprinted by the FAO Regional Office for Latin America and the Caribbean and distributed throughout the region throughout the network of FAO country representatives. Copies of the English version were also distributed to U.S. embassies by USIA WorldNet.

The 1992 packet was developed by the U.S. National Committee for World Food Day with the cooperation of several institutions and organizations which provided special contributions from their own research and analysis. The theme for the 1992 teleconference, showing the integral links between how nutrition can be seen as the link between problems of food, health and economic development, was chosen to complement the preparations for the International Conference on Nutrition, which was held in Rome in December 1992. The conference was sponsored jointly by FAO and the World Health Organization. The study/action packet, although not intended as a comprehensive analysis of all the issues, served as an overview of the issues facing the world conference. It dealt especially with nutrition problems and solutions offered by countries in the Western Hemisphere. Separate viewpoint papers on specific nutrition issues were contributed by David Korten of the People Centered Development Forum, Alan Berg, senior nutrition consultant of the World Bank, E.J.R. Hayward, former deputy executive director of UNICEF, and Dr. Nevin S. Scrimshaw, director of the Food, Nutrition and Human Development Program at the United Nations University. Days before, Scrimshaw had been awarded the World Food Prize. For the third year, the packet also included a special "manual of modules" for integration of the teleconference and study packet into college curriculum and continuing education. Eleven specific course outlines were included which were contributed by university professors as well as a special commentary on trends in nutrition education in American medical schools by Dr. Eleanor Young of the University of Texas Health Science Center.

This was the ninth study/action packet prepared in conjunction with the teleconference series and the fourth to be undertaken directly by the U.S. National Committee for World Food Day. Previous packets were prepared by the Center for Advanced International Studies at Michigan State University and by the Office of International Agriculture at the University of Illinois. Funding for the 1992 packet was partially provided by the Agency for International Development. General funding for the teleconference program was provided by the U.S. National

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

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

Committee for World Food Day, FAO, Covenant Presbyterian Church of Scranton PA and the Xerox Foundation.

#### TELECONFERENCE OUTREACH

The WFD Teleconference has grown each year since it was begun in 1984, reaching 1,000 interactive sites in the U.S., Canada, Latin America and the Caribbean in 1992. Although the highlight of the 1992 growth was through the satellite links to all countries of the Americas, the event also was marked by important developments in the U.S., where the great majority of participating sites are located. The near doubling of teleconference sites between 1991 and 1992 is traced by the program organizers to the nutrition issue, embracing medical as well as food concerns.

Teleconference impact continued to grow in at least three other ways. For the seventh year the program was used by professional organizations for continuing education credits. These credits (or professional development units) were offered again in 1992 by the American Dietetic Association, the American Home Economics Association and, through the Catholic University of America, to clergy and social service professionals. Beginning in 1989 there has been a steady rise in teleconference participation by high school students, initiated by both individual schools and school systems. The audience of home television sets accessed by cooperating networks is believed to be in the millions, reached through the Catholic Telecommunications Network of America, AgSat, Vision Interfaith Satellite Network, PBS Adult Learning Satellite Service and individual PBS and cable stations.

#### LOCAL SITE PROGRAMS

Over the nine year experience of the teleconference, organizers believe the single most important development has been the growth of programs initiated at the participating sites, both through curriculum integration and extra-curricular activities, in which the actual telecast is only one element. A main thrust of the teleconference over the past three years has been to increase course and class use of the teleconference study components, and 1992 reports from the sites reveal the range of this evolution. They show, first of all, the broadening interest in global food/hunger issues beyond the obvious disciplines of nutrition, international agriculture and economics into courses such as anthropology, biology, chemistry, food science, languages, literature, religion, women's studies and many more. Courses in journalism, electronic media and public affairs often use the site activities for "hands on" work/service projects.

Extra-curricular activities are part of the World Food Day program at most of the teleconference sites. Site reports show activities such as fasts in residence and dining halls to raise funds for world hunger relief, concerts and film festivals, panel discussions and seminars with prominent invited guests, college-community joint study/action to support local food programs, visits to poverty areas to offer work support such as carpentry and painting, special food programs to show Third World diets and hunger, and a great range of devices to encourage anti-poverty fund-raising. In many cases these activities continue over a day, a week or even a month.

#### TELECONFERENCE BROADCAST SUMMARY

As in previous years, the teleconference broadcast was opened by film star Eddie Albert who was followed by the taped message from FAO Director-General Saouma. Dr. Saouma spoke of this hopes for the Inter-

national Conference on Nutrition to open just weeks later and said that he considered the teleconference an important preparatory activity to the ICN. The moderator, Deborah Potter, then noted that good nutrition did not automatically follow from economic progress and that overconsumption and consumption of harmful foods existed side by side with underconsumption in all world societies. She also pointed to the special nutritional problems of new mothers and children. She then posed the first question to Dr. Jolly, asking him, as an example, to compare the problems of Canada and Somalia. Dr. Jolly said that it was in fact useful to compare the similarity of problems between children in poor countries and in the slum areas of rich countries. He said the International Conference on Nutrition should concentrate on three elements of nutrition that should be taken together—food, health and family care.

Dr. Pinstrup-Andersen then noted that nutrition was very broad and amorphous concept and that obesity was a nutritional problem linked mostly to rich countries while severe undernutrition was more a problem of the Third World. He also said that it was necessary to differentiate between the malnutrition of acute food emergencies such as famine and the chronic malnutrition of the kind that leaves more than 200 million preschool children seriously underweight for their age.

Dr. Patterson stressed the need for more awareness of undernutrition and malnutrition among vulnerable groups of any society, such as the aged, women and children, and especially women who are pregnant or lactating. The fourth panelist, Dr. Monckeberg, in response to a question about the nutrition problems of Latin America, said that even though Latin American countries were considered the "middle class" on the world development scale a majority of children in the region live in poverty and suffer from some degree of malnutrition, sometimes very serious.

The moderator then asked the panel which of the many nutritional problems could be addressed first, even as it was understood that progress was needed everywhere. Dr. Jolly said that his first choice would be on correcting micronutrient deficiencies. He cited Vitamin A deficiency, which can cause blindness, iodine deficiency, which leads to severe mental retardation, and iron deficiency, resulting in anemia. He said he believed Vitamin A deficiency could be eliminated throughout the world by the year 2000 given sufficient political will. Other panelists agreed that this should be possible, but Dr. Monckeberg noted that a major reduction in malnutrition would not be possible without a parallel reduction in poverty, which would be much more difficult.

Dr. Patterson suggested that there were short, medium and long term goals, and that while poverty could not be eliminated in the short or even medium term, there were things that could be done immediately, such as public health and nutrition education to incorporate micronutrients in the daily diet. Dr. Pinstrup-Andersen added that there were human behavioral problems to be considered that would decide whether technical solutions were feasible. He stressed the need to promote primary health care in rural and urban areas of developing countries.

Ms. Potter then asked the panel how important it is to have early health care intervention. Dr. Patterson replied that breast milk is the most economical and nutritionally sound food for infants and very young

children. She cited problems causing the decline in breastfeeding, including infant formula advertising and the rise in female employment. Dr. Jolly said that male-dominated societies must learn the importance of special support for breastfeeding, and he emphasized the need to extend breastfeeding for at least one year.

Dr. Monckeberg was asked to address the breastfeeding problem from the viewpoint of a trained physician. He agreed that breastfeeding was fundamental to good nutrition, but added again that the core problem was poverty and consequent lack of money to buy food. In North America, he noted, food purchases normally take about 12% of family budgets, while in Latin America the figure rises to 50 or 60%.

Dr. Pinstrup-Andersen then suggested that there were two broad approaches to improving nutrition. First, he said, it was necessary to get people and communities to identify their problems and seek local solutions; second, there was the need for government policies that were conscious of nutritional variables. As an example, he noted that such policies could expand food production or reduce production and marketing costs, thereby lowering the cost of food to the poor. Lowering food costs, he said, was equivalent to raising incomes. Dr. Patterson, while agreeing that food costs were a decisive factor in family nutrition, added that food habits could worsen even with greater income and that there was a basic need for education and information dissemination to teach good nutritional practices. She also added that even though national and global policies were important it was also essential to promote household education.

Dr. Jolly added that an exciting aspect of the ICN was to compare actual experiences in bridging the gap between national policy and household practice. He cited the example of Tanzania where there is a nationwide community-level program of weighing children each month and then discussing causes if a child is not gaining weight as expected. Dr. Monckeberg said the problem in Latin America was one of loss of community through a huge migration to the cities. During the past three decades, he said, regional population has doubled, but urban population had risen five times. Two-thirds of all Latin Americans now live in cities, he said, and two thirds of these city dwellers have new and serious nutritional deficiencies.

The moderator then asked the panel for specific success stories. Dr. Jolly cited two African countries, Botswana and Tanzania, which were making real progress in reducing malnutrition, and then asked Dr. Monckeberg to describe the situation in Chile, another example of a successful program. Dr. Monckeberg noted that undernutrition had almost disappeared in his country as a result of 30 years' work in nutrition intervention strategy. He said this strategy included priorities on primary health care, nutrition intervention through the public health care system of local clinics, family planning, universal public education, and finally programs of housing and sanitation.

Dr. Jolly noted that three countries in Latin America—with marked differences in political ideology—Cuba, Chile and Costa Rica—all had made great strides in nutrition programs. Dr. Monckeberg agreed but said that although the political ideologies were different the interventionist policies were the same—based on education, sanitation and use of the health care systems to reach the people.

The moderator then asked the panel to discuss education and behavioral problems. Dr. Monckeberg noted that with an increase in incomes people can make choices in their diet, thus changing food habits. This often leads to an increase in animal protein, fat and sugar consumption. Dr. Patterson noted that these richer diets were the cause of higher levels of obesity, heart disease, high blood pressure, strokes and even cancer. Dr. Jolly added that education could and should change habits of baby feeding. It has now been found that babies do better if fed many times a day, he said, and frequency of feeding needs to be considered in the same way as quality and amount of food consumed.

In a final question to the panel, the moderator asked what their hopes would be for the outcome of the International Conference on Nutrition. Dr. Jolly began by saying that the most important thing would be for each country to accept and really work toward nutritional goals and targets such as were outlined at the World Summit for Children. Dr. Patterson said she hoped the governments would give to agriculture a nutritional as well as economic incentive, producing foods with better nutrition. Dr. Pinstrup-Andersen said that the conference provided a major opportunity to heighten world attention to nutritional needs, but he warned that it was too easy for people to make a grand statement at a world conference and then go home to business as usual. Dr. Monckeberg added that nutritional policies in poor countries must give a higher priority to food production. There needs to be much more food, he said, and we need to grow it in the countries where the people need it.

#### THIRD HOUR QUESTIONS AND ANSWERS

As in previous years, the third hour of the teleconference program was devoted to questions directed to the panel members from participating sites. All questions received were answered, either on the air or by the panel in writing afterwards. More than 60 questions were received, including several from Latin America and the Caribbean.

Subjects in which there tended to be the broadest interest among the participating sites included: how to organize food production and marketing to provide income for farmers and also food for the people; the role of population growth and family planning in controlling hunger and malnutrition; how to promote breastfeeding and overcome cultural and workplace factors and business practices tending to discourage it; and the effectiveness and value of international food aid programs. In some contrast to previous teleconferences, the four panelists tended to agree on problems and even on solutions, and all called on governments to give nutrition programs a higher priority and to incorporate them into over-all economic development strategies.

#### HELP PLUG THE HOLES IN U.N. EMBARGOES

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. STARK. Mr. Speaker, I am pleased that my colleagues, the gentleman from Massachusetts [Mr. FRANK], the gentleman from New York [Mr. McNULTY], the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gen-

tleman from Indiana [Mr. JACOBS], the gentleman from New Jersey [Mr. HUGHES], the gentleman from Massachusetts [Mr. OLVER], the gentleman from Vermont [Mr. SANDERS], and the gentleman from New York [Mr. ENGEL] are joining me today in introducing the United Nations Security Council Sanctions Enforcement Act.

This legislation would impose sanctions on countries and companies that violate U.N. sanctions, unless the President certifies that the sanctions would have a serious adverse effect on vital U.S. interests. These sanctions include prohibiting imports and exports of goods; stopping foreign, financial, and military assistance; and denying commercial credit to countries.

Besides providing a forum for the international community to discuss world crises, the United Nations works to end conflict through such means as embargoes. But what is the good of imposing embargoes if nations or corporations flout them by selling to sanctioned countries?

How many more loans will be made to South Africa? How many more guns will be sent to Somalia? Ignoring the problem will only ensure that more violations will occur.

In March, a shipment of eight Malaysian-made steel reactor vessels which could have been used to make nerve gas or mustard gas, was seized in Singapore on its way to Libya.

During the gulf war, as another example, hundreds of German companies sold vital technology to Iraq. Now, during the current crisis in Bosnia and Herzegovina, the former Yugoslavian Republic of Macedonia is creating an enormous leak in the U.N. trade and oil embargoes against Serbia and Montenegro. By selling millions of dollars in oil and other vital goods to Serbia, Macedonia is helping to prolong the violence.

These flagrant violations of sanctions serve to diminish the effectiveness of the United Nations and increase the possibility that U.S. troops will be sent to troubled areas when sanctions appear not to work. We must support the efforts on the United Nations to end bloodshed through nonviolent means such as embargoes.

We are introducing the United Nations Security Council Sanctions Enforcement Act as a means of strengthening the enforcement power of the United Nations through U.S. economic backing. By imposing sanctions on countries and companies that violate U.N. sanctions, we can show our support for U.N. efforts that target countries which disrupt world peace. We urge you to support this initiative.

#### THE NATURAL DISASTER PROTECTION ACT

**HON. NORMAN Y. MINETA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. MINETA. Mr. Speaker, the Loma Prieta earthquake, the devastating hurricanes of Andrew, Iniki, and Hugo, and the current floods in the Midwest, demonstrate the vulnerability of our modern society to natural disasters. The human suffering and psychological after-effects on the survivors is difficult to measure.

The recent disasters have also added significant financial costs to the Federal Government's disaster relief programs and to private insurers due to losses that are many times higher than disasters of only a few years ago.

As people try to pick up their lives after a disaster, many are finding it impossible once they rebuild their homes to continue to carry homeowners insurance because such insurance is no longer available. Since Hurricane Iniki, most insurers have abandoned Hawaii. Sometimes lenders are able to find insurance for their borrowers but at costs that are 400 percent or more than previous rates. The high cost of specific peril insurance has left many Californians underinsured. Only 20 percent of Californians carry earthquake coverage; in the Midwest, which also is vulnerable to earthquakes, only 5 percent carry the insurance.

In the Virgin Islands where regular homeowners insurance has not been available since Hurricane Hugo, islanders who try to buy homes find it is impossible to get insurance and hence impossible to get a mortgage. Today hardly any homes are being sold in the Virgin Islands because of this problem. Homeowners live fearfully without insurance.

The major reason for the lack of affordable insurance, is that the reinsurance industry has determined that the risk of a catastrophic disaster makes such investments too risky. They have determined that insuring the monumental losses possible, despite their small likelihood, is not worth bankrupting their companies.

The 1993 Natural Disaster Protection Act which I am introducing today is designed to address the problem of the consequences of future catastrophic disasters. The bill creates a fund, paid for by a small charge on present homeowners policies, to create a Federal reinsurance fund. Such a fund would backstop insurance if the private insurance industry is overwhelmed by a disaster whose financial consequences are higher than Hurricane Andrew. An important part of the bill is the encouragement given local and State governments to strengthen present mitigation efforts.

In the present Flood Insurance Program many homeowners are required to have flood coverage but do not carry the necessary insurance. There is a requirement in the bill for a study to find a solution to the problem.

The proposal consists of three elements: First, incentives to State and local governments to enhance their disaster planning and mitigation efforts; second, federally sponsored primary insurance for earthquake and volcanic eruption; and third; a reinsurance program for losses from hurricanes, earthquakes, volcanic eruptions and tsunamis.

#### PLANNING AND MITIGATION

The bill would provide financial assistance to State and local governments to improve efforts to plan for disaster avoidance and response, as well as fund mitigation activities. To qualify, States would have to adopt one of several model building and safety codes and comply with the Flood Insurance Program. States must develop mitigation plans for disaster prone areas. It is expected that a large part of the funds will be used to improve inspections and compliance with building codes.

#### PRIMARY INSURANCE

The bill requires FEMA to develop a primary insurance program to insure losses arising

from earthquake and volcanic eruption, and a resulting tsunami, for residential properties located in earthquake and volcanic-eruption prone States.

The bill establishes a primary insurance program fund consisting of the premiums collected from the policyholders. The fund serves as the source of payment for claims, and the fund has authority to borrow from the Treasury if assets are inadequate to pay claims.

#### REINSURANCE PROGRAM

The bill establishes a Federal Excess Reinsurance Program for losses connected with hurricane, earthquake, volcanic eruption or tsunami. This program is funded by participating insurance companies paying actuarially based rates, established by FEMA, into a reinsurance fund established in the Treasury.

The reinsurance fund is available to pay losses in two instances: First, losses from hurricane, earthquake, volcanic eruption, and tsunami events occurring during any 12-month period that exceed 15 percent of property and casualty insurance industry surplus, and second, losses to an individual insurer from such an event which results in losses to that company in excess of 20 percent of surplus. The industry-wide threshold of 15 percent of surplus is currently estimated at about \$28 billion, and has never been reached.

#### FLOOD INSURANCE

The bill includes requirements for FEMA to evaluate the feasibility and benefits of including flooding as a covered peril under the primary insurance program established in the bill. The bill also requires insurance agents and brokers participating in the flood insurance program to notify FEMA of any policyholder who refuses to purchase flood insurance, if the individual is required to purchase such insurance. Once FEMA is notified, it is to take necessary and appropriate steps to assure the purchase of flood insurance by the individual.

Clearly a major step to mitigate the losses from catastrophic and other disasters in the updating and enforcing of appropriate building codes. Insurers have estimated that 30 to 40 percent of the losses from Hurricane Andrew could have been avoided if existing building codes had been properly enforced. We must make sure in any legislation that proper incentives are in place for citizens to keep the loss due to disasters to a minimum.

As the chairman of the Committee on Public Works and Transportation that has legislative authority over the Stafford Disaster Relief and Emergency Assistance Act, I know that in times of disasters Americans willingly sacrifice for their neighbors. And our citizens expect the Government to do what it can to ameliorate the suffering. In case of the "big one," or other disasters, the Government will be expected to do all it is capable of doing to put peoples' lives back together. This bill could help to lower the financial cost to the Government by encouraging mitigation efforts and backstopping the insurance industry so that the private insurers will bear a greater part of the loss.

This is unlikely to be the only bill on this subject introduced during this Congress. This is a problem that is growing and one that the Congress must address. No legislation will, of course, be able to prevent acts of nature from inflicting damage to our Nation. But I believe that we can help to limit the damage and

speed recovery. That is the intent of this legislation.

#### H.R. 2873

*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 shall be cited as the "Natural Disaster Protection Act of 1993".

#### SEC. 2. FINDINGS AND PURPOSES.

Section 101 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121) is amended as follows:

(a) In subsection (a) by—

- (1) striking "and" in paragraph (1);
- (2) inserting "and" following the semicolon in paragraph (2);
- (3) inserting the following new paragraph before "special measures":

"(3) because catastrophic natural disasters, such as major hurricanes, earthquakes, and volcanic eruptions, pose particular problems in terms of substantial long-term consequences, ill-equipped preparedness efforts, lack of hazard mitigation measures (such as enforced building codes), and inadequate insurance and reinsurance coverage;"

(4) inserting "promoting hazard mitigation compliance and in" after "affected States in"; and

(5) inserting "insurance and reinsurance coverage," after "rendering of aid, assistance,"

(b) In subsection (b) by—

(1) inserting before the semicolon in paragraph (1) "by including State hazard mitigation compliance, Federal primary insurance, and Federal excess reinsurance programs";

(2) inserting after "preparedness" in paragraph (2) ", hazard mitigation compliance,";

(3) striking the second "and" in paragraph (3) and inserting in lieu thereof ", hazard mitigation, emergency first response";

(4) striking "insurance coverage" in paragraph (4) and inserting in lieu thereof "multi-hazard primary insurance coverage with premiums based on risk";

(5) inserting before the semicolon in paragraph (4) "and creating a Federal excess reinsurance program in partnership with the private-sector to speed rebuilding following a catastrophic natural disaster";

(6) inserting before the semicolon in paragraph (5) "and the adoption and enforcement of multi-hazard building codes, and improved first responder capabilities"; and

(7) inserting after "disasters" in paragraph (6) "and a self-sustaining funding mechanism to help States pay for hazard mitigation."

#### SEC. 3. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended as follows:

(a) In paragraph (7) add "the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation," following "United States Postal Service,".

(b) Add at the end the following new paragraphs:

"(10) The term 'critical facilities' means schools and structures essential to emergency services necessary for post natural disaster recovery (including hospitals, fire and police facilities, temporary shelters, and emergency operating and preparedness centers).

"(11) The term 'Director' means the Director of the Federal Emergency Management Agency.

"(12) The term 'disaster-prone State' means any State determined by the Director pursuant to section 701 to be a hurricane-prone, windstorm-prone, earthquake-prone,

volcanic eruption-prone, or flood-prone State.

"(13) The term 'earthquake' means any shaking or trembling of the crust of the earth caused by underground seismic forces or by breaking and shifting of rock beneath the surface.

"(14) The term 'earthquake-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the earthquake peril.

"(15) The term 'Federal assistance' means any form of financial aid, including grants, loans, loan-guarantees, subsidies, insurance, and payments, provided by a Federal agency.

"(16) The term 'first responder' means those fire fighting, police, and emergency medical personnel with the statutory authority to engage in and provide immediate emergency response services.

"(17) The term 'flood' or 'flooding' mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

"(18) The term 'flood-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the flood peril.

"(19) The term 'hurricane' means a non-frontal, warm core, low pressure atmospheric system having a definite organized circulation, including any associated windstorm events occurring within 72 hours before and after the hurricane, with sustained wind speeds of 74 miles per hour or greater and officially declared to be a hurricane by the National Hurricane Center.

"(20) The term 'hurricane-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the hurricane peril.

"(21) The term 'hurricane zone' means an area within a State identified by the Director as being subject to major risk from the hurricane peril.

"(22) The term 'insurance industry' means all private insurers and private reinsurers.

"(23) The term 'lifelines' means critical public infrastructure, including highways, bridges, water transportation and treatment facilities, electric transmission systems, pipelines, and telecommunications networks.

"(24) The term 'local community' means a political subdivision of a State which has zoning and building code jurisdiction over a particular area which is exposed to the hurricane, windstorm, earthquake, volcanic eruption, or flood peril.

"(25) The term 'multi-hazard coverage' means policies, riders, or endorsements of insurance issued on Federal paper pursuant to subtitle A of title VIII that provide indemnity, in whole or in part, for the loss, destruction, or damage of residential property.

"(26) The term 'ordinance or law coverage' means insurance coverage for the increased cost of construction to repair or rebuild structures and the cost of demolition due to the enforcement of any ordinance or law, such as building codes.

"(27) The term 'private insurer' and 'private reinsurer' mean any insurer or reinsurer that is (A) licensed or admitted to write property and casualty insurance or reinsurance within a State, or (B) is a branch of an insurer or reinsurer organized or incorporated in a country other than the United States that is entered through and licensed by a State to conduct insurance or reinsurance business. In the case of an insurance exchange or group of unincorporated underwriters, the term means an underwriting

syndicate, notwithstanding the licensed or admitted status of the insurance exchange or group of unincorporated underwriters.

"(28) The term 'residential property' means (A) 1-to 4-family residential structure (including mobile or manufactured homes) and the personal property therein, and (B) personal property of occupants of residential structures (including condominiums, cooperatives, and apartment structures).

"(29) The term 'seismic zone' means an area within a State identified by the Director as being subject to major risk from the earthquake peril.

"(30) The term 'State residual insurance pooling program' means any State-authorized joint underwriting or joint reinsurance association, risk pool, residual market mechanism, or other type of State-sanctioned entity providing property insurance coverage against hurricanes, earthquakes, volcanic eruptions, or tsunamis.

"(31) The term 'substantially modified building construction' means additions or improvements to an existing structure which constitute at least a 50 percent increase in the overall value of the structure.

"(32) The term 'supplemental losses' means claim and loss adjustment expense payments for the multi-hazard coverage issued pursuant to subtitle A of title VIII that exceed the accumulated amounts in the Primary Insurance Program Fund.

"(33) The term 'tsunami' means an ocean wave generated by underwater disturbances in the earth's crust, primarily earthquakes and submarine volcanic eruptions.

"(34) The term 'volcanic eruption' means the expulsion, as a result of natural causes, of molten rock, rock fragments, gases, ashes, mud, lava flows, and other natural substances through an opening in the crust of the Earth.

"(35) The term 'volcanic eruption-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the volcanic eruption peril.

"(36) The term 'volcanic zone' means an area within a State identified by the Director as being subject to major risk from the volcanic eruption peril.

"(37) The term 'windstorm' means an atmospheric disturbance marked by high velocity movements of air, such as a tornado, but does not include a hurricane.

"(38) The term 'windstorm-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the windstorm peril."

#### SEC. 4. DISASTER ASSISTANCE AMENDMENTS.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended as follows:

(a) In section 404 (42 U.S.C. 5170c), add "(a) HAZARD MITIGATION GRANTS.—" following the section heading and add following new subsections at the end:

"(b) HAZARD MITIGATION INITIATIVES.—Consistent with this title and other existing Federal law, the Director shall develop programs to carry out the following multi-hazard mitigation and emergency management initiatives—

"(1) the development of model building codes and other hazard mitigation measures for catastrophic natural disasters, such as hurricanes, windstorms, earthquakes, volcanic-eruptions, or floods, which are based on both preventing personal injuries and mitigating property damage;

"(2) adequate training and licensing of architects, engineers, building inspectors, building code enforcement personnel, planners, and similar professionals to ensure

proper compliance with hazard mitigation standards;

"(3) expanded research to strengthen building codes and promote development of cost-effective building technologies and related hazard mitigation measures;

"(4) the transfer of hazard mitigation technology to States, local communities, and other persons, such as private building contractors, responsible for the implementation and enforcement of hazard mitigation measures;

"(5) aid for Federal, State, and local emergency response operations following natural disasters which could include the acquisition of additional facilities, equipment, and personnel as well as resources for training and public assistance; and

"(6) education to enhance public awareness of the risk of and hazards from natural disasters and ways to mitigate the personal, physical, and economic losses.

"(c) FEDERAL REGULATIONS.—Within 18 months of the date of enactment of the Natural Disaster Protection Act of 1993, the Director, in coordination with other Federal agencies, shall issue final multi-hazard mitigation regulations necessary to carry out the hazard mitigation activities described in subsection (b). Such regulations shall be issued pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code."

(b) In section 405 (42 U.S.C. 5171), add the following new subsection at the end:

"(d) FEDERALLY-CONNECTED BUILDINGS.—All new buildings owned or leased by any Federal agency or receiving Federal assistance shall meet the newest edition of the relevant building code requirements, including relevant building and housing codes and performance building standards. Within 18 months of the date of enactment of the Natural Disaster Protection Act of 1993, the Director, in coordination with other Federal agencies, shall issue final regulations necessary to carry out this subsection, pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code."

(c) In section 406 (42 U.S.C. 5172), add the following new subsection at the end:

"(g) MITIGATION NON-COMPLIANCE PENALTY.—No public assistance disaster funds under this section shall be provided to any local community which has failed, within 5 years from the date of enactment of the Natural Disaster Protection Act of 1993, to comply with the multi-hazard building and safety codes described in section 702(a) and the flood performance standards described in section 702(b)."

(d) In section 407 (42 U.S.C. 5173), add the following new subsection at the end:

"(e) MITIGATION NON-COMPLIANCE PENALTY.—No public assistance disaster funds under this section shall be provided to any local community which has failed, within 5 years from the date of enactment of the Natural Disaster Protection Act of 1993, to comply with the multi-hazard building and safety codes described in section 702(a) and the flood performance standards described in section 702(b)."

#### SEC. 5. MULTI-HAZARD MITIGATION PROGRAM.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding at the end the following new title:

#### "TITLE VII—MULTI-HAZARD MITIGATION PROGRAM

##### "SEC. 701. IDENTIFICATION AND DESIGNATION OF DISASTER-PRONE STATES.

"(a) INITIAL IDENTIFICATION.—The Director, consistent with existing Federal law, shall

identify States which are prone to damages from the following natural disaster perils—

- "(1) hurricanes;
- "(2) windstorms;
- "(3) earthquakes;
- "(4) volcanic eruptions; and
- "(5) flooding.

"(b) DESIGNATION BY PERIL.—The Director shall designate all States identified pursuant to subsection (a) as disaster-prone States, and separately designate States as hurricane-prone, windstorm-prone, earthquake-prone, volcanic eruption-prone, or flood-prone, as appropriate, within 1 year of the date of the enactment of the Natural Disaster Protection Act of 1993. The Director shall cause a listing of such States to be published in the Federal Register and in widely circulated local newspapers in the applicable States before the expiration of such 1-year period.

"(c) FINAL NOTIFICATION.—The designation for each State under subsection (b) shall become final for the purposes of this Act 6 months after such designations are published in the Federal Register. The Director shall notify the chief executive officer of each such State designated, in writing, before the expiration of such 6-month period.

"(d) ONGOING DESIGNATION AND NOTIFICATION.—Based upon any additional hurricane, windstorm, seismic, volcanic, or flood information that from time-to-time becomes available, the Director may designate States (not designated under subsection (b)) having an exposure to hurricane, windstorm, earthquake, volcanic eruption, or flood perils. Any such States shall be designated pursuant to the terms of subsection (b) and notified pursuant to terms of subsection (c).

"(e) APPEAL.—Any State aggrieved by a final determination as a disaster-prone State, pursuant to subsections (c) or (d), may, after exhausting administrative remedies, appeal such determination to any United States district court for a district located within the State, not more than 60 days after receipt of notice of such determination. The scope of review by the court shall be provided under chapter 7 of title 5, United States Code. During the pendency of any such litigation, all determinations of the Director shall be effective and final for the purposes of this title unless stayed by the court for good cause shown.

#### "SEC. 702. BUILDING AND SAFETY STANDARDS.

"(a) MULTI-HAZARD BUILDING AND SAFETY CODES.—At a minimum, each State designated as a hurricane-prone State, a windstorm-prone State, or an earthquake-prone State shall either—

"(1) for all new and substantially modified building construction in that State, adopt the relevant natural disaster hazard mitigation portions of the newest edition of the National Building Code, the Standard Building Code, or the Uniform Building Code and other relevant building and housing codes and standards, including the national consensus safety codes of the National Fire Protection Association (specifically the National Electrical Code, the National Fuel Gas Code, the Flammable and Combustible Liquids Code, and the Standard for the Storage and Handling of Liquefied Petroleum Gases); or

"(2) certify that the State's local communities have adopted and are enforcing building codes which meet or exceed the minimum natural disaster hazard mitigation portions of any of the 3 model building codes and other building and housing codes and standards described in paragraph (1) for all new and substantially modified building construction in that State.

"(b) FLOOD PERFORMANCE STANDARDS.—At a minimum, each State designated as a flood-prone state shall either—

"(1) adopt the relevant flood minimum performance standards, flood-proofing, and other flood protection measures authorized pursuant to the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), which minimize flood damage for new and substantially modified building construction located in flood-prone local communities; or

"(2) certify that all the State's flood-prone local communities have adopted and are enforcing the minimum performance standards described in paragraph (1) for new and substantially modified building construction.

**"SEC. 703. STATE MITIGATION PLANS.**

"(a) GENERAL AUTHORITY.—Each State designated as a disaster-prone State shall either—

"(1) develop a mitigation plan which establishes the State's plan with accompanying schedules for improving the State's ability to reduce the hazards of future natural disasters, such as hurricanes, windstorms, earthquakes, volcanic eruptions, or floods; or

"(2) designate an existing mitigation plan which includes the processes described in subsection (b).

"(b) CONTENT OF STATE MITIGATION PLANS.—Each State mitigation plan shall include, at a minimum, a process for—

"(1) verifying compliance with the multi-hazard building and safety codes described in section 702(a) and the flood performance standards described in section 702(b) to ensure these building standards are being enforced;

"(2) identifying, consistent with the National Flood Insurance Act, as amended (42 U.S.C. 4001 et seq.), the areas within the State which have some risk from the hazards of natural disasters, including hurricanes, windstorms, earthquakes, volcanic eruptions, and floods, and further categorizing at-risk areas based on the degree of risk;

"(3) establishing priorities by risk and location of which types of structures, including State buildings, lifelines, and critical facilities, may be in need of hazard mitigation;

"(4) identifying which hazard mitigation measures, such as building codes, non-structural mitigation, and retrofitting, for each of the natural disaster perils that are most cost-effective and most likely to prevent personal injury and reduce property losses;

"(5) improving the emergency response to natural disasters, which shall include capabilities for fire fighting, search and rescue, and the provision of shelters, communications, and medical relief;

"(6) expediting the rebuilding of lifelines and the recovery by individuals and the State's business and commercial sector;

"(7) encouraging the development of local community-based hazard mitigation plans;

"(8) achieving compliance with and enforcement of the Federal multi-hazard mitigation standards or requirements set forth in regulations promulgated by the Director pursuant to this Act; and

"(9) developing standards and guidelines for the safe staffing, operations, and regular training of first responders for disaster emergency mitigation.

"(c) SUBMISSION OF STATE MITIGATION PLANS TO FEMA.—Within 2 years of being designated disaster-prone pursuant to section 701, each disaster-prone State shall submit its completed mitigation plan to the Director.

**"SEC. 704. COMPLIANCE BY STATES.**

"(a) DEFINITION OF COMPLIANCE STATE.—A disaster-prone State shall be considered a

compliance State for purposes of this title, if within 5 years of the date of enactment of the Natural Disaster Protection Act of 1993, the State is certified under subsection (b)(3) as a compliance State and, where appropriate, if its compliance status has been renewed pursuant to the terms of subsection (b)(4).

"(b) DETERMINATION OF COMPLIANCE.—

"(1) STATE SUBMISSION OF CERTIFICATION.—Within 3 years of being designated disaster-prone pursuant to section 701, each disaster-prone State shall submit a certification to the Director stating whether the State has—

"(A) substantially complied with, and is substantially enforcing, the multi-hazard building codes provisions of section 702(a) and the flood performance standards of section 702(b); and

"(B) started implementing its mitigation plan, including the specific processes described in section 703(b).

"(2) REVIEW BY DIRECTOR.—The Director shall review each certification submitted under paragraph (1) to determine whether it is an accurate manifestation of the submitting State's substantial compliance with, and enforcement of, the hazard mitigation measures described in sections 702 and 703.

"(3) COMPLIANCE DETERMINATION.—If the Director determines that the State certification is substantially accurate and the State has substantially adopted and is substantially enforcing and carrying out the applicable hazard mitigation measures described in sections 702 and 703, the director shall promptly certify the State as a compliance State for purposes of subsection (a). If the Director determines that the State certification is substantially inaccurate, the Director shall promptly return the certification submission to the State with suggested changes for obtaining certification as a compliance State.

"(4) COMPLIANCE RENEWAL.—The Director shall review the compliance with, and enforcement of, the applicable hazard mitigation measures by each compliance State meeting the requirements of subsection (a) not less than once every 2 years and shall renew compliance certificates under the terms of paragraph (3) as appropriate.

"(5) REGULATIONS.—The Director shall issue final regulations not later than 18 months after the date of the enactment of the Natural Disaster Protection Act of 1993 describing the criteria to be used in determining whether a State is a compliance State.

"(c) PENALTIES FOR NON-COMPLIANCE.—The following penalties shall become effective 5 years from the date of enactment of the Natural Disaster Protection Act of 1993:

"(1) NO MITIGATION FUNDS.—Funds from the Self-Sustaining Mitigation Fund under section 705 shall not be made available to any State which has not been certified as a compliance State.

"(2) HIGHER PREMIUMS AND DEDUCTIBLES.—Premium rates and deductibles assessed under the Primary Insurance Program of subtitle A of title VIII shall be increased, as determined by the Director under the plan of operation of section 821 and consistent with actuarially sound requirements of section 804, for all policyholders residing in a State which has not been certified as a compliance State.

"(3) NO ASSISTANCE FOR FEDERAL BUILDINGS.—No Federal assistance shall be provided to any new Federal building or new Federally leased, assisted, or regulated building covered under Executive Order 11988 ("Floodplain Management", May 24, 1977)

and Executive Order 12699 ("Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction", January, 5, 1990) which is located in a State which has not been certified as a compliance State.

**"SEC. 705. SELF-SUSTAINING MITIGATION FUND.**

"(a) ESTABLISHMENT.—

"(1) A percentage of the annual multi-hazard coverage premiums collected under the Primary Insurance Program under subtitle A of title VIII and the excess reinsurance premiums collected under the Reinsurance Program under subtitle B of title VIII shall be deposited, on a quarterly basis, in a separate fund to be known as the Self-Sustaining Mitigation Fund.

"(2) The Director shall set the percentage described in paragraph (1) which shall be at least 5 percent, but shall not exceed 10 percent, unless the Director determines that the amounts in the Primary Insurance Program Fund established under section 805 and the Reinsurance Fund established under section 815 are sufficient to provide for any probable expected losses from future hurricanes, earthquakes, and volcanic eruptions.

"(3) Interest on amounts in the Self-Sustaining Mitigation Fund shall be credited to the Fund.

"(b) USE.—Amounts in the Self-Sustaining Mitigation Fund shall be available, to the extent provided in appropriations Acts, to the Director to use as follows:

"(1) STATE SUPPORT.—The Director shall provide amounts in the Fund as financial assistance to each disaster-prone State, unless 5 years from the date of enactment of the Natural Disaster Protection Act of 1993 has passed and that State has not been certified as a compliance State under section 704.

"(A) Each State's share of such financial assistance shall be based solely on a pro rata formula of the Primary Insurance Program premiums collected pursuant to subtitle A of title VIII from the policyholders residing in that State.

"(B) Such financial assistance shall be used by disaster-prone States to support hazard mitigation activities described in sections 702 and 703 and any activities required by the Federal regulations issued pursuant to section 404. Priority shall be given to those hazard mitigation activities necessary to bring the State into compliance with the building standards of section 702, including the adequate enforcement of such standards.

"(C) Disaster-prone States shall transfer a percentage, as established in Federal regulations, of such financial assistance to local communities to support activities necessary to ensure State compliance with the hazard mitigation requirements of this title.

"(D) The Director shall from time-to-time conduct audits to ensure that disaster-prone States and local communities are using such financial assistance to support the hazard mitigation activities described in subparagraphs (B) and (C).

"(2) FEDERAL SUPPORT.—A portion of the amounts in the Self-Sustaining Mitigation Fund, as determined by the Director, may be used to support Federal hazard mitigation and emergency management activities described in section 404.

"(c) FEDERAL REGULATION.—Within 12 months of the date of enactment of the Natural Disaster Protection Act of 1993, the Director shall issue final Federal regulations, pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code, necessary to carry out this section.

**"SEC. 706. NATURAL DISASTER MITIGATION AND PLANNING ADVISORY COMMITTEE.**

"(a) ESTABLISHMENT.—There is established an independent advisory committee within

the executive branch to be known as the Natural Disaster Mitigation and Planning Advisory Committee (in this section referred to as the 'Committee'). To the extent not contradicted by the provisions of this section, the Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 2). The establishment of the Committee shall not result in the creation of any new permanent staff or new office facilities.

"(b) MEMBERSHIP.—The Committee shall be composed of 20 members appointed by the Director. The members shall be chosen from among citizens of the United States and shall include—

"(1) 1 individual who is a metropolitan fire chief;

"(2) 1 individual who is a State fire marshal;

"(3) 1 individual who is a volunteer fire fighter;

"(4) 1 individual who is an organized labor representative of the fire services;

"(5) 1 individual who is a search and rescue expert;

"(6) 1 individual who is a State director of emergency medical services;

"(7) 1 individual who represents the interests of the model building code bodies;

"(8) 1 individual who is a State emergency manager;

"(9) 1 individual who is a local emergency manager;

"(10) 1 individual who is a flood plain manager;

"(11) 1 individual who represents the interests of law enforcement;

"(12) 1 individual who is an architect;

"(13) 1 individual who is a builder;

"(14) 1 individual who is a structural engineer;

"(15) 1 individual who represents a building trades labor union;

"(16) 1 individual who is a recognized seismic hazard mitigation expert;

"(17) 1 individual who is a recognized wind hazard mitigation expert;

"(18) 1 individual who represents the interests of consumers;

"(19) 1 individual who represents the private insurers; and

"(20) 1 individual who represents the insurance agents.

"(c) VACANCIES.—A vacancy on the Committee shall be filled in the manner in which the original appointment was made.

"(d) CHAIRPERSON.—The Director shall designate a chairperson of the Committee from among members selected for appointment to the Committee.

"(e) SELECTION.—Not later than 180 days after the date of the enactment of the Natural Disaster Protection Act of 1993 and after consulting with the State and local emergency management community, the Director shall appoint the members of the Committee.

"(f) FUNCTIONS OF THE COMMITTEE.—The Committee shall advise the Director on hazard mitigation and disaster planning, including the development and implementation of the multi-hazard mitigation programs created pursuant to this title. The Committee shall review and comment on all draft Federal regulations issued by the Director pursuant to this title.

"(g) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall fully cooperate with the Committee and provide the Committee with access to personnel and information as the Committee considers necessary to carry out its functions. The Director shall request comments from the Committee on any ques-

tions regarding operation of multi-hazard mitigation programs established under this title."

#### SEC. 6. FEDERAL INSURANCE PROGRAMS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after title VII as set forth above, the following new title:

#### "TITLE VIII—FEDERAL INSURANCE PROGRAMS

##### "SUBTITLE A—PRIMARY INSURANCE PROGRAM

#### "SEC. 801. BASIC AUTHORITY AND PROGRAM OPERATION.

"(a) ESTABLISHMENT.—To carry out the purposes of this subtitle, the Director shall establish and carry out a national multi-hazard insurance program (in this title referred to as the 'Primary Insurance Program') to provide insurance against loss resulting from physical damage to or loss of real property or personal property related thereto, in any State or States, arising from any earthquake and volcanic eruption (including any fire proximately caused by such volcanic eruption).

"(b) IMPLEMENTATION.—In carrying out the Primary Insurance Program, the Director shall arrange for participation, on other than a risk-sharing basis, by private insurers, insurance agents and brokers, insurance adjustment organizations, and other persons. The Director may take any actions reasonably necessary and appropriate to carry out this subtitle, including the making of contracts, the employment and compensation of persons, the acquisition of real and personal property, and the reasonable auditing of private insurers participating in the Primary Insurance Program limited to matters directly related to their participation in such program.

"(c) INSURANCE PRACTICES.—Any actions of the Director under this subtitle shall be consistent with standard insurance practices and generally accepted accounting, actuarial, and underwriting principles.

"(d) FLOOD INSURANCE STUDY.—The Director shall evaluate the feasibility and benefits of including flood as a covered peril under the national multi-hazard insurance program. Such evaluation shall include an examination of whether to integrate existing flood insurance policies issued under the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), into the multi-hazard coverage policy issued under this subtitle. The Director shall submit a report, including any recommendations, to the Congress within 1 year of the date of enactment of the Natural Disaster Protection Act of 1993.

##### "(e) IMPROVED PARTICIPATION IN FEDERAL FLOOD INSURANCE PROGRAM.—

"(1) NOTIFICATION REQUIREMENT.—Agents and brokers or private insurers participating in the federal flood insurance program pursuant to the National Flood Insurance Act, as amended (42 U.S.C. 4001 et seq.), shall promptly notify the Director of any policyholder who refuses to purchase federal flood insurance if such policyholder is required pursuant to such Act to purchase such coverage as a condition of receiving any Federal assistance for acquisition or construction of the insured property and the agent, broker, or private insurer knows of such requirement.

##### "(2) FEMA OBLIGATION.—

"(A) GENERAL AUTHORITY.—Within 180 days of receiving a notification of any non-compliant policyholder as described in paragraph (1), the Director shall take necessary and appropriate steps consistent with the National

Flood Insurance Act, as amended (42 U.S.C. 4001 et seq.), to assure said policyholder purchases the required federal flood insurance coverage.

"(B) REPORT TO CONGRESS.—Within 180 days of enactment of the Natural Disaster Protection Act of 1993, the Director shall submit a report to Congress of any additional sanctions, or other measures, deemed necessary and appropriate to assure policyholders purchase the required federal insurance coverage under subparagraph (A).

"(3) REGULATIONS.—Pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code, the Director shall issue any regulations necessary to carry out this subsection."

#### "SEC. 802. SCOPE OF PROGRAM.

"(a) ELIGIBLE PROPERTIES.—In carrying out the Primary Insurance Program, the Director shall make multi-hazard coverage available only for residential properties that are located in earthquake and volcanic eruption-prone States as determined by section 701.

"(b) ADDITIONAL TYPES OF PROPERTIES.—If the Director makes an affirmative finding, in consultation with the Federal Insurance and Reinsurance Advisory Committee established pursuant to section 822, that the private insurance industry cannot adequately provide coverage to other types of properties, the Director may recommend to Congress that multi-hazard coverage under this subtitle be made available to cover other types of properties.

#### "SEC. 803. TERMS AND LIMITATIONS OF INSURANCE COVERAGE.

"(a) TERMS.—Pursuant to the plan of operation established under section 821 and after consultation with the Federal Insurance and Reinsurance Advisory Committee established under section 822, the Director shall establish, by regulation, the general terms and conditions of insurability for properties eligible for multi-hazard coverage under section 802. Such regulations shall meet the requirements of this section and may include—

"(1) the type and locational classification of such eligible properties;

"(2) specific insurability definitions for eligible properties;

"(3) the specific types of damage that may be covered by such insurance;

"(4) appropriate premium rates consistent with the actuarial requirement of section 804;

"(5) appropriate loss-deductibles including variable deductibles based on the existence of loss-reduction measures that affect the risk of loss;

"(6) appropriate limits on coverage for each classification of eligible properties;

"(7) appropriate minimum coverage amounts for each classification of eligible properties, which may not be less than the outstanding principal balance of the mortgage loan securing the property or the maximum coverage limit for the property under paragraph (6), whichever is less; and

"(8) any other terms and limitations relating to such residential property insurance coverage that may be necessary to carry out the purposes of this subtitle.

"(b) HAZARDS COVERED.—The multi-hazard coverage under this subtitle shall cover any damage to covered eligible property, including debris removal, additional living expenses incurred as a result of direct damage to the premises, and ordinance and law coverage up to the policy limits set by subsection (a)(5) with additional ordinance and law coverage available pursuant to the plan of operation under section 821, proximately caused by—

"(1) an earthquake, except for any fire proximately caused by an earthquake;

"(2) a volcanic eruption, including any fire proximately caused by a volcanic eruption; and

"(3) a tsunami associated with an earthquake or volcanic eruption.

"(c) PROGRAM PARTICIPATION.—Upon the issuance of regulations establishing the plan of operation under section 821, any private insurer may participate in the Primary Insurance Program regardless of whether such private insurer provides any insurance to residential property policyholders.

"(b) OBLIGATIONS OF PARTICIPATING INSURERS.—Any private insurer electing to participate in the Primary Insurance Program shall provide to all its residential property policyholders for residential property determined to be eligible under subsection (a) and located in earthquake and volcanic eruption-prone States either—

"(1) the multi-hazard coverage under this subtitle, or

"(2) coverage on its own behalf that is equivalent to the multi-hazard coverage provided under this subtitle at rates established for the coverage under this subtitle.

"(e) OBLIGATIONS OF NON-PARTICIPATING INSURERS.—Any private insurer electing not to participate in the Primary Insurance Program shall notify, pursuant to regulations adopted by the Director, all of its residential policyholders in earthquake and volcanic eruption-prone States of its non-participation in such program, and of the absence of insurance and reinsurance protection for multi-hazard coverage under this title.

#### "SEC. 804. ACTUARIALLY SOUND RATES.

"(a) ESTABLISHMENT OF RATES.—The Director shall from time-to-time establish and prescribe by regulation on a State, risk zone, or other appropriate basis, actuarially sound rates for types or classes of property eligible for multi-hazard coverage and the terms and conditions under which such rates apply.

"(b) CONSULTATION.—In carrying out this section, the Director shall consult with the Federal Insurance and Reinsurance Advisory Committee established under section 822 and may enter into contracts, agreements, or other arrangements to utilize the services of the United States Geological Survey, the National Oceanic and Atmospheric Administration, and other relevant Federal, State, and local governmental agencies, and other persons.

"(c) CONSIDERATIONS.—The Director shall establish actuarially sound rates under this section based on—

"(1) considerations of the risks involved, including an examination of any of the following factors which are deemed relevant—

"(A) the severity and frequency of earthquakes by seismic zone and States in which the insured property is located, including known differences in risks from active faults and known susceptibility to landslide, site amplification, and liquefaction;

"(B) the risk of damage associated with a volcanic eruption by volcanic zone and States in which the insured property is located, including proximity to known lava flows;

"(C) the risk of damage associated with a tsunami caused by an earthquake or volcanic eruption;

"(D) the value of the insured property;

"(E) the age of the structures located on the insured property;

"(F) the construction type of the structures located on the insured property, including woodframe, masonry, and masonry veneer;

"(G) the architectural type of the structures located on the insured property, including soft first floor, box construction, and split level;

"(H) hazard mitigation measures followed in the construction or subsequent retrofitting of residential property structures; and

"(I) any other relevant criteria; and

"(2) application of accepted actuarial and rate-making principles that reflect the risks involved, anticipated insurance-related administrative operating costs and loss and loss-adjustment expense payments, contributions from the Self-Sustaining Mitigation Fund established under section 705, and provision for adequate reserves.

"(d) MINIMIZATION OF CROSS-SUBSIDIZATION.—To the maximum extent practicable, the rates established under this section shall be actuarially sound and shall result in a minimum of cross-subsidization by reasonably reflecting the risk of damaging earthquakes, volcanic eruptions, and tsunamis, as appropriate, in total and for each subclassification of policyholders.

"(e) ACTUARIALLY SOUND REQUIREMENT.—In setting and adjusting rates under this section, the Director shall provide that, over an extended period of time, expected expenditures from the Primary Insurance Program Fund under section 805(c) do not exceed expected receipts of the Primary Insurance Program Fund under section 805(b).

"(f) LIMITATIONS.—

"(1) To the maximum extent practicable, any rate classification system developed by the Director to establish actuarially sound rates under this section shall be—

"(A) cost-effective and shall not impose costs for the initial establishment or the subsequent administration of the rating plan that are disproportionate to the size of the insurance premiums collected; and

"(B) simple and easy to understand, identify, and use by insurance agents and policyholders.

"(2) The premiums collected under the Primary Insurance Program shall not be used to establish highly specific geographic rating zones and micro-zonation maps for the earthquake, volcanic eruption, and tsunami perils.

#### "SEC. 805. PRIMARY INSURANCE PROGRAM FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Primary Insurance Program Fund (in this section referred to as the "Insurance Fund") for the purpose of carrying out the Primary Insurance Program under this subtitle.

"(b) CREDITS OF FUND.—The Insurance Fund shall be created with—

"(1) insurance premiums received by the Director under the Primary Insurance Program (less any amounts credited to the Self-Sustaining Mitigation Fund under section 705) and interest earned on premiums, as provided in subsection (e);

"(2) any amounts borrowed under section 806;

"(3) any amounts appropriated to the Insurance Fund; and

"(4) any interest earned on amounts invested under subsection (d).

"(c) USES OF FUND.—Amounts in the Insurance Fund shall be available for—

"(1) payments for losses and loss adjustment expenses under subsection (f);

"(2) payments for insurance company expense allowances paid (including agents' commissions, State premium taxes, and companies' administration expenses);

"(3) any and all administrative and operating expenses in carrying out the Primary Insurance Program; and

"(4) principal and interest payments on amounts borrowed under section 806 for supplemental losses, if any.

"(d) INVESTMENT OF AMOUNTS.—The Director may request the Secretary of the Treasury to invest any amount in the Primary Insurance Program Fund in obligations issued or guaranteed by the United States, as the Director considers appropriate.

"(e) INSURANCE PAYMENTS TO FUND.—Private insurers issuing multi-hazard coverage shall remit the premiums collected, less the insurers' expense allowances (as provided for in the plan of operation under section 821), to the Director on a quarterly basis 30 days after the end of the quarter, according to the procedures prescribed in the plan of operation. Such private insurers shall maintain a separate, interest-bearing account for the premiums to be submitted to the Director. The interest collected on this account shall be forwarded to the Insurance Fund with the premiums on a quarterly basis.

"(f) REIMBURSEMENT OF INSURERS.—

"(1) REQUIREMENT AND PROCEDURE.—The Director shall reimburse private insurers providing multi-hazard coverage pursuant to this subtitle from amounts made available from the Insurance Fund. Reimbursement for all claim payments up to and including the policy limits of coverage and for all loss adjustment expenses paid as a result of an earthquake, volcanic eruption, or tsunami, as appropriate, shall be made as follows:

"(A) The Director shall reimburse insurers within 30 days of the date any claim payments and loss adjustment expense payments are made pursuant to the Federal Government's obligations.

"(B) If the gross reimbursements exceed amounts available in the Insurance Fund, amounts borrowed from the Treasury of the United States under section 806 shall cover the supplemental losses.

"(2) REGULATIONS.—The Director may issue regulations establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for damages covered by the multi-hazard coverage issued under this subtitle. The claim practices of the Insurance Fund shall be subject to and conform with any applicable State insurance unfair trade practices statutes. Judicial review of a decision of the Director regarding reimbursement of a private insurer shall be available pursuant to section 821(e).

"(g) OBLIGATIONS.—All multi-hazard coverage provided through the Primary Insurance Program under this subtitle shall constitute obligations of the United States. The full faith and credit of the United States is pledged for the full payment and performance of such obligations. The private insurers participating in the program shall bear no risk and shall assume no liability for the multi-hazard coverage provided through the program.

"(h) STATUS OF FUND.—Any premiums collected for deposit in the Insurance Fund shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency or possession thereof, or by the State, county, municipality, or local taxing authority, except that the insurance policies issued by or in conjunction with the Federal Government pursuant to this title shall be subject, where applicable, to State insurance premium taxes.

#### "SEC. 806. BORROWING FROM TREASURY.

"(a) AUTHORITY.—To the extent that the accumulated assets, including any return on investments, in the Primary Insurance Program Fund established under section 805 are

insufficient to pay claims and expenses, the Director shall issue, from time-to-time, to the Secretary of the Treasury, notes and other obligations to cover the insufficiency; except that the amounts of such obligations outstanding at any one time shall not exceed such sums as the Congress may provide acting upon the recommendation of the Director.

"(b) INTEREST RATE.—Obligations under subsection (a) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

"(c) DEPOSITS.—Any amounts borrowed by the Director under this section shall be deposited in the Primary Insurance Program Fund established under section 805.

"(d) REPAYMENT.—Any amounts borrowed under this section shall be recouped, including interest on the borrowed funds, in future premiums for multi-hazard coverage pursuant to the plan of operation established under section 821. The Secretary of the Treasury shall grant extensions in repayment schedules that the Director advises the Secretary are necessary.

#### "SEC. 807. INSURANCE MITIGATION INCENTIVES.

"In carrying out the Primary Insurance Program under this subtitle and pursuant to the plan of operation established under section 821, the Director shall provide for the following insurance mitigation incentives which shall conform with the actuarially sound rate requirements of section 804:

"(1) Charging lower premiums or deductible amounts for any residential property located in an earthquake-prone State which meets the seismic building standards under section 702(a).

"(2) Charging lower premium rates or deductible amounts for any residential property located in an earthquake-prone State that passes a seismic safety inspection and meets the requirements of the seismic mitigation standards established in title VII.

"(3) Charging lower premium rates or deductible amounts for new residential property not constructed in volcanic zones in a volcanic eruption-prone State.

#### "SUBTITLE B—REINSURANCE PROGRAM

#### "SEC. 811. BASIC AUTHORITY AND PROGRAM OPERATION.

"(a) ELIGIBILITY.—

"(1) PROVISION OF COVERAGE.—Upon the issuance of regulations establishing the plan of operation under section 821, the Director shall make available to eligible entities excess reinsurance coverage for any direct and indirect losses under the covered lines set forth in section 813 that arise from a hurricane, earthquake, volcanic eruption, or tsunami.

"(2) ELIGIBLE ENTITIES.—The following entities are eligible to purchase the excess reinsurance coverage:

"(A) Any private insurer participating in the Primary Insurance Program under subtitle A.

"(B) Any private reinsurer which reinsures any private insurer participating in the Primary Insurance Program under subtitle A.

"(C) Any workers' compensation fund operated by a State.

"(D) Any State residual insurance pooling program.

"(b) TERMS.—The reinsurance contracts issued by the Federal Government pursuant to this subtitle shall contain terms and conditions similar to those generally used in private catastrophic reinsurance contracts.

"(c) JUDICIAL REVIEW.—Judicial review of a decision of the Director regarding payment

of claims shall be made available pursuant to section 821(e).

"(d) SINGLE ENTITIES.—Any private insurer and reinsurer companies or United States affiliates under the same ownership or management or part of the same holding company system, as determined under the plan of operation established under section 821, shall be considered a single entity for purposes of this subtitle.

#### "SEC. 812. LEVELS OF RETAINED LOSSES.

"(a) INDUSTRY-WIDE ELIGIBILITY.—Excess reinsurance under this subtitle shall be available to all private insurers and private reinsurers eligible for reinsurance pursuant to section 811(a)(2) as follows:

"(1) INDUSTRY RETAINED LOSSES.—The Reinsurance Fund established under section 815 shall provide excess reinsurance when, as determined by the Director pursuant to the plan of operation under section 821, the insurance industry is likely to incur gross losses in the lines covered in section 813(a) arising from hurricane, earthquake, volcanic eruption, and tsunami events occurring during any 12 month period that exceed 15 percent of the consolidated industry surplus as regards policyholders; provided that, only such separate events which will likely result in industry gross losses of at least \$1,500,000,000, adjusted annually in accordance with the percentage change in the Consumer Price Index, shall be aggregated to reach the 15 percent level.

"(2) INDIVIDUAL COMPANY RETAINED LOSSES.—After the insurance industry has sustained gross losses described in paragraph (1), the Reinsurance Fund established under section 815 shall pay to an individual private insurer or private reinsurer 95 percent of qualifying losses in excess of 15 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer.

"(b) INDIVIDUAL INSURER RETAINED LOSSES.—If subsection (a) is not applicable, private insurer or private reinsurer shall be eligible for excess reinsurance coverage and reimbursement from the Reinsurance Fund established under section 815 if the insurer or reinsurer has incurred gross losses from a single—

"(A) earthquake, volcanic eruption, or tsunami event that is included in the lines covered in section 813(a) and that exceeds 20 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer; or

"(B) hurricane event that is included in the lines covered in section 813(a) and that exceeds 20 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer, except that the workers' compensation and earthquake lines of coverage under section 813(a) shall be excluded.

"(2) REINSURANCE FUND PAYMENTS.—After the private insurer or private reinsurer has sustained gross losses described in paragraph (1), the Reinsurance Fund established under section 815 shall pay 95 percent of qualifying losses, as defined in subsection (d), in excess of 20 percent of the consolidated surplus as regards policyholders of the private insurer or the private reinsurer.

"(3) LIMITATION OF REINSURANCE FUND PAYMENTS.—The payments by the Reinsurance Fund under this subsection shall be limited to 200 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer.

"(c) STATE INSURANCE PROGRAMS.—Excess reinsurance under this subtitle shall be available to each State workers' compensa-

tion program and State residual insurance pooling program eligible for reinsurance pursuant to section 811(a)(2) as follows:

"(1) INDUSTRY LOSSES.—The Reinsurance Fund established under section 815 shall provide excess reinsurance when, as determined by the Director pursuant to the plan of operation under section 821, the insurance industry is likely to incur gross losses in the State served by the eligible State insurance program arising from hurricane, earthquake, volcanic eruption, and tsunami events occurring during any 12 month period that exceed 10 times the sum of the direct earned premiums for the lines of coverage described in sections 813(a)(2), (3), (4), and (5) or \$10,000,000,000, adjusted annually in accordance with the percentage change in the Consumer Price Index, whichever amount is less.

"(2) MINIMUM LOSSES.—Such lesser amount described in paragraph (1) must equal at least \$500,000,000, adjusted annually in accordance with the percentage change in the Consumer Price Index.

"(3) RETAINED LOSSES.—After the insurance industry has sustained gross losses described in paragraph (1), the Reinsurance Fund established under section 815 shall pay to an individual State workers' compensation program or State residual insurance pooling program 95 percent of qualifying losses in excess of the lesser amount described in paragraph (1).

"(d) QUALIFYING LOSSES.—For the purposes of this subtitle, "qualifying losses" includes—

"(1) the losses and loss adjustment expenses incurred by a private insurer, private reinsurer, State workers' compensation fund, or State residual insurance pooling program, and

"(2) any assessments, surcharges, or other liabilities imposed by any State residual insurance pooling program or guaranty fund,

attributable to hurricanes, earthquakes, volcanic eruptions, and tsunamis occurring during any 12 month period encompassing the events described in subsections (a)(1) and (c)(1) or the event described in subsection (b)(1) reduced by—

"(1) any collectible reinsurance recoverable, and

"(2) an appropriate percentage of any uncollectible reinsurance arising from the event as set in the plan of operation to be issued by regulation under section 821.

"(e) OBLIGATIONS.—All reinsurance contracts issued under this subtitle shall constitute obligations, in accordance with the terms of such reinsurance, of the United States. The full faith and credit of the United States is pledged for the full payment and performance of such obligations.

"(f) DEFINITIONS.—For purposes of this subtitle:

"(1) The term 'consolidated industry surplus as regards policyholders' means the consolidated surplus as regards policyholders of the property and casualty insurance industry (excluding life insurance) for the calendar year immediately preceding the hurricane, earthquake, volcanic eruption, or tsunami events described in subsection (a)(1) as determined by the National Association of Insurance Commissioners or other credible source and published annually in the Federal Register by the Director.

"(2) The term 'consolidated surplus as regards policyholders' means the surplus as regards policyholders of the private insurer, private reinsurer, or group of private insurers and/or reinsurers (excluding life insurance) based on financial data submitted to

the National Association of Insurance Commissioners or other credible source and published annually in the Federal Register by the Director for the calendar year immediately preceding the hurricane, earthquake, volcanic eruption, or tsunami event or events described in subsections (a)(1) and (b)(1).

"(3) The term 'direct earned premiums' means the direct earned premium for certain lines of property and casualty insurance coverage as published in the National Association of Insurance Commissioners' Fire and Casualty Annual Statement filed with the applicable State department of insurance for the most recent calendar year available preceding the hurricane, earthquake, volcanic eruption, or tsunami events described in subsection (c)(1).

"(4) The term 'gross losses' means all losses and loss adjustment expenses, prior to deducting any private reinsurance recoverables.

"(5) The term 'subject net written premium' means direct and reinsurance premiums received by private insurers and private reinsurers, less premiums paid for ceded reinsurance, for all lines of coverage listed in section 813(a), except the workers' compensation and earthquake lines of coverage shall be excluded for the purposes of setting actuarially sound rates for hurricanes.

"(6) The term 'uncollectible reinsurance' means reinsurance proceeds due and payable in accordance with the terms of the reinsurance contract which are not paid within 12 months of the due date.

#### "SEC. 813. LINES OF INSURANCE.

"(a) COVERED LINES.—The Director shall provide reinsurance coverage to private insurers, State workers' compensation funds and State residual insurance pooling programs for all of the following lines of insurance appearing in the National Association of Insurance Commissioners' Fire and Casualty Annual Statement:

- "(1) Fire.
- "(2) Allied Lines.
- "(3) Farmowners Multiple Peril.
- "(4) Homeowners Multiple Peril.
- "(5) Commercial Multiple Peril.
- "(6) Ocean Marine.
- "(7) Inland Marine.
- "(8) Earthquake.
- "(9) Workers' Compensation.
- "(10) Other Liability.
- "(11) Products Liability.
- "(12) Aircraft (All Perils).
- "(13) Glass.
- "(14) Burglary and Theft.
- "(15) Boiler and Machinery.
- "(16) Reinsurance.

Reinsurance coverage must be purchased for all covered lines of insurance and in all affected hurricane, seismic, or volcanic rating zones in hurricane-prone, earthquake-prone, or volcanic eruption-prone States with the rates for such coverage set by the Director, pursuant to section 814.

"(b) OTHER LINES.—The Reinsurance Fund established under section 815 shall provide reinsurance coverage to private reinsurers for all of the lines of insurance referred to in subsection (a) as well as other lines of insurance appearing in the National Association of Insurance Commissioners' Fire and Casualty Annual Statement, as determined by the Director in the plan of operation pursuant to section 821 and in consultation with the Federal Insurance and Reinsurance Advisory Committee established under section 822.

#### "SEC. 814. ACTUARIALLY SOUND RATES.

"(a) ESTABLISHMENT.—Using generally accepted actuarial principles, the Director

shall establish the rates for the excess reinsurance coverage and adjust the rates when necessary. To the maximum extent practicable, such rates shall be actuarially sound and shall result in a minimum of cross-subsidization, consistent with the infrequency of catastrophic hurricanes, earthquakes, volcanic eruptions, and tsunamis. In setting and adjusting the rates, the Director shall provide that, over an extended period of time, expected expenditures from the Reinsurance Fund under section 815(c) do not exceed expected receipts of the Reinsurance Fund under section 815(b).

"(b) CONSULTATION.—In carrying out this section, the Director shall consult with the Federal Insurance and Reinsurance Advisory Committee established in section 822 and may enter into contracts, agreements, or other arrangements to utilize the services of the United States Geological Survey, the National Oceanic and Atmospheric Administration, and other relevant Federal, State, and local governmental agencies, and other persons.

"(c) CONSIDERATIONS.—In setting or adjusting such actuarially sound rates, the Director shall provide for a minimum degree of cross-subsidization among classes of reinsureds by reasonably reflecting the differences in risk of and vulnerability to loss from hurricanes, earthquakes, and volcanic eruptions that would be subject to payment from the Reinsurance Fund established under section 815, by giving due consideration to the following:

"(1) The premium rate volume of the reinsured by line of insurance under section 813(a) by hurricane, seismic, or volcanic zone or State in which the risks insured or reinsured by the reinsurer are located.

"(2) The proportion of the total expected amount of payments for qualifying losses and loss adjustment expenses by line of insurance under section 813(a) by hurricane, seismic, or volcanic zone or State expected for each reinsured.

"(3) The nature, scope, and adequacy of the private reinsurance or retrocessional reinsurance purchased by the private insurer, private reinsurer, State workers' compensation fund, or State residual insurance pooling program in light of its management expertise and the number, size, concentration, and location of its risk exposures by lines of insurance under section 813(a).

"(4) The payback of losses sustained by the Reinsurance Fund established under section 815 due to payments made to a private insurer, private reinsurer, State workers' compensation fund, or State residual insurance pooling program.

"(5) The ratio between subject net written premium and consolidated surplus as regards policyholders for each private insurer and reinsurer during the most recent calendar year.

"(6) The nature of the risk for each private insurer and reinsurer insured under coverages reported in the National Association of Insurance Commissioners' Fire and Casualty Annual Statement filed with the applicable State department of insurance for the most recent calendar year and covering the lines of businesses listed in section 813(a).

"(d) LIMITATION.—Any rate classification system used by the Director under this section shall be cost-effective and shall not impose costs for the initial establishment or the subsequent administration of the rating plan that are disproportionate to the size of the insurance premiums collected.

"(e) QUARTERLY PAYMENT.—Premiums paid to the Reinsurance Fund for reinsurance cov-

erage under this subtitle shall be paid on a quarterly basis and shall be accumulated in the Reinsurance Fund, to be managed pursuant to section 815.

#### "SEC. 815. REINSURANCE FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Reinsurance Fund for the purposes of carrying out the Reinsurance Program under this subtitle.

"(b) CREDITS OF FUND.—The Reinsurance Fund shall be credited with—

"(1) any reinsurance premiums received by the Director under the Reinsurance Program;

"(2) any amounts borrowed under section 816; and

"(3) any amounts earned under subsection (d).

"(c) USE OF FUND.—The Reinsurance Fund shall be available to the Director for—

"(1) payments for qualifying losses under the Reinsurance Program under this subtitle;

"(2) any and all administrative and operating expenses in carrying out the Reinsurance Program; and

"(3) principal and interest payments on amounts borrowed from the Treasury under section 816, if any.

"(d) INVESTMENT.—The Director shall request the Secretary of the Treasury to invest any amounts in the Reinsurance Fund in obligations issued or guaranteed by the United States, as the Director considers appropriate.

"(e) STATUS OF FUNDS.—Any reinsurance premiums collected for deposit in the Reinsurance Fund shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency or possession thereof, or by any State, county, municipality, or local taxing authority.

#### "SEC. 816. BORROWING FROM TREASURY.

"(a) AUTHORITY.—To the extent that the accumulated assets, including any return on investments, in the Reinsurance Fund are insufficient to pay claims and expenses, the Director shall issue, from time-to-time, to the Secretary of the Treasury, notes and other obligations to cover the insufficiency; except that the amounts of such obligations outstanding at any one time shall not exceed such sums as the Congress may provide acting upon the recommendation of the Director.

"(b) INTEREST RATE.—Obligations under subsection (a) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

"(c) DEPOSITS.—Any amounts borrowed by the Director under this section shall be deposited in the Reinsurance Fund.

"(d) REPAYMENT.—Any amounts borrowed pursuant to this section shall be recouped, including interest on the borrowed funds, in future rates for excess reinsurance coverage pursuant to the plan of operation established under section 821. The Secretary of the Treasury shall grant extensions in repayment schedules that the Director advises the Secretary are necessary.

#### "SUBTITLE C—PROGRAM ADMINISTRATION

##### "SEC. 821. PLAN OF OPERATION.

"(a) DEVELOPMENT.—The Director shall develop a plan of operation to ensure the fair, reasonable, and equitable administration of the Primary Insurance Program Fund established under section 805, the Reinsurance Fund established under section 815, and other activities under this title.

"(b) CONTENTS.—The plan of operation shall set forth the specific policy and programmatic details for operating the Primary Insurance Program created under subtitle A and the Reinsurance Program created under subtitle B, including all guidelines, criteria, definitions, clarifications, and procedures necessary to carry out this title.

"(c) ESTABLISHMENT.—

"(1) SUBMISSION OF DRAFT TO ADVISORY COMMITTEE.—Not later than the expiration of the 12-month period beginning on the date of the enactment of the Natural Disaster Protection Act of 1993, the Director shall submit a draft of the plan of operation to the Federal Insurance and Reinsurance Advisory Committee established under section 822. Before issuing any regulations under paragraph (2), the Director shall consider any recommendations made by such Advisory Committee regarding the draft plan of operation.

"(2) REGULATIONS.—Not later than the expiration of the 18-month period beginning on the date of the enactment of the Natural Disaster Protection Act of 1993, the Director shall issue final regulations establishing the plan of operation under this section, subject to the provisions of subchapter II of chapter 5 of title 5, United States Code. In issuing regulations under this paragraph, the Director shall cause to be published in the Federal Register a description of any differences between the recommendations of the Federal Insurance and Reinsurance Advisory Committee established under section 822 and the regulations (including the guidelines under the plan) developed by the Director. The description shall contain, for each such difference, an explanation of why the recommendations of the Federal Insurance and Reinsurance Advisory Committee were not included in the proposed regulations.

"(3) SUBSEQUENT CHANGES.—Any future changes to the plan of operation shall be made in accordance with the process described in paragraphs (1) and (2).

"(d) ADDITIONAL REGULATIONS.—In addition to the regulations establishing the plan of operation, the Director may issue any regulations necessary to carry out this title, pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code.

"(e) SUITS.—Any lawsuits by or against the Director (or employees of the Federal Emergency Management Agency) in connection with activities under this title shall be brought in the district court of the United States with jurisdiction over the action, except that any action by an insurer or reinsurer against the Director (or employees of the Federal Emergency Management Agency) shall be brought in the United States District Court for the District of Columbia.

**"SEC. 822. FEDERAL INSURANCE AND REINSURANCE ADVISORY COMMITTEE.**

"(a) ESTABLISHMENT.—There is established an independent advisory committee within the executive branch to be known as the Federal Insurance and Reinsurance Advisory Committee (in this section referred to as the "Committee"). To the extent not contradicted by the provisions of this section, the Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 2). The establishment of the Committee shall not result in the creation of any new permanent staff or new office facilities.

"(b) MEMBERSHIP.—The Committee shall be composed of 7 members appointed by the Director. The members shall be chosen from among citizens of the United States and shall include—

"(1) 1 individual who represents the interests of consumers;

"(2) 1 individual who is a State emergency planner;

"(3) 1 individual who is a State insurance commissioner;

"(4) 1 individual who represents the interests of the private insurers;

"(5) 1 individual who represents the interests of the private reinsurers;

"(6) 1 individual who represents the interests of the insurance agents; and

"(7) 1 individual who is a professional actuary.

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

"(d) CHAIRPERSON.—The Director shall designate a chairperson of the Committee from among members selected for appointment to the Committee.

"(e) SELECTION.—Not later than 180 days after the date of the enactment of the Natural Disaster Protection Act of 1993 and after consulting with the insurance industry and the State and local emergency management community, the Director shall appoint the members of the Committee.

"(f) FUNCTIONS OF THE COMMITTEE.—The Committee shall review the draft plan of operation established under section 821. Within 120 days after receiving the draft plan of operation, the Committee shall submit to the Director written comments and recommendations for any changes to the plan. After regulations establishing the plan of operation have been issued, the committee shall submit a written report not less than once every 180 days to the Director and the Congress evaluating the operation of the Federal insurance programs established under this title and making recommendations for any actions relating to such programs. The Committee shall provide counsel to the Director regarding actuarial and insurance related services pursuant to sections 804(b) and 814(b). The Committee shall respond as soon as practicable to all requests of the Director made pursuant to subsection (g) or section 821(c).

"(g) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall fully cooperate with the Committee and provide the Committee with access to personnel and information as the Committee considers necessary to carry out its functions. The Director shall request comments from the Committee on any questions regarding operation of the Federal insurance programs established under this title."

**TRIBUTE TO PAUL REVERE ELEMENTARY SCHOOL OF CHICAGO**

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. RUSH. Mr. Speaker, I rise today to honor the achievements of the Paul Revere Elementary School of Chicago, a participant in the Sony Electronics, Inc., and Urban Gateways, my first Sony design project.

This is the second year of this successful program. Sony is providing a great opportunity to the children of Paul Revere Elementary School to look beyond their immediate environment and discover their creative potential while developing skills that would enable them to be effective future problem solvers.

The first Sony design project features professional artists and designers from the Illinois

Institute of Technology and Urban Gateways Center for Arts in Education, who will guide specially chosen youngsters through a creative process, demonstrating how their own originality can help them shape their world.

Mr. Speaker, I appreciate Sony's commitment to innovation and to the children who hold the key to tomorrow's technological future. I am privileged and honored to have this program at Paul Revere Elementary School and proud to enter these words of congratulations into the RECORD.

**INTRODUCTION OF LEGISLATION TO AMEND THE RAILWAY LABOR ACT TO PROVIDE FOR "LAST-BEST-OFFER" ARBITRATION**

**HON. MICHAEL G. OXLEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. OXLEY. Mr. Speaker, based on our experience with nationwide rail strike and shut-downs over the last several years, a number of my colleagues on the Energy and Commerce Committee and I are today introducing a bill to amend the Railway Labor Act to address the rail stoppage problem on a permanent basis.

Since 1986, there have been five separate episodes of open labor-management conflict in the railroad industry, each resulting in legislative intervention by the Congress. The two more recent stoppages—April 1991 and June 1992—involved national shutdowns. National rail stoppages exact a tremendous economic toll—estimated at up to a billion dollars a day if the strike lasts only a week.

The strike-ending legislation of the 1986–91 period generally fell into one of two categories: First, creating additional tribunals, beyond the Presidential Emergency Boards [PEB's] provided for under the Railway Labor Act, to re-examine major contract issues or resolve interstitial ones; and second, compulsory enactment of PEB recommendations as mandatory settlement terms if no voluntary agreement was reached by a defined deadline.

The 1992 strike legislation (Public Law 102–306) departed from these patterns by employing the last-best-offer arbitration process utilized in professional baseball contract disputes. The legislation required the selection of a neutral arbitrator for each dispute by mutual agreement of a labor and a management nominee. An expedited process was established for presentation of the positions of the parties and for further negotiations under the arbitrator's supervision. Failing an agreement, each party to a dispute was required to submit its last best offer in contract form to the arbitrator by a specified deadline. If no agreement occurred during the final round of bargaining, the arbitrator was to select one or the other last best offer as the contract—without change.

This process gives each party a strong incentive to make a reasonable offer that both sides can live with; for the arbitrator's award and the final contract will be one offer or the other, not a hybrid of the two. The events of 1992 showed that this process works; its credible incentives promote voluntary agreements

as preferable to the last-best-offer endgame, yet also provide a practical process for compulsory resolution of the dispute if necessary.

Making the last-best-offer process a permanent part of the Railway Labor Act for the railroad industry is the essential purpose of this bill. Experience shows that Congress is at a distant disadvantage when it tries to address railroad labor disputes that have resulted in strikes or shutdowns by enacting last-minute, ad hoc legislation. Not only is the Congress unfamiliar with and unsuited to resolve the substantive issues, but the very necessity of recreating a process for compulsory resolution of each individual dispute undercuts the needed mutual incentives to drive both sides toward a reasonable voluntary settlement.

Under this bill, all existing Railway Labor Act processes up to and including the appointment of Presidential emergency boards to recommend possible settlement terms would remain undisturbed. Beyond the existing provisions, however, this bill would add a new last-best-offer arbitration process that would begin only upon expiration of the statutory 30-day cooling-off period that follows the issuance of any Presidential emergency board report covering a railroad labor dispute. As a result, this sensible, balanced process would be in place and the ground rules set before any particular dispute reaches the crisis point. Congress would not have to become enmeshed in the details of scheduling and process building each time such a dispute arose. In short, this is a sensible, well-targeted method of resolving labor disputes that threaten the national economy, and doing so with a permanent, above-board change in the law that all parties will recognize and understand well beforehand. I hope that the Energy and Commerce Committee and the House will consider and approve this type of legislation soon, before any new rail labor crisis lands in the lap of the Congress and necessitates another episode involving the last minute, the ad hoc construction of a process for settling the dispute before it grievously damages the economy.

#### TRIBUTE TO NANCY COOPER WOOD

##### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to extend my condolences to Mr. William M. Wood of Coral Gables, FL, for the loss of his dear wife, Nancy Cooper Wood. It is a tragedy and a great loss for our community to lose such a spirited woman at the young age of 48.

Nancy Wood was an enthusiastic participant in the political process. She began her public service career working for Dwight D. Eisenhower at the young age of 11. In the 1970's, Nancy Wood worked as a legislative assistant for former Congressman John Paul Hamerschmidt. She cochaired Senator CONNIE MACK's Dade County campaign in 1988. She was named to the Coral Gables Planning and Zoning Board earlier this year.

She was an active civic leader who served as vice chairman of the Republican Party in Greenville County, and was a delegate to the

Republican National Convention in 1988 and 1992. She was an energetic woman who promoted conservative family values.

Nancy Wood enjoyed growing cacti and tropical plants and was an avid fan of the Florida Marlins. She was an active participant in the Cub Scouts and Boy Scouts. She was Cubmaster of the Cub Scout Troop at St. Philip's Episcopal Church and was on the committee of Boy Scout Troop No. 7 in Coral Gables.

She will be greatly missed by her husband; her daughter, Margaret Wood; her two sons, Walter Wood and William Wood; her mother, Hazel Cooper; and her sister, Frances Cooper. I was lucky enough to experience personally her vigor and dedication to the community. She had a beautiful family and her husband was an active partner in their commitment to serving the community.

Nancy Wood set the standard for any woman who has aspirations to become involved in public life and to help her community. South Florida and this great country are unfortunate to lose the love and energy of this caring woman. She will be deeply missed.

#### MAKING A DIFFERENCE

##### HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KREIDLER. Mr. Speaker, I want to take a moment and pay tribute to a young man whose efforts embody a simple yet powerful belief: one person can make a difference.

Lloyd Lytle, a constituent from Kent, WA, became outraged when he discovered that Space Marketing, Inc., of Roswell, GA—aided and abetted by NASA and engineers at the Government-funded Lawrence Livermore National Laboratory—is making plans to launch gigantic billboards into space.

Mr. Speaker, imagine looking up into the heavens and finding the advertisement "eat at Joe's" alongside the Moon and the stars. Lloyd Lytle could not believe the proposal, and, moreover, he could not sit back and watch.

Lloyd took action into his own hands. He wrote his school newspaper and protested. He organized a petition and gathered over 1,000 signatures. Lloyd devoted many hours from his studies because he knew space billboards are just plain wrong.

And you know what? He's absolutely right.

I applaud Mr. Lytle's efforts. He made the decision to organize and inform his community. Lloyd even remembered to write his Congressman.

Thanks to Lloyd Lytle's efforts I recently cosponsored H.R. 2599, a bill prohibiting the Department of Transportation from licensing advertisements in space. This bill stops space billboards before they can begin.

I have enclosed a copy of Mr. Lytle's editorial from the University of Washington's newspaper, *The Daily*. He makes an excellent case against advertising in space.

See, Lloyd, you really did make a difference.

#### ADS IN THE NIGHT SKY: AN INDECENT PROPOSAL

(By Lloyd E. Lytle)

What's going on? The April 15, 1993, article in the *Seattle Post-Intelligence* on Space Marketing Inc.'s plan to launch an orbital billboard made my stomach turn. In collaboration with the Lawrence Livermore National Laboratory and the University of Colorado, the company wants to send up mile-long billboards with advertisements that could appear as large as the full moon. The thought of golden arches passing in front of the sky at night is completely heinous. The number of reasons are astronomical, but here are three important ones.

The first is astronomical interference. Optical astronomy observations of distant galaxies would be blotted out by the enormous glow of the ad. According to the P-I article (which originally appeared in the *San Francisco Examiner*), the Livermore engineer Preston Carter says astronomers' concerns are ludicrous. "We're talking about (it covering) a very small part of the sky for a very brief moment." This comment is ludicrous. City lights already interfere with optical observations so much that telescopes must be built on isolated, distant peaks. Sure, one sign may cover only a small part of the sky. However, if one goes up, there will certainly be more. An endless barrage of signs would cover large chunks of the sky. The signs are intended to orbit for a month or so. This interval, coupled with an endless barrage of signs, would amount to more than "a very brief moment," Mr. Carter.

Another issue is its effect on humanity. How long have the stars above inspired the human race? Isaac Newton looked to the stars with his home-made telescope and discovered the framework of the universe. Beethoven sat upon the lake under the moon, later to write the "Moonlight Sonata." What will future Beethovens write—the "Big Mac Sonata?" Imagine Van Gogh's "Starry Night" with a Budweiser logo in the middle. How many young minds look to the stars and wonder what it all means? How high do the stars lift our minds to dream? Shall we sacrifice this eternal inspiration for a measly profit? How much does it cost to blot out humanity's dreams and inspirations?

The last reason is orbiting ads would invade our solace. Television ads get obnoxious enough. However, if the TV or radio ads get too bad, you can turn them off. There are biplane messages in the sky, but these are during the day and not a mile long. A plethora of signs in the night, appearing as large as a full moon, would have profound psychological impacts. It is an all-out invasion of psychological privacy. A human being needs escape from the stress of the world. Every night, many of us look to the stars and feel a weight lifted off our shoulders. One can find solace, alone in the night sky. Anyone who has ever been out on a clear, starry night, silently gazing into the universe, knows this is one of the most awe-inspiring, peaceful feelings one could ever have in this life. Shall we trade this solace for an endless barrage of beer and fast-food ads? It would destroy our psychological escape. We would be trapped. One could not even go to the wilderness without looking up to see glowing ads obliterating the peaceful, starlit night.

What will the children of tomorrow think of the night sky, if this proposal is adopted? Will they think of gigantic beer and fast-food ads, rather than Halley's comet, the planets and the mysteries of the universe? I ask the people of this country, at what price do we sell our dreams, our inspirations, our final solace?

## REDUCE THE BURDEN OF GOVERNMENT PAPERWORK ON SMALL BUSINESSES

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LaFALCE. Mr. Speaker, today I rise in strong support of legislation of which I am an original cosponsor that would reauthorize the Paperwork Reduction Act. This act, which was signed into law by President Carter in 1980, is designed to minimize the Federal paperwork burden imposed on small businesses, individuals, and State and local governments.

The act also speaks to the much larger issue of Government accountability for its actions. Government agencies have a natural tendency to impose unnecessary costs on the public, because the agencies themselves usually do not incur the costs. This is true whether we are talking about information collection by Federal agencies—as in this case—or Federal rulemaking, or simple agency procedures. The agency does not fill out the forms; the agency is not the party that must comply with its regulations.

Over the years, Congress has made a number of attempts to require agencies both to recognize the costs of their actions and to minimize those costs. That is the broad purpose of legislation as diverse as the Paperwork Reduction Act; the National Environment Policy Act, which deals with the environmental impact of agency actions; and the Regulatory Flexibility Act, which specifically requires agencies to minimize the regulatory burden on small businesses.

This is also a high priority for the administration. It is a central purpose of Vice President GORE's National Performance Review, which is designed to improve the responsiveness of Government to the needs of the people it serves. And it is also a rationale behind President Clinton's directive in January to OMB Director Leon Panetta, stressing the need for regulatory agencies to provide administration appointees with an opportunity to review all new regulations.

It is hard to overstate the importance of this issue to the American economy. According to estimates compiled by OMB, in fiscal year 1991 the American people spent more than 6.5 billion hours filling out forms, answering survey questions, and compiling records for the Federal Government. On the basis of a 40-hour work week, that is the equivalent of 3 million Americans being employed full time solely to meet the government's paperwork demands.

As chairman of the Small Business Committee, I hear time and time again about the unfair burden that Federal paperwork and Federal regulation impose on the small business community. I regard this as perhaps the most serious aspect of the paperwork problem. In recent years, the small business sector has created the preponderant majority of new jobs in the economy, and several recent studies have identified small business as the most effective source of innovation in the economy. Truly, the small business sector has been the engine of job growth and innovation in an oth-

## EXTENSIONS OF REMARKS

August 6, 1993

erwise sluggish economy, and we must do everything we can to protect and nurture this sector. Reducing the burden of Federal paperwork on small businesses must be a key part of that effort.

The legislation that we introduce today will reauthorize the Paperwork Reduction Act and strengthen it in several critical ways. First, the legislation would preserve and enhance the role of the Office of Information and Regulatory Affairs [OIRA] at OMB as the enforcer of paperwork reduction requirements on the agencies.

Second, this legislation would reemphasize the responsibility of each agency to carefully review each proposed paperwork requirement to determine if it meets the art's fundamental standards of need and practical utility.

Third, the bill would increase the opportunity for public evaluation and comment on paperwork requirements proposed by any agency. Fourth, the bill would clarify that the act's public protections apply to all Government-sponsored paperwork, eliminating any confusion over so-called third-party disclosures.

This legislation enjoys strong bipartisan support in both the House and the Senate, including Representative SISISKY and Representative CLINGER, and Senators NUNN, BUMPERS, and DANFORTH. I am pleased to join with these distinguished legislators in advancing this important cause.

### KOREAN WAR ANNIVERSARY

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SOLOMON. Mr. Speaker, July 27, 1993, was a special day. It marked the 40th anniversary of the Korean war armistice. On the same day in 1953, 3 years of Communist slaughter came to an end.

Mr. Speaker, I had the honor of serving in the U.S. Marine Corps during this terrible war, and nothing I have done in my life makes me more proud. And since being in Congress, I have been proud to champion the cause of those veterans who fought in this war. The Korean war was an exceptionally cruel one, viciously fought in the harshest of conditions. I am sure that all Members of this body agree with me that our brave soldiers from this war, living and dead, deserve a moment of silence.

We should also take a moment, Mr. Speaker, to ponder some of the lessons of that war. For starters, we now know from Russian archives, that Stalin was involved in the planning of the war with Kim Il-Sung and gave prior approval. We now know that Soviet pilots actually flew against our men. We now know that some of our prisoners were interrogated and possibly tortured by Soviet KGB and GRU agents. Many of us had posited this all along, but we were often ridiculed for being conspiracy theorists or cold war hawks.

Today, those who doubt that there are forces in the world who wish us harm, and are conspiring to do so, should let these lessons of recent history be a cold awakening to them.

Also, Mr. Speaker, we should recall that we were successful in Korea because we acted

quickly, forcefully and, basically, unilaterally. While this was—on paper—a U.N. operation, the initiative and direction came from Washington, not New York. This was also true of our successful campaign against Iraq. Let us remember this as Mr. Boutros-Ghali and his accomplices continue their campaign to suck American security policy down the slippery slope of U.N.-led multilateralism, which has been such a breathtaking failure.

Many of these points and more were eloquently outlined on July 27 by a great American, Maj. Gen. John Singlaub. General Singlaub, it will be remembered, was Commander of United States Forces in Korea when President Carter began his public flirtations with the idea that perhaps it was time for the United States to withdraw from Korea. General Singlaub, risking his job, tried to point out the incredible naivete of this idea. He did indeed lose his post as a result, but General Singlaub's objections were instrumental in heading off a near-certain disaster.

Mr. Speaker, I would like to insert the great American General Singlaub's speech into the RECORD and I thank the Speaker for the time.

ADDRESS PRESENTED BY MAJ. GENERAL JOHN K. SINGLAUB TO THE MEMORIAL BANQUET TO COMMEMORATE THE 40TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE

Today marks a significant event in the history of this nation, but more importantly in the history of the Republic of Korea. It is important, as I will attempt to show, to the entire world.

Forty years ago today a formal Armistice was signed at Panmunjom; the major fighting stopped, the troops withdrew two kilometers each, but the conflict continued and is still in effect today. No peace treaty was ever signed.

Two years earlier, on 10 July 1951, a truce was declared, and the Communists started their deceptive policy of "negotiating while fighting". This is Communist policy. This is why many of our casualties occur during cease-fires.

The success of a major U.N. counteroffensive earlier that year had convinced them that they should start this so-called negotiating effort. This has proven to be a typical Communist response to tactical defeats.

During these negotiations, the single most important issue which held up the completion of the Armistice Agreement was the principle of voluntary repatriation. No prisoner would be forced to return to his country of origin against his will. The U.S. Army after WWII was ordered by Washington to forcibly turn over to the Soviets tens of thousands of refugees from U.S.S.R. Most were killed or sent off to the gulags. This was known as "Operation Keelhaul".

The final release of the POWs took place on 23 Jan 1954, following 90 days of Red enticement and intimidation. On that day, 14,000 Chinese and 8,000 Koreans chose freedom over a return to their homes in the PRC of North Korea. The U.N. held 101,000 North Koreans and 20,000 Chinese POW's. Of these 33,000 North Korean and 14,000 Chinese refused to return to their homelands. The Korean prisoners were released as civilians in South Korea. The Chinese prisoners were taken to Taiwan where they integrated easily into the population. This date, 23 January, is celebrated in Taiwan and Korea as World Freedom Day.

The Communists were surprised that the U.S. responded to the invasion with ground troops along with air and naval forces.

The courageous act by President Harry Truman taught the Communists, be they Soviet, Chinese or Korean, that the United States would not accept the overt invasion of a U.S. ally.

The Soviets understood from that response that they could not expand their empire by overt aggression, whether directly with the Soviet Armed Forces or indirectly through the use of surrogates.

The Korean War has been called the Forgotten War. While that label may pertain to the general public and its understanding or remembrance of the war, there are many aspects of the war which will never be forgotten by the participants on both sides.

The Koreans in the south who suffered the most from the brutal North Korean assault have not forgotten that it was the Americans who responded immediately to the unprovoked attack, supporting an outnumbered, out-gunned South Korea with ground, sea and air forces.

North Korea's Kim Il-Sung has not forgotten that it was this American intervention, supported by other U.N. forces, that thwarted the plan that he had developed with this mentor, Joseph Stalin, for the rapid annexation of South Korea into the Communist Empire. The continuous forty-year presence of significant numbers of U.S. combat forces on the Korean Peninsula has served as an effective antidote to any ambition on the part of Kim Il-Sung on this subject.

China's Mao Tze-tung never forgot the terrible devastation inflicted upon his military forces by Americans field artillery and close support aircraft when the North Vietnamese urged him to intervene on their behalf during the Vietnam conflict.

The military commanders of the Peoples Republic of China were awed by the speed and accuracy with which U.N. artillery and air could be massed on them and the ability of the American logisticians to keep the guns and aircraft supplied with incredible quantities of ammunition and ordnance. The Chinese elected to provide their socialist brethren in Vietnam with advice and support from the sanctuary of China itself.

And perhaps most important, the collective and individual leaders who replaced Joseph Stalin in the Former Soviet Union have not forgotten the lessons of the Korean War. Even before the death of Stalin, who was personally involved with the planning and conduct of the Korean War, the Soviet Armed Forces discovered a shocking fact which they have never before revealed but have not forgotten. When the best Russian pilots were flying their MIG-15s against the U.S. Air Force F-86 pilots, they lost approximately 9 Russians to every F-86 shot down. Our pilots believed that they were fighting Russian-trained Koreans when in fact they were flying against the Soviet 64th Interceptor Aviation Corps consisting of three Aviation Divisions and two Anti-Aircraft Artillery Divisions. The Anti-Aircraft Artillery Divisions remained in North Korea throughout the conflict but the Aviation Divisions were forced to operate from the sanctuary of Chinese territory north of the Yalu River.

Those of you who fought the air war over Korea have additional reasons to be proud. You were not fighting against a newly created third-world air force, you were fighting the first team, the very finest, combat-tested heroes of the second world war. You inflicted such unacceptably high casualties on the Soviet Air Force that Moscow sent a commission headed by two senior general officers to investigate. The Commander of the 64th Interceptor Aviation Corps, General Lobov,

was relieved of his command due to the superior airmanship of the 5th Air Force pilots.

There can be no question that the positive effect of that lesson of the Korean War on the long term deterrent value of NATO, with its large commitment of conventional U.S. Army and Air Force units. In fact, if it had not been for the Korean War in which the United States demonstrated its national will to exercise military power, and the awesome effectiveness of that power across land, sea and air, the combined Chinese and Soviet Empires would likely have continued their expansion of neighboring countries through military aggression.

As more of the secret files of the Former Soviet Union are revealed, we find ourselves reaching new conclusions about the successes and failures of our national policies during and immediately following the Korean War. We have mentioned some of them. The aggressors were shocked at the speed with which President Truman decided to intervene, the effectiveness of our mobilization and movement of military forces to the Korean Peninsula, and the powerful way in which the United Nations was galvanized into action against them.

The Soviet Union changed its national strategy to achieve its consistent goal of world domination. The strategy went from hot to cold war; from overt aggressor to covert, unconventional conflict; from defense against our strategic bombers to the development of a force of Intercontinental Ballistic Missiles capable of delivering a devastating first strike against the major cities of the United States; and finally, they changed their propaganda and psychological efforts to discredit the power of the U.S. Military to a theme of destroying the will of the national leaders to use U.S. military power.

Approximately 12 years ago the United States started two significant changes in national security policy. In the first case, President Ronald Reagan announced that the United States was going to shift away from the policy of Mutual Assured Destruction, which was really a policy of revenge rather than defense. The President announced that we were going to establish a space-based ballistic missile defense system to defend this country rather than rely on the threat of retaliation as the only means of deterrence. He authorized the Strategic Defense Initiative Office to develop and test the weapon systems recommended by the High Frontier Project, headed by General Daniel O. Graham.

The activation of the Strategic Defense Initiative Office produced an incredible reaction from the Soviet Union, whose military commanders expressed the great fear that this technological end-run would emasculate their formidable strategic rocket force. The pressure on Gorbachev was increasing from inside his own government. Gorbachev remonstrated and threatened at the Reykjavik Summit Meeting, but President Reagan stood firm.

The second major change in our national security policy, which really pulled the linchpin from the Soviet apple cart, was the decision by President Reagan to provide assistance to those victims inside the Soviet Empire who were willing to fight for their freedom, in addition to those threatened peoples on the outside who wished to remain free. For over forty years our policy had been to contain the Soviet Union and to provide internal defense security assistance to those threatened by the Soviets.

The Reagan Doctrine acknowledged that the Captive Nations were our greatest allies

and deserved our encouragement and support in their aspirations for freedom. The provision of subtle but effective assistance to the Polish, Afghan, Nicaraguan, Angolan and other freedom fighters around the world gave hope and encouragement to all enslaved peoples everywhere and rekindled the fires of nationalism, religion, free enterprise and individual rights. The internal pressures generated by these expanding aspirations inside the Soviet Bloc very quickly fractured, then completely fragmented, the Soviet Monolith. As the world watched on TV, its most powerful leader fell in disgrace and such core symbols of Communism as the Berlin Wall and the statues of Lenin crashed to the ground amid clouds of dust and shouts of joy.

Today as we commemorate the 40th Anniversary of the official end of the war in Korea, we as veterans of that conflict can stand tall with pride, knowing that our efforts placed the first hairline cracks in the foundations of Communism. As close as we were at the time, we could not see them, but they were there, and they were growing.

Only now have we been able to speak with the Soviet and Chinese commanders, staff officers, advisors and participants on the North Korean side of the conflict. The more we learn, the more we realize that the victory that seemed to escape us in one nation in 1953 was in fact lying hidden in the now fatally damaged foundations upon which the communist empires sought to build. It was only years later, when the communist policies and programs were set in concrete, that the devastating effects of these cracks were so dramatically felt. The victorious battles waged by American and U.N. troops were not, in fact, forgotten.

It is difficult to discuss this delayed victory over Communism with my friends in South Korea, in view of the fact that Kim Il-Sung remains in power across the DMZ, and is frantically engaged in the development of nuclear weapons and the acquisition of missiles to deliver them. He is no less irrational than he was in 1950 when he assumed that the United States had little interest in the Korean Peninsula and would be unlikely to react to his ill-conceived adventure to the south. He remains a dedicated communist to this day.

As a result of President Clinton's recent trip to the Republic of Korea, there can be no confusion about U.S. policies towards Korea. The President made three points:

1. If North Korea uses, or attempts to use, a nuclear weapon against anyone, North Korea will be rubblized.

2. If the Republic of Korea is threatened by an attack from the north, the U.S. will respond regardless of whether or not it is currently engaged in a conflict elsewhere.

3. The ROK will be included as a key player along with the United States in maintaining stability in the entire Western Pacific area.

With his economy in shambles, and his Russian and Chinese allies now on good terms with a robust and prosperous South Korea, the options open to Kim Il-Sung are rapidly diminishing. The military option has now lost its attractiveness. If he is smart, his son, Kim Jong-Il will seek a "German Solution" and call for a form of unification that will save his people from starvation or worse.

The realities of the German Experience, however, suggests to the South Koreans that they would prefer that the communists be given a few years of economic recovery under some form of capitalism before they become fully responsible for the totally bankrupt North Korean society.

While a unified Korea is not yet a reality, it will most surely come in our lifetimes. When this happens, we veterans of the Korean War will have a great cause of celebration and personal pride. As my dear friend and mentor, General Richard G. Stilwell, once told a group of Korean War veterans: "Stand tall in pride. You won big!"

I repeat to you today: "Stand tall in pride. You won REAL big!"

#### JOINT VENTURES IN FORMER SOVIET UNION GOOD FOR AMERICA

### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. EWING. Mr. Speaker, I was recently asked by a constituent of mine to tell the House of what seems to be an exciting new initiative by the U.S. Agency for International Development [AID]—a public-private sector partnership between AID and American agribusiness. Designed by the private sector office of AID's task force for the New Independent States [NIS] of the former Soviet Union, this public-private sector partnership is called the Food Systems Restructuring Program.

Commenting on the Food Systems Restructuring Program, J. Brian Atwood, Administrator of AID, observed that, "USAID participation and investment in this project will be rewarded by strengthening a new trade relationship and developing a new market for U.S. goods and technology. It will also demonstrate how basic market principles can help the NIS in their long-term goal of economic stability \* \* \* This project demonstrates how development funds can be leveraged, and how new jobs will be created in the United States while providing more direct assistance overseas." He concluded by stating that, "We are very excited about this program, and this is just one of the many steps USAID is taking to create sustainable development in the newly Independent States."

The Food Systems Restructuring Program uses a novel, and what seems to be a very effective, commonsense approach to foreign assistance policy—engaging the extraordinary resources, energy, skill, and technology of small, medium, and large American agribusinesses in cooperation with AID to help the peoples of the NIS develop fully functioning private, market-based food systems. With the development of free-market food systems in the NIS will come greater democracy, peace, and stability, both in the NIS and throughout the world.

I am happy to report that an Illinois agribusiness will be participating in the Food Systems Restructuring Program. Mr. Roger Denhart, farmer-entrepreneur and vice president of Freedom Farm International, lives in St. Joseph, IL in my district. Freedom Farm International will receive a 4-year subgrant from the Citizens Network for Foreign Affairs, one of the Food Systems Restructuring Program implementors, to help its four Ukrainian joint venture partner-farms restructure the food system in Kherson Oblast, located in south-east Ukraine on the Black Sea. Roger tells me that the soil in Kherson is almost as good as

Illinois', but of course I don't believe him. In its project, Freedom Farm International will also work closely with John Deere of Moline, IL and the University of Illinois-Urbana/Champaign's International Soybean Program [INTSOY].

In a recent speech before agribusiness experts and professors at Purdue University, Roger Denhart said:

This matching grant is encouraging news for further economically feasible business investments in a land where bombs had been produced not long ago. Now Freedom Farm plans to process beans! Our government has taken a drastic turnabout with this economic assistance plan. I believe that American corporations will live up to our reputation of \* \* \* leading the world in a new frontier, once again.

In an article in the Kherson Daily, Victor Polanov, director of Krestovka Farm, one of Freedom Farm International's joint venture partners, observed of The Citizens Network Food Systems Restructuring Program that:

This help from American companies and the U.S. government is key to our reversing the declining agricultural sector of which I have been part of all of my 45 years. I look forward to our increasing relationships with American companies.

Under the subgrant's terms, Freedom Farm International and its Ukrainian partners will match every dollar of AID funds with nearly five of their own. In these days of infinite demand for finite resources, the Citizens Network Food Systems Restructuring Program is a hopeful sign for the American economy. Not only does it highly leverage American taxpayers' foreign assistance dollars—at a required ratio of at least 2.5:1—it also creates more jobs for Americans. Much of the project's inputs and equipment will be manufactured in the United States by American workers. The long-term impact is significant a well: Increased trade and investment between the United States and the NIS will promote increased economic growth and create greater economic opportunity for Americans and Ukrainians alike.

The Food Systems Restructuring Program's goal—restructuring the stagnant food systems of the NIS—is a massive undertaking and no easy task. However, the public-private sector partnership model inherent in this program seems to hold the potential for enormous benefits for both the United States and the countries of the former Soviet Union, as well as for other countries in which it may be tried. I look forward to following the progress of the Food Systems Restructuring Program, and urge my colleagues to as well.

#### NAFTA: A HUMAN RIGHTS DEBACLE

### HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. PETERSON of Minnesota. Mr. Speaker, many proponents of the North American Free-Trade Agreement [NAFTA] have ignored the plight of Mexican workers when debating this fundamentally flawed document.

The following research by Wyatt L. Hogan and Mary Rose Kubal of the Council on Hemispheric Affairs [COHA] looks at the struggle of the Mexican worker against a system in which workers' interests have been subverted by the authoritarian government and its strongmen in corrupt unions.

Those who claim this situation will change if NAFTA is implemented ignore the very nature of the problem. The fact remains—the very success of President Salinas' reform program—mandates a policy of labor tranquility, in which workers are forced to accept subsistence wages, inadequate benefits, and substandard working conditions.

Mr. Speaker, I request that this research report, from the COHA-produced "Washington Report on the Hemisphere"—volume 13, number 17—be entered into the RECORD.

#### FREE TRADE AND MEXICAN LABOR: WINNERS AND LOSERS

For more than fifty years, workers have struggled in vain against Mexico's "unholy Trinity," a corrupt alliance of wealthy employers, the Institutional Revolutionary Party (PRI) and PRI-dominated labor unions. Despite the fanfare, President Carlos Salinas' neoliberal reforms have principally benefitted multinational corporations and the business elite, at the expense of the Mexican worker. In collaboration with the gerontocratic leadership of the Mexican Workers Confederation (CTM) and its seemingly immortal leader, the 93-year-old Fidel Velazquez, Salinas and his technocrats have imposed regressive wage ceilings, freely violated basic civil rights, squashed independent unions, and used brutal force to end unauthorized strikes. Because his strategy was necessary to ensure the "labor tranquility" the president has promised foreign investors, a successful NAFTA holds limited prospects for workers who together represent Mexico's "comparative advantage."

#### EL PACTO

In the 1930s, the PRI established the CTM as its trade union arm in the industrial sector, cementing what was to become an inextricable bond between government and organized labor. Today, the PRI continues to dictate union policy, but patronage has given way to coercion as the privatization efforts have not resulted in improved conditions, leading instead to job losses, lower salaries, and fewer worker protections. "El pacto," the complex business-labor agreement which is the backbone of Salinas' economic stabilization program, has been predicated on a fall in average real wages of almost 50% since 1982. Consequently, while Mexican inflation has dropped from 159% in 1987 to 9% today, the real income of workers has fallen to poverty levels. The key element in the president's labor strategy is the success of his IMF-mandated neoliberal program, which has consistently taken precedence over workers' rights and political freedom. Despite Salinas' heralded crackdown on corruption in the PRI and CTM, the government continues to tolerate crooked union leaders as long as they can be counted on to suppress wildcat strikes and discourage the formation of democratic and independent workers' organizations. The PRI, which, thanks to privatization, no longer depends so heavily upon organized labor, often uses corrupt labor chiefs to control rather than empower Mexican workers.

For this reason, the CTM remains vital to the PRI's future, and Salinas has been careful not to push his reforms too far.

Velazquez' firm control over the union and his close connections to the PRI have kept Cuauhtemoc Cardenas' opposition Party of the Democratic Revolution (PRD) from developing a strong labor base. The CTM still buses workers to pro-government demonstrations as well as to polling tables on election day, at numerous job sites, the CTM and the PRI actively fight to defeat workers' appeals for a living wage and decent job conditions which conflict with management's operating goals.

#### A PATTERN OF REPRESSION

Given the primacy of a ratified NAFTA, it should come as no surprise that the Mexican government has used intimidation tactics in order to pressure union leadership to support its policies. When political coercion does not work, companies, with the aid of the government and tainted union leaders, resort to massive firings. In addition, violent incidents have increased under Salinas' privatization program. On May 12, 1992, an armed group of the CTM attacked 1,500 workers of Altos Hornos de Mexico, S.A., who were holding an assembly to replace the leader of their union. One hundred strikers were subsequently wounded, 15 of them seriously. On August 5, Ministry of Agriculture and Aquatic Resources employees were harshly set upon by 60 armed men, and two of their leaders were kidnapped, during a demonstration for increased wages and benefits. These violent occurrences are only symptomatic of a larger pattern of worker abuse which has accompanied Salinas' neoliberal agenda.

The most revealing confrontation involving government authorities occurred last summer at Volkswagen de Mexico in Puebla. In anticipation of NAFTA's inauguration, the government-controlled union leadership had agreed to a massive restructuring plan, including reduced wages and benefits, but a number of dissidents, fearing increased layoffs, went on strike to protest the plan. After several bitter weeks, the government declared the strike illegal on procedural grounds and allowed Volkswagen to nullify the union contract. The company immediately fired 14,000 workers, rehiring all but the 300 most defiant under a new contract. Volkswagen's success in imposing its wage-reduction scheme and new work rules, attributable to the direct intervention of the government and the official union leadership, provides a clear example of the "benefits" free trade will bring Mexican labor.

#### THE POTENTIAL EFFECTS OF FREE TRADE

The initial results of Salinas' privatization efforts indicate that the implementation of NAFTA without the growth of an independent labor movement will most likely aggravate, not improve, the condition of the Mexican worker. Private ownership, especially by multinational corporations, means that decisions about worker benefits will be based on profitability and efficiency rather than community spirit and human need. President Salinas has sent a clear message to union organizers: aggressive representation of workers that damages prospects for foreign investment will not be tolerated. Strikes by factory workers have been declared "political," and thus illegal, and the government has not hesitated to use open force to quash such demonstrations.

Salinas' claims that NAFTA-mandated labor standards resulting from the present negotiations on a supplemental accord would violate Mexico's sovereignty. Given the unparalleled degree of control the PRI exercises over the country's labor movement, it

is certainly not "popular" sovereignty that seems to concern the Mexican chief executive. The lack of democratic institutions all but guarantees that Mexican workers will find themselves on the losing side of the NAFTA equation.

#### HONORING MS. LORETTA PROCTOR

##### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FILNER. Mr. Speaker, I rise today to inform my colleagues that Ms. Loretta Proctor has been recognized as retired labor leader of the year by the San Diego labor community. Ms. Proctor is president emeritus of Hotel and Restaurant Employees Local Union, Local 30. She has been involved in the hospitality industry's labor movement for 47 years.

Ms. Proctor's career with the Hotel and Restaurant Employees' Union was not only enduring—it was distinguished. She served the union in many leadership roles, always building upon her experience to conquer new challenges. In Ms. Proctor's many years of union activity, she has served as a member of the executive board, a job dispatcher and recording secretary, at the same time, a business representative, a secretary-treasurer, and, finally, as president of the local.

Ms. Proctor also led the labor community in other efforts. She worked many hours on the apprenticeship program to prepare future generations of Hotel Union members for careers. She also assisted the San Diego Convention and Visitors Bureau and the Food and Drug Council—two organizations which affect the jobs of the union members she represented.

I salute Ms. Proctor for her dedicated career in the labor and hospitality communities. All of us are in her debt for the many ways she has worked to improve our lives.

#### WELFARE REFORM: FOR EFFICIENCY AND SELF-SUFFICIENCY

##### HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NEAL of North Carolina. Mr. Speaker, I believe strongly that we must take immediate action to reform our welfare system. I have introduced legislation to make the system work toward one goal—self-sufficiency for welfare recipients. Under my bill, welfare programs would provide short-term assistance to people in need, but would put major emphasis on developing individual plans to get them off welfare as quickly as possible. The system I propose would be streamlined and would allow some flexibility in benefit packages to meet the needs of individual recipients.

Our current welfare system is badly broken. It is often difficult for people who need help to get the benefits they need, but once they are on welfare, they often stay on for many years. The system encourages dependency, rather than self-sufficiency. All too often, families stay on welfare for generation after generation. The

cycle of dependency unnecessarily costs Federal, State and local governments billions of dollars and often destroys the dignity of those who are trapped in poverty.

Mr. Speaker, our welfare system is incredibly inefficient. A person who needs help must typically deal with a maze of government agencies and conflicting eligibility requirements. He or she must fill out separate applications for food stamps, AFDC, Medicaid, housing assistance, home heating assistance and other services, often at several different locations. At each step along the way, there are more forms to be completed and interviews to be conducted. The duplication of effort is enormous—both for the applicant and for the social services agencies involved. The current system is incredibly wasteful, costly and burdensome both to taxpayers and to the people seeking help.

Our system is crying out for reform. We need to promote efficiency by streamlining administration. We need a system that operates in a coordinated manner, and the goal should be self-sufficiency. Welfare should be seen as temporary assistance to help people over difficult times, not a permanent condition.

Mr. Speaker, my legislation would establish a cabinet-level task force comprising the Secretaries of HHS, HUD, Treasury, Labor, Education and Agriculture. The task force would have a twofold mission: One, coordinating the welfare programs of all Federal agencies so that a person needing help would apply to one location, on one form, and two, restructuring the system so that everyone involved works for the common goal of helping people become self-sufficient.

Because the needs of individuals differ, we should have a system that allows flexibility. Benefit packages should be designed to meet the unique needs of individuals and families. Under my bill, those seeking assistance would work with a caseworker or a team of caseworkers representing all the agencies to devise a plan of action for achieving self-sufficiency.

A family or individual that has fallen on hard times, for example, might need food stamps, Medicaid and some job training assistance, but might not need AFDC if one or both of the parents has part-time employment. Mr. Speaker, this family should not have to enroll in AFDC to be eligible for other help—as they would in some States—nor should they have to split up to receive assistance. Allowing them to stay together and receive benefits tailored to meet their needs would save the government money, and keep the family from being caught in the welfare trap. On the other hand, a single mother may need help with day care, food stamps and rent payments so that she can retain her job and avoid having to apply for AFDC and Medicaid. Benefits should be tailored to needs, and the goal should be to help the individual or family achieve self-sufficiency.

The idea, Mr. Speaker, is for this Cabinet-level task force to come up with a clear plan for making our welfare system simpler and less costly. The plan should provide a way for the various government agencies to work in a coordinated fashion with people who need help to get through rough times, so that these people achieve self-sufficiency in the shortest

time possible. We will increase efficiency and reduce costs by coordinating the efforts of all involved. We will save massive amounts of money and avoid unnecessary human degradation and dependency by working toward self-sufficiency.

Mr. Speaker, we can no longer afford to pour billions of dollars into a welfare system that promotes dependence and perpetuates poverty. My legislation will enable us to coordinate services, eliminate duplication and promote self-sufficiency for welfare recipients. We can and we must take action now. I hope that this proposal can receive a thorough hearing and be enacted during this Congress.

#### CREATION OF A BICYCLE AND PEDESTRIAN PROGRAM MANAGER

### HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SABO. Mr. Speaker, for the past few years, I have worked to make sure the U.S. Department of Transportation and State transportation departments promote bicycling and walking. The Intermodal Surface Transportation Efficiency Act [ISTEA] specifically says that these transportation modes are essential to a viable intermodal transportation system, and it provides flexible funding to support bicycling and walking. The 1990 transportation appropriations legislation included language asking the Secretary of Transportation to create the position of bicycle and pedestrian program manager in the Office of the Secretary. The 1991 legislation contained similar language and appropriated \$50,000 specifically for this purpose. Congress never indicated that the position was to be a temporary one. Nevertheless, the position has been vacant since December 1992. It is the clear intent of Congress that this position be filled and that not less than \$50,000 be allocated for the position.

It is important that USDOT have at least a full-time bicycle and pedestrian program manager in the Office of the Secretary to coordinate related activities within the Department. In 1991 Congress appropriated \$1 million to conduct the National Walking and Bicycling Study to determine the use and safety of bicycling and walking and to develop a nationwide plan to promote these transportation modes. The USDOT bicycle and pedestrian program manager will be needed to implement the study's recommendations and to develop and promote a national bicycle and pedestrian plan. Congress eagerly awaits the release of this study and the implementation of its recommendations by the Department, overseen by a new USDOT bicycle and pedestrian program manager.

I believe that filling the vacant USDOT position will provide the necessary coordination and policy guidance to help bring about a bicycle and pedestrian friendly intermodal transportation system throughout the United States. I urge the Secretary to do so immediately.

#### EXTENSIONS OF REMARKS

#### INTRODUCTION OF THE BREAST AND CERVICAL CANCER PREVENTION ACT OF 1993

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, I rise today to introduce the Breast and Cervical Cancer Prevention Act of 1993. This bill authorizes \$200 million for the Breast and Cervical Cancer Early Detection Program, administered by the Centers for Disease Control and Prevention. At this funding level the Breast and Cervical Cancer Early Detection Program would be able to provide thousands of women in every State with comprehensive screening services and public education programs on breast and cervical cancer. Unfortunately, at the current funding level of \$72.3 million, only 30 States can participate in the program, and only 12 are fully funded.

According to the Centers for Disease Control and Prevention, in 1993, breast and cervical cancers will affect 195,500 women and will result in 50,400 deaths. In the 1990's alone, over 500,000 American women will lose their lives to breast and cervical cancer, despite available technology offering easy and early diagnosis.

Having lost a close family member to breast cancer, I am all too aware of the extraordinarily high incidences of these diseases and the devastation they bring. Many of these deaths, and much of the suffering however, could be averted with simple screening and early detection services.

Mr. Speaker, it is a tragedy that thousands of women die in this country each year, not because we lack expertise, but because we still lack the will to ensure that every woman has the opportunity to receive proper screening and education. With early detection, there is a cure. It is time we made the commitment to ensure that every woman in America receives these life saving services. This bill is an important step in that direction, and I urge my colleagues to support this legislation.

#### INTRODUCTION OF THE RISK COMMUNICATION ACT

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. MOORHEAD. Mr. Speaker, today, Mr. BROWN of California, Mr. BLILEY, Mr. OXLEY, Mr. HAYES, Mrs. LLOYD, Mr. WALKER, and Mr. ZIMMER join me as original cosponsors in introducing the Risk Communication Act of 1993. This bill sets out principles of objectivity and disclosure in order to provide fair, scientifically sound, and informative assessments of risks to health and the environment by the Environmental Protection Agency.

A series of articles published last winter by the New York Times summed up a substantial problem:

In the last 15 years, environmental policy has too often evolved largely in reaction to

popular panics, not in response to sound scientific analysis of which environmental hazards present the greatest risks. As a result \*\*\* billions of dollars are wasted each year in battling problems that are no longer considered especially dangerous, leaving little money for others that cause far more harm.

By the year 2000, the cost of environmental compliance for the Nation is likely to be over \$185 billion annually. The city of Columbus, Ohio, has recently estimated that compliance with Federal environmental mandates will cost the city \$1 billion over the next decade. These mandates drain money needed for education, crime prevention, and local health programs and often restrict the opportunities for businesses to compete and grow. Municipalities and businesses are willing to ensure that their activities are environmentally responsible but cannot afford to expend great sums on excessively hypothetical and exaggerated risks. These groups are increasingly skeptical of environmental mandates and the quality of and the scientific basis for EPA risk assessments.

An EPA-appointed panel of experts shares these concerns. In a recent report called Safeguarding the Future: Credible Science, Credible Decisions, this panel cast serious doubt on the quality of science used by the Agency to justify its programs stating that even many Agency personnel perceived that EPA science was adjusted to fit policy. Several scientific groups have made suggestions which are incorporated into today's legislation to address these problems.

The Risk Communication Act sets forth principles for understanding and open debate of the scientific findings. This means disclosure of the choices made during the risk assessment process and discussion of conflicting evidence. This also means providing at least one estimate which is the scientifically objective and not based on preconceived notions of the proper regulatory policy. In addition, the bill requires appropriate comparisons to risks that the public is familiar with, in order to provide a perspective that cannot be gained with complicated numbers alone.

The bill will enhance scientific credibility; make it easier for other scientific and policy groups to peer review studies; better inform the American public and Federal officials and, subsequently, lead to better management decisions.

Organizations representing local governments including the National Association of Counties and the National Association of Towns and Townships, as well as groups representing businesses across America including the National Federation of Independent Businesses, the U.S. Chamber of Commerce, and the National Association of Manufacturers join us in supporting this legislation.

#### INTRODUCTION OF THE LAW ENFORCEMENT FAMILY SUPPORT ACT

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mrs. SCHROEDER. Mr. Speaker, I am pleased today to introduce an important bill

that will enhance our ability to ensure public safety, prevent crime, and support the health and well-being of families.

The Law Enforcement Family Support Act addresses the serious stress placed on officers and their families by police work. Each day, our Nation's Federal, State, and local law enforcement officers risk their lives to protect our families. Without relief, this dangerous work can result in a range of problems within police families, including marital tension, officer burnout, emotional numbness, alcoholism, and suicide.

In a 1991 hearing on police stress and family well-being, the Select Committee on Children, Youth, and Families heard testimony that the pressures can lead to serious family problems, including high rates of family violence, and that few police departments offer assistance to help police families cope with stress. According to one witness, 40 percent of officers surveyed reported that, in the previous 6-month period, they had behaved violently toward their spouse or children. Police officers and psychologists agreed that existing stress reduction and family support programs are effective but scarce.

With the support of several House colleagues, I introduced the Law Enforcement Family Support Act following the hearing and was pleased that it was included in the crime bill passed by the House and Senate in 1991. The crime bill, however, did not become law.

The Law Enforcement Family Support Act will provide grants to State and local police departments to fund family support services for law enforcement personnel. Services may include family counseling, 24-hour child care, marital and adolescent support groups, stress reduction and education, counseling for officers exposed to the AIDS virus, post-shooting debriefing for officers and their spouses, and counseling for families of officers killed in the line of duty.

The bill will establish an Office of Family Support within the Department of Justice which will oversee the implementation of family-friendly policies for law enforcement personnel within the Department, oversee the grants process, provide training to law enforcement agencies, and serve as a clearinghouse for information regarding police family stress. State or local law enforcement agencies receiving grants made available by this legislation may contract with public or private agencies or unions to implement services under such grants.

Mr. Speaker, we usually hear about police when a crime is committed on the street. Yet, in order to ensure a healthy and effective police force, the everyday needs of police officers and their families warrant attention. It would be a crime not to enact this important legislation and provide critical services to the officers and families that protect our society's front lines.

## CONGRATULATIONS TO FRESHMAN COLLEAGUES

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FOGLIETTA. Mr. Speaker, yesterday, was a day for courage and responsibility. All of us had to ask ourselves: Are we going to leave the deficit to our children and our grandchildren? Or, are we going to do what we are elected to do—make tough decisions. I rise today because I wanted to congratulate the four freshman Democrats of my State, RON KLINK, TIM HOLDEN, PAUL MCHALE, and MARJORIE MARGOLIES-MEZVINSKY. Unlike many of their colleagues in their class, they wrestled with hard choices and decided to support their President and legislation which will begin to deal with the deficit. I congratulate them.

## PAPERWORK REDUCTION ACT OF 1993

### HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SISISKY. Mr. Speaker, I rise today to introduce the Paperwork Reduction Act of 1993. This bill is identical to S. 560, which was introduced by the Honorable SAM NUNN on March 10, 1993.

This legislation reaffirms the fundamental purpose of the Paperwork Reduction Act of 1980—to curb the natural tendency of Federal agencies to issue more and more regulations without regard to their cost. It provides a 5-year authorization for the Office of Information and Regulatory Management [OIRA] within the Office of Management and Budget [OMB], which is given the lead role in overseeing the implementation of the Paperwork Reduction Act. And it makes a series of specific improvements, based on a decade of experience with the act.

I believe there is a growing recognition among Democrats and Republicans alike of the tremendous burden that Government paperwork imposes on the public, especially on small businesses. Unfortunately, this agreement has too often been obscured by political struggles involving the regulatory policies of the Reagan and Bush administrations and the Council on Competitiveness.

However, an increasing number of Democrats and Republicans are now committed to assisting the growth of small businesses and making the Federal Government function more efficiently. I believe that we now have a unique opportunity to tackle the problem of excessive Government paperwork in a reasonable, balanced, and bipartisan manner.

I am very proud of the broad bipartisan support this legislation enjoys both in the House and in the other body. The cosponsors of this legislation are a diverse group consisting of 38 Democrats and 52 Republicans. Congressman JOHN LAFALCE, chairman of the Committee on Small Business, will be the principal Democratic cosponsor of this bill. Representative

WILLIAM CLINGER, ranking minority member on the Committee on Government Operations, will be the lead Republican cosponsor. I am also pleased to have the strong support of Congresswoman JAN MEYERS, the ranking minority member on the Small Business Committee.

Members of the Small Business Committee, on which I serve, and other friends of the small business community are very much aware of the frustration of complying with very complex and burdensome paperwork requirements handed down by the Federal Government. In survey after survey, Government paperwork and Government regulations are listed among the top concerns of American small businesses. In fact, Erskine Bowles, the new Administrator of the Small Business Administration, recently testified before the committee of his awareness of, and concern over, this problem.

It should be no surprise, then, that the principal organizations representing the small business community are enthusiastic supporters of this bill. The list of supporters includes National Small Business United, the National Federation of Independent Businesses, the Small Business Legislative Council, the Professional Services Council, the National Roofing Contractors Association, the National Restaurant Association, the American Subcontractors Association, the U.S. Chamber of Commerce, and many State and local chambers of commerce, among others.

Mr. Speaker, I believe that this effort to build on the accomplishments of the Paperwork Reduction Act presents the new administration with a golden opportunity. Stemming the flow of paperwork requirements is consistent with the administration's goal of making the Federal Government work more efficiently for the benefit of the American people. It should also be a central part of the administration's effort to reach out to small business. I very strongly urge the administration to embrace this worthy legislation as part of its effort to revitalize the economy and break through the ideological divisions that have hobbled us in the past.

I was encouraged by the President's response to a letter from Senator BUMPERS, in which the President praised the Paperwork Reduction Act and the OIRA as "powerful tools in the effort to improve management of the Federal Government." The President also noted that the controversies over the "Bush Administration Council on Competitiveness obscured the public benefits that can arise from properly structured regulatory review procedures."

This legislation does properly structure regulatory review procedures within the agencies to minimize the paperwork burdens imposed on the public. It requires a 5-percent Governmentwide goal for paperwork reduction, with individual agency goals that aggregate to the Governmentwide goal. It requires a thorough review of each proposed information collection request, a 60-day comment period, and agency certification of compliance with public participation requirements and the act's standards before a requirement is submitted to OIRA for review. It also reduces the time a requirement spends under review at OIRA by 30 days.

This bill would help to revitalize OIRA and allow it to meet its increased responsibilities

for controlling paperwork requirements. It would require OIRA to establish standards to more accurately estimate paperwork burdens, and to work with the Office of Federal Procurement Policy [OFPP] to reduce paperwork burdens in Government contracting. It would also allow OIRA to conduct demonstration projects to test innovative approaches to paperwork reduction, similar to OFPP's existing authority.

The Paperwork Reduction Act of 1993 also contains important provisions to increase public participation in the paperwork reduction process. It requires that assessments of the anticipated paperwork requirements of a bill be made available to the public before enactment; it allows individuals to request a written determination that any paperwork requirement complies with the act; and it requires agencies to display estimates of the paperwork burden of every information collection and to invite public comment on their accuracy.

Finally, an important provision of this bill is to clarify that the act applies to all government-sponsored paperwork, including so-called "third-party" burdens imposed by one private party on another private party due to a Federal regulation. In the 1989 case of *Dole versus United Steelworkers of America* the Supreme Court held that third-party burdens were not subject to review under the Paperwork Reduction Act.

This result was certainly not intended by the drafters of the act. In fact, Lawton Chiles, the Senate sponsor of the legislation that became the Paperwork Reduction Act of 1980, told the Court in an amicus brief that the act was always intended to apply to third-party burdens. Unfortunately, the Court held that the language of the act did not support this conclusion.

I am afraid that this decision opens the door for noncompliance with the act. It is possible that agencies could exempt future paperwork burdens from review under the act by simply changing the way the requirement is imposed. In fact, it is estimated that one-third of all paperwork burdens could be restructured this way. The Paperwork Reduction Act of 1993 corrects this troubling problem.

Mr. Speaker, I urge my colleagues to join this bipartisan coalition in cosponsoring the Paperwork Reduction Act of 1993. I also urge the Clinton administration to offer its endorsement and support. This bill will strengthen one of the best tools available to the President for assisting small businesses and promoting economic growth. It would send a reassuring message to the small business community that the administration's new legislative initiatives, whether they be health care reform, defense conversion, or environmental protection, will be implemented with the intent and spirit of minimizing paperwork burdens on the public.

#### ORIGINAL COSPONSORS

Norman Sisisky, William Clinger, John LaFalce, Bob Michel, Romano Mazzoli, Joe McDade, Bob Wise, Jan Meyers, Ike Skelton, Spencer Bachus, Bill Baker, Jim Moran, Herb Bateman, Jim Cooper, Deborah Pryce, Peter Blute, Leslie Byrne, and Anna Eshoo.  
John Boehner, Tim Valentine, Henry Bonilla, Jim Oberstar, Jim Bunning, Marcy Kaptur, Dan Burton, Carolyn Maloney, L.F. Payne, Mike Castle, Charles Stenholm,

Larry Combest, Martin Lancaster, Tom DeLay, David McCurdy, John Doolittle, Owen Pickett, and Bill Emerson.

Blanche Lambert, Harris Fawell, Pete Geren, Bob Goodlatte, Bill Orton, William Goodling, Andrew Jacobs, Steve Gunderson, Sonny Montgomery, Jim Greenwood, James Bilbray, David Hobson, Buddy Darden, Bob Inglis, Jay Kim, Bill Sarpalius, Jack Kingston, and Jane Harman.

Jim Kolbe, Alcee Hastings, Ron Machtley, Bill Hefner, Al McCandless, Tim Holden, William Hughes, John McHugh, Tim Johnson, Tom Petri, Bud Cramer, Mike Parker, John Porter, Glenn Poshard, Rob Portman, Roy Rowland, Tom Ridge, and Karen Shepherd.

Pat Roberts, Eric Fingerhut, Marge Roukema, Toby Roth, Steven Schiff, Jim Sensenbrenner, Chris Shays, Joe Skeen, Don Sundquist, James Talent, Craig Thomas, Peter Torkildsen, Fred Upton, James Walsh, Curt Weldon, William Zeliff, Dick Zimmer, and Sam Johnson.

#### BRIDGING HEALTH CARE REFORM: EXTENDING HEALTH CARE COVERAGE UNDER COBRA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. STARK. Mr. Speaker, today I am pleased that my colleague, the gentlewoman from California [Ms. PELOSI], is joining me in introducing the COBRA Health Coverage Extension Act of 1993. This legislation would extend for 3 years the length of time health care coverage is available under the COBRA law.

The purpose of this legislation is simple. If today a constituent is on their last day of protections under COBRA, tomorrow they will lose those protections—and lose their health insurance coverage. If they then try to purchase a policy at an individual rate, they will likely be faced with a premium increase of 200 to 500 percent. It makes no sense to allow the minimal level of health security held by some Americans to lapse as we work over the next days, weeks, and months to extend health insurance coverage to all Americans. This legislation would hold in place the security currently provided thousands of widows and widowers, dependents, part-time workers, and unemployed Americans.

COBRA was designed to expand access to group health insurance coverage for those individuals who would otherwise lose coverage as a result of a change in their employment or family status. Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 requires employers with 20 or more employees to offer his or her employees and their families continued coverage under the employer's group health insurance plan in cases such as death or termination from the job. The employee is responsible for paying the full amount of the premium and covering the administrative costs to the employer.

The original intention behind COBRA was not to provide coverage for all uninsured Americans. Rather, COBRA was to be an intermediary stage for individuals until they could receive other forms of health insurance. For example, employees disabled on the job are covered for 29 months under COBRA—

the time necessary to qualify for Medicare coverage.

After decades of piece-meal reform of our Nation's health care system, a major overhaul of the system is now about to start. The goal of expanding COBRA coverage for 3 years, as this legislation would, is to ensure that individuals currently able to purchase health insurance under COBRA will not lose this option of reasonably affordable health insurance while they wait for full implementation of health care reform.

We are introducing the COBRA Health Coverage Extension Act of 1993 to enable thousands of individuals and families currently with health insurance coverage to simply maintain it. Reform of the health insurance market is coming in the months ahead, but this is no solace to those on the verge of losing their coverage today or tomorrow. We can provide the needed assistance to these individuals and families by extending current Federal policy until the time the health insurance market is reformed. We urge your support in doing so.

#### RISK COMMUNICATION ACT OF 1993

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. OXLEY. Mr. Speaker, today I bring to your attention the introduction of a bill, by myself and several colleagues, which is the first step toward our goal of changing the Government's risk assessment procedures. The Risk Communication Act of 1993 would require the Environmental Protection Agency to follow principles of objectivity and disclosure in order to provide fair, scientifically sound, and informative assessments of health and environmental risks.

With looming budget deficits and reductions in spending, we must learn to use our limited resources more wisely. Municipalities and businesses are willing to ensure that their activities are environmentally responsible with respect to actual risks, but cannot afford to expend great sums of money on excessively hypothetical and exaggerated risks. By setting out general principles for the full, informative, and consistent communication of the underlying scientific data which forms the basis of risk assessments, we can enhance scientific credibility, better inform the American public, and save our country billions of dollars currently spent on negligible risks.

Current risk assessment practices within the Environmental Protection Agency have several tendencies. First, the agency errs on the side of safety. Second, it often ignores relevant data because it may not fit into simple models or would require change in agency analyses. This can result in understatement or overstatement of risks. Provided with inadequate information on the most likely nature and magnitude of the risks, policy makers often fail to address serious risks, while requiring that too much be spent on hypothetical and very low levels of risks.

In my home State of Ohio, the city of Columbus estimated that compliance with Federal environmental mandates will cost \$1 billion over the next decade. If we are requiring

expenditures of that magnitude, we must make sure that we are addressing the most critical environmental threats. The Risk Communications Act of 1993 is the first step toward our goal of better management of hundreds of billions of dollars spent on protection of human health and the environment. Mr. Speaker, I encourage my colleagues to support this important bill which has the support of local government, business leaders, and the scientific community.

#### PREVENTIVE SERVICES FOR VICTIMS OF VIOLENCE ACT

**HON. MIKE KREIDLER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KREIDLER. Mr. Speaker, each year millions of our children suffer from childhood physical and sexual abuse and millions of women suffer from physical violence and sexual assault. Yet many of them never receive appropriate treatment and counseling to help them heal from these tragic experiences.

Such abuse can have serious consequences for the long-term physical and mental health of victims. For example, childhood abuse is associated with future health problems, including chronic pain, gastrointestinal distress, eating disorders, gynecological problems, fatigue, headache, sleep disturbances, and depression. Women who have been abused as children also engage in more high-risk behavior, such as smoking and earlier sexual activity.

Adult victims of domestic violence and sexual assault can also suffer severe health effects. Domestic violence is the leading cause of injury to women, accounting for nearly a third of their emergency room admissions. Victims of domestic violence and sexual assault also tend to need medical care much more often than nonabused women.

In addition to these health effects, victims of violence often face profound emotional trauma, experiencing anxiety, depression, posttraumatic stress syndrome, and other disabling illnesses. Physical and sexual abuse is also associated with substance abuse and increased rates of suicide. Forty-five percent of women with alcohol addiction were victims of domestic violence prior to their addiction. Victims of rape are twice as likely to experience a major depression, 3.6 times more likely to have had major substance abuse problems, and 8.7 times more likely to have attempted suicide. Over 1 million women in the United States now suffer from rape-related PTSD, more than combat veterans.

And yet, many victims of violence continue to suffer alone, in silence. One study reports that fewer than 2 percent of sexually abused women ever talk to a physician about their abuse. Half of the women had never told anyone about their experience. Another study revealed that fewer than 5 percent of patients in emergency rooms were correctly identified by medical personnel as being victims of domestic violence. We know that only about 10 percent of victims of sexual assault report their attacks to law enforcement; nearly half of all

date rape victims never discuss the attack with anyone.

These people clearly are not getting the help they need. Like any injuries, when emotional wounds are left untreated, they can develop into much more serious problems. We need to start identifying victims of violence much earlier and intervening with them before the consequences deepen into severe mental illness or prolonged substance abuse.

Today, I am introducing legislation to help prevent mental illness and substance abuse among children and adults who have experienced physical or sexual abuse. The Preventive Services for Victims of Violence Act authorizes \$10 million in grants for demonstration projects to identify and intervene with victims early, before they develop more serious physical and emotional problems. Half the funds are for projects to help abused children, and the other half are for projects to help adults who have been abused, either as children or as adults. The program would be administered through the Center for Mental Health Services in the Department of Health and Human Services, working in conjunction with the Office for Substance Abuse Prevention.

We must confront our Nation's crisis of violence on many fronts. One way to do that is to stop the cycle of violence by helping children who have been abused, so that they do not grow up to repeat the violence. In my district, the domestic violence community, the rape crisis centers, and the community mental health centers are all doing a heroic job of responding to women and children who have been abused. But they are overloaded with people who need their help.

I urge my colleagues to support this legislation to improve our response to those who have been victims of physical and sexual abuse.

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 "Preventive Services for Victims of Violence Act".

#### SEC. 2. SERVICES TO PREVENT MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG VICTIMS OF VIOLENCE.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following new section:

#### "SEC. 520C. DEMONSTRATION PROJECTS FOR PREVENTION OF MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG VICTIMS OF VIOLENCE.

"(a) PROJECTS REGARDING ABUSED CHILDREN.—The Secretary, acting through the Director of the Center for Mental Health Services, may make grants to public and nonprofit private entities for demonstration projects for the prevention of mental illnesses and substance abuse among children who have been victims of physical or sexual abuse.

"(b) PROJECTS REGARDING ADULT VICTIMS OF SEXUAL ASSAULT OR FAMILY VIOLENCE.—The Secretary, acting through the Director of the Center for Mental Health Services, may make grants to public and nonprofit private entities for demonstration projects for the prevention of mental illnesses and substance abuse among adults who have been

victims of sexual assault or family violence, including childhood physical or sexual abuse.

"(c) CONSULTATION WITH DIRECTOR OF PREVENTION CENTER.—Before grants are made under subsection (a) or (b), the Director of the Center for Mental Health Services shall consult with the Director of the Office for Substance Abuse Prevention.

"(d) SPECIAL REQUIREMENTS.—The Secretary may not make a grant under subsection (a) or (b) unless the applicant involved—

"(1) certifies to the Secretary that the applicant consulted with public and nonprofit private entities that provide services for the victims of violence in the geographic area in which the project involved is to be carried out, in developing the proposal for the project; and

"(2) agrees to evaluate the effectiveness of the project, and submit the evaluation to the Secretary.

#### "(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) PROJECTS FOR PREVENTION OF MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG ABUSED CHILDREN.—For purposes of carrying out subsection (a), there are authorized to be appropriated \$5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(2) PROJECTS FOR PREVENTION OF MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG ADULT VICTIMS OF SEXUAL ASSAULT OR FAMILY VIOLENCE.—For purposes of carrying out subsection (b), there are authorized to be appropriated \$5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997."

#### TRIBUTE TO FATHER CHARLES G. HAYES

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. RUSH. Mr. Speaker, I rise today to honor Father Charles G. Hayes, founder and overseer of the Cosmopolitan Church of Prayer-Holiness in Chicago on the occasion of the observation of their annual gladiola festival.

Father Hayes first organized the Cosmopolitan Church of Prayer on April 28, 1959, with seven members in a basement home on the southside of Chicago. Under Father Hayes' inspiring leadership, Cosmopolitan Church quickly grew to 300 members and shortly thereafter, recognizing the need to expand his ministry, Father Hayes began his now renowned radio broadcast ministry. Father Hayes and the Voices of Cosmopolitan are nationally acclaimed gospel recording artists, having received a gold record album and several major top-10 recordings.

Cosmopolitan Church of Prayer stands today as a beacon light not only in Chicago, but across the country as well. Their radio ministries have served to promote religious broadcasting around the world. Their efforts at community outreach, offering GED courses and providing a food assistance program are commendable.

Father Hayes was ordained a minister August 1957. He received a doctorate degree from the Religious Science Institute in 1973 and a honorary doctorate of humane letters from St. Martin's College and Seminary in

1974. Additionally, he has served with distinction as national president of the National Association of Sacred Science Churches, Inc., the Bible Churches of Christ, the First Spiritual Churches of Christ, and the Cosmopolitan Churches of Prayer.

Mr. Speaker, Father Charles G. Hayes has dedicated his life to God and to serving humankind. Through his positive ministry, thousands have been blessed, healed, and delivered. I am proud to enter these words of recognition into the RECORD.

#### INTRODUCTION OF PAPERWORK REDUCTION ACT OF 1993

**HON. WILLIAM F. CLINGER, JR.**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CLINGER. Mr. Speaker, today I rise with my friend Congressman NORMAN SISISKY and over 80 House colleagues to introduce the Paperwork Reduction Act of 1993. This is the House companion to S. 560, originally introduced in the Senate by the Honorable SAM NUNN and cosponsored by 27 Senators representing a broad ideological spectrum.

With the introduction of this legislation, we are making an unequivocal statement in support of the belief that unwarranted Federal Government burdens on the public should be restrained. This bill gives continued legislative support to the longstanding effort, begun with the passage of the original Paperwork Reduction Act of 1980, to curb the natural tendencies of Government agencies to issue more and more regulations without regard to their costs.

As my Pennsylvania constituents remind me time and again, and as anyone who has done business with the Government will tell you, the paperwork requirements of the Federal procurement system are significant and time-consuming. Lessening these requirements will make our economy more productive by allowing people to get on with their business.

The Paperwork Reduction Act of 1980 has saved millions of hours of time which would have been lost shuffling papers and filling out forms. If we ever expect to streamline large, paper intensive bureaucracies such as those found in the health care and defense sectors, then we must build upon the successes of the 1980 act. Increasing efficiency is a top priority.

Under this bill agencies would be required to meet specific paperwork reduction goals and place a higher priority on reducing paperwork. The Office of Information and Regulatory Affairs has a big responsibility, which is reinforced through this legislation, to try to control Government's bottomless appetite for facts and figures. The bill improves the chances that they will succeed in that goal.

The bill's major provisions would:

First, to reaffirm the fundamental purpose of the Paperwork Reduction Act of 1980 to minimize the Federal paperwork burdens imposed on individuals, small businesses, State and local governments, educational and nonprofit organizations, and Federal contractors.

Second, to provide a 5-year authorization for appropriations for the Office of Information

and Regulatory Affairs [OIRA] within the White House Office of Management and Budget.

Third, to clarify that the act's public protections apply to all Government-sponsored paperwork, eliminating any confusion over so-called third party disclosures caused by the U.S. Supreme Court's 1989 decision in *Dole versus United Steelworkers of America*.

Fourth, to require set goals for reduction of the paperwork burden on the public; a Governmentwide goal of at least a 5-percent reduction, and individual agency goals that would aggregate to the Governmentwide goal.

Fifth, to provide reasonable disclosure requirements which would strengthen OIRA's authority over agency rulemaking power while providing the public greater access to OIRA activities.

I am including with this statement: First, a letter sent to each Member of the House of Representatives in support of this bill from my friends at the National Federation of Independent Business, second, a similar letter from the U.S. Chamber of Commerce, third, a list of the organizations and businesses supporting our introduction of the Paperwork Reduction Act of 1993, and fourth, a copy of a letter sent to President Clinton from Senators SAM NUNN and DALE BUMPERS, the Senate sponsors of this legislation, seeking the administration's support for this bill.

I encourage my colleagues to join Representative SISISKY, our over 80 cosponsors, and myself in lending a hand of relief to individuals and small business owners hampered by the burdens of Federal paperwork.

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESSES,  
Washington, DC, July 23, 1993.

On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to urge you to be an original cosponsor of a bipartisan bill that is vital to the health of small business, the Paperwork Reduction Act of 1993.

In an extensive 1992 NFIB Foundation survey, "Problems and Priorities," the burden of federal regulation and paperwork was the fastest rising concern of small business owners. It is no wonder; Americans spend no less than 6.5 billion hours a year filling out paperwork required by the federal government. This growing burden is disproportionately carried by small business, the sector of our economy responsible for virtually all job creation in your district and around the country.

It is in this context that I ask you to sign on as an original cosponsor of the Paperwork Reduction Act, sponsored by Congressman Norm Sisisky and Congressman Bill Clinger. This legislation, which will be introduced prior to the August recess, will reauthorize the Office of Information and Regulatory Affairs (OIRA) for five years and strengthen its ability to achieve its mission: to reduce the burden of unnecessary and cumbersome paperwork on small business, state and local governments, and others.

This legislation would vastly improve the President's ability and obligation, through OIRA, to be a check against each federal agency's impulse to require the completion of more and more paperwork. For example, the bill would require the establishment of a governmentwide goal to reduce by at least 5 percent the federal paperwork burden. This would be accomplished by giving OIRA the tools and the authority to be a tough traffic cop against excessive paperwork require-

ments. I am sure you will agree that the American people are looking to Congress for just this kind of government reform and streamlining.

In short, if you want small businesses in your district to be able to spend less time filling out forms and more time creating jobs, please cosponsor the Sisisky-Clinger paperwork reduction bill. To do so please contact Kelly Ross with Congressman Sisisky at 225-6365, or Kevin Sabo with Congressman Clinger's staff at 225-5074.

Sincerely,

JOHN J. MOTLEY III,  
Vice President,  
Federal Governmental Relations.

CHAMBER OF COMMERCE OF  
THE UNITED STATES OF AMERICA,  
Washington, DC, July 21, 1993.

Washington, DC, July 21, 1993.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: On behalf of the U.S. Chamber of Commerce Federation of 215,000 business, 3,000 state and local chamber of commerce, 1,200 trade and professional associations, and 69 American Chambers of Commerce abroad. I urge you to become an original cosponsor of the Paperwork Reduction Act legislation that will soon be introduced by Representatives Sisisky (D-VA) and Clinger (R-PA). The Sisisky-Clinger bill will address the concerns of the business community and its desire to strengthen the Paperwork Reduction Act of 1980, as expressed in the Chamber Federation's 1993-1994 National Business Agenda.

In 1991, the federal government imposed nearly five-and-a-billion hours of paperwork on the American public. This is the equivalent of having the entire adult populations of Dallas and Houston do nothing but fill out federal forms all year. The Internal Revenue Service alone imposes more than four billion hours of paperwork on taxpayers. More than a billion of those hours are hoisted upon small business owners and operators who make up the backbone of our economy. Increasingly, regulatory and paperwork costs—the "hidden taxes" of federal programs—pose a significant barrier to preserving and creating jobs.

The problem of excessive paperwork is not just one of small business, or business in general. Any senior citizen on Medicare, and any family employing domestic help or requiring food stamps, shares our concern with paperwork burdens. There are numerous other groups adversely affected by excessive paperwork, including state and local governments and the education community.

The Sisisky-Clinger bill will provide a strong Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget to conduct centralized reviews of proposed and existing paperwork burdens. It will also provide for increased opportunities for the public to comment on proposed paperwork burdens and for realistic assessments of estimates reporting and recordkeeping. Additionally, the legislation will address the *Dole versus Steelworkers Supreme Court* decision which had the effect of limiting OIRA's ability to oversee a substantial amount of the federally imposed paperwork burden. Each of these provisions are essential to addressing the suffocating and growing burden of federal paperwork.

Again, I urge you to become an original cosponsor of the Sisisky-Clinger Paperwork Reduction Act of 1993. Please do not hesitate to call on us if we can provide you with any additional information.

Sincerely,

WILLIAM T. ARCHEY,  
Senior Vice President,  
Policy and Congressional Affairs.

PAPERWORK REDUCTION ACT COALITION  
 Aerospace Industries Association of America.  
 Air Transport Association of America.  
 Alliance of American Insurers  
 American Consulting Engineers Council.  
 American Institute of Merchant Shipping.  
 American Iron and Steel Institute.  
 American Petroleum Institute.  
 American Subcontractors Association.  
 American Telephone & Telegraph.  
 Associated Builders & Contractors.  
 Associated Credit Bureaus.  
 Associated General Contractors of America.  
 Associated Records and Managers Association.  
 Association of Manufacturing Technology.  
 Automotive Parts and Accessories Association.  
 Biscuit and Cracker Manufacturers' Association.  
 Bristol Myers.  
 Chemical Manufacturers Association.  
 Chemical Specialties Manufacturers Association.  
 Citizens Against Government Waste.  
 Citizens For A Sound Economy.  
 Computer and Business Equipment Manufacturers Association.  
 Contract Services Association of America.  
 Copper & Brass Fabricators Council.  
 Dairy and Food Industries Supply Association.  
 Direct Selling Association.  
 Eastman Kodak Company.  
 Electronic Industries Association.  
 Financial Executives Institute.  
 Food Marketing Institute.  
 Gadsby & Hannah.  
 Gas Appliance Manufacturers Association.  
 General Electric.  
 Glaxo, Inc.  
 Greater Washington Board of Trade.  
 Hardwood Plywood and Veneer Association.  
 Independent Bankers Association of America.  
 International Business Machines.  
 International Communication Industries Association.  
 International Mass Retail Association.  
 Kitchen Cabinet Manufacturers Association.  
 Mail Advertising Service Association International.  
 McDermott, Will & Emery.  
 Motorola Government Electronics Group.  
 National Association of Homebuilders of the United States.  
 National Association of Manufacturers.  
 National Association of Plumbing-Heating-Cooling Contractors.  
 National Association of the Remodeling Industry.  
 National Association of Wholesales-Distributors.  
 National Federation of Independent Business.  
 National Food Brokers Association.  
 National Food Processors Association.  
 National Foundation for Consumer Credit.  
 National Glass Association.  
 National Restaurant Association.  
 National Roofing Contractors Association.  
 National Security Industrial Association.  
 National Small Business United.  
 National Society of Public Accountants.  
 National Tooling and Machining Association.  
 Northrop Corporation.  
 Packaging Machinery Manufacturers Institute.  
 Painting and Decorating Contractors of America.

Printing Industries of America.  
 Professional Services Council.  
 Shipbuilders Council of America.  
 Small Business Legislative Council.  
 Society for Marketing Professional Services.  
 Sun Company, Inc.  
 Sunstrand Corporation.  
 Texaco.  
 United Technologies.  
 Wholesale Florists and Florist Suppliers of America.

U.S. SENATE.

Washington, DC, June 10, 1993.

The PRESIDENT,  
 The White House,  
 Washington, DC.

DEAR MR. PRESIDENT: We applaud your initiative, announced on March 10th, to expand credit opportunities for small businesses by eliminating paperwork and regulatory burdens. Swift implementation of your initiative by the various bank regulatory agencies shows what can be done administratively to eliminate paperwork drags on the economy, while maintaining the interests of the public at large.

On the same day that you announced your initiative, we introduced the "Paperwork Reduction Act of 1993", S. 560, with 26 original cosponsors almost equally divided between Democrats and Republicans. We would like to take you up on your offer to review our bill.

S. 560 would reinvigorate the Paperwork Reduction Act of 1980, which we believe has been a most effective tool given to the Presidency with bipartisan Congressional support by President Carter. We have sought to build upon and strengthen the firm foundation of the 1980 Act, restore its full reach and vitality, enhance its public protections, and expand the opportunities for public participation. Our bill would reemphasize the fundamental responsibility of each agency to minimize the burdens it imposes upon the public in carrying out its responsibilities. It would provide stability for the Office of Information and Regulatory Affairs (OIRA) as the focal point within the Executive Office of the President, as intended by the 1980 Act.

You have already forcefully demonstrated both your willingness and innovation to make full use of all the resources of the Presidency to make government work better for the American people. We believe that S. 560 would give you a more versatile Paperwork Reduction Act to harness the great potential provided by modern information technology to more effectively furnish services to the people, while imposing the least burdens that siphon off economic resources from productive pursuits.

With your support, we believe that the Senate can promptly pass this legislation on a bipartisan basis, further demonstrating to the public that Congress and the President can work in concert for the good of the American people.

Sincerely,

SAM NUNN,  
 DALE BUMPERS.

HONORING MR. TOM PRIDEMORE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FILNER. Mr. Speaker, I rise today to inform my colleagues that Mr. Tom Pridemore

has been chosen by the San Diego labor community as Labor Leader of the Year.

Mr. Pridemore is the business manager of the International Brotherhood of Electrical Workers, Local 569. He is also one of the fundamental forces behind the electricians' apprenticeship program, which helps train young people for successful careers as electricians. Mr. Pridemore himself completed the 4-year apprenticeship program before he became an active member of the electricians' union.

In addition to assisting the electricians' apprenticeship program, Mr. Pridemore has served as a member of the joint apprenticeship training committee and as a trustee for the committee. Last year, he served as a member of the State of California's Joint Apprenticeship Committee.

Yet Mr. Pridemore's efforts not only ensure the preparation of a highly skilled and productive work force for the future, he also works to protect the interest of retired and active union workers. Mr. Pridemore serves as a trustee to both the health and welfare trust and the pension trust. As well, he has dedicated himself to improving working conditions, providing job security, and creating new opportunities for the employees he represents.

Mr. Pridemore is truly a labor leader. I know that every Member of the House of Representatives sends congratulations.

HON. RALPH W. YARBOROUGH AND  
 NATIONAL PARKS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WILSON. Mr. Speaker, While serving in the U.S. Senate, 1957-71, the Honorable Ralph W. Yarborough's record of achievement was exceptionally productive in diverse legislation involving education, labor, agriculture, health care, veterans affairs, civil service, and numerous other programs. One of his most consuming interests was preservation of Texas' unique heritage, and because of diligent and effective efforts, some outstanding areas of scenic beauty, scientific, historical, and cultural significance have been saved.

Growing up in Chandler, in Henderson County, TX, his boyhood was spent between the Neches River and Kickapoo Creek where he roamed the wild, free, open, and uncrowded woods, marveled at the flights of ducks, the wading egrets and herons, the wild turkeys; fished for catfish and perch; surprised turtles, snakes, and alligators in their ponds and sloughs. Later, as he watched much of the Big Thicket vanish, he characterized the struggle as "pulpwood against the people."

When the Big Thicket Association was formed in 1964, Senator Yarborough worked with association president Dempsey Henley and local naturalist Lance Rosier, also known as Mr. Big Thicket, in a concentrated, spirited effort to educate the public and to organize Federal activity for a Big Thicket National Park. Yarborough later served as president of the Big Thicket Association for 1976 to 1978, and was recognized with the Big Thicket Conservation Award in 1985.

Yarborough introduced his first bill, S. 3929, October 20, 1966, followed in the 90th Congress by S. 4, January 11, 1967, which called for a park of not less than 100,000 acres. Through his contacts, public figures like Justice William O. Douglas were encouraged to visit the area and to write about Big Thicket.

In 1966 and 1968, the Senator brought in National Park Service teams to study Big Thicket. When the National Park Service report recommended a Big Thicket National Monument of 35,000 acres, Yarborough rejected the proposal, stating emphatically that "You build a monument to something dead. We wanted a living park." By this time he had recruited a large and enthusiastic following, who agreed with him that the proposal was inadequate in size and objectives.

Yarborough first introduced articles about Big Thicket in the CONGRESSIONAL RECORD in June 1962, and by 1970, the CONGRESSIONAL RECORD contained approximately 75 articles about Big Thicket from Audubon, Sierra Club Bulletin, Defenders of Wildlife, Outdoor America, Living Wilderness, Texas Parks and Wildlife, Ford Times, Texas Clubwoman, and a host of similar publications. There were editorials and feature stories from every daily newspaper in Texas, as well as Wall Street Journal, New York Times, and Washington Post.

The Senator also put into the CONGRESSIONAL RECORD resolutions supporting at least 100,000 acres 47 times, often submitting several resolutions at once. Among organizations were the Wilderness Society, Izaak Walton League, Defenders of Wildlife, Texas Federation of Women's Clubs, Southwestern Association of Naturalists, Delphian clubs, literary clubs, garden clubs, wildlife and conservation groups, and many small local civic organizations.

Although the CONGRESSIONAL RECORD may have a limited reading audience, the enormity of the effort becomes evident when one considers that each resolution represents a speech, a contact, or correspondence with the groups, and follow-up exhortations. His own statements and speeches appeared at least 23 times. By June 12, 1970, public education had progressed markedly and legislative efforts began to pay off with Senate committee hearings in Beaumont on Yarborough's bill. Numerous organizations and many public officials turned out to support a national park for Big Thicket.

Although Senator Yarborough lost his bid for reelection, his colleagues paid him a personal tribute when the Senate passed his Big Thicket bill on December 17, 1970, too late for action in the House.

Yarborough left the Senate, but his zeal to save Big Thicket never wavered. Taking time from his law practice and paying his own expenses, he continued speaking to groups and prodding them to greater efforts. He warned of the destruction being waged on Big Thicket forests, distributing copies of articles, and the names and addresses of officials to write and call. There was also a barrage of news releases reporting on those corporate timber behemoths with out-of-State headquarters who were cutting down Big Thicket.

Senator Yarborough fought hard to save all of Texas' special places; Padre Island Na-

tional Seashore, Guadalupe Mountains National Park, and other parks and monuments. He believed in and worked for parks everywhere in Texas and the Nation. Big Thicket National Preserve was undoubtedly his most cherished cause, partly because of his personal knowledge and experience with the Thicket. But, he also had great vision and recognized the need for multiple purposes in most of his legislative efforts. In his testimony of June 12, 1970, Yarborough said:

Mr. Chairman, the creation of the Big Thicket National Park is not primarily to benefit the plants, mammals, birds, reptiles, flowers, and other wild things living there: the park is for people, for people's lives to be enriched by the wild things they thrill to see, hear, smell, and sometimes taste and touch. The issue over this park is pulpwood versus the people.

Senator Ralph Yarborough has earned the appreciation of his fellow Americans for efforts to establish national parks and for passage of many other laws that have improved the lives of Americans and the world. It is fitting that the Big Thicket National Preserve Visitor Center be named the Ralph W. Yarborough Visitor Center.

And I am introducing legislation for this purpose today.

#### SNUFF KILLS KIDS

### HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. DURBIN. Mr. Speaker, today a 9-year-old child started dipping snuff.

The Surgeon General's Office has found that 9 is the average age at which children first use smokeless tobacco. An epidemic of oral cancer, gum disease, and death is in the making. Since 1986, snuff use has increased 24 percent while the number of smokers has declined significantly.

Mr. Speaker, we can ignore these facts or we can act. We can let the tobacco companies kill our kids or we can fight back.

I would like to bring to the attention of my colleagues the following excerpts from an article that appeared in Common Cause magazine, which details the insidious nature of the smokeless tobacco industry.

#### THE KING OF SNUFF

(By Jeffrey Denny)

For a brief time eight years ago, two distinct American subcultures clashed in an Oklahoma courtroom: millionaire tobacco company executives, and the people who make them rich.

There was Betty Ann Marsee, a registered nurse and recent widow raising her children in a trailer park in Talihina, Okla., a remote timber town of 1,300 where fun is a sweaty afternoon at the rodeo, and fathers and sons spit tobacco juice together.

Then there was Louis Francis Bantle, the soft-spoken, \$2 million-a-year chair of U.S. Tobacco of Greenwich, Conn., maker of Copenhagen moist oral snuff. You won't find many tobacco stains on the sidewalks of Greenwich, an archtypical suburban township of blueblood wealth where Bantle lives.

The worlds inhabited by Marsee and Bantle collided when she sued U.S. Tobacco for \$147

million in 1985, alleging that her son Sean's Copenhagen habit caused the mouth cancer that killed him, and that the company knew its product could cause cancer.

The jury heard that Sean had begun dipping snuff at age 12, when he got a free can of Copenhagen at the rodeo. A handsome, popular, high-school track star, Sean used four or more cans a week and rarely left home without a "dip" tucked between his right cheek and tongue. He thought it was healthier than cigarettes and even chided his sister for smoking.

Not long after he turned 18, however, a small white lesion—leukoplakia, an early sign of a tumor—appeared on Sean's tongue. Weeks after high-school graduation Sean had a third of his tongue cut out. Surgeons gradually carved away portions of Sean's jaw and neck before they gave up and sent him home to die. He was 19.

Since Marsee's death, however, snuff dipping has only increased, especially among teenagers. U.S. Tobacco—renamed UST, Inc. in 1987—virtually has cornered the snuff market and racked up sensational profits, reaching No. 1 among the Fortune 500 in return on assets and, this year, the \$1 billion milestone in sales.

"U.S. Tobacco is probably the best example of a company that is putting corporate profits above the health of our children," says Matthew Myers, counsel to the Coalition on Smoking OR Health, a Washington-based group that includes the American Cancer Society. "Smokeless tobacco was a dying habit until U.S. Tobacco proved that through slick marketing and advertising it could create a whole new generation of addicts."

In this country, some 2.5 million out of 10 million smokeless tobacco users are under 21, according to a 1991 government survey. Close to one-fifth of all high-school males have used it and on average began at age 9.

Teen snuff dipping helps explain why snuff use has increased 24 percent since 1986 even while cigarette smoking in America has sharply declined. [D]ippers quadruple their chances for mouth cancer and are 50 times more likely than nonusers to develop throat cancer. Last year there were more than 30,000 new cases of oral cancer, 75 percent of which are linked to smoking or smokeless tobacco.

First-time users may suffer a little nausea and burning. Copenhagen, UST's strongest brand, delivers a huge dose of nicotine; unlike smoking or chewing, dipping [snuff] lets the drug seep continuously into highly absorptive tissue. "It makes me sicker than a dog," Bantle, who chain-smoked Kool cigarettes, told a reporter in 1975. After the initial nicotine jolt settles into a low-level buzz and then subsides, you finger out the soggy mass and take a fresh dip.

As recently as the 1960s, U.S. Tobacco's chief product had little future. To reintroduce snuff, Bantle unleashed a massive media campaign. Blitzing news magazines and television, UST spent \$2.5 million as an official sponsor of the 1980 Winter Olympics, underwrote a sports medicine program at the 1984 Winter Olympics and paid \$1 million for ads sprinkled throughout ABC's telecast of the '84 games. All this at a time when ads for cigarettes—but not snuff—were banned from TV.

UST developed what it called the "graduation process," or snuff with varying levels of nicotine, beginning with mint flavored Happy Days, then Skoal and Skoal Long Cut, and then Copenhagen, the strongest. An ad slogan vowed, "Sooner or later it's Copenhagen." In 1983, with great fanfare, UST introduced Skoal Bandits—tobacco sewn into tiny

porous cloth pouches—which made snuff even easier to use. “They wanted a starter product aimed at ages 15 and up,” says Marsee’s lawyer, George Braly, citing company documents obtained during the trial.

“(These were) procedures for getting young people hooked,” says Jack Henningfield, chief of the clinical pharmacology research branch at the National Institute on Drug Addiction, who was shown internal UST documents in preparation for testifying as an expert witness for Marsee at the ‘86 trial. “I use the word ‘hooked’ because that appeared in their documents,” he recalls, “that if you get them hooked while they’re young you’ve got them hooked for life.”

The tobacco industry as a whole continues to be one of the most aggressive and well-financed special interests in Washington. That helps to explain why Congress still subsidizes tobacco growers and exempts tobacco from regulation by the Consumer Product Safety Commission, Food and Drug Administration and the Toxic Substances Control Act. (For example, the FDA recommends limits on nitrosamine—a chemical strongly associated with cancer—at 10 parts per billion in bacon and half that in beer. The nitrosamine content of moist oral snuff is 1,000 parts per billion and higher, with Copenhagen among the highest, according to Dietrich Hoffmann, associate director of the American Health Foundation.)

What has UST accomplished in Washington?

Over the past six years, not one piece of legislation opposed by the Smokeless Tobacco Council—there were 24 of interest listed on the council’s lobby disclosure reports—has been enacted; most died in committee. “Thank you” deadpans a former industry lobbyist.

The council has been particularly adept at holding down excise taxes on smokeless tobacco, a key to UST’s awesome profit margins—58 percent of the price of a can of snuff is pure profit, according to an analysis by Gregory Connolly, director of the Massachusetts Office for Nonsmoking and Health.

Today the federal excise tax on smokeless tobacco is just under 3 cents per can, one-eighth the levy on a cigarette pack.

But the key to UST’s success—and a main reason it sponsors so many [sporting] events—is the company’s aggressive use of “sampling” to encourage people to try its products. For years cigarette makers have hired people to hand out new brands on street corners, but the people in UST’s sampling booths have been trained through role-playing sessions to be far more interactive. “You actually would get marked down on your annual review \* \* \* [if] you didn’t actually get the person to put the product in his mouth,” an industry source recalls from personal experience in the early ‘80s.

Some \$14 million worth of free snuff was handed out in 1991, according to the FTC. The Smokeless Tobacco Council vigorously defends this practice as a “legitimate promotional technique” used by many product manufacturers to get people to switch brands. But UST has no significant competitors in the moist oral snuff market—nine out of every 10 tins sold are UST products.

## TRIBUTE TO OWENDALE TOWNSHIP ON THE OCCASION OF ITS 125TH ANNIVERSARY

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to the village of Owendale during its 125th Brookfield Township anniversary festival. In the year of its beginning, 1868, the village of Owendale did not exist. Most of the area was known as the Columbia Swamp. Owendale is a small village in Huron County the Columbia Swamp. Owendale is a small village in Huron County in the midst of a rich agricultural region. The Chippewa Indians were the original settlers of the area, much of which was swamp land.

Andrew Hosea Burton entered his homestead claim on November 25, 1865, in Brookfield Township. He assumed an active role in the organization of the township and was permitted to name it Brookfield in memory of his native place in New York.

In 1882, Mr. John G. Owen of Saginaw purchased about 1,000 acres of timber land in the Columbia Swamp. Upon completion of the Pontiac, Oxford and Northern Railroad in 1883, Mr. Owen erected a saw mill. This mill was said to be one of the finest and largest sawmills in Michigan. In 1887, John G. Owen had the lands of the present site of Owendale surveyed by Quincy A. Thomas, a civil engineer and surveyor. The parks, alleys, and streets were dedicated, by Owen, to the public for their perpetual use.

By November 1901, Owendale became the terminus of the stub end of the Michigan Central Railway. Charles Montague of Caro was instrumental in getting this railroad to Owendale to haul sugar beets to the factory established in Caro. At that time there were not many inhabitants in the village, although the businessmen were trying to give the place a boom. The success of these businessmen led to the incorporation of Owendale as a village in 1905.

About 1914 a cooperative shipping association was formed, with W.F. Kretschmer as manager and William C. Pobanz as secretary and treasurer. Kretschmer would line up cattle from the farmers to ship by train to Detroit, receiving a certain commission on the cattle sold. About 1918, the Shebeon Creek was dredged out to drain the lands through the former Columbia Swamp. A dipper dredge, with a portable gasoline engine, was used. This land, when satisfactorily drained, became part of the richest farm land in the State.

In 1921, Harold Ricker built a theater, situated in the block which had previously burned. His sister, Erma Ricker, played the organ to accompany the silent movies. Several other changes were made to the village in the 1920’s. Electric light equipment for the streets was purchased, with street lights to be turned out at 10:00 pm Tuesday, Thursday, Friday, and Sunday nights. Art Ricker erected a gas station on the corner of Main and Fourth in 1924. This was incorporated as Art and Duff Oil Co. when Lawrence Dufty later bought part of the business. They later added a trucking firm, trucking cattle to Detroit.

The vast amount of mechanization by the 1930’s brought even more changes to the area. With the use of tractors, farmers were now able to raise, and likewise sell, more crops. The Michigan Bean Co. became the second largest receiver of navy beans in the Nation. Sugar beets were now hauled to the sugar plants by truck, or tractor and wagon. The Depression of the 1930’s caused many problems in the rural area, with many farmers losing their farms. By the late 1930’s as the economy began to emerge from the Depression, farmers began buying more tractors.

During the 1940’s, combines were beginning to be seen on some farms. These first combines were pulled by tractors. Some had gasoline motors, which supplied the power to operate, while power take-off supplied the power to run others. During World War II, there were not many changes in the methods of farming, but farm prices were at an all time high, and the community prospered.

In the fall of 1946, Automotive Industries established a factor in the building which had formerly been occupied by G.V. Black General Store. Much remodeling has taken place throughout the years, and some new buildings have been erected. The manufacturing armrests was the principle function from the time the factory began, until they were outmoded by rotational molding in 1958. In the mid 1960’s they began manufacturing sun visors, starting out making them for one company and at the present time for four companies. The factor averages about 100 employees, with about 50 percent being residents of the immediate vicinity and the rest commuting from the outlying towns.

Today, with the large drainage ditches and tile, Owendale boasts as being Michigan’s leading agricultural township, with all 36 square miles under cultivation with the exception of a few small patches of woodland. I would like to pay tribute to this small town, its people and the farmers that made it a part of rural America.

## THE DIRECT STUDENT LOAN PROGRAM

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CLAY. Mr. Speaker, as a House conferee on the education provisions contained in the Budget Reconciliation Act of 1993, I supported the proposition that direct loans to students would provide access for all students, be cost-effective, and would be the most efficient way to proceed for institutions of higher education and especially for historically black colleges and universities.

Under a direct loan system, students would be able to obtain loans directly from their institutions of higher education. The funds would come directly from the Federal Government which can borrow at a lower cost than banks. The House version of direct loans contained in the reconciliation bill created a new direct loan program to be phased in over a 4-year period to completely replace the existing guaranteed student loan program. The Senate version

kept the current loan system in place, reducing financial markets profits, while also putting into place a direct lending program.

The Conference committee's compromise keeps both systems in place requiring at least 60 percent direct lending by 1998-99.

I was supportive of the House version for 100 percent direct lending based on three fundamental principles:

First, the principle of equity and excellence. I continue to believe that direct lending is a cleaner, less complex, less cumbersome, more equitable and just way to proceed in insuring equality of educational opportunity for students especially those from poor socio-economic circumstances.

Second, the principle of cost-effectiveness. I believe that direct lending for students would be more cost-effective from an economic or financial perspective. It is clear that if there are no middle men involved in the student loan process, a financial gain will accrue. The existence of a middle bureaucracy as reflected in banks, guaranty agencies, and other lending institutions will simply add to the cost of loans for students. As a result, the elimination of the middle tier will provide a larger pool of monies available to students.

Third, the principle of access. I believe that cutting into the profits of banks which participate in the current program will result in the collapse of many guaranty agencies. Consequently, many small- and medium-sized banks will pull out the program. As a result, access to loans for many students will be eliminated. I believe the time has come to end the quagmire in regard to making financial assistance available to students who need help in order to attend college. The current practices as reflected in loans and the middle bureaucracy simply makes it more difficult especially for young people enrolled in historically black college and universities to be assured of financial equity and equality of opportunity.

I am not discouraged by the current proposal which has been embraced in terms of two systems as reflected in the current proposal—at least 60 percent direct lending by 1998-99 while maintaining the current system. However, I am reluctantly supporting the proposal in a spirit of compromise, unity, and solidarity.

My overriding principal is that none of our young people who are deserving should be denied an opportunity for higher education for want of financial assistance.

Education should not be for the privileged but should be a right that all able and deserving students should enjoy. In the sense of basic fairness; particularly following the Morrill Acts of 1862 and 1890 which established land grant colleges, higher education is a precious right for our Nation's greatest human and intellectual resource: our young people.

**PRESCRIPTION FOR U.S. COMPETITIVENESS; A NATIONAL COMPETITIVENESS COMMISSION**

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LaFALCE. Mr. Speaker, in 1988, the Omnibus Trade and Competitiveness Act es-

tablished a competitiveness policy council to advise the President and Congress on policy steps that ought to be taken to enable U.S. business to compete globally and grow domestically. Since its inception in 1991, the Council has sent to the President and Congress two excellent reports, "Building a Competitive America" and "A Competitiveness Strategy for America." It is now time to renew the authorization for the Council to allow it to continue its efforts to help us build a more competitive America.

The problem of U.S. competitiveness is not a new one. Our economic foundations have been eroding for some time, but for too long the warning signals went unheeded. A decade ago, in 1983, as chairman of the Banking Subcommittee on Economic Stabilization, I held an extensive series of hearings on the need for this country to develop a competitiveness strategy. Witnesses for these hearings included then-Governor Bill Clinton, Laura D'Andrea Tyson, Robert Reich, and Lester Thurow. The result was a report entitled "Forging an Industrial Competitiveness Strategy" that included among its recommendations the establishment of a council on industrial competitiveness. In 1984, I authored legislation, the Industrial Competitiveness Act, which included the establishment of such a council. The legacy of these early efforts is today's Competitiveness Policy Council. As author of the legislation creating the Council, I am pleased with its achievements and the solid recommendations it and its subcommittees have formulated.

Because our country's economic difficulties were years in the making, the economic challenges we face as a Nation are not ones with short-term solutions. We confront a series of problems. Our national debt was building long before we crossed the line to become a net-debtor nation in 1985 and remains an enormous drag on our economy. For years in the early 1980's, the overvalued dollar sent U.S. manufacturers—and jobs—offshore. When the dollar subsequently sank, we became vulnerable to foreign-buyouts of our companies.

We remain behind our major competitors in terms of Government expenditures relative to GDP on civilian R&D. Our educational system is failing to produce workers capable of meeting the challenges of the 21st century. And the government-business-labor cooperation that is essential to an effective competitiveness strategy—and is more typical in our competitor countries—is still not a complete reality in the United States.

I review these problems to underscore the enormity of the task of economic rebuilding. Add to these economic difficulties the sudden end of the cold war and the economic consequences of restructuring our defense economy, and you have a situation that requires the best thinkers, the best practitioners, and the best policymakers this country can offer.

That is what the Competitiveness Policy Council offers. Members of the Council represent labor, business, government, and the public interest and are appointed by the President, House of Representatives, and Senate. Last year eight Subcommittees—Manufacturing, of which I was a member, Critical Technologies, Education, Training, Capital Formation, Public Infrastructure, Trade Policy, Cor-

porate Governance—labored over the issues we confront and developed detailed recommendations intended to improve U.S. performance in these areas. The Council will soon release an interim report on the status of these recommendations, but I can report now that many of the Council's proposals have been acted on by the Clinton administration.

The Council is beginning to examine new issue areas—creating high-performance workplaces, capital allocation, tort reform, social problems, and health care—and will be recommending policy changes that will further contribute to the rebirth of U.S. competitiveness.

Mr. Speaker, today I am introducing legislation that will reauthorize the Competitiveness Policy Council for 4 years. It also changes its name to the National Competitiveness Commission in order to avoid confusion with other competitiveness councils. In addition, the bill makes various technical changes on staffing provisions and reporting requirements. This legislation has the full support of the Clinton administration. I am confident that extending the life of the Competitiveness Policy Council will serve the President, the Congress, and the American people well.

The text of the bill follows:

H. R. —

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

**SECTION 1. REAUTHORIZATION.**

Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

- (1) by striking "1991 and 1992" and inserting "1993, 1994, 1995, and 1996"; and
- (2) by striking "\$500,000" and inserting "\$2,500,000".

**SEC. 2. RENAMING OF COUNCIL.**

The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended as follows:

- (1) In the subtitle heading—
  - (A) insert "National" before "Competitiveness"; and
  - (B) strike "Policy Council" and insert "Commission".
- (2) In section 5201—
  - (A) insert "National" before "Competitiveness"; and
  - (B) strike "Policy Council" and insert "Commission".
- (3) In section 5202(b)(2)—
  - (A) insert "National" before "Competitiveness"; and
  - (B) strike "Policy council" and insert "commission".
- (4) In section 5203—
  - (A) in the section caption, strike "COUNCIL" and insert "COMMISSION";
  - (B) insert "National" before "Competitiveness";
  - (C) strike "Policy"; and
  - (D) strike "Council" each place it appears and insert "Commission".
- (5) In section 5204—
  - (A) in the section caption, strike "COUNCIL" and insert "COMMISSION"; and
  - (B) strike "Council" and insert "Commission".
- (6) In sections 5205 through 5208, strike "Council" each place such term appears and insert "Commission".
- (7) In section 5207, in the section caption, strike "COUNCIL" and insert "COMMISSION".
- (8) In section 5210—
  - (A) in paragraph (1)—
    - (1) insert "National" before "Competitiveness";

(ii) strike "Policy"; and  
 (iii) strike "Council" each place it appears and insert "Commission"; and  
 (B) in paragraph (2)—  
 (i) insert "National" before "Competitiveness"; and  
 (ii) strike "Policy Council" and insert "Commission".

**SEC. 3. DUTIES OF THE COMMISSION.**

Section 5204 of the National Competitiveness Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—  
 "(A) contain the analysis and recommendations of the Commission; and  
 "(B) comment on the overall competitiveness of the United States economy, including the report described in section 5208; and  
 "(12) submit an annual report to the President and to the Congress on the activities of the Commission."

**SEC. 4. EXECUTIVE DIRECTOR AND STAFF OF COMMISSION.**

Section 5206 of the National Competitiveness Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "5376 of title 5, United States Code";  
 (2) in subsection (b)—  
 (A) by striking paragraph (1);  
 (B) by redesignating paragraph (2) as paragraph (3); and  
 (C) by inserting before paragraph (3), as redesignated, the following:  
 "(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.  
 "(2) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code"; and  
 (3) in subsection (c), by striking "GS-16 of the General Schedule" and inserting "the maximum rate payable under section 5376 of title 5, United States Code."

**SEC. 5. POWERS OF THE COMMISSION.**  
 Section 5207 of the National Competitiveness Commission Act (15 U.S.C. 4806) is amended—  
 (1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and  
 (2) by inserting after subsection (f) the following:  
 "(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle."

**SEC. 6. REPORTING REQUIREMENTS.**  
 Section 5208 of the National Competitiveness Commission Act (15 U.S.C. 4807) is amended—  
 (1) by striking the caption and inserting the following:  
 "SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS."; and  
 (2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and  
 (B) by striking "on" and inserting "not later than"; and  
 (3) by adding at the end the following:  
 "(d) OTHER REPORTS.—The Commission may submit to the President and the Congress such other reports containing analyses and recommendations as the Commission deems necessary."

**SEC. 7. REFERENCES IN FEDERAL LAW.**

(a) COMPETITIVENESS POLICY COUNCIL.—Any reference in Federal law to the Competitiveness Policy Council shall be construed to be a reference to the National Competitiveness Commission.  
 (b) COMPETITIVENESS POLICY COUNCIL ACT.—Any reference in Federal law to the Competitiveness Policy Council Act shall be construed to be a reference to the National Competitiveness Commission Act.

**INTRODUCTION OF THE SAFE CABIN AIR QUALITY ACT OF 1993**

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, I rise today to introduce the Safe Cabin Air Quality Act of 1993 with my colleague, the distinguished gentleman from Oregon, Mr. DEFAZIO. Now that the flying public no longer needs to be concerned about suffering the effects of secondhand smoke on short domestic flights, the airlines are creating a new problem for their passengers by restricting the amount of fresh air in the cabins of many new aircraft. Flight attendants and passengers have recently begun complaining of symptoms such as dizziness, dry eyes and throats, and even of contagious viruses, such as influenza after plane flights. These symptoms indicate that, at the very least, air quality in airplane cabins is often poor and, possibly, dangerous.

This bill will establish ambient air quality standards for aircraft cabins. At a time when we are working to cut air travel costs to protect the industry, we must not do so at the expense of the health and safety of passengers and flight attendants. As aviation technology progresses, airline engineers and executives must be reminded that it is still people who will be sitting, working, and breathing on the aircraft. New aircraft designs must ensure that the cabin maintains an acceptable proportion of fresh air and is free of contagious viruses and bacteria, dangerously high levels of ozone, and uncomfortably low levels of humidity. This bill would protect the health rights of the traveling public and airline crews.

**TWENTY YEARS OF THE PATERSON PUERTO RICAN DAY PARADE**

**HON. HERB KLEIN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KLEIN. Mr. Speaker, I rise today to acknowledge 1993 as the 20th anniversary of

Paterson's Puerto Rican Day Parade, Inc. This acknowledgement is in conjunction with the tribute I presented before Congress on May 5, 1993, declaring 1993 as "Puerto Rican Heritage Year."

The purpose of this organization is to show pride by uniting the Puerto Rican community of Paterson. It reflects the great political and economic progress that the community has contributed in the city and throughout our country, while preserving their cultural and folkloric heritage. This is celebrated annually at the Puerto Rican Day Parade of Paterson during the last week of August.

The city of Paterson's first Puerto Rican Day Parade was held on August 27, 1973, and was dedicated to Latino women and the great Puerto Rican athlete and humanitarian, Roberto Clemente. The parade has grown from 2 floats and 15 entities in 1973 to 20 floats and 60 entities in 1992. This fantastic growth is a result of and a tribute to the expanding Puerto Rican community, which now composes 50 percent of the total Latino population.

On August 29, the citizens of Paterson should join in commemorating Paterson's Puerto Rican Day Parade 20th year anniversary celebration. We honor them for their achievements and the integral part they have played in Paterson's rich history by encouraging other ethnic groups to share their heritage.

Now, therefore, I do hereby proclaim August 29, 1993, in the city of Paterson, Puerto Rican Day Parade 20th year anniversary as part of Puerto Rican Heritage Year in the United States of America.

**UNITED STATES-MEXICO RELATIONS**

**HON. RONALD D. COLEMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. COLEMAN. Mr. Speaker, August 29, 1963, was the day when the Chamizal Treaty was signed by the United States and Mexico. It was on this great day 30 years ago that some suggest marks the beginning of modern United States/Mexico relations.

Chamizal draws its name from a variety of cane or reed which grows in abundance near the river between Ciudad Juarez, Chihuahua and El Paso, TX. Anyone familiar with rivers knows that they often change course without warning or notice. Such was the case in 1894 when the Rio Grande strayed off its path, and as a result, Mexican farm land ended up in the United States. The Mexican Government filed a claim for return of that land, called El Chamizal.

After years of litigation, an arbitration court recognized Mexico's claim to the land in 1911. However, it was not until July 17, 1963, that the United States approved the return of the Chamizal. This Chamizal treaty was formally signed by Presidents John F. Kennedy and Adolfo Lopez Mateos on August 29, 1963.

I do not have to remind my colleagues of the sometimes difficult relations our country has had with Mexico. Prior to this agreement, relations were even more tense. But this accord signaled to both nations that there could

be room for negotiation and cooperation in the future. It is no overstatement to say that our Mexican neighbors were overjoyed when the Chamizal Treaty was approved. The settlement over a small parcel of land reflected a new era of cooperation and friendship.

And now, as the North American Free-Trade Agreement, immigration reform, and other issues are being considered in this Congress, we see the value of this agreement because it provides us with a blueprint from which to forge stronger accords.

In my years in Congress, I have been steadfast in my conviction that the political, economic, and social health of Mexico is of paramount importance to the entire United States. Even further, hemispheric stability and growth is closely tied to a prosperous Mexico. Thanks to the Chamizal Treaty and other agreements that followed it, a more prosperous Mexico has indeed emerged.

Mr. Speaker, I would like to close with the words of the great Mexican President and patriot Benito Juarez: "El respeto al derecho ajeno es la paz"—respect for the rights of others is peace.

Benito Juarez was talking about being considerate in dealings with a neighbor. He was speaking from the mindset of a country that was increasingly being encroached upon in foreign affairs. And, he was talking about an autonomy necessary for nations to prosper and grow. He would no doubt be proud of the endeavors we are considering here and on the Mexican side to better the lives of Mexicans and Americans.

So, my colleagues, let us go on, in the spirit of the Chamizal Treaty, to forge a stronger partnership with our neighbors. Let us move to a new dawn of mutual respect and admiration that will be greatly beneficial to the people on both sides of the Rio Grande/Rio Bravo.

#### INTELLIGENCE AUTHORIZATION FOR FISCAL YEAR 1994

**HON. GARY A. FRANKS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to support H.R. 2330, the Intelligence Authorization Act of 1994. While I am concerned that the committee authorized significantly less than the amount requested by the President, I am even more concerned that several Members wish to make even further cuts to this bill.

It's been said before, but I'll say it again: Though the cold war is over the world is still a dangerous place. I need only point to the recent crises in Yugoslavia, Somalia, and the Persian Gulf. The collapse of the Soviet Union has provided a great challenge to our intelligence community. A mission which was once easily defined and clear is now divided and uncertain. U.S. intelligence must focus on many more targets and geographic areas than ever before. We must provide the agencies that carry out this task with the proper resources.

With the drastic downsizing of our Armed Forces and defense capabilities, we will need

to rely more and more on valuable intelligence. I believe further cuts to the intelligence budget would seriously jeopardize U.S. national security. The fiscal year 1993 authorization placed a great strain on our intelligence community. Accordingly, I urge my colleagues to reject any further cuts to this legislation and support final passage of the bill.

#### ELIMINATE DELAYS AND SUFFERING IN THE DISABILITY PROC- ESS

**HON. STEPHEN L. NEAL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NEAL of North Carolina. Mr. Speaker, today I am introducing legislation to bring much needed reform to the Social Security Disability Program. The current process for obtaining Social Security Disability benefits is an administrative nightmare. People who desperately need and deserve assistance are kept waiting months and even years for eligibility determinations and help.

In my congressional district, Mr. Speaker, a disabled individual can expect to wait 18 months to receive a final ruling on eligibility for benefits, 18 months during which he or she often has no other source of income. I am told that in some areas of the country the waiting period is even longer.

It is cruel to require people who need help to wait a year and a half or more to find out if they are going to receive benefits. In many cases people who start the process with physical ailments end up with psychological problems as well by the time the process is completed. Mr. Speaker, the Social Security Disability system has become another source of pain and frustration for those it was designed to help.

My bill would require, first of all, that no applicant for disability benefits be turned down without first having a face-to-face interview with a disability examiner. All too often, under our current system, the applicant has no personal contact with an employee of the Social Security Administration until the application has been rejected twice. In many cases, the nature and extent of an applicant's disability is not evident on paper or in a phone interview. We could save a good deal of time and unnecessary heartache if the Social Security Administration had complete information about an applicant's condition, through a person-to-person interview given early in the process, before a decision was made.

Mr. Speaker, my bill would also set some reasonable time limits for processing disability applications and appeals. Under the current system, there is a 5-month waiting period from the time a person becomes disabled until he or she is eligible to receive benefits. My bill would require the Social Security Administration to process an individual's application and appeals, if necessary, within the 5-month waiting period.

An initial determination would be made within 30 days. If the application is denied, reconsideration of the decision would be completed in 60 more days. Finally, if necessary, a deter-

mination by an administrative law judge would be made before the end of the 5-month waiting period. If, at the end of 5 months, the process is not complete, the Social Security Administration would be required to pay the disability benefits until a final decision is rendered.

Mr. Speaker, it is crucial that we bring some rationality to the Social Security Disability Program. It is unfair to keep people who need assistance waiting for months to find out whether they are eligible for help. Working people pay for the Social Security Disability Program through their Social Security taxes. Disability payments are earned benefits; they are not welfare. These benefits should be available when people are truly disabled and need help. I hope that my colleagues will support this legislation and that it can receive favorable consideration in the 103d Congress.

#### CRIME GOES UNDETERRED

**HON. PETE GEREN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. PETE GEREN of Texas. Mr. Speaker, crime is becoming more attractive every day because the deterrent has become less and less. Criminals know that if they are caught and convicted, they will not be given the maximum sentence due to a shortage of prison space. And in most cases, they will not even serve the full term imposed because many States have to abide by burdensome Federal court restrictions on prison space. My State of Texas is a case in point, where criminals serve a median of only 47 days for every year of their sentence.

These criminals are not being released early for good behavior. They are being released to make room for others. The need for increased prison space has never been greater, but as we all know, construction of new prisons is extremely expensive and is often politically charged. So, at the very least we should use our existing prison space to the maximum capacity. But instead of filling prisons to 100 percent of their capacity, many States are mandated by Federal courts to operate under capacity and turn criminals out into our streets rather than risk inmate overcrowding.

According to the Criminal Justice Institute, 31 States have one or more of their prisons operating under a population cap or limit imposed by the Federal courts. However, the Federal prison system, which is not bound by any court orders establishing prison population limits, is operating at 165 percent of capacity. According to the U.S. Department of Justice, if State prison systems were allowed to operate at the same capacity as their Federal counterparts, an additional 268,000 beds would become available at a savings of \$13 billion.

Mr. Speaker, today I am introducing legislation to remove the Federal courts jurisdiction from hearing any case dealing with inmate capacity at State penal or correctional institutions. The legislation would limit original jurisdiction and the appeal of these cases to the State courts, with ultimate appeal to the U.S.

Supreme Court. Our legislation will put the business of running prisons back where it belongs—in the hands of State prison officials.

States are well equipped to determine the proper capacity rates of their respective prison systems while still guaranteeing the constitutional rights of inmates housed within the system. This legislation does not give prison officials the authority to act with indifference to the rights of inmates, and does not effect a person's right to appeal to the U.S. Supreme Court to ensure that the constitutional rights of prison inmates are protected. However, it tells the Federal courts, in no uncertain terms, that they will no longer be able to unfairly tie the hands of State prison officials.

My legislation has received the endorsement of groups whose names alone bear testimony to the situation in our Nation. Groups like Parents of Murdered Children, Justice for Murder Victims, Justice for Homicide Victims, Inc., and Citizens for Law and Order. These groups represent the opinions of the citizens of this country. They want something done that will allow them to breathe a little easier when their children go out to play or when they go for a walk after dark. Let's show them that we are serious about our war on crime and keep prisoners where they belong—in prison.

My legislation is certainly not a cure-all Mr. Speaker, but it is a step in the right direction and I urge my colleagues to support me in this endeavor.

#### AGRICULTURAL APPROPRIATIONS BILL STRONGLY SUPPORTED

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 2493, the agricultural appropriations conference report. This bill provides \$70.7 billion for agricultural programs. In our conference report we had to reconcile many contradictory positions and I commend Chairman DURBIN, Mr. BUMPERS in the Senate, my fellow conference members and their excellent staffs for their leadership and hard work in crafting this bipartisan bill.

I was glad that the conference report agreed to delete the unauthorized FDA user fee language passed in the Senate and instead accepted House language that provides \$867 million for the Food and Drug Administration. This \$200 million funding increase is needed to enable the FDA to meet its increased responsibilities and will hopefully expedite the approval process for new drugs and medical devices.

This bill will provide additional money for food stamps, for WIC, for child nutrition programs, and for popular feeding programs such as Meals on Wheels which benefit low-income senior citizens.

The conference report also provides almost \$67 million for the Wetlands Reserve Program, an increase from the \$44 million appropriated by the House. This will enable 11 new States to participate in the program as up to 75,000 acres can be set aside for wetlands protection.

There are numerous other beneficial programs which I could cite in support of this conference report. However, as we are all eager to leave for the August recess let me conclude by again commending the work of my distinguished subcommittee chairman, Mr. DURBIN and I urge Members to support this important legislation.

#### OUR LAW IS CLEAR AND UN- EQUIVOCAL—JOHN DEMJANJUK MUST NOT BE ALLOWED TO RE- TURN TO THE UNITED STATES

**HON. DICK SWETT**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SWETT. Mr. Speaker, in the past few days, the world has witnessed just how dispassionate and objective the courts of Israel are. In a case infused with emotion which has held the attention, not only of Israel, but the rest of the world as well, the Israeli Supreme Court held that John Demjanjuk, a former naturalized American citizen who was denaturalized and extradited to Israel, was not Ivan the Terrible, the notorious Ukrainian Nazi guard at the Treblinka extermination camp. The Israeli high court held that the evidence did not establish that Demjanjuk was the Treblinka guard, and ordered that he be released.

Based on the decision of the Israeli Supreme Court, it appears quite certain that Demjanjuk is not the notorious Ivan the Terrible. During the trial in Israel, however, it was established beyond any doubt that John Demjanjuk was a Nazi extermination camp guard who was trained by the SS at Trawniki and served in a highly responsible position at the Nazi death camp at Sobibor. He may not have been Ivan the Terrible of Treblinka, but he certainly was an awful Ivan of Sobibor.

On the basis of this, Demjanjuk must not be allowed to re-enter the United States. Our laws are clear and unequivocal on this point, Mr. Speaker. John Demjanjuk lied to American authorities when he applied for admission to the United States after World War II. He did not report his activities as a Nazi death camp guard at Sobibor, and if he had reported them, he would have been denied admission to the United States. His failure to disclose that information is grounds for denaturalization, and on those grounds—according to our laws—he must be excluded from admission to the United States.

Mr. Speaker, in contrast to the serious, deliberate and dispassionate action of the Israeli court, an American judge has unilaterally involved himself in the legal proceedings involving the denaturalization and extradition of Demjanjuk from the United States. In a series of actions that are highly unusual and verge on being absolutely illegal, Gilbert Merritt, chief judge of the U.S. Sixth Circuit Court of Appeals in Cincinnati, intervened in the case on his own, without a request from attorneys representing Demjanjuk—who certainly does not lack for legal talent acting in his behalf, since he has half a dozen lawyers representing him and a substantial legal defense fund.

Judge Merritt has scheduled a court review of the case and ordered that Demjanjuk be returned to the United States for that review, despite the absolutely unambiguous law which denies him the right to return. Judge Merritt's actions are those of a partisan with a point of view, not the impartial action of a justice sworn to uphold the sanctity of American law.

Mr. Speaker, Judge Merritt's actions are an affront to the people of the United States, to the Congress of the United States which enacted these laws, and to his own sworn oath to uphold the Constitution and the laws of the United States. His action in this case is outrageous. There is no place in the United States for John Demjanjuk and those like him who have violated international law and the laws of the United States through his complicity in the brutal execution and murder of innocent children, women and men as part of the Nazi extermination effort.

Mr. Speaker, I urge Attorney General Janet Reno and other appropriate officials of the Department of Justice to take the correct action in this case and appeal the biased and lawless action of Judge Merritt. John Demjanjuk must not be permitted to return to the United States.

Mr. Speaker, professor Alan M. Dershowitz of the Harvard Law School has written an excellent article which appeared in yesterday's issue of the Wall Street Journal which discussed the legal issues of the Demjanjuk case and the unprecedented lawlessness of Judge Merritt. I ask that this article be placed in the RECORD. I urge my colleagues in the Congress to read it carefully, but I issue a warning that the article will likely outrage them as it has outraged me.

[From the Wall Street Journal, Aug. 5, 1993]

#### ON DEMJANJUK, UNPRECEDENTED LAWLESSNESS

(By Alan M. Dershowitz)

In December 1991, Chief Judge Gilbert Merritt of the U.S. Court of Appeals for the Sixth Circuit in Cincinnati read a newspaper story about John Demjanjuk. Thus began one of the most bizarre episodes in American judicial history—culminating on Tuesday with Judge Merritt's highly questionable order to bring Mr. Demjanjuk back to the U.S. from Israel, to which he was extradited in 1986.

Mr. Demjanjuk, a Cleveland auto worker, was sentenced to death by an Israeli court in 1988 for Nazi war crimes on the basis of eyewitness testimony that he was Ivan the Terrible of Treblinka, who assisted in the murder of thousands of Jews. The newspaper story disclosed that new evidence had been submitted to the Israeli Supreme Court, which was then considering his appeal, suggesting that another man—named Ivan Marchenko—had been identified as Ivan the Terrible of Treblinka in affidavits obtained by Stalinist interrogators from other Treblinka guards shortly after the end of World War II. None of these guards was still alive, but their affidavits, which had been secreted in Soviet archives, were released several years after Mr. Demjanjuk's conviction. (Based on this newly disclosed hearsay evidence, an Israeli appeals court overturned his conviction late last month.)

Judge Merritt, who had presided over the appellate tribunal that affirmed Mr. Demjanjuk's extradition, was troubled by an allegation, reportedly made by one of Mr.

Demjanjuk's lawyers, that the Justice Department was aware of these affidavits ever before Mr. Demjanjuk's extradition.

Mr. Demjanjuk is not a particularly sympathetic defendant. There is powerful evidence that he volunteered to become an extermination camp guard, trained by the SS at Trawniki and assigned to the death camp at Sobibor. He admittedly lied about where he was and what he did during the war years in order to obtain U.S. citizenship. If he was not Ivan the Terrible of Treblinka, he was surely another pretty terrible Ivan, who participated in the slaughter of Jewish men, women and children.

But instead of waiting for Mr. Demjanjuk's lawyers to file a motion before an appropriate court, Judge Merritt in 1992 decided to take the law into his own hands. First, he had the Clerk of Court write a letter to the Justice Department expressing Judge Merritt's interest in an investigation of the matter which, according to press reports, the Justice Department was conducting.

Judge Merritt then read an article in *Vanity Fair* magazine and on that basis filed his "own motion" to reopen the case, convened a panel of the court, over which he presided, and granted his own motion, without the help of the adversary process. He then "restored" the Demjanjuk extradition to the Appellate Court's docket, ordered briefs to be filed and appointed a public defender to represent Mr. Demjanjuk, even though Mr. Demjanjuk had half a dozen lawyers representing him and a substantial defense fund.

As unprecedented and overreaching as these actions were, they were nothing compared to what Judge Merritt then did. Since the original extradition case had been heard by a Federal District Court Judge named Frank Battisti, the usual course would be for an appellate court to remand the case to that judge for further proceedings. Instead, Judge Merritt—without any plausible authority in the law—took the case away from Judge Battisti and assigned another district court judge to conduct a full investigation of possible Justice Department fraud. That judge found no such fraud and recommended closing the case and leaving Mr. Demjanjuk's exclusion intact, because he had lied on his visa application.

Not satisfied with that conclusion, the Merritt panel has now scheduled its own thorough review of the case. It is in connection with this review that the panel ordered Mr. Demjanjuk to be returned to the U.S., despite an unambiguous law denying him the right to return because he deliberately lied on his visa application.

The Merritt panel gave several reasons for its high-handed decision, issued after 10 minutes of deliberation. It ruled that courts always have the power to require a "party to the litigation to appear before them." That is flat-out wrong, at least insofar as litigants who are out of the country are concerned.

For example, when Kurt Waldheim was seeking to have his name removed from the "Watch list" of Nazi collaborators, he could lawfully have been required to litigate that issue from outside the country, with the help of American lawyers, since no litigant has the right to be present at an immigration hearing. If the Merritt panel's views were to become the law, then every Haitian or Chinese "boat person" could simply have an American lawyer file a lawsuit here and then seek admission in aid of that lawsuit.

The court was also dead wrong in concluding that Israel cannot properly try Mr. Demjanjuk for any crimes other than being

Ivan the Terrible of Treblinka. Israel could, of course, try him for perjury committed during the trial in which he denied he was at Sobibor and Trawniki. Since Mr. Demjanjuk's perjury is a new crime committed after the extradition, Israel is free to try him for that crime without regard to the original terms of the extradition. Moreover, even on the Sobibor charges, Israel could seek a waiver from the State Department of the rather technical rules of "specialty." Such a waiver might well be granted, since the crimes committed by SS trained guards at Sobibor were similar to those committed at Treblinka.

Nor is there any basis for the panel's "judicial notice that a serious threat exists to the life of John Demjanjuk in Israel." Mr. Demjanjuk has been well treated and well protected by the Israeli prison authorities. Moreover, Israel had intended to send him to Ukraine, not allow him to live among its population once it freed him. Mr. Demjanjuk received a fair trial and appeal in Israel—fairer than he would have gotten in many of our own states, where newly discovered hearsay evidence of the kind considered by the Israeli court to cast doubt on his guilt could not have even been considered.

Judge Merritt's self-generated actions are the kind of judicial hyperactivism and overreaching about which so many Americans are concerned. Courts are supposed to be institutions of limited power over actual cases and controversies appropriately brought before them by the parties. John Demjanjuk has received all the due process to which he is entitled under U.S. law. If Judge Merritt—who was on President Clinton's short list for the Supreme Court—is "not too happy with the government," as he said during Tuesday's argument, then he has the same right as every other citizen to petition for a redress of grievances. But in his role as a federal judge, he must remain within the law and not decide to reopen cases on the basis of unhappiness generated by newspaper and magazine articles.

#### NATIONAL INSTITUTE FOR THE ENVIRONMENT STATEMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BROWN of California. Mr. Speaker, the environmental challenges confronting the United States and the world are some of the most critical issues we face today. Current and emerging environmental problems are different in scale and kind from those which led to the passage of the National Environmental Protection Act and the creation of the U.S. Environmental Protection Agency in 1970. Environmental problems once described in terms of local pollution events have given way to effects felt on a regional or even global scale. Global environmental problems such as climate change, stratospheric ozone depletion, and the loss of biodiversity challenge the sustainability of human and natural systems. An environmental R&D structure developed to address the problems of the past may not be effective in identifying and addressing present and future problems.

A number of recent studies, including the Carnegie Commission report, "Environmental

R&D: Strengthening The Federal Infrastructure," and the National Research Council Report, "Research to Protect, Restore, and Manage the Environment," have reached consensus on the problems in the organization of the existing Federal environmental research and development enterprise. These studies find there is no focal point for environmental research in the United States and that the research structures created to deal with past environmental problems are not optimally suited to address current and future challenges. They are also unanimous in the broad recommendation that the goal of any effort to strengthen the Nation's environmental R&D capability should be to improve the leadership, focus, coordination and funding for U.S. environmental research, thereby creating a national research base more commensurate with the dimensions of global and national environmental problems and decisions.

The Federal environmental research portfolio includes hundreds of programs at over 20 agencies, ranging in scope from biodiversity to health effects of pollutant exposure. In spite of the large and growing list of national and international environmental concerns and economically important measures being taken or contemplated to address them, these programs are highly decentralized and there are few broad based policy strategies guiding these disparate research activities.

The Federal environmental research and development enterprise was created largely in the 1970's and has developed piecemeal over a number of decades, resulting in a collection of diffuse, substantially uncoordinated environmental research and development programs. This organization is inadequate to provide the scientific basis for sound decisionmaking on the critical environmental challenges confronting the Nation.

The research establishment is poorly structured to deal with complex, interdisciplinary research on large spatial and temporal scales. There is inadequate coordination of the efforts of the more than 20 agencies involved in environmental programs. Bridges between policy, management, and science are weak. Long-term monitoring and assessment of environmental trends and of the consequences of regulatory activity are seriously inadequate. Without the data generated by a coordinated environmental research and development efforts, regulations will not anticipate, they will only, belated, react.

Today, I am introducing a bill to respond to this problem. The "National Institute for the Environment Act" proposes the establishment of an independent entity with responsibility solely for conducting credible, high-quality, competitively awarded multidisciplinary environmental research. The intent is not to replace the existing environment research programs at Federal agencies, which are often necessary to support the missions of those agencies, but rather to supplement those activities by conducting the basic and applied environmental research which is not now being carried out. I want to stress that this new Institute would have no regulatory responsibilities, but would be charged solely with developing and improving the scientific knowledge base on which regulatory decisions will be based.

The bill draws on the work done by the Committee for the National Institutes of the Environment, a nonprofit group of scientists, environmentalists, and business leaders who understand the need for better environmental research. I readily acknowledge that there are other appropriate responses to the need to reorganize the Federal environmental R&D effort. My intent in introducing the National Institute for the Environment Act is to begin the debate about appropriate institutional responses to this now generally acknowledged problem rather than an endorsement of any specific proposal. Mr. Valentine, chairman of the Technology, Environment, and Aviation Subcommittee of the House Science, Space, and Technology Committee has indicated his intent to hold hearings on the organization of the Federal environmental research and development enterprise this fall. I encourage all my colleagues to support our efforts to bring more credible science to environmental problem-solving.

#### NEW DEVELOPMENTS IN SUDAN CRISIS

**HON. FRANK R. WOLF**  
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. WOLF. Mr. Speaker, before Members depart for their districts to focus on domestic issues, I want to call the House's attention to the plight of the people of Sudan and to alert Members that the Sudanese Government may be preparing a major military offensive against Sudanese rebels in southern Sudan. If that offensive takes place, the world's worst humanitarian nightmare will be worsened dramatically.

Recently, Baroness Caroline Cox, the Deputy Speaker of the British House of Lords, traveled to Sudan to observe the horrible conditions under which the people are living. Baroness Cox, who has traveled repeatedly to Sudan, is a tireless champion of people throughout the world who have no other defenders.

On this recent trip Baroness Cox traveled extensively in Sudan, from Khartoum to the Nuba Mountains and to the ravaged city of Juba in southern Sudan. She met with representatives of many of the people affected by the conflict, political, religious, and opposition leaders as well as refugees and international relief workers. During her discussions Baroness Cox received very disturbing information that the Government of Sudan may be preparing to launch a major offensive against the people of southern Sudan when the dry season returns.

Four million people right now face severe risk of starvation caused by the decade-old civil war and by Khartoum's denial of humanitarian aid to the region. If a dry season offensive is unleashed by the Government, thousands will be killed or wounded, tens of thousands of people will be made refugees fleeing to Kenya, Uganda, and Ethiopia and Africa's—and possibly the world's—most severe humanitarian crisis will deepen.

Baroness Cox and John Eibner, a humanitarian affairs specialist, returned from Sudan

with a number of important recommendations to the international community on ways to end the suffering and death in Sudan, including dramatically improving human rights conditions for all people, ensuring the safe delivery of food and medicine to starving people, and bringing all parties together to make a good-faith effort to end the civil war. I would like to briefly summarize their findings.

Baroness Cox found that, despite the Government's claims to the contrary, respect for human rights has not improved. Gross violations include killing of civilians in war zones, imprisonment and maltreatment of opponents of the regime, and repression of religious and ethnic groups and reports of ghost houses where civilians are detained and tortured. Human rights abuses are not limited to the Government only, however. The SPLA rebel factions in the south are responsible for widespread abuses as well and some of the worst abuses recently have been caused by SPLA factional fighting.

The safe and timely delivery of humanitarian aid to southern Sudan continues to be a severe problem. Sudanese Government leaders told Baroness Cox that progress in the delivery of aid has been made, including regular United Nations flights from Kenya to Juba, Sudan, but a number of Non-Governmental Organizations [NGOs] rightly complain of "lack of access, especially to transitional zones and lack of adequate monitoring and implementation of projects." Specific recommendations include providing the representative of the World Food Program in Juba a permanent visa to ensure the continuity of WFP efforts.

This week the House Foreign Affairs Committee's Subcommittee on Africa marked up legislation calling on both the Government of Sudan and the rebel factions in the south to end the civil war and to allow the flow of humanitarian aid to the millions of starving people. I commend Chairman HARRY JOHNSTON, who recently traveled to Sudan, and Representative DAN BURTON who have reintroduced this important bill for focusing on this tragic issue and I encourage all Members to cosponsor this resolution.

To understand the tragedy of southern Sudan, one need only hear the words of Manute Bol, a professional basketball player and a Dinka from southern Sudan who has been on Capitol Hill trying to focus congressional attention on the plight of the starving people of Sudan. Manute does not spend his off-season in the same way many other professional athletes do. He chooses, instead, to make the very difficult trek into southern Sudan to visit the refugee camps and to provide comfort to his weary and neglected people.

Manute is one of the few fortunate ones to escape the living Hell of southern Sudan. He recently returned from Sudan and Kenya with horrific stories about the thousands of children—9- and 10-year-olds—who have walked for months across Sudan in search of food. After walking hundreds of miles between refugee camps, the weakest of these children are often left behind to be attacked and eaten by packs of wild animals. The other boys no longer have the strength even to bury them.

Finally, Mr. Speaker, I believe the United States has taken positive steps regarding

Sudan, but that much more must be done. The appointment of Ambassador Francis Cook as United States Special Envoy for humanitarian issues sent an important message to the Government of Sudan and to the SPLA rebels that the United States has elevated its attention on this issue. I've met with Ambassador Cook and I believe she has made progress in raising awareness to the crisis both within the Clinton administration and internationally. Unfortunately, Ambassador Cook will be leaving her post shortly.

To ensure that the work of Ambassador Cook is not interrupted, President Clinton must quickly appoint a new special envoy to Sudan. This new envoy should have an expanded portfolio which includes not only humanitarian crisis without addressing the root cause of this crisis—the decade-old civil war between the Khartoum Government and the SPLA rebels—and attempting to end this bloody conflict. I've recently written the President, Secretary of State Christopher and others asking that a new envoy be appointed promptly.

The message from Congress must be clear: The Government of Sudan must not launch an offensive against the people in southern Sudan, both the SPLA and the Government must not disrupt the flow of humanitarian aid to starving people, and a sincere dialog between the SPLA and the Government must begin. Ending the civil war and famine is in the interest of all parties, in the north and in the south, in Sudan. It will allow all people—especially the millions of children who have been robbed of the opportunity to learn and grow—to rebuild their lives and prosper in peace.

#### AMERICA'S PHARMACEUTICAL INDUSTRY: CONGRESS' NEED FOR RELIABLE RESEARCH

**HON. BOB FRANKS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. FRANKS of New Jersey. Mr. Speaker, I have recently become seriously concerned about the quality of congressionally sponsored research available to this body regarding our Nation's health care system.

I am particularly concerned about the debate over the prescription drug industry. It has become quite popular to blame much of the health care crisis on this industry. However, the average citizen probably would be surprised to learn that less than 8 cents out of each dollar of the Nation's health care spending goes toward prescription drugs. Based on the public attention this industry is currently getting, one would think that the cost of drugs would be 10 times that amount.

There are many highly technical issues involved in Federal policy toward the drug industry. Some of the most complex of these are the proper measurement of price and profitability trends and the design and evaluation of incentives for research and development. We, in the Congress, depend on our research support organizations to help us understand these issues and our options in dealing with them. That is why I was so disappointed in

some of the work the Office of Technology Assessment [OTA] recently produced. The OTA delivered a highly critical analysis of our domestic prescription drug industry. But their numbers simply do not support the severe criticism that they directed at the industry.

One OTA report, entitled "Pharmaceutical R&D, Costs, Risks and Rewards," concludes that drug prices are about 4.3 percent higher than they need to be to justify R&D investment. However, this report is replete with highly questionable assumptions, including overly conservative plant and equipment costs, incorrect tax rates, and overestimated market share after expiration of patents.

Furthermore, the OTA study is simply outdated. The study is primarily based on drugs approved by the FDA in the early 1980's, using market conditions and industry practices from that time. This results in inaccurate conclusions regarding the marketplace and the pharmaceutical industry of today. For example, the report fails to take into account that the Waxman-Hatch Act of 1984 has been fully implemented, providing increased competition from generic drugs. Additionally, industry price increases in the past 12 months were the lowest they have been in 15 years, and Pharmaceutical Manufacturing Association [PMA] member companies have kept their pledge to hold down price increases within the Consumer Price Index.

Another recent OTA report, "Drug Labeling in Developing Countries," delivers an indictment of the prescription drug industry's procedures for labeling drugs the industry sells in certain developing countries. This study is also fatally flawed for a number of reasons.

For example, the OTA failed to take into account that developing countries have their own regulatory systems and set their labels according to their own health standards, independent of any U.S. labeling criteria. I believe that it would be presumptuous for the United States to attempt to supersede the regulatory autonomy of other nations.

Additionally, my colleagues may be aware that many drugs sold by prescription in the United States are sold over-the-counter in other countries, making different types of product information appropriate. The OTA reported that about 15 percent of the labels they studied were not in compliance with the standards set by the OTA's medical experts. Yet according to the pharmaceutical industry, using the labeling standards of other developed countries such as Japan and the European nations, the number of drugs in the survey with labeling problems was not the 50 identified by the OTA, but 8. Furthermore, the PMA has found that the makers of these eight prescriptions have either changed their labels or withdrawn their products from world markets. OTA seems to consider this action an indication of wrongdoing by the industry, but that is simply not the case.

Mr. Speaker, some in Congress may use these reports to indict our Nation's drug industry, which I consider the finest in the world. However, many aspects of the OTA's report don't support the facts. I urge my colleagues to ignore these biased reports and instead focus on finding real solutions to our health care crisis. Using this proud American industry as a scapegoat or a villain is not a solution to our health care problems.

## PRESERVING A LIVEABLE WEST SIDE

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, today, I am introducing legislation which will eliminate the authorization for \$15.6 million to tear down the newly reconstructed Miller Highway and rebuild it nearby. The legislation I am introducing will instead authorize this money to make improvements to the subway station at Broadway and West 72d Street.

There is no good reason to tear down a brand new roadway and rebuild it. In fact, the only reason this project is even being considered is to accommodate a massive private development project on the West Side. This project would be completely out of scale with the surrounding community, would overburden existing mass transit, schools, and other services and would cast a shadow over neighboring streets.

Worse still, the project would be built on the site of the Penn South railyards, which could and should be converted into an intermodal rail terminal. Were this sound transportation project built on this site, it would eliminate thousands of truck movements on our city streets each year. Rather than adding congestion to our streets and pollution to our air, the railyard project would alleviate these problems.

By using the funds to improve the 72d Street station, we could relieve overcrowding at one of the most congested subway stations in the entire system. At rush hour, this station is often so crowded that commuters are nearly pushed off the platform onto the tracks.

Do we really need to waste scarce transportation dollars moving a new highway to accommodate the wishes of a developer intent on adding congestion to Manhattan? Instead, we should be improving our mass transit system, building a safer, more efficient, and healthier future for all our citizens, I urge swift passage of this legislation.

## CONGRESS SALUTES GREENPORT DEVELOPER JOSEPH ANTHONY "TONY" FABIANO

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SOLOMON. Mr. Speaker, some people say there are no more heroes anymore.

Well, Mr. Speaker, I say they are wrong. Heroes come in all shapes and sizes, and there are many ways to be a hero, as far as I'm concerned. One of my definitions of hero is someone who gives freely of his time and talents and leaves his community better than it was when he found it. I'd like to talk about one of those heroes today.

Joseph Anthony "Tony" Fabiano will be honored at a September 10 testimonial dinner for what the steering committee calls his extraordinary efforts in developing residential,

commercial and retail projects in the town of Greenport.

Make no mistake about it, Mr. Speaker, Tony Fabiano has left his mark.

He was born in 1922 in the city of Hudson, where he graduated from high school in 1941. In 1943 he graduated from Delhi State College, where his classmates judged him to have contributed the most to the institution during his years there.

He then enlisted in the Army and became a specialist in topographic drafting. Eventually, he was attached to the London headquarters of Gen. Dwight D. Eisenhower.

Fabiano landed in France a week after D-Day and prepared maps as the Allies made their way across Europe. At the end of the war he found himself in Frankfurt, Germany.

He was discharged in 1946 with the rank of sergeant, and began building houses with his father. Five years later, his father turned the business over to him.

Throughout the 1950's, 1960's and 1970's he built numerous houses, including 77 lots on the Folkers estate, and 88 houses on land behind Lorenz Park. His first commercial project was the former Healy Farm, which he developed into a shopping center which became Fairview Plaza. He also bought land to develop as a gravel bank, developed the Corner Plaza project, and other projects which have shaped the Greenport area.

More recently, he assembled the parcels on which Wal-Mart and Price Chopper are building their stores.

He and his wife, the former Beatrice Bye, also found time to raise two children, Anthony, and Mary Ann Deters. They also have two grandchildren, Laura and Holly.

Mr. Speaker, every community should have someone like Tony Fabiano, a doer, a man of action who dreams big dreams and has the guts and brains and drive to turn those dreams into reality.

In short, Tony Fabiano is the kind of man who has made America the greatest country on Earth.

I would ask you, Mr. Speaker, and all members to rise with me in saluting a real unsung hero, Joseph Anthony "Tony" Fabiano.

## OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GOODLING. Mr. Speaker, today I am joining Representative FAWELL and other members of the Education and Labor Committee in introducing the Occupational Safety and Health Reform Act of 1993. Now, I know when Members of Congress speak about reform, what much of the public hears is a code word for a new set of mandates coming down the road or for just more of the same old stuff, only worse. Well, I understand that fear but this bill is, in fact, different from past so-called reform efforts.

This legislation will force the Occupational Safety and Health Administration to reorient its compliance philosophy from one of confrontation—a philosophy which measures success

by the number and amount of penalties levied and not by results—to one which will help employers comply with the law and one which will provide incentives to employers to undertake meaningful steps to improve workplace protection. Let me hasten to add that this bill will not create loopholes in the law behind which abusive employers will be able to hide. I am quite aware that some employers do not take proper steps to protect their employees and that, unfortunately, there will always be some bad actors. To the contrary, these reforms will result in a better use of OSHA's limited resources in reaching those bad actors while extending a helping hand to conscientious employers—the vast majority—who are willing to comply with the law but simply need some guidance in knowing how.

While Mr. FAWELL will go into more detail about the legislation, let me here provide some examples as to how this proposal will accomplish these goals. The act requires OSHA to develop a model injury program for small employers, which, if followed by an employer, will qualify that employer for an exemption from certain inspections or a reduction in penalties; it provides that OSHA must devote 25 percent of its resources to assistance for small employers, especially those in the most hazardous industries; and it exempts employers from general schedule inspections if they have an on-site consultation program or an exemplary safety record with a safety and health program meeting certain specified criteria, including employee participation. Workplaces with distinguished records are to be given special recognition. But what about the unsafe workplaces? Well, OSHA is instructed to develop a special emphasis program targeted at the most hazardous industries; employees who have legitimate complaints against their employers are protected from retaliation by expanded rights—while encouraged to use alternative dispute resolution mechanisms—and employers which egregiously disregard safety and health protections in a manner which leads to the death of an employee are subject to increased criminal penalties. OSHA is also given authority, codifying existing policy, to act quickly against imminent dangers.

I would be remiss if I did not note that the bill also addresses other areas. Everyone recognizes that there are problems with the way OSHA currently sets standards; this bill revises existing standard setting criteria and directs the agency to set rulemaking priorities based on an evaluation of relative hazards. The civil penalty structure has been revamped to eliminate arbitrary classifications and to target penalties at the worst injuries. Provisions addressing variance procedures, drug testing, national uniformity in hazard communication warnings, and requiring an analysis of the costs and benefits of OSHA regulations have also been included.

I also want to note that the bill extends OSHA coverage to the House of Representatives and State and local governments. The appropriateness of the former is obvious and is consistent with my long held position on congressional coverage issues. The latter does raise concerns, however, as the extension may require significant expenditures. For this reason, the bill provides that State and

local governments will not be covered for 3 years following passage of the bill and requires a cost study to be completed within 1 year of passage. Hence, there will be an opportunity to revisit the issue of State and local coverage if need be.

Finally, let me emphasize that much of the groundwork for this bill was laid by Representative Paul Henry last year through his development of a similar proposal. Before his recent untimely death, Paul was the true expert on safety and health issues on the Education and Labor Committee. His expertise and guidance will be solely missed.

Mr. Speaker, the issue of safety and health reform is a controversial one and this bill is far from perfect. But it will engender debate over very legitimate issues and I look forward to receiving constructive criticisms, making appropriate modifications, and including the suggestions of others as we approach Committee consideration. We all share the goal of promoting safety and health in the workplace; we need only reach agreement on the best way to get there.

#### INTRODUCTION OF LEGISLATION REGARDING LAW OFFICERS KILLED IN THE LINE OF DUTY

#### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. MOLINARI. Mr. Speaker, today 11 colleagues join me to introduce legislation that would require the death penalty when a law enforcement officer is killed during the line of duty.

My legislation amends the Omnibus Crime Control and Safe Streets Act to reduce funding if States do not enact legislation that requires the death penalty in certain cases. It reads:

In order not to reduce the funds available under this subpart by 25 percent (for redistribution to other participating States), a State shall, on the first day of each fiscal year succeeding the first fiscal year beginning after September 30, 1994, have in effect throughout the State in such fiscal year a law which requires a sentence of death to be imposed when a law enforcement officer is killed in the line of duty.

Earlier this year a constituent of mine was shot and killed in the line of duty. He was working undercover on a buy and bust and was shot and murdered. During almost 8 years of service, he earned countless police department commendations. Detective Luis Lopez made the people of New York feel safer, by going undercover working with drug dealers so he could clean up our streets and provide all of us and our children with the opportunity of a cleaner and safer future.

It is time to get tough on the criminals and get tougher on States that are not hard on criminals. When our law enforcement officers are killed while working to protect innocent and law-abiding citizens, I believe it is our duty to see justice prevail and make the punishment fit the crime.

Luis Lopez's death reminds all of us just how much police officers are willing to risk in order to protect our communities.

#### THE HOUSE'S PASSAGE OF THE 1993 BUDGET RECONCILIATION ACT

#### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KLECZKA. Mr. Speaker, the passage of the budget bill last night puts us on the verge of restoring America's confidence that we can and will take bold, decisive action to improve our economic future.

The American people demanded that we bring down the budget deficit, and the plan we passed last night delivers: It cuts the deficit \$496 billion over the next 5 years. This is not an empty promise—the President has issued an Executive order that will ensure that savings will be locked into paying off our debt.

We heard the calls for more spending cuts, and we responded with an agreement that improves the ratio of cuts to tax increases to better than 1:1. The plan we forward today to the Senate calls for \$255 billion in cuts, compared to \$241 billion in new taxes.

On top of that, the House has voted in the last few months to cut billions more from the budget as part of its appropriations process. Gone are the \$11 billion superconducting super collider, the wasteful European Development Bank Program, and \$940 million in foreign aid. More cuts are sure to come.

Equally important, we delivered on our commitment to sharing the tax burden equitably. If the Senate passes this bill, working Wisconsin families making less than \$180,000 a year will not pay a dime more in income taxes. In fact, middle class families will be asked to make a very small contribution—we calculate that the average Wisconsin driver will have to pay only 55 cents more a week because of the gasoline tax increase.

Similarly, the most vulnerable Americans, senior citizens, will not be overburdened—Social Security recipients will not pay additional taxes on their benefits unless they have an income of more than \$34,000 for individuals and \$44,000 for couples. And the \$56 billion reduction in Medicare spending will come out of reduced reimbursement to health care providers.

Lastly, with this package we addressed the concerns of small businesses, the engine driving job growth today. The bill provides a 50-percent cut in the capital gains tax to investors who hold onto stock in a small business for 5 years, giving investors an incentive to contribute to the creation of new businesses. For existing companies, this budget plan expands the expensing provision for purchases of equipment by 75 percent, from \$10,000 a year now up to \$17,500. For the self-employed, the plan allows for a deduction of 25 percent for health care premiums. And to encourage more research and development, the plan contains a significant tax credit for research and development.

The alternative to this plan is more of the status quo: more inaction, more distractions, and no deficit reduction. The choice is clear: action versus more neglect, serious deficit reduction versus more bickering, economic growth versus more stagnation. I support this agreement because I believe we must rise

above partisan differences and continued gridlock to do what's best for America, and this bill is a giant step in that direction.

**SAM STRATMAN—CONGRATULATIONS AND A FOND FAREWELL**

**HON. HENRY J. HYDE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HYDE. Mr. Speaker, at the end of this month, my office will lose one of its most valuable employees, when Sam Stratman assumes an executive position at the U.S. Capitol Historical Society.

Sam has served as my press secretary since May 26, 1987, and he has been a joy to my entire staff as well as without peer in his professional duties. His warm enthusiasm, his rare sense of humor, his genuine creativity have brightened our office and added a zest for living that has been an inspiration to us all.

This is not an obituary—its a beginning, a grand beginning to this upward march of a great talent, a warm and thoughtful human being with that rare spiritual dimension that elevates him to the ranks of the extraordinary.

On behalf of my entire office staff, both in Washington and in the district, we wish Sam Stratman continued success and health and we hope he fondly remembers us as we certainly will remember him.

**HAPPY 100TH MBSA**

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I want to call attention today to the anniversary of an outstanding business organization in my State of Michigan, the Michigan Bean Shippers Association. Its dealer and associate members, including U.S. and international canners and packagers, will continue their celebrations at their annual summer meeting this weekend.

The association was founded on December 7, 1892, by 12 Michigan bean dealers. It has grown to its 51 dealer members and 192 associate members operating in 29 States and 17 foreign countries. The international marketing performed by these fine firms add a source of strength to our international balance of trade as we see a substantial portion of the dry bean varieties produced in Michigan move to overseas market, the United Kingdom in particular.

The Michigan Bean Shippers Association has throughout its history, and continues, to this day, to provide valuable information to people in the dry bean trade. The many market reports, the excellent "Dry Bean Digest", and its many special reports are all excellent. It provides very valuable information to elected officials regarding the economic impact of the bean industry. Its close work through international food programs operated by the U.S. Department of Agriculture is most important to all of us.

And, Mr. Speaker, everyone of us here knows of the quality navy beans produced in Michigan because of the fact that the recipe for our famous Capitol navy bean soup—dating back to the early days of the association when it was called the Michigan Bean Jobbers Association—calls for Michigan navy beans. The discriminating consumer knows if the beans are Michigan navy beans with the very first taste.

I urge all of my colleagues to join me in wishing the heartiest congratulations to the members of the Michigan Bean Shippers Association of its 100th anniversary.

**TRIBUTE TO MARY CHAMBERS**

**HON. STEVEN SCHIFF**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SCHIFF. Mr. Speaker, I stand today to recognize and to thank an outstanding individual from the First Congressional District of New Mexico—Ms. Mary Chambers.

Ms. Chambers has recently been named public safety division director for the county of Bernalillo, NM. Along with other duties, Ms. Chambers will oversee several departments such as the fire department, environmental health, and animal control. What makes this appointment so special is that Mary Chambers has been a volunteer firefighter for 21 years and has served on a blue ribbon committee charged with improving the service and management of the fire department. Much to Mary's surprise, and the community's delight, she will now be in charge of the same department to which she has devoted so much of her own time.

Mary Chambers has given much of her life to the good of the community as a volunteer to many worthwhile causes. She serves on numerous national service boards and helped author the fire officers examination which is used by fire personnel across the country for evaluation and educational purposes. Mary teaches fire officer training at the Albuquerque Technical and Vocational Institute while continuing to be both mother and wife to her two daughters, Elizabeth and Suzy, and to her husband William.

Mary Chambers is the epitome of a volunteer. Thanks to people like her, voluntarism is alive and well in New Mexico. Thanks again Mary, and best of luck to you in all your endeavors.

**EDUARDO ROMERO WORKS TO IMPROVE LIFE IN CHILE**

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, a constituent of my congressional district, Ray Velazquez, has brought to my attention the work of Eduardo Romero.

Mr. Romero is a Chilean citizen, who has dedicated himself to improving life in his coun-

try, Chile. Eduardo Romero educated himself and by 1973 had become the leader of the transportation union movement in Chile. In 1973, he called a general labor strike against then President Salvador Allende.

Today, Mr. Romero has turned his attention to another evil that lurks over our world, drug addiction. He is the director of the Department of International Relations of the Rotary International Committee of Antidrug Programs, which has developed a program against drug addiction that has attracted the attention of Rotary Clubs from around the world.

Mr. Speaker, although I have not met Eduardo Romero, it is clear that democratic Chile has gained much from his actions.

**HONORING SAMUEL W. BOUGH, ALL AMERICAN DEPARTMENT COMMANDER, VETERANS OF FOREIGN WARS**

**HON. RON de LUGO**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. DE LUGO. Mr. Speaker, I rise in honor of Samuel W. Bough of St. Croix, VI, who has been named an "All American Department Commander of the Veterans of Foreign Wars of the United States."

Our veterans are very special and important citizens. Men and women from all corners of our country, they agreed to put their lives in harm's way to protect our Nation and its citizens from threats from abroad.

Veterans of foreign wars are particularly special veterans who have served their Nation around the globe in countries far from home and family.

After their terms in the military are done, many veterans continue serving their country and the communities where they live, often through distinguished organizations such as the Veterans of Foreign Wars.

Samuel W. Bough recently was named an all American department commander of the VFW, one of the most prestigious honors given by this more than 2 million member organization. He was 1 of only 29 commanders selected nationwide for all American status.

Sam served in the United States Army in Germany from 1958 to 1960. He has been a VFW member since 1986 when he joined at VFW Post 10674 in St. Croix. Today, he is the department commander for the Virgin Islands and Puerto Rico.

As an indication of his service and hard work, the VFW department he directs was the first to exceed a 100-percent increase in the 1992-93 membership drive, gaining 125 new members and reaching the membership quota assigned by the VFW national commander.

Moreover, the all American commander award recognizes not only membership growth, but Sam's active promotion of other VFW programs and his leadership of the members of the department he heads.

Mr. Speaker, I congratulate my good friend Sam Bough on this great honor, and commend him for his service to the veterans of the United States, the Veterans of Foreign Wars, and the people of his community who have

benefited so greatly from his many contributions.

THE PRESIDENT NEEDS A LINE-ITEM VETO

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to urge my colleagues' support for a constitutional amendment granting the President a line-item veto. Already, 43 States have recognized the need for this measure. The Governors of these 43 States, unlike the President, have the power to cut wasteful and unnecessary spending items out of bills passed by their legislatures; they have the power to keep taxpayer dollars from being spent needlessly and recklessly; and they have the power to instill accountability and fiscal responsibility in their lawmakers.

Here in Washington, however, we do not allow the President to consider appropriations bills item-by-item, for fear of his striking precious pork-barrel projects. When the Midwest flood relief bill contains a clause appropriating funds for a totally unrelated program in California, we cannot ignore the need for a line-item veto. This extraneous clause stalled Congress' efforts to provide necessary relief for victims of a horrible natural disaster. Such situations are irresponsible, both morally and fiscally. The line-item veto would remedy these situations.

I have heard criticisms that giving the President the line-item veto would upset the balance of power as it relates to budget issues between the legislative and executive branches. But, how can we object to giving the President the right to eliminate unnecessary, unaffordable pork-barrel spending items from large appropriations bills? How can we object to limiting Congress's power to waste money? Perhaps if our national debt were not approaching \$5 trillion, we would not need a line-item veto. Unfortunately, that is not the case.

I realize the line-item veto will not solve our Nation's fiscal problems, but I know that it would be an important first step toward securing a sound economic future for America. We must recognize the realities of our current fiscal situation, and its prospects of America's future. Mr. Speaker, the responsibility of this Congress is clear; we must take immediate action to enact the line-item veto, because we can no longer afford business as usual.

GOOD PEOPLE AND GOOD SENSE  
AT THE HANEY FARM

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ROEMER. Mr. Speaker, I rise briefly today to pay tribute to some Hoosiers who I think represent the heart of the good things in our country.

Mort and Judy Haney are farmers. They live in Kosciusko County, IN, part of which is in my

district. These are hard-working people who live by their good common sense. They also represent the very best of Hoosier hospitality, and their value to the community is seemingly endless.

Mort has served as the statewide director of the Indiana Statewide Rural Electric Co-op organization, and he has long been known for his leadership and problem-solving abilities.

The family has been raising holstein cattle on their farm for 36 years, and they belong to the Associated Milk Producers and the Holstein Association.

The Haney's enjoy outdoors and recreational facilities when they are not busy with their farm, but I imagine such leisure time is a rare luxury. The quality of their work and the goods they produce is nothing short of outstanding.

They are members of the Beaver Dam United Methodist Church, and are known throughout the community for their industry and warm and caring nature.

Mr. Speaker, this statement does not recognize any specific event; it does not commemorate a birthday or anniversary. But in these difficult economic times, I think it is most appropriate that we recognize that all over America there are people who still live the American dream, who still live, not for themselves, but for their family and community, and whose very existence ensure the strength and survival of the values and qualities that make America great.

The Haney's are such people. Mort and Judy and their children should be very proud to represent the faith, leadership, and enterprise that are the hallmarks of American life.

WE MUST FIGHT THE SCOURGE OF  
ANTI-SEMITISM

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SWETT. Mr. Speaker, the 20th century doubtless has been the deadliest century in mankind's history. As we reach the end of this turbulent 100 years, despite some positive indications of progress, there are increasing indications that we have not learned the message of our times. Throughout the world we are seeing a disturbing upsurge in petty tribalism, the growth of ethnic violence, and a decline in tolerance.

We are seeing the disenfranchised, the marginalized, the brooding under-achiever seething with resentment at a seemingly indifferent society. We are seeing a knee-jerk reaction from many of these elements of blaming the neighbor who is different, the outsider, for the current economic, social, and political woes. This hateful phenomenon takes many forms, but one of its most vicious forms is anti-Semitism and racism.

In Germany, unification has proved to be a mixed blessing. The country is struggling to cope with the huge economic and political costs of integrating East and West. The social and economic difficulties of this integration have unleashed a vicious wave of right-wing extremism and anti-Semitism that has horrified most thoughtful Germans as well as the international community.

Not only in Germany but in the remainder of Western Europe, growing numbers of migrants and refugees from North Africa and Eastern Europe are swelling inner cities. While some Europeans welcome the diversity and richness that these new residents bring, others are threatened by the rapidity of change and see the new migrants as a threat to their jobs and way of life. The unfortunate result again has been the rise of anti-Semitism and the growth of an intolerant, anti-immigrant backlash.

In the republics of the former Soviet Union and in the newly emerging democracies of Central and Eastern Europe, the morally bankrupt Communist ideological, political, economic, and social system has collapsed. Citizens of these countries are now attempting an unprecedented adjustment to the harsh realities of free market economics, but they are still awaiting the promised benefits. These difficulties are enhanced when the people of these countries contrast current uncertainties and problems with the certainties of communism. The new freedom of expression and political democracy have provided opportunities for those who are searching for scapegoats for the problems these societies are facing, and the result has been the deeply troubling rise of anti-Semitism in the territories of the former Soviet Union and Central and Eastern Europe.

The disturbing television documentary "Freedom to Hate"—which the Congressional Human Rights Caucus recently arranged to be shown to Members of Congress—provides evidence of this rise of anti-Semitism in the former Soviet Union. The film includes excerpts of an interview with Aleksandr Eduardovich Kulakov. In a review of this excellent film, the Montreal Gazette, March 23, 1993, said of this Russian anti-Semite: "The most malevolent Hell's Angel bouncing a pool cue off a hippie's head was Mr. Rogers compared with Kulakov." In the interview, Mr. Kulakov blamed the international Jewish conspiracy and the Jewish way of thinking for communism, democracy, liberalism, and humanism, and he holds Jews responsible for AIDS, pornography, bestiality, homosexuality, and incest. He says that Jews masterminded the Russian Revolution, as well as the French Revolution and the American Civil War.

Mr. Speaker, it is not surprising in light of such incredible expressions that the incidence of right-wing, anti-foreigner, and anti-Semitic violence has shown an alarming rise throughout the world. The German Government's Office for the Protection of the Constitution reports that the number of acts of right-wing violence increased from 246 in 1990 to 2,285 in 1992—an increase of some 800 percent. While this is extremely disturbing—particularly given Germany's Nazi past—Germany is hardly unique. According to the Financial Times of London, December 2, 1992, the British Government reported 7,780 racially motivated attacks in 1991 and 6,559 in 1990. The record of France, Italy, Spain, Sweden, and Austria is equally blemished.

A report prepared by the Anti-Defamation League on "Anti-Semitism in Europe" during the first quarter of 1993 concludes that the number of supporters of the extreme right has risen, there has been a strengthening of ties

between extremist organizations, and, Holocaust denial" is an ideological thread that connects disparate organizations and individuals from the extreme right and the extreme left. I am seriously concerned, Mr. Speaker, with the reports that Holocaust denial is an ideological link between radical Muslim fundamentalist groups and right-wing anti-Semitic groups in Europe.

We in the United States are not immune to this virulent virus of anti-Semitism. The growth of right-wing neo-Nazi groups in our own country is a serious and growing problem. Furthermore, there are disturbing signs that anti-Semitic and neo-Nazi groups in Germany and elsewhere in Europe are developing links with similar groups here. We have seen incidents of racial and anti-Semitic violence, such as the alarming disturbances in Crown Heights in Brooklyn.

Mr. Speaker, it is essential that we in the Congress take strong and decisive action to fight this insidious venom that is poisoning relations among peoples in many places. We must condemn and fight anti-Semitism and racist violence wherever they occur. At home here in America we must adopt and insist upon the effective enforcement of tough hate crime laws. Abroad, it is essential that we continue to call world attention to the kinds of problems we are seeing in Germany, the former Soviet Union, and elsewhere.

As Protestant theologian Martin Niemoller said following World War II:

When Hitler attacked the Jews \*\*\* I was not a Jew, therefore, I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic, and therefore, I was not concerned. And when Hitler attacked the unions and the industrialists, I was not a member of the unions and I was not concerned. Then, Hitler attacked me and the Protestant Church—and there was nobody left to be concerned.

Mr. Speaker, this is a time for all of us to be concerned. This is a time for all of us to act together to fight against racism and anti-Semitism both here at home and abroad.

#### ALLOW TAIWAN INTO THE UNITED NATIONS

**HON. TIMOTHY J. PENNY**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. PENNY. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD an op-ed published in the Richmond Times-Dispatch on July 24, 1993, which does an excellent job of outlining the reasons that the Republic of China, Taiwan, should be allowed back into the United Nations. Taiwan was a member of the United Nations—and a permanent member of the Security Council—from 1945 to 1971 when it was replaced by the People's Republic of China. That decision was correct at the time, but it's now time for the United Nations to allow both countries to have a voice in this important international organization.

[From the Richmond Times-Dispatch, July 24, 1993]

#### TAIWAN COULD HELP THE UN BUT FOR CHINA'S BEHAVIOR

(By Lorna Hahn)

With its operations growing ever more extensive and expensive, and its members growing ever more reluctant to pay for them, the United Nations faces a financial crisis. It is therefore time for the UN to face some new facts of international life and turn to Taiwan, a country able and willing to contribute to the UN if only the UN would let it.

As President Clinton observed last December at the Little Rock Economic Summit, Taiwan (which he visited four times as governor) has more foreign exchange reserves than any other country on Earth—over \$80 billion at the time. Today, it is over \$90 billion. This wealth, along with Taiwanese technical and medical expertise, could obviously be useful to the UN in Bosnia, Cambodia, Mozambique, and other disaster areas—as it is in the numerous Third World and Eastern European nations to which Taiwan extends bilateral assistance.

Taiwan's resources have not been tapped by the UN, however, because the People's Republic of China opposes any official dealings with the Republic of China (Taiwan), which it replaced in the UN in 1971 as the representative of all of China (including Taiwan). Beijing further claims that admitting Taiwan to the UN would threaten its position that there is only one China that will one day reunify.

China's behavior might make sense if (1) Taiwan were still ruled by the same regime that the Communists long ago defeated and the UN long ago expelled; (2) Taiwan's authorities were still enemies of the PRC; (3) Beijing itself had not given de facto recognition to the reality of one China with two governments; (4) Taiwan contested China's position on unity; (5) diplomatic ostracism of Taiwan were strengthening this position; and (6) no formula could be found by which the UN—or at least some of its agencies—could accommodate both Beijing and Taipei. None of the above, however, is the case today.

Although the Republic of China is the juridical continuation of the Kuomintang regime that the Communists replaced in 1949, it has long ceased to be the repressive government of a group of exiles bent on reconquering the mainland. Thanks to sweeping reforms initiated by President Chiang Kai-shek's son and successor Chiang Ching-kuo, and accelerated by current President Lee Teng-hui, Taiwan today has a representative and democratic government. Although the Kuomintang still rules, it does so because it received a majority of votes last December in what were universally hailed as free and fair legislative elections.

Starting in 1987, when Taipei first allowed visits to family members on the mainland, people-to-people exchanges for academic, cultural, and other activities have grown exponentially. Trade and communications links have flourished, and over \$7 billion Taiwanese investment dollars have fueled south China's economic boom. President Lee has formally renounced the use of force for settling disputes with the mainland, recognized that the Communists do indeed control it, and established both a cabinet-level Mainland Affairs Commission and a National Unification Council to oversee relations.

This rapprochement would have been impossible if Taiwan did not openly share Beijing's "prerequisite" concept for one China destined to be reunified—and if

Beijing had not tacitly admitted that this single China has another government (albeit one whose name it will not utter). In other words, the two sides are closer together in fact than Beijing has thus far admitted in theory.

Taiwan's Democratic Progressive Party, which advocates independence, has been rapidly gaining in popularity largely because, increasing numbers of Taiwanese, angered at the humiliating isolation imposed on them by Beijing, accept the DPP's premise that the only way Taiwan can achieve international respectability is by going its own way completely. ("One China, One Taiwan.") The obvious way for China to counter this argument would be by letting the Republic of China (Taiwan) return to the international community as the legitimate government of the part of China that it actually controls. Beijing could do so by simply expanding on its current modes of co-existence.

All this suggests that with some prodding—possibly from Washington—Beijing, might be persuaded to enable Taiwan to enter those UN organs where it could do the most good, under a compromise name such as "Chinese Republic of Taiwan." If China agreed, then it would be furthering the cause of reunification, favorably impressing the many U.S. Congressmen who wish to have Taiwan contributing to the UN, and winning the gratitude of needy people throughout the world.

#### HONORING LOU CASH

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FILNER. Mr. Speaker, I rise today to inform my colleagues that Lou Cash has been selected as the Johns Fellowship Award winner by the San Diego labor community.

Mr. Cash is manager of the nuclear maintenance station for the Southern California Edison San Onofre plant. As such, he oversees a work force of between 1,000 and 1,050 people, including 500 members of the San Diego Building Trades Council.

Mr. Cash has extensive experience as a nuclear engineer—including 20 years serving our country as an engineering officer for the U.S. Navy. He has been licensed as a senior reactor operator for the past 10 years, which allowed him to manage the planning and operations associated with all outages occurring at San Onofre power units. Currently, Mr. Cash is responsible for the preventative and corrective maintenance of three nuclear-generating units.

A devoted family man and dedicated manager, Mr. Cash embodies the spirit of caring and generosity associated with the Johns Fellowship Award. I ask my colleagues to join me in recognizing Mr. Cash's achievements.

PRESIDENT CLINTON'S TAX PLAN  
OPPOSED**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. WALSH. Mr. Speaker, I want to share with my colleagues the tremendous expression of opposition by my constituents to President Clinton's tax plan, which so narrowly passed last night. I join them in declaring that we know there will be no spending cuts, we know this tax package will touch each and every one of us, and in spite of this purely political victory, we will redouble our efforts to get Government to cut spending and pay attention to the American people's desire for a balanced budget Government.

Far from being a tax the rich budget, this plan unfairly puts a burden on the middle class, elderly, and others who have been led to believe the new administration was going to cut spending and bring Government under control.

This budget is reminiscent of the 1990 budget, which President Bush agreed to and which inevitably cost him the Presidency. I voted against that agreement for the same reason I oppose President Clinton's and the majority Democrat's budget this year—too many promises of spending cuts and too much reliance on taxes.

The punitive taxes included in this budget will do nothing to stimulate the economy. Deficit reduction will come from reducing spending and tightening our belts much like private citizens must do. Government must stop living beyond its means and then raising taxes to justify the additional spending.

As I write this, the Senate considers the plan. I can only hope the Members of the other body who support this largest tax increase in American history know in advance that they must explain to their constituents how taking more of their hard-earned money will help stop runaway budget deficits as spending continues to increase.

I will continue to work with my colleagues to hold spending in line. Passage of this budget makes the task more difficult, but it will not be abandoned.

## HONORING CALIFORNIA OCCUPATIONAL SCHOOL OF MONTEBELLO, CA

**HON. ESTEBAN EDWARD TORRES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. TORRES. Mr. Speaker, today I rise to give special recognition to a group of individuals from my congressional district, the members of the California Occupational School.

The California Occupational School, a non-profit human services program organization, has served thousands of families and community groups throughout the Greater Los Angeles County area. Established in 1978 by Mr. A. Gus Hernandez, due to the growing need to assist low-income students, the California Oc-

cupational School relegated itself to provide food assistance, training, career opportunities, and scholarships to youths, adults, and community groups.

Initially, in an effort to fulfill its mission and commitment California Occupational School centered its efforts on teaching adolescent court referrals occupational trades, such as welding, carpentry, and masonry.

In 1978, due to the success of the occupational trade program, California Occupational School initiated and established its Hispanic scholarship program which allows continuation students to fulfill their educational and professional aspirations. Currently, the scholarship program has a partnership with Vail High School and has expanded to include mentorship opportunities, volunteer opportunities, parent workshops, and career related seminars.

Additionally, California Occupational School has administered and managed Comida Para La Gente, a daily meal program to low-income and unemployed single mothers; and developed a food and gift outreach program during Christmas, Thanksgiving, and Easter. Since 1992, California Occupational School also has established the first Hispanic food depository which has serviced over 20,000 families and needy individuals.

For 15 years, the California Occupational School has responded to the needs of the diverse communities it serves. Currently, with the changing needs of the community, their mission and program provides job training programs, scholarships to both senior and junior high school students, food assistance and gifts to both students and families in need.

Mr. Speaker, it is an honor that I rise to recognize California Occupational School for 15 years of unselfish commitment to the betterment of the young people, families, and communities of the Los Angeles County and I ask my colleagues to join me in saluting their invaluable efforts.

## AN EXEMPLARY PUBLIC SERVANT

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of those largely anonymous public servants whom we usually take for granted, but whose dedication, competence, and hard work help to make the United States the wonderful country that it is.

Over the past 7 months, it has been my good fortune, as chairman of the Subcommittee on Asia and the Pacific, to work with John R. Malott, Deputy Assistant Secretary of State and interim Director of the Bureau of South Asian Affairs.

Mr. Malott is about to hand his responsibilities over to a successor and take up other duties in the State Department. Before he moves on, however, I wish to use this opportunity to salute him, and to thank him for his exemplary service, his wise counsel, and his responsiveness in dealing with the Congress.

Mr. Speaker, so often we hear how Wash-

ington, or the bureaucracy, or the government is responsible for the ills facing America and Americans today.

I don't know about that—but I do know that if Washington, if everyone in the bureaucracy, if the entire government displayed the dedication, the ability, and the commitment to public service that I have seen in John Malott these past months, then our citizens would have a far more benign view of what we do around here.

On behalf of myself, the Asia Subcommittee, the Congress, and most of all, the country: thank you, John Malott. Your services are valued by an appreciative Congress and a grateful nation.

DISASTER FLOOD ASSISTANCE  
CONFERENCE REPORT**HON. MAXINE WATERS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Ms. WATERS. Mr. Speaker, I rise in strong support of this conference report appropriating desperately needed flood relief to the savaged communities of the Midwest.

I am especially pleased that this conference report will be passed today because I will be leaving shortly to attend a family reunion in St. Louis, MO, my hometown. What better news can I bring than this generous flood assistance bill for the brave men and women who are working to save their communities.

I am also pleased to report that the Youth Fair Chance provisions, which were contained in the House version of this legislation, have been adequately resolved. There has been so much misrepresentation, misunderstanding, and outright misinformation about Youth Fair Chance, I feel compelled to describe the final outcome of our work.

As Members of this institution know, the flood relief bill left this House with language perfecting the Youth Fair Chance Program which had been appropriated in an earlier supplemental appropriations bill, having passed both the House and the Senate. This language was very important in making sure that the Youth Fair Chance Program included stipends, case management and other life support services for job training participants.

Once the flood bill left the House, after surviving a specific effort to delete the program—the same type of effort to delete Youth Fair Chance failed in the previous supplemental appropriations bill—we went to work trying to insure that the House-Senate conference committee would retain the Youth Fair Chance provisions. After all, the Department of Labor had already begun its efforts to implement the \$50 million program. The timing of incorporating the technical changes was crucial.

During this process, the Department of Labor contacted our office. They indicated they had the legal authority to implement Youth Fair Chance, in keeping with the spirit of the Waters amendment, without legislation. In the course of the next few days, we were able to reach agreement on specific programmatic approaches which would incorporate the key elements of a successful job training program for youth and young adults in

high-poverty areas. I am grateful to the Labor Department for working with me on this most important program.

I am also grateful to all those Members of the House who understood the importance of this measure and who supported our efforts to bring real opportunity to low-income communities. While this provision became controversial, mostly because several Members chose to misrepresent the program for their own political purposes, I deeply appreciate that this House on several separate occasions voted to support our Youth Fair Chance Program.

In conclusion, I know many thousands of people will be given a chance to turn their lives around because we have succeeded in this endeavor. This House should be proud of all it has done to secure some measure of hope to the people who will enroll in this program. Many of their lives will be changed forever.

SERVICE-CONNECTED DISABILITIES CAUSED BY AGENT ORANGE

**HON. JIM SLATTERY**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. SLATTERY. Mr. Speaker, I am today introducing legislation that will codify a decision made by the Secretary of Veterans Affairs on July 27 to grant a presumption of service connection for two disabilities suffered by certain Vietnam veterans. These two are Hodgkin's disease and porphria cutanea tarda [PCT].

The Secretary's decision was based on the recent report of the National Academy of Sciences which concluded that there is scientific evidence of an association between exposure to agent orange and five conditions. Three of these, chloracne, non-Hodgkin's lymphomas, and soft-tissue sarcomas, are already presumed by law to be service-connected if suffered by a Vietnam veteran. My bill would add Hodgkin's disease and PCT to this statutory list. I have crafted my legislation to take effect on the same day as the Secretary issues the final regulation to implement his decision.

Secretary Brown's immediate and decisive action should be praised by all Vietnam veterans. It is only fitting that this decision be made a permanent part of the law and I am proud to introduce legislation that will ratify the Secretary's action.

Of course, there is much more work to be done in this area to insure that all issues relating to Vietnam veterans' exposure to herbicides are thoroughly and carefully examined by the best scientific and medical minds of this country can provide. I pledge to continue to support the provision of any and all benefits that are based on valid scientific and medical findings.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. RICK BREITENFELD

**HON. THOMAS M. FOGLIETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mr. Rick Breitenfeld for his 10 years of service as president of public broadcasting station WHYY in Philadelphia. Mr. Breitenfeld's career with WHYY has been one of achievement in the field of public broadcasting. In the process, he has enriched the cultural and intellectual life of millions of Delaware Valley residents.

Throughout his years in the field of communications, Mr. Breitenfeld has focused on the use of television for educational purposes. He is a charter member and chairman of the National University Consortium for Telecommunications in Teaching. He is past chairman of the Eastern Educational Television Network. He is also national chairman of the Educational Television Station Division of the National Association of Educational Broadcasters and president of the Philadelphia Chapter of the National Academy of Television Arts and Sciences.

Mr. Breitenfeld's efforts both professionally and in the community have earned him many citations. In 1987, he was the Boys and Girls Club of Philadelphia "Man of the Year." In 1980, he received the Lord Baltimore Medal for contributions to public life, after receiving the Andrew White Medal for community service in 1979. He has been recognized by his colleagues with his entry into Who's Who in entertainment.

I wish to join today with Mr. Breitenfeld's friends, family, and colleagues in recognizing him for his years of service at WHYY and in the field of communications in general. His work in educational broadcasting and community service have benefited millions, and we thank him for that.

STATEMENT ON THE INTRODUCTION OF THE SCHOOL LUNCH PROTECTION ACT OF 1993

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. KILDEE. Mr. Speaker, today I am introducing legislation designed to make corporations that supply food to our national child nutrition programs think twice before they engage in fraudulent behavior that cheats local schools, and ultimately our children.

During the last several years the Antitrust Division of the Department of Justice has filed 96 criminal cases against persons accused of bid-rigging conspiracies and similar activities related to the purchase of milk for child nutrition programs and the military. To date, these cases have resulted in the conviction of 52 corporations and 64 individuals, resulting in total fines and civil damages of approximately \$100 million.

On July 21, the Subcommittee on Elementary, Secondary and Vocational Education,

*August 6, 1993*

which I chair, conducted a hearing on child nutrition programs. One of the witnesses represented the General Accounting Office [GAO] which issued a report on this issue in October of 1992. One of the GAO's recommendations was that debarring dairies convicted of bid-rigging could serve as a strong deterrent against future bid-rigging.

The bill that I am introducing today is a companion to the one Senators LEACH and HARKIN introduced in the Senate. The bill would require the Secretary of Agriculture to initiate debarment proceedings against any persons convicted of bid-rigging in the child nutrition programs for 1 year, except when to do so would not be in the public interest. The bill also requires that the Department of Agriculture provide technical assistance and training to entities involved in the acquisition of commodities for the child nutrition programs in order to prevent future bid-rigging.

A SPECIAL SALUTE TO BISHOP JESSE DELANO ELLIS II: CELEBRATING HIS INSTALLATION SERVICE

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. STOKES. Mr. Speaker, in just a few weeks, beginning August 15, 1993, members of the United Pentecostal Churches of Christ will gather in Cleveland, OH, for the convening of their Fourth Annual Holy Convocation Services. Delegates from more than one hundred churches and congregations will gather at the Pentecostal Church of Christ located in the University Circle area of Cleveland for this special event.

One of the highlights of the convocation will be the Service of Installation of Bishop Jesse Delano Ellis II, who serves as senior pastor of the Pentecostal Church of Christ. The enthronement of Bishop Ellis will be held on Saturday morning, August 21, 1993, and will be followed by a special banquet that evening at Landerhaven.

Mr. Speaker, I take great pride in welcoming representatives of the United Pentecostal Churches of Christ to my congressional district. Our city is equally proud of the high honor which is being bestowed upon Bishop Jesse Delano Ellis. I want to take this opportunity to share with my colleagues and the Nation some information regarding this outstanding individual and servant of God.

Bishop Ellis was reared in South Philadelphia. He began his ministerial training at a young age, attending Howard University, Nazarene Institute, and Birmingham Institute in Birmingham, England. For 24 years, Bishop Ellis served in various capacities including Episcopal consultant to the Church of God in Christ.

In 1989, Bishop Jesse Ellis accepted the call to Cleveland. I am proud to note that since his arrival, Bishop Ellis has dedicated his energy toward bringing about positive change in the community. Under his leadership, the Pentecostal Church of Christ has been a beacon of light and strong source of

support. The church has reached out with programs and services to benefit the children, senior citizens, and others in need.

During Bishop Ellis' tenure, the church has also been outspoken on issues which impact our neighborhoods, including educational funding, housing, drugs, and crime. In addition to his pastoral assignment, Bishop Jesse Ellis serves as the chaplain to the city of Cleveland Police Department effectively carrying his ministry to the streets. Bishop Ellis is married to the former Sabrina Joyce Clinkscale. He is the proud father of five children and the grandfather of three.

Mr. Speaker, as the Pentecostal Church of Christ prepares for the installation service of Bishop Jesse Ellis, I join his congregation, family, and may supporters in saluting him on this auspicious occasion. He is a good friend who, over the years, has remained steadfast in his mission for Christ. I am proud to note his installation service and I wish him continued success on this important mission.

#### INTRODUCTION OF TWIN FALLS COUNTY LAND FILL ACT OF 1993

### HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CRAPO. Mr. President, I am here to introduce the Twin Falls County Land Fill Act of 1993. This bill is required in order for Twin Falls County, ID to have a sanitary landfill that meets Environmental Protection Agency Resource Conservation and Reclamation Act mandates under subtitle D, municipal solid waste landfill regulations.

Twin Falls County, located in south central Idaho, has completed an extensive search for possible county locations for the new landfill. The county has performed a detailed study of four possible sites. As a result of this analysis, a site referred to as Hub Butte was identified as the best choice. This selection was made based on criteria that included a wide range of considerations, such as effects on the natural and human environment.

Twin Falls County encompasses 1,957 square miles and has a population of approximately 54,000 people. Of the total land base in Twin Falls County, approximately 52 percent is owned by the Federal Government. The high percentage of federally owned land led to the siting of the proposed facility on a tract of Federal land. Of the four sites proposed, all were located on Federal land.

This site was identified 14 months ago. In that time all monitoring wells have been completed, as well as the draft environmental impact statement [DEIS]. There are no citizen objections to the site and it is necessary for the continued operation of the county rubbish collection.

The new site is located within 2 miles of a present Twin Falls County landfill. The Hub Butte site is 350 feet from a clay lined perched water table. Any palatable drinking water is located another 1,000 feet below that, thus the potential for contaminating any drinking water is minute. Twin Falls County has negotiated a workable agreement with the livestock owners

in the area, and has passed a \$4 million revenue bond to support the opening of the Hub Butte site. The site has universal support.

The time period for Twin Falls County to meet the EPA requirements is approaching quickly, and the usual time allowed by the Federal Government, to pass title to the site, extends beyond the date that the EPA has placed on meeting the subtitle D requirements. Even with the recent EPA extension of the subtitle D requirements the county will be faced with noncompliance of the rather narrow extension criteria proposed by the EPA.

If they cannot get the new landfill site approved they will have to face the original task of remediating the five present landfills by putting in monitoring wells.

These wells will be operational for the next 30 years and will cost \$30,000 to \$100,000 a year to maintain over that time period.

For these reasons it is necessary to introduce and pass this legislation, which will allow the county of Twin Falls to own the land needed for the landfill, after it has paid the Federal Government the fair market value of the land.

#### THE HAWAIIAN SAILBOAT "PAI NUI" TO BE EXEMPTED FROM PROVISIONS OF JONES ACT

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of legislation that I introduced to exempt *Pai Nui*, a 55-foot sailboat, from the provisions of the Jones Act, which prohibits foreign-built vessels from carrying passengers between ports of the United States.

Built in France in 1971, *Pai Nui* was named for a hero of Tahitian mythology. *Pai Nui* was towed from Western Samoa into the port at Honolulu in 1980. A succession of storms encountered enroute had caused serious structural damage to her hull and equipment. On June 9, 1982, Craig Wright, a U.S. citizen and resident of Hawaii, purchased the vessel from the U.S. Marshals Service for \$38,000. Mr. Wright has since rebuilt and refitted the vessel in the United States and can proudly claim she now has a current market value of more than \$160,000.

Mr. Wrights intent is to use *Pai Nui* to carry passengers from Honolulu to Kauai. As there is no vessel currently active on this route, *Pai Nui* will be able to provide another view of Hawaii; one now only seen by a selected few.

One of the most impressive sights on this Earth is the Hawaiian Islands viewed from the sea. It is easy for ocean passengers to imagine themselves as ancient Polynesians first arriving from far away lands. The coral reefs protecting Hawaii's fragile shores, with some of the steepest sea cliffs in the world as a backdrop, are awe inspiring. It is an especially breathtaking experience to sail under the stars and watch the early morning sun come up on Kauai's spectacular mountains.

I want to emphasize that while this vessel was originally built overseas, its "destruction" enroute to Honolulu allowed for its reconstruction in the United States by American labor for

an American owner with the object of doing business in U.S. waters exclusively. For all intents and purposes, its foreign origin is technical in nature; its resurrection is by American labor using American components in keeping with the spirit of the law.

#### TRIBUTE TO EWING "MR. K" KAUFFMAN

### HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WHEAT. Mr. Speaker, I am saddened today as I rise to ask my colleagues to join me in tribute to Mr. Ewing Kauffman. With his recent passing, the Nation's heartland has lost one of its most generous investors in the future of its youth.

He was a man of many talents. Kauffman owned a fantastically successful pharmaceutical business, founded the Kansas City Royals baseball team, and earned a role as one of the Nation's premier philanthropists.

Born and bred on a rural Missouri farm, Ewing Kauffman—or Mr. K as he preferred to be called—had the strength of character of which legends are made. During the 1950's Mr. K started his company, Marion Labs, in his garage. By 1989 that corporation was part of the merger that formed the giant multinational corporation Merion Merrill Dow.

However, Ewing Kauffman had become a household name in Kansas City long before then. After the exodus of the Athletics major league baseball franchise, Kansas City was left without a ball club. Mr. K came to the rescue. At the urging of Muriel, his wife, he purchased the rights to an expansion franchise for \$10 million. The new K.C. Royals quickly became the model for building a successful baseball team and integrating it with the fabric of the community. Finishing an unprecedented and impressive fourth place during only its first two seasons, the Royals brought a division championship home in an amazing 8 short years. Kauffman's personal and professional talents catalyzed that success.

Mr. K had an unusual approach to owning a ballclub. In a baseball world full of tradition and superstition, Kauffman pursued innovation and invention. During the early days of the franchise, he founded the Baseball Academy. This training camp brought together young men of exceptional physical ability and forged them into baseball players. The idea was received skeptically from traditionalists in the game. However, as Mr. K was fond of pointing out, the academy also produced a second baseman named Frank White, who earned eight Gold Gloves during his long and sterling tenure with the Royals.

Kauffman's dedication and ability brought many great memories to Royals fans everywhere. We will recall Mr. K when we remember Steve Busby, Cookie Rojas, Al Cowens, Willie Wilson, John Wathan, Larry Gura, and all of the men who filled our summers with thrills. We will recall Mr. K when we remember George Brett slapping a single for hit number 3,000. We will recall Mr. K when we remember our first World Series against Philadelphia.

We will recall the passage of Mr. K when we remember the passing of the Royals' great manager, Dick Howser. And we can thank Mr. K as we remember the 1985 World Series victory led by the MVP performance from Cy Young winning pitcher Bret Saberhagan.

Indeed, just weeks before his death the people of Kansas City did express their deep-rooted gratitude to Mr. K: the former Royals Stadium now bears the name Kauffman Stadium, a fitting tribute to the man most responsible for bringing the joys of baseball to Kansas City.

We can also thank Mr. K when we realize that out of one of the dark hours of the franchise, he created something good, decent, and lasting. In 1984, when four Royals had been charged with cocaine possession, Ewing and Muriel Kauffman were deeply concerned about the message this incident sent to troubled youth. In response, Mr. and Mrs. Kauffman sought to turn this unfortunate event into a positive and productive opportunity. From the ashes of this tragedy rose his idea for Project STAR, a program aimed at ending drug use among the young. Today, this multi-million dollar program continues its commitment to reducing drug abuse in the Kansas City area. More than 150,000 students are exposed to Project STAR programs every year.

In creating this organization, Kauffman revealed a different side of himself to Kansas Citians. We had already come to know him as a success in business and sport. Now we had the privilege to see this sense of commitment to the future our community's children, and understand the importance he placed on honorable service to our fellow citizens.

The genesis of Kauffman's commitment to others can be found in his childhood. When he was young, his family did not have the resources to buy him even a bicycle, "and now that I'm rich enough to afford a hundred bikes, I'm too old to ride one," he said later. He was a man that understood the heartache of poverty—and the value of education. Toward that end, he created the Ewing Marion Kauffman Foundation in 1986. Today, the charitable foundation, one of the largest in the United States, directly funds several programs aimed primarily at children and teenagers.

One of the best of those programs is Project Choice. It began in the spring of 1988. In April, Mr. K walked down the halls of his alma mater, Westport High School, and stood before its students. On that day Kauffman made a commitment to the rejuvenation of a neglected school and its pupils. He stood before a crowd of eighth grade children and made them a promise: if they would maintain good grades, stay away from drugs, and graduate from high school, he would pay for their college education. Since that spring, Mr. K has expanded that offer, and over 1,000 students in the Kansas City area now have a college education available to them in the future.

But the foundation's efforts have not stopped there. Project Essential teaches children the value of earning self-esteem. It is based on a curriculum developed to teach kids the principles of place value in themselves, their abilities, and their contribution to the world in which they function.

Project Early makes concrete contributions to the youngest members of the Kansas City

community. Begun with a pilot project on the West Side, through this program the Kauffman Foundation assists existing social service organizations in improving and enhancing their efforts. The foundation does not act alone with Project Early but attempts to catalyze existing institutions, merging business efficiency with caring concern.

Finally, Mr. K's latest legacy in service to his community is the Center for Entrepreneurial Leadership. This two-pronged effort attempts to teach both children and adults about the basics of starting a business and creating jobs. This program stems, like each of the foundation's other projects, from his commitment to children. Mr. K felt that Project Choice was not enough if in the end kids could not gain employment after graduating from high school. Even in fostering the growth of small business and entrepreneurship, Kauffman focused on the community's children.

He contributed to the greater good. It was not his money or fame which truly brought Ewing Kauffman joy—nor was it that for which he should be remembered. Rather, it was his belief in helping others which made him an honorable man, a man worthy of tribute, the personification of generosity.

Today Mr. Speaker, that is why I rise. To add my voice to the symphony of tribute, to remember and thank a man whose life has passed but whose memory we will never forget: Ewing Marion Kauffman.

#### OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FAWELL. Mr. Speaker, today I am introducing, along with the ranking Republican on the Education and Labor Committee, Mr. GOODLING, and nine of our colleagues, the Occupational Safety and Health Reform Act of 1993.

In the 23 years since the Federal Occupational Safety and Health Act [OSHA] was passed by Congress, the law has been amended only once, and that was simply in order to raise revenue—by raising penalties—as part of the infamous budget agreement of 1990. In the last Congress, two OSHA reform bills were introduced—one by Chairman FORD of the Education and Labor Committee and one by former Representative Gaydos—each of which would have added greatly to the regulatory burden that is already choking business, especially small- and medium-sized businesses, in this country. Unfortunately, this year the two bills introduced in the last Congress have been merged, with additional regulatory burdens and penalties added, in H.R. 1280.

Few people are satisfied with OSHA's performance over these past 23 years. But it is important also to say, as Secretary of Labor Reich pointed out during recent testimony before the Education and Labor Committee, "We have made progress in providing safer and healthier jobs since the enactment of the OSHA Act. In fact, the occupational fatality rate

is one-half of what it was in 1970. There are other indications of progress as well, even though changes in recordkeeping requirements and injury and illness definitions have made those indicators matters of argument.

Nonetheless, I agree with those who say that the toll of workplace deaths, injuries, and illnesses is still unacceptably high. Additionally, there are other problems with the current OSHA Program that should be addressed as well. Enforcement of OSHA standards is uneven, partly because OSHA's current approach of being almost entirely dedicated to policing the workplace cannot work with the limited resources given to the agency. Thus, companies with good safety records are regularly inspected while plants like that of Imperial Foods in Hamlet, NC, are never visited. OSHA's regulations, when they are completed at all, are lengthy, complicated, and—when combined with enforcement that is more concerned with numbers of citations and amount of penalties than with injury rates—nitpicky. A recent survey of its small company members by the National Association of Manufacturers cited OSHA regulations, along with product liability reform, at the top of the list in terms of Government actions that were impeding economic growth and job creation.

To some of my Democratic colleagues, those who have sponsored or supported H.R. 1280, the answer to these problems is simply more, much more, of the same—more mandates and regulations from Washington. Employers in this country would be socked with a new bill of over \$50 billion per year. Somehow OSHA, already stretched with enforcing current regulations and standards, would become the arbiter and enforcer of labor relations as well. For those who are inspected and found to have violated an OSHA standard, H.R. 1280 threatens harsh new penalties, both civil and criminal. All of this in order to address, as Secretary Reich has said, "those few employers who intentionally neglect or ignore their duties—and these are very few."

My colleagues and I believe that there are better ways to reform the OSHA Act. We believe that Congress needs to look at a new role for OSHA, combining enforcement and incentives, and using the resources of the Federal Government not simply as the policeman of the workplace but also to encourage and reward employer and employee efforts to improve and maintain high standards for the safety and health of workers.

Safe and healthful working conditions and practices are in the interest of both employees and employers. Most employees and most employers recognize that fact. Some do not, and our bill addresses those employers by providing OSHA with the necessary enforcement tools to ensure that employee safety and health is not ignored. But for the vast majority of employers, existing Government resources can be better utilized by providing expertise, consultation services, and training, and by encouraging employers and employees to make safety and health a priority in their workplace.

Along with this statement I am inserting in the RECORD a section-by-section summary of our bill, along with a list of six issues which we believe should be addressed in OSHA reform legislation and a brief description of how our legislation addresses those six issues.

Before those, however, I want to make two important points about our legislation, particularly for those Members who have not been as deeply involved in these issues as most of the members of the Education and Labor Committee have been. One is that proponents of H.R. 1280 often cite the tragic fire of September 1991 in a chicken-processing plant in Hamlet, NC, as evidence of the need for that legislation. We all condemn the indifference and irresponsibility of that employer, who padlocked and barred fire escape doors, apparently in an attempt to combat small thefts of chicken parts by employees. The employer violated both State and Federal laws, including OSHA standards. The problem in Hamlet was not an absence of laws and regulations but that Government inspectors, including meat inspectors from USDA who visited the plant regularly, never checked fire doors to see that their own lives, as well as those of the workers, were endangered. The bill we are introducing does address what happened in Hamlet. It requires the Department of Labor to maintain an ongoing program with other Federal Government agencies as well as with States and local governments to ensure that personnel from public agencies, when they are in places of employment for whatever reason, simply check the fire escapes. Had that been done in Hamlet, most if not all of the workers would have survived.

Before his untimely illness and death, Representative Paul Henry was our committee's resident expert on OSHA and OSHA reform. Way back in 1988, Paul appointed a task force of experts to help him and our side of the Education and Labor Committee gain a better understanding of the often arcane history of OSHA and what types of reforms might be proposed. It was his work in the last Congress which formed the foundation of the proposal which we are introducing today.

None of us would maintain that the bill is perfect or that it includes every idea or provision that should be included when we get to the point of writing final OSHA reform legislation; however, the bill does offer the direction which we believe real OSHA reform must take, and I look forward to the support and suggestions of my colleagues as we continue to work to promote safety and health in the workplace.

#### SECTION-BY-SECTION SUMMARY OF THE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

##### SECTION 1. Short Title.

##### SEC. 2. Public Employees.

Extends OSHAct coverage to state and local governments after three years, and requires OSHA to conduct a study of the cost impact prior to enforcement against public agencies.

Exempts public agencies which rely primarily upon volunteers to provide services.

Provides coverage to federal government employees.

Creates separate provisions for enforcing OSHAct against Congress and its instrumentalities. Provisions call for inspections by DOL, citations and penalties to be assessed by a Special Counsel, with review by the Office of Fair Employment Practices, and appeal to the U.S. Court of Appeals.

##### SEC. 3. Standard Setting.

Establishes a single set of legal criteria for OSHA to consider in promulgating safety or

health standards, those being: significant risk; feasibility; costs and benefits; cost-effectiveness; and job loss.

Gives OSHA greater discretion in establishing the level of health regulation.

Encourages the use of negotiated rule-making in standard setting.

Requires standards promulgation to take into consideration particular costs imposed on small business, and by paperwork and recordkeeping requirements.

Requires a procedure for priority-setting of health standards by OSHA, based upon toxicity and exposure data which OSHA receives from EPA, HHS, and other sources.

##### SEC. 4. Application of the Act.

Requires an annual report to Congress on need for clarification of OSHA's jurisdiction where other government agencies also may or do regulate working conditions.

Provides that employee participation programs which deal in whole or in part with safety and health are not prohibited by section 8(a)(2) of the National Labor Relations Act.

Provides a "privilege" for voluntary safety and health audits and reviews.

##### SEC. 5. Variances.

Prohibits OSHA from citing an employer under a standard if it has had pending for more than 90 a request from that employer for a variance on the standard involved.

##### SEC. 6. Inspections.

Creates a legal requirement that OSHA inspections be conducted by personnel who are trained and knowledgeable in the industry or type of hazard.

Requires OSHA to work with other federal, state, and local government agencies to ensure that personnel from these agencies check for fire protections and other easily recognizable dangerous conditions when visiting worksites.

Writes into law the Appropriations "riders" on small business and small farms.

Allows OSHA greater discretion in determining which employee complaints must receive formal response.

##### SEC. 7. Voluntary Compliance.

Provides a partial exemption from OSHA inspections for employers who either (1) retain an on-site consultation or inspection by a person certified or funded by OSHA for such consultations or by an insurance carrier, or (2) have an exemplary safety record and a safety and health program that meets conditions set forth in the bill. The exemption applies to "general schedule" inspections, not to inspections triggered by accidents or employee complaints.

##### SEC. 8. Employer Defenses.

Establishes a defense for the employer against an OSHA citation when "employee misconduct" has caused the violation.

Creates a defense for employers who have utilized alternative methods which are equally or more protective of employee's safety and health.

SEC. 9. Occupational Safety and Health Review Commission (OSHRC).

Extends the time that an employer may contest a citation from 15 to 30 days.

Gives deference to interpretations of law by the Commission (overturns the CF&I case).

##### SEC. 10. Discrimination (Whistleblowers).

Extends time for filing complaints to 60 days.

Provides that if DOL does not decide to prosecute the case within 90 days, the complainant may take the case directly to the Review Commission for hearing and decision. Provides for appeal from Commission decision to U.S. Court of Appeals.

Encourages use of mediation in such disputes.

##### SEC. 11. Enforcement.

Authorizes OSHA to post "imminent danger notice" and to inform employees of their rights to refuse work in such conditions. Limits such notices to 72 hours unless OSHA obtains court order to continue it.

Establishes procedures for "special emphasis" programs targeted at particularly hazardous industries.

Requires OSHA to inspect workplaces upon report of death or hospitalization of 3 or more workers.

Delays enforcement against State and local governments for 3 years, and requires OSHA to assist States in instituting State enforcement mechanisms.

##### SEC. 12. Penalties.

Creates a single penalty structure which eliminates arbitrary classifications of violations.

Targets higher penalties at employers where violations have caused death or serious injuries.

Provides that penalties against State and local governments may be applied to the costs of abatement.

Provides for reductions in penalties for employers with good safety records and safety and health programs, and for employers who retain consultation services.

Increases criminal penalty for egregious violations which cause death to an employee for misdemeanor to a felony.

Codifies OSHA policy regarding sharing of information with victims and family members of victims.

Allows OSHA to require employers with a history of injuries or fatalities to adopt a safety and health plan with regular certification of compliance.

Allows OSHA to issue warnings rather than citations if the employer agrees to abate the hazard or violation.

##### SEC. 13. State Programs.

Requires states to conform labeling, content and hazard information to federal requirements.

Provides that in reviewing State programs, OSHA will compare state enforcement resources to those in federal jurisdictions, rather than to arbitrary "benchmarks."

Allows OSHA to grant waivers to States to adopt other approaches to safety and health.

##### SEC. 14. NIOSH.

Transfers NIOSH and the functions and authorities given to NIOSH in the OSHAct to the Department of Labor.

SEC. 15. Prevention of Alcohol and Substance Abuse.

Requires OSHA to establish uniform federal standards to drug testing and alcohol testing.

SEC. 16. Small Business Assistance and Training.

Requires OSHA to issue a model program which meets the requirements for exemption from inspection or penalty reduction.

Requires OSHA to expand education and training and technical assistance programs, and requires that at least 25% of OSHA's budget go for such programs.

Codifies OSHA's "on-site consultation" program targeted at small business.

##### SEC. 17. Exemplary Programs.

Requires the Secretary of Labor to establish an award program to recognize exemplary programs in occupational safety and health (similar to Baldrige award for quality management).

##### SEC. 18. Economic Impact Analysis.

Requires an analysis of the costs and benefits of existing OSHA standards.

SIX MAJOR INITIATIVES INCLUDED IN THE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

1. EXPANSION OF CONSULTATION, TRAINING AND EDUCATION PROGRAMS

While not undercutting OSHA's enforcement authority, the bill would balance OSHA enforcement with greater emphasis on and resources for consultation services. The bill would provide that in two ways:

(1) It provides additional public funding by requiring that at least one-fourth of OSHA's budget be used for consultation and training programs. Currently, less than one-tenth of the OSHA budget goes for such programs. The additional resources are possible by making NIOSH part of the Department of Labor and by coordinating and combining the training and outreach programs and funds from both agencies.

(2) It encourages the use and growth of private-sector consultation programs by allowing employers who utilize such programs to be exempt from "general schedule" OSHA inspections and from first-instance, non-serious penalties.

2. INCENTIVES FOR EMPLOYER AND EMPLOYEE EFFECTS TO MAINTAIN SAFE WORKPLACES

OSHA's resources will not, in the foreseeable future, be sufficient for workplace safety and health to rely primarily on OSHA enforcement. Nor should OSHA be the "policeman of the workplace." Maintaining safety and health is in the interest of employers and employees; the OSHA should encourage and reward efforts and initiatives taken by employers and employees to reduce workplace hazards and provide safe working conditions.

The bill includes several incentives:

(1) As described above, employers who retain or utilize an on-site consultation program, whether federally funded or certified, or as part of a loss control program by an insurance carrier, may be exempt from "general schedule" OSHA inspections and from certain penalties.

(2) Employers with good safety records and safety and health programs may be exempted from certain OSHA inspections and receive a reduction in any penalties they receive as a result of other inspections.

(3) The bill establishes an award program, like the Baldrige Award for quality management, for model safety and health management.

At the same time, the bill also includes disincentives, tying OSHA penalties for the first time to excessive injuries and fatalities.

3. FLEXIBILITY AND CONSIDERATION OF COSTS IN STANDARD-SETTING

A third problem for OSHA has been the length of time and difficulty the agency has had in promulgating safety and health standards. While there are a number of reasons why standard-setting takes so long, one reason is the complexity and scientific uncertainty surrounding the hazards which OSHA attempts to regulate. A second reason has been OSHA's difficulty in establishing, and sticking to, priorities for standard-setting.

Currently, when OSHA attempts to regulate a health risk, it must establish what levels of exposure pose "significant risk of material impairment" to workers, and then regulate to the lowest level of such risk that is "feasible" for industries affected by the standard. The inflexibility of OSHA's mandate result, frequently, in one side arguing that the agency is required to issue a more stringent standard and in the other side arguing that the agency's determination of "significant risk" at the regulated level is based on bad or inadequate scientific data.

The bill offers OSHA greater discretion when regulating so that the level and stringency of regulation can be tied to the certainty of risk. For example, if for substance A there is a clear scientific basis for regulating exposures at 4 ppm, but a less clear basis for setting the standard at 3 ppm, and the lower standard would result in years of controversy and litigation, are not the employees better off to have the protection at 4 ppm now? The bill would allow OSHA to make those regulatory judgments so long as consideration was given to both the benefits and costs of the regulation.

4. COVERAGE OF PUBLIC AND CONGRESSIONAL EMPLOYEES

Current federal law does not cover state and local governments, although approved state OSHA programs do. Like H.R. 1280, the bill extends OSHA coverage to state and local governments; unlike H.R. 1280, the bill has a number of provisions to assist state and local governments in meeting the additional costs imposed: (1) enforcement against state and local governments is delayed for 3 years, during which time OSHA must complete a study of the cost impact of this extension of coverage; (2) "volunteer" fire departments and similar public service providers are exempt; and (3) any penalties assessed against a state or local government may be credited against the costs of abating the hazard cited for the violation.

Also unlike H.R. 1280, the bill places federal government workplaces under the same rules and enforcement as private employers. Additionally, it extends, as close as possible, the same protections and rights for Congressional employees and the same obligations and penalties against Congressional employers as apply to the private sector.

5. ADDRESSES DEFICIENCIES IN THE PROTECTION OF INDIVIDUAL WHISTLEBLOWERS

In the past, the Education and Labor Committee has heard testimony from individuals who claim that they were fired or otherwise discriminated against because they complained about safety and health conditions, either to the employer or to OSHA, and whose cases languished for years in the Department of Labor. Under current law, once the complaint is filed with DOL, the complainant has no control over its processing. Regardless of whether the claims were meritorious, the fact that the complainant could not get resolution or a hearing on the claim meant that the assurance of legal protection for employees who complain of safety and health concerns was diminished.

The bill provides that whistleblower cases will be adjudicated by the Review Commission, after opportunity for a hearing. The complainant may bring the case to the Review Commission if DOL does not do so within 90 days from the date the case is filed. The bill also encourages the use of mediation in these cases.

6. ELIMINATES OSHA'S ARBITRARY PENALTY CLASSIFICATIONS; BASES THE AMOUNT OF THE PENALTY ON THE SERIOUSNESS OF THE INJURY CAUSED BY A VIOLATION, RATHER THAN ON THE "SERIOUSNESS" OF THE VIOLATION

OSHA currently classifies violations of standards or the general duty clause as "other than serious," "serious," "willful," or "repeat." Over time and place, the definitions of those various classifications change so that a violation that is "other than serious" one year may be "serious" the next year. Or what is "serious" in one region of the country may be "willful" in the next region. "Willful" violations, especially, carry "extra-OSHA" implications (intentional tort

claims, etc.) which OSHA has used to force employers into settlements.

The bill eliminates the various classifications and creates a single penalty structure for establishing the penalty for a given violation. It also provides special review and the potential for higher penalty assessments where (1) an employee has died as a result of a violation, (2) the employer has an excessive history of serious injuries of employees, and (3) the employer has demonstrated a pattern of violations which would cause death or serious injury. At the same time, the bill gives penalty relief for employers who have good safety records, safety and health programs, or who utilize a consultation or loss control program.

TRIBUTE TO JAMES M. SELLERS, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SKELTON. Mr. Speaker, I was saddened to learn of the recent death of my good friend James M. Sellers, Jr. of Lexington, MO. Together we attended Wentworth Military Academy and I came to know him as an outstanding individual. I always admired his professionalism and devotion to duty.

He was the superintendent of Wentworth Military Academy from 1973 to 1990. He made invaluable contributions to the community, Wentworth and the National R.O.T.C. program.

Mr. Sellers was a valiant soldier and patriot. He served his country in the Navy from 1946 to 1948 and again in the Army from 1952 to the 1960's.

Mr. Sellers was known not only for his military contributions, but he was also a scholar who held degrees from Yale University and the Harvard University School of Business. Among his career achievements, he served as treasurer of Fautless Starch Company in Kansas City and also as the budget director of the Vendo Corporation. He also cofounded and directed Schwartz Electro-Optics Incorporated and International Laser Systems in Orlando, FL.

I extend my most heartfelt condolences to his family. He was a good friend through the years and leaves fond memories with his friends, his widow Betsy and four outstanding sons.

ANGOLA POUNDS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BURTON of Indiana. Mr. Speaker, the African Nation of Angola seems, tragically to have fallen off of everybody's radar screen since its relapse into civil war late last year. A negotiated solution is still the only hope for peace. The atrocities being committed daily in Angola further complicate an already horrific situation.

The Government of Angola, which the Clinton administration recently recognized, is currently engaged in a merciless bombing campaign against the city of Huambo. The other day, their planes destroyed the International Committee for the Red Cross headquarters in that city. This barbaric act must be roundly condemned, and the Angolan Government must be told in no uncertain terms that such behavior will not advance the peace process, and must not be tolerated.

I commend to my colleagues' attention, an article from the Washington Times about this inhuman attack.

[From The Washington Times, Aug. 6, 1993]

ANGOLA POUNDS REBELS IN HUAMBO  
STRONGHOLD

LISBON.—Angolan government fighter planes launched a major bombing raid on a rebel stronghold yesterday, a day after an attack that destroyed Red Cross headquarters and killed dozens of civilians.

Dead and wounded were laying in the streets after bombs devastated several shanty towns and apartment buildings in Huambo, the country's second-largest city, said Christophe Harnisch, director in Angola of the International Committee of the Red Cross.

Government MIG-21 fighter jets have made more than 30 air raids on Huambo since Tuesday, government military spokesman Brigadeliro Jota said. He said it was the most intense attack against the city of 400,000 people since it was captured by rebels five months ago.

The UNITA rebels swore to hit the government where it would hurt the most in retaliation for the Huambo air raid.

LEGISLATION TO REAFFIRM SECOND AMENDMENT INTRODUCED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CRANE. Mr. Speaker, continuing a tradition begun in the 98th Congress, I have reintroduced legislation to reaffirm the duty of this body to protect the second amendment to the United States Constitution.

Our Founding Fathers considered the right to keep and bear arms for the purpose of self-defense to be a natural one, recognized by civilized men, regardless of its codification into law. James Madison considered the right fundamental enough to be included in the Bill of Rights and protected by constitutional law. Madison argued that the right to bear arms was an advantage "which Americans possess over the people of almost every other nation." He further argued that this advantage was necessary to create a barrier against the usurpation of individual rights by the Government.

Indeed, the lessons of history have shown that the existence of an armed populous, while consistent with democratic peoples, is wholly inconsistent with tyrannies. Madison noted in the Federalist Papers that "governments are afraid to trust the people with arms." Adolf Hitler restricted gun ownership to permit holders—providing they had no criminal record—members of the S.S. and storm troopers. Jews, considered enemies of the Third Reich, were forbidden to own firearms.

Modern day proponents of gun control laws claim that restricting legal access to firearms is necessary to curb the problems of crime in America. Empirical evidence has shown that method to be ineffectual in preventing crime. The District of Columbia, which has one of the most restrictive gun control laws in the country, also has the highest per capita murder rate. In effect, the right of the individual to protect himself has been usurped by the state. As a result, criminals have turned Washington into the Nation's murder capital.

Unfortunately, the increase of violent crime has swept the entire Nation. Law enforcement agencies, already overworked, cannot keep pace with the criminal's activities. In the absence of adequate police protection, the ability to protect one's life, liberty, and property should not be infringed by Congress in any way.

In a recent article in the Conservative Chronicle, William F. Buckley, Jr., demonstrates that the current state of crime should point to the need to ensure that individuals maintain the right to properly defend themselves. I commend this article to the attention of my colleagues and ask them to support the constitutional right to keep and bear arms by cosponsoring House Concurrent Resolution 3.

[From the Conservative Chronicle, July 9, 1993]

GUN CONTROL DIVIDES CONSERVATIVES AND LIBERALS

(By William F. Buckley, Jr.)

Many years ago, in his important book, "Suicide of the West," the late philosopher-strategist James Burnham did a novel thing. His objective was to attempt diagrammatically to distinguish between the liberal and the conservative. On what points did they tend to disagree? And on what point, or points, did they disagree most markedly?

What is progressively clear is that government probably doesn't have the power to cope with the problem. Or if that isn't quite correct, government isn't going to cope with the problem.

He identified the "liberal syndrome," and later investigators fastened on a single issue that more than any others divides the two camps, namely gun control.

Over the years I have kept an ear cocked to the question, and I'd warrant that it is still so. Although more conservatives now than then believe in some limits to instant accessibility of weapons, on the main point they are still adamant: that an American citizen be permitted to buy a gun when he wants one.

The day's news speaks of Houston, Texas. Another tragic event, a mere cipher in the statistical archives (two more homicides). But something about the Houston story has seized the imagination of the whole town, and the reason for it is that nobody quite knows what to do about the society that brought forth Peter Anthony Cantu, 18; Derrick Sean O'Brien, 18; Efrain Perez, 17; Raul Omar Villareal, 17; Jose Ernesto Medellin, 18; and an unidentified boy, 14. The fourteen-year-old, if found guilty, could be sentenced to 40 years in prison. The other five could be executed.

What the "boys" were accused of doing was to stop two teenage girls who were returning home after a swimming party at the Springhill Apartments with friends. The girls were seized, raped, beaten and killed.

Now homicide isn't exactly like a total eclipse at Houston. This last was the 250th

and 251st in a year only half spent, which suggests 500 deaths by New Year's Eve. Why is this extrapolation so confident?

The answer to this reaches down to the marrow of Houston's depression. It is that nobody knows what to do about crime. Accordingly, people who live in Houston need to decide how they will comport themselves. What, as individuals, will they do? Is it a matter of identifying the individual potential malefactor? But how is this accomplished?

Consider the gentlemen above. Reporter Sam Howe Verhovek writes for the New York Times, "Even after the girls had stopped writhing from their torment, several of the youths repeatedly stomped on them to make sure that they were dead, the authorities said. The girls' naked bodies were then dragged into the woods," where they were discovered four days later after a frantic citywide search.

How does the resident of Houston (or of Washington, Detroit, Chicago, Los Angeles, Phoenix) guard against coming upon such as the gentlemen listed above?

What is progressively clear is that government probably doesn't have the power to cope with the problem. Or if that isn't quite correct, government isn't going to cope with the problem.

Radical measures come to mind, but they are dismissed as totally incompatible with Western social commitments. We could send a commission to Singapore to find out how it handles its crime problem there, but to institute such procedures as are used in Singapore would indeed finally require us to impeach Earl Warren.

What citizens do in fact impose on themselves is a very sharp limitation of freedoms we are supposed to enjoy—e.g., safe passage, day or night, across parks or down shaded streets. But the ultimate sanction is the protective weapon.

As essayist writing in the Public Interest a dozen years ago made the point that critics of handguns fail to take into account the measure of relief that they bring in particular to older people who live in urban areas in which crime is rampant. The point was brought home by Verhovek. He writes:

"At the site of the killings—down an embankment and near a graffiti-covered railroad trestle—passers-by have left notes and flowers in memory of Miss Ertman and Miss Pena. But others, including 69-year-old Arthur Malveaux, out for a walk in the wooded area the other day, seem to have concluded that the enduring lesson of the crime is that their world is a chaotic place in which people ultimately have to fend for themselves.

"Mr. Malveaux lives at Springhill Apartments, where the two girls had been enjoying their pool party until minutes before they were killed. 'I've got three locks on my door and two loaded pistols by my bedside, he said. 'So anybody who comes in my door, God rest his soul.'"

In four generations, frontier habits return. Not to isolated outposts in the country, but to urban centers.

UNITED STATES TRADE REPRESENTATIVE SHOULD ACCEPT FOR REVIEW THE PENDING GSP PETITION ON WORKER RIGHTS VIOLATIONS IN MEXICO—PART 4

**HON. GEORGE E. BROWN, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BROWN of California. Mr. Speaker, following is the fourth and concluding installment of the pending GSP petition on worker rights violations in Mexico.

In its entirety, this petition raises profound questions about existing legal, administrative, judicial, and political barriers to the free exercise of freedom of association and other basic worker rights in Mexico. It also includes very troubling reports of a widespread pattern of violence against organized workers. The systematic repression of labor lawyers and independent union activists, and nonenforcement of Mexican labor standards pertaining to child labor, minimum wages, and safety and health conditions.

In keeping with existing U.S. trade law, there can be no reasonable justification for USTR refusing to accept this petition, carefully investigate each of its allegations, and schedule one or more public hearings on it.

**2. Health and Safety conditions:**

The grotesque and inhuman living and working conditions for workers in the Maquiladora plants along the U.S.-Mexico border have been frequently cited,<sup>13</sup> most recently by Representatives Marcy Kaptur (D-OH), and Richard Gephardt (D-MO) on visits to Maquiladoras in Matamoros and Tijuana.

However, such conditions are not limited to the border area. La Botz cites a study conducted by Cristina Laurell and Mariano Noriega on the state-owned Lázaro Cárdenas/Las Truchas Steel Mill, which indicates that "the Miners and Metal Workers Union contract which was the collective bargaining agreement in effect at the mill was not in and of itself adequate to protect the health and safety of the workers. First, it was mostly concerned with compensations for accidents after they had occurred, 'putting little emphasis on the mechanisms for preventing such hazards.' Second, the contract was only concerned with industrial accidents, 'but left much to be desired with regard to occupational illnesses.'

Third, the contract was so poor in specifying working conditions that 'there was hardly even a concept of traditional hygiene, much less of the integral relationship between work and workers' health.' The contract established no expectations about materials, equipment, or production. "The contract as a whole contained few clauses which permitted the workers to develop a strategy in defense of their health." (page 24)

In *Mask of Democracy*, La Botz reproduces as well the testimony presented to the U.S. Congress in Spring 1991 by Elizabeth Macías, of Ciudad Juárez, on her experiences with a subsidiary of Ford Motor Company:

Monday, October 29, 1990, was the last day I had a good talk with my son, Julio Cesar \* \* \* two days later, on Wednesday, October 31, a revolving belt dragged him to a factory grinder \* \* \* cutting off his very short existence, when he was just 16 years of age.

<sup>13</sup>Jerome Levinson: *Unrequited Toll*, pp 4, 5, 6, 15 and 16)

My son was hired as a production operator at the rate of US \$45 an hour for the auto glass plant (Autovidrio), which Ford Motor Company has set up in Ciudad Juárez. Even though Cesar was not a sweeper, his immediate supervisor sent him to clean, by himself, an isolated underground tunnel where, by means of a mechanical belt, the waste from the factory is transported. My son didn't return alive from there. Nobody knows how it was that he died, my small Julio Cesar, since it was only possible to learn that his comrades found him 15 minutes after he had been trapped in the grinder, with his right arm, thorax and head destroyed.

The murderous machine had no mechanism for being stopped in case of emergency. The murderous machine had no barrier of protection to prevent workers from getting near it should they fall accidentally. In fact, the auto glass factory of Ford does not train its workers for cases of emergency in that basement. They sent my son into the basement without providing him with any safety equipment; he had no glasses, no helmet, not even a uniform to protect him from a minor accident \* \* \* He'd been working at the factory just five days and it was his first job ever. The factory hadn't given him any training in how to operate and stop the production belt. My son was hired to carry out a job different from the one they sent him to do that day.

I have seen Ford Company announces its safety measures for its cars, such as belts, cushioned panels, special designs, etc, but I've never seen them announce the standards that they've designed to protect the workers in their plants in Mexico \* \* \* (p. 24-25).

On the conditions of work at maquiladoras, La Botz mentions the University of Lowell's Work Environment Program study, conducted on the Matamoros and Reynosa area, involving 267 workers, and 25 community leaders, which points out:

What appears to be the future of working conditions in one of the most active areas of the maquiladora system in the Mexico-U.S. Border is in many ways a journey to the past. The working conditions identified in this study are reminiscent of the nineteenth century sweatshops of the U.S. industrial town. They are well illuminated worksites and they serve lunch in the maquiladora operations, but still the worst abuses of the methods of production of Taylorism are evident. . . The workers' survey found clear evidence that maquiladora workers are suffering from musculoskeletal disorders related to working conditions, including rapid pace of work, poor workplace design and other ergonomic hazards. Acute health effects compatible with chemical exposures were also identified, indicating the potential for the future development of chronic diseases in the workforce.<sup>14</sup>

Petitioners recognize that the problems of child labor, inadequate minimum wages and unhealthy or unsafe working conditions are not in themselves sufficient to generate GSP sanctions. They are the products both of generalized poverty and the lack of official measures for their correction. They are mentioned here as the by-products of a general system of repression of labor rights that, thanks to the combination of government re-

<sup>14</sup>Rafael Moure-Eraso, "Back to the Future: Sweatshop Conditions on the Mexico-U.S. Border: Community and Occupational Health Impact of Maquiladora Activity in the Mexico/United States Border" (University of Lowell Work Environment Program, April 11, 1991) pp. 1-11, cited by La Botz at 166.

pression, corporatist union corruption and inadequate laws, leaves workers with few means to protect themselves.

**CONCLUSION**

Petitioners have demonstrated that weakness in Mexico's labor justice system, both in the law and its enforcement, has robbed Mexican workers of important aspects of their internationally-recognized labor rights. A corporatist union system, which at an earlier period in Mexico's history provided considerable political and social power to the trade union movement, has proven to be a Faustian bargain for Mexico's workers in a period in which the government party no longer needs the labor movement and can therefore utilize the proximity to power of a corrupted labor leadership as a means to control rather than empower workers.

This system needs a review. It will benefit no one if that review is denied because of a political decision not to challenge Mexico at a time when negotiations for a free trade agreement are under way. Problems denied do not go away; they fester and reemerge as more serious problems. This will be particularly true if the degree of economic integration anticipated by NAFTA is allowed to proceed on a false basis of belief that the Mexican workers benefit from what the Bush Administration considered to be "strong labor protections in its Constitution and laws" or that "the Mexican government has a strong political commitment to promoting the rights and interests of workers."<sup>15</sup>

The time for this review is now; the best instrument for that review is the GSP Worker Rights provisions.

**CELEBRATING UKRAINIAN INDEPENDENCE**

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, on August 24, the United Ukrainian American Organizations of New York will celebrate the second anniversary of the reestablishment of Ukraine's independence. As the representative in whose district is located New York's Ukrainian community, I am proud to join with my neighbors in marking this important occasion.

Despite decades of foreign domination, the Ukrainian people have steadfastly maintained their national identity and worked toward the day when an independent Ukraine could be reestablished. With its reserve of raw materials, rich soil, strong industrial base and, most importantly, its people, Ukraine is poised to overcome the longstanding effects of Soviet domination and become a significant force in the future of Europe.

In my own congressional district, Ukrainian-American citizens have had an outstanding impact on the life of our community. From Taras Shevchenko Place in Manhattan, to the streets of Brooklyn, Ukrainian Americans have made an outstanding contribution to the cultural, economic and social life of New York.

Mr. Speaker, with the fall of the Soviet Union, the world we live in has been changed forever. Nations long suppressed are reemerging to take their rightful places among the family of nations. After more than 70 years,

<sup>15</sup>White House Press Statement, October 7, 1992.

Ukraine is again a free and independent nation. I am proud to represent this vital community of Ukrainian Americans, and I am pleased to join my neighbors in celebrating the historic liberation of their native land.

#### NATIONAL WORKFORCE PREPARATION AND DEVELOPMENT REFORM ACT INTRODUCED

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GOODLING. Mr. Speaker, today I am joining with Mr. GUNDERSON and others, in introducing legislation, the "National Workforce Preparation and Development Reform Act," that addresses America's need for a highly skilled, flexible, and diverse work force. By establishing a framework at the Federal, State, and local levels that allows for coordinated strategic planning and administration of work force preparation and development programs, this legislation will result in making our existing employment and training programs more effective and more responsive to the individuals, the communities, and the businesses they serve.

Currently, there are many Federal programs that provide education and training services to specific targeted groups. The U.S. General Accounting Office [GAO] recently cited over 150 Federal programs, at \$24 billion per year, that provide some form of employment, education, or training programs to out-of-school youth and adults in this country. While many of these programs listed in the GAO report are not truly training or work force preparation programs, the report still emphasizes the need to better coordinate and improve the primary Federal education and training programs that result in work force preparation.

The Congress has created this confusing array of programs over the years by enacting a new law each time a new need arose. These programs have been created by separate congressional committees, and are now administered by different Federal agencies, scattered across still yet different State and local agencies. While the goals of these programs are often similar, they reach States and local areas in a frustrating maze of delivery systems, funding streams, eligibility requirements, accountability and reporting requirements, and performance requirements. The tragedy of all of this, is that confusion at the local level is not limited to program administrators, but individuals desperately in need of these services are confronted with a system that is perplexing and in many cases, inaccessible.

The inadequacies of our work force preparation system are exacerbated by the fact that emerging technologies, global competition, restructuring of the workplace, the loss of many low-skilled jobs, and more frequent job and career shifts, have made the importance of a well-trained American work force more significant today than ever before. We can no longer wait to develop a national strategy for work force preparation to meet the needs of business, and to help youth and adults get infor-

mation about jobs, and related education and training programs more easily.

The goals of this legislation are: To better coordinate work force development programs at the Federal, State, and local levels; to expand and improve service delivery under our work force preparation programs; to reduce Federal intervention by waiving prescriptive rules and laws; to increase the involvement of business in the planning of the programs; and to encourage the development of community job resource centers, or one-stop-shopping points of entry into the work force preparation, to make these programs more recognizable and more accessible to individuals in need of such services.

In this proposal, we encourage States and communities to take more control in determining how Federal program dollars should be used to most effectively meet their work force development needs, while simplifying the administrative demands of the programs. Recognizing that each State and community is different and unique, and that there is no one single strategy that can be legislated from the Federal level to meet those unique needs, we set up the process for States and communities, with all the right people involved, to solve their own problems.

Already, we have seen innovative approaches to work force development in a number of States and localities. What Governors and community leaders have asked for is simple—a less cumbersome administrative structure, fewer diverse reporting requirements, the ability to use common definitions and terms, and common performance standards across work force preparation programs, less red-tape, less segmented bureaucracy, and less paperwork. Such flexibility would allow State and local program administrators to focus on a holistic strategy for serving needy individuals and to determine how individual programs can most positively contribute to that overall strategy.

At the Federal level, a Federal Workforce Preparation and Development Council will be established, consisting of key cabinet-level officials, to develop a coordinated Federal strategy on work force preparation and development, review and approve state plans and requests for waivers, and make implementation grants. A National Advisory Board on Workforce Preparation and Development—including representation from the private, public, and government sectors—will be established to provide advice, guidance and recommendations on work force programs to the President and to the Federal Council. Under this legislation, we ask these Federal bodies to make recommendations for the elimination of fragmentation and duplication among Federal work force preparation and development programs, and for the consolidation of administration of these programs at the Federal level.

To permit greater flexibility at the State level, States will be authorized, not mandated, to develop a comprehensive work force preparation and development plan for a wide range of education, training, and work force development programs. States electing to participate, then would be allowed to request waivers from laws and regulations under those programs that stand in the way of coordination and innovative approaches to service delivery. How-

ever, to be eligible for such waivers and grants, a State must first establish a State Human Resource Investment Council to oversee the development of the statewide strategy for coordination and work force training. States must also ensure the designation of unified service areas in local communities, and the establishment of local work force preparation and development boards in each such unified service area, to oversee local program coordination and to create Community Job Resource Centers.

States that choose to participate in this reform effort must, at a minimum, cover programs authorized under the following five Federal statutes: The Carl D. Perkins Vocational and Applied Technology Education Act, the Job Training Partnership Act, the Wagner Peyser Act (Employment Service), Part F of Title IV of the Social Security Act (the Job Opportunities Basic Skills Program), and the Adult Education Act.

At the local level, local work force preparation and development boards, in partnership with units of local government, will have the responsibility for developing a local strategic plan for deploying resources for work force education and training and for creating community job service centers in the local community. Local work force development boards under our bill, will consist of a majority business membership, and representatives from education and training, employees, economic development, local government, community groups, and program administrators from the affected programs.

A major goal of this proposal is to encourage states and localities to develop or establish networks of Community Job Resource Centers, often described as "one-stop-shopping points of entry" into the local work force preparation system. Currently, most communities do not have a single place for individuals to go to find information about available jobs, about what skills or competencies are needed to do a job or advance in a career, or how to find the training needed for such jobs. In most communities, it is impossible to find out how well work force preparation and development programs are performing or how responsive they are to the needs of the local employers or target populations. Community job resource centers would provide these services as well as certain fundamental services to individuals in the community who are eligible for federal programs. At a minimum, the job resource center must provide assessment and counseling services, information and referral to the appropriate education or training program in that community to all eligible and target populations. The job resource center should be conceptualized as a service, delivered in multiple sites and linked with a computerized information management system. Communities should have flexibility in designing their systems, but there should be a guarantee that assessment, counseling and referral will be provided for all eligible populations. For those individuals and employers not otherwise eligible for covered programs, and who are able to pay for these services, a reasonable fee for services provided may be charged by the local board, with the approval of the State.

To help States and communities develop and implement a coordinated strategy for such

a system, the Federal Council on Workforce Preparation and Development will provide States with implementation grants and technical assistance. Implementation grants can be used for strategic planning, for leadership and professional development, cross-training of personnel from the affected State agencies, team-building, development of new coordination strategies, development of computerized management information systems or labor market information systems, and development and improvement of the system of community job resource centers. States would be required to pass through at least 70 percent of the implementation grants to local work force development boards to support local activities.

Mr. Speaker, this proposal will encourage States and local communities to develop and improve coordinated work force preparation and development programs that are responsive to American business and the needs of their citizens. There is no question that U.S. competitiveness is directly dependent on the skills levels of our work force. This legislation goes a long way toward moving our Nation into the 21st century in the area of work force development. I encourage my colleagues to join us in cosponsorship of this important legislation.

#### NATIONAL WORKFORCE PREPARATION AND DEVELOPMENT REFORM ACT INTRODUCED

**HON. STEVE GUNDERSON**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GUNDERSON. Mr. Speaker, the need for a coordinated, integrated, and high quality work force investment system in this country has never been more profound. America's work force, its abilities and capabilities, will be one—if not the most important determining factor in our economic future. Unfortunately, because our education and training programs in the United States have been developed independently of each other over many years, there is no national strategy for a coherent, well-coordinated work force preparation and development system. Instead we have a fragmented, often duplicative response to education and training in this Nation. To address this vital need, I have joined with Mr. GOODLING and others in the development and introduction of the "National Workforce Preparation and Development Reform Act."

This legislation has been developed based on lessons learned from innovative States and localities who are trying to pull these fragmented programs together to form a comprehensive work force development system, but are finding barriers to such coordination due to numerous Federal rules, regulations, and statutory impediments. The goals of this proposal are to: First, better coordinate employment, training, and education programs—work force preparation programs—at the Federal, State, and local levels; second, reduce Federal intervention that impedes such coordination, by waiving prescriptive rules, regulations, and provisions of law that serve as barriers to coordination; third, increase the in-

volvement of business in the planning of these programs, as well as encourage strategic planning at all levels in these programs to meet State and local economic needs; fourth, develop a system of comprehensive community job resource centers as single points of entry into work force preparation programs; fifth, make these programs more accountable to the public; and sixth, expand and improve service delivery under these programs.

Under this bill, existing programs will not be dramatically changed from the Federal level. No Federal programs have been eliminated. Rather, increased flexibility and waiver authority will be provided to allow States and local communities to develop the most effective programs to meet their unique needs.

At the Federal level, a Federal Workforce Development Council will be established, consisting of the Secretaries of Education, Labor, Health and Human Services, Commerce, the director of the Office of Management and Budget, and any other Cabinet-level officials as determined appropriate by the President, with the goal of developing a coordinated federal strategy on work force development. The Council's responsibilities will include the review of single state plans, approval of requests for waivers, and the provision of implementation grants and technical assistance to States and local areas electing to participate in this reform effort.

A National Workforce Development Advisory Board would also be established, composed of representatives from business and industry, representatives of workers—both union and nonunion—experts in the fields of education and training, and Governors, State legislators, and Members of Congress—to provide advice and recommendations to the President and the Federal Council on development of a comprehensive work force development system. Both the National Board, and the Council are charged with the responsibility of making recommendations for the elimination of fragmentation and duplication among work force development programs, and consolidation of the Federal administration of all such programs.

At the State level, States electing to participate in this system will be required to establish a Human Resource Investment Council [HRIC] to develop a coordinated strategy for work force development and to develop a single unified state plan for the affected Federal programs. At a minimum the unified State plan must cover programs authorized under the Job Training Partnership Act, the Carl Perkins Vocational and Applied Technology Education Act, the Wagner-Peyser Act (Employment Service), Part F of Title VI of the Social Security Act (the JOBS program), and the Adult Education Act. In addition, States may include other Federal and State work force development programs, as they determine appropriate.

To break down the barriers plaguing coordination between work force preparation and development programs, States will be authorized to request waivers from Federal laws and regulations that stand in the way of such coordination. States will be permitted to develop a single system of performance standards to be used across all programs. Waivers will also be allowed for the utilization of common defini-

tions and terms, common reporting and data collection, and common cost categories and cost limitations among programs. However, waivers may not include provisions of law or regulations pertaining to: the purposes and goals of work force development programs; the allocation of funds under such programs; any provision of law relating to public health or safety, civil rights, protections granted under section 503 and 504 of the Rehabilitation Act of 1973, occupational safety and health, environmental protection, displacement protections, or fraud and abuse; and eligibility, except that States are provided added flexibility in developing common definitions among work force development programs, for eligible populations.

In order for States to participate in the reform effort, to receive waivers, and to be eligible to receive implementation grants and technical assistance under this Act, the Governor must designate unified service areas—similar to, but not necessarily consistent with, service delivery areas established under the Job Training Partnership Act—in which local work force development boards will be established.

At the local level, as mentioned above, each community will establish a local work force development board. Local board members will be selected by chief elected officials in the local community, based on criteria established by the State council and conforming to membership criteria in this legislation, from among nominations submitted by appropriate local agencies and organizations. Local boards will include a majority representation from business and industry, representatives of workers, representatives of education, social service, and community organizations. Local heads of agencies responsible for work force development programs and for economic development, must also be included on the local board. While these boards are similar to Private Industry Councils [PICs], established under the Job Training Partnership Act, and existing work force policy councils may be designated as the local board, provided they meet membership requirements, State criteria, and the Governor's approval, PICs are not automatically presumed to become the local work force development board.

In partnership with the unit or units of local government in the unified service area, local work force development boards will be charged with developing a community-wide strategy for work force development programs, tied to local development and labor market needs. The local board is also responsible for coordinating the activities of work force development programs, and for the operation of community-job-resource centers in the unified service area.

Community job resource centers—or one stop-shopping points of entry into the local work force development system—must be accessible to populations eligible under Federal work force preparation programs. Services provided at these centers include individualized assessment, worker profiling, counseling, job information, and referral to appropriate education, training, or employment programs in the community. These front-end services may also be offered to noneligible populations and to employers, and the local board may charge a reasonable fee-for-service to employers, and to noneligible individuals able to pay

for such services, with such a fee-for-service schedule approved by the State. Any appropriate entity or consortia of entities in a unified serve area may apply to be designated as a community job resource center, including entities under the Job Training Partnership Act, the Employment Service, local welfare offices, community and technical colleges, vocational education institutions, local education agencies, or community-based organizations.

While it is not known at this point whether this proposal will result in any significant savings at the State or local level, it is assumed that development of a more comprehensive and coordinated work force investment system will result in expanded and improved services to eligible individuals, as well as to the general population. Mr. Speaker, there is no question that highly skilled workers are essential in today's competitive international economy. In order for the United States to succeed in the future, we must develop a system of high quality lifelong learning for all individuals. I feel that this legislation moves us in that direction. I urge my colleagues to join us in this effort.

TRIBUTE TO ST. JAMES PARISH  
FAMILY IN NORTH JACKSON, OH

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise in honor of the St. James Parish family in North Jackson, OH. St. James, Mr. Speaker, has been at the heart of ecumenical activity in my 17th District in Ohio for the past 50 years.

On October 4, 1993, the 296 families enrolled at St. James will celebrate its golden anniversary with a sense of pride and accomplishment. The parish purchased its building in November 1941 for the sum of \$3,400. Two years later, St. James was raised from the status of mission to that of a parish church by the New Diocese of Youngstown. Father Michael M. Tondra was appointed as the first resident pastor. The parish owes its existence, in part, to individuals such as Mr. and Mrs. Dale Kimmel and Father Andrew Prokop, whose important contributions of time and effort helped to bring the need for Catholic worship, education and sacraments in Youngstown to the forefront of the Catholic leadership's agenda.

In its 50 years of service to the community, St. James has been under the direction of nine upstanding, compassionate pastors, including: Father Tondra (1943-46), Father Edward C. Labbe (1946-51), Father John Higgins (1951-54), Father Casimir Grabowski (1954-58), Father Henry J. Cibulka (1958-74), Father Ronald M. Klingler (1974-76), Father John P. Dailey (1976-77) and Father Henry J. Lileas (1978-83). Father Lileas oversaw the groundbreaking of a new building in 1982 on a plot of land donated by Edward J. DeBartolo. The Father administered the first Mass in the completed building on December 18, 1983.

The St. James Parish family is currently under the direction of Father Anthony F. Fasline and continues to serve as a place of

worship and guidance for the citizens of my district. Mr. Speaker, I extend a heartfelt congratulations to St. James on its 50th anniversary. I am lucky to have the compassion of its parish in my district.

TRIBUTE TO MR. LLOYD BASIL

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. GILLMOR. Mr. Speaker, I rise today to honor Mr. Lloyd Basil, a true public servant. Mr. Basil will be retiring as Van Wert County Treasurer on August 31, after having served in that post for 27 years. I have had the pleasure of knowing Mr. Basil for most of those years.

It is no secret the fiscal constraints that all levels of government, especially local, are under. Mr. Basil has not only managed to keep Van Wert County financially sound during these tough times, but his successful investment of taxpayer dollars has allowed the county to undertake major improvement projects such as the installation of elevators and the renovation of offices in the Van Wert Courthouse.

Congress should look to the treasurer's office of Van Wert County as an example of how to run an efficient government operation. Amazingly, Mr. Basil has the same number of permanent employees working in his office today as he did when he began 27 years ago.

Mr. Basil has never accepted the status quo in his office. He was nationally recognized by the Wall Street Journal as one of the pioneers of the practice of paying taxes by bank credit card. He was also responsible for bringing the treasurer's office into the computer age and ensuring the safety of taxpayer dollars through the installation of an office security system.

But Mr. Basil's contribution to his community does not end with his duties as treasurer. He has served on the board of directors of the YMCA and is presently on the board of directors of Associated Charities.

It gives me great pleasure to congratulate a friend and colleague on his retirement. I ask my fellow Members of Congress to join me in saluting Mr. Lloyd Basil and wishing him well in the years to come.

AURORA CENTENNIAL  
CELEBRATION

**HON. MICHAEL J. KOPETSKI**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. KOPETSKI. Mr. Speaker, Aurora, a town within my district in Oregon, will be celebrating its centennial August 7 and 8. All kinds of activities are planned for this 2-day recognition of Aurora's 100-year history. There will be a parade, street sales, a special living history exhibit, pioneer craft demonstrations, stage coach rides, and live entertainment. Volunteers will lead guided walking tours of the downtown historical district.

All proceeds from the admissions charged for entertainment this weekend will go to Auro-

ra's own Oregon Trail wagon. This is the only wagon from Oregon to join five other wagons—from Wyoming and Nebraska—in a 6-month long trek from Independence, MO, along the Oregon Trail. The Aurora wagon is scheduled to arrive in Aurora on October 14. Five Aurora citizens are traveling in this wagon; often sleeping underneath it at night, as the early pioneers must have done. There will be a raffle this weekend for a ride on this wagon when it arrives in Aurora in October.

Further events for this weekend's centennial celebration include a quilt show at the Old Aurora Colony Museum, a pioneer craft demonstration and a production of women's stories from the Oregon Trail.

The festivities begin Saturday morning with a flag-raising ceremony, which will be conducted by the First Oregon Infantry. An official encampment over the weekend will include firing demonstrations and drills.

Mr. Speaker, I am glad the town of Aurora is doing so much to celebrate its rich and long history. This small Oregon town has much to be proud of, and the members of the community have much to celebrate and learn in this weekend's activities.

INTRODUCTION OF THE MT.  
PLEASANT NATIONAL SCENIC  
AREA ACT

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. GOODLATTE. Mr. Speaker, on behalf of the citizens of Amherst County, VA, I am pleased to announce the introduction of the Mt. Pleasant National Scenic Area Act.

Over the last few months, the Amherst County Board of Supervisors, local sportsmen, business leaders, hikers, and families have expressed their desire to permanently protect an area surrounding Mount Pleasant in Amherst County, VA. This area includes valuable resources such as the Buffalo River's watershed, native wild trout streams, a portion of the historic Appalachian Trail and many other notable features.

The legislation I am introducing today draws together recommendations from the Forest Service with the specific concerns voiced to me by the local board of supervisors and concerned citizens from the area. This bill designates approximately 7,580 acres in this region as a national scenic area. It will protect Mt. Pleasant from environmental damage, allow fish and other wildlife to flourish, and preserve old forest stands within the area.

In the development of this plan, I considered a broad array of options and listened to my constituents' opinions about how best to manage this area and its vital natural resources. Most importantly, as the local board to supervisors pointed out, the solution needed to provide a full range permanent protection of the areas resources.

Many people called for wilderness designation. However, after extensive consultation and consideration, I came to the belief that to effectively protect all of the special attributes of Mt. Pleasant, a more tailored approach was

necessary. Wilderness designation would leave this area vulnerable to severe damage from wildfire, pests like the gypsy moth and southern pine beetle, floods, and pollution.

Furthermore, many senior citizens and handicapped people would lose their ability to enjoy Mount Pleasant because no motor vehicles would be allowed on the small, unobtrusive forest management roads currently in the area.

This legislation will provide a permanent framework for sound management with the flexibility needed to manage the area locally. It will also ensure that this beautiful region of Virginia will be available for everyone to enjoy for years to come.

I am grateful to all of the concerned citizens across the Sixth District who contacted me to provide their opinions. I will work hard to see that the Mt. Pleasant National Scenic Area becomes a reality for the families of central Virginia to enjoy for years to come. I encourage this body to swiftly enact this legislation.

INTRODUCTION OF THE CREDIT UNION COMMUNITY DEVELOPMENT ENHANCEMENT ACT OF 1993

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ORTON. Mr. Speaker, today I am introducing the Credit Union Community Development Enhancement Act of 1993.

The purpose of this legislation is to increase funding and flexibility for a program that has proven to be effective in providing financial assistance to low-income communities. Under the Community Development Credit Union Revolving Loan Fund, low-interest loans and technical assistance are provided to credit unions, which must meet strict requirements and predominately serve low-income areas. My legislation would increase the current authorization of the fund from \$6 million to \$25 million. It would also allow the revolving fund to retain the interest from fund investments.

There is much excitement over the administration's proposal dealing with community development banks and financial institutions. This proposal would provide for hundreds of millions of dollars of funds to be used by local organizations whose focus is on revitalizing depressed areas and providing credit to low-income individuals.

It is my intent to offer my legislation as an amendment when we mark up the community development bill in the Banking Committee. The effect would be to allocate some \$19 million of the total \$383 million being authorized to the Community Development Revolving Loan Fund. This would be a mere 5 percent of total funding.

This approach is clearly justified, given the strong track record of credit union community development lending under this program. The loan fund was originally authorized in 1979 with an appropriation of \$6 million. However, due to the opposition of OMB, no loans were made until 1990. In the 3 years since then, over \$7 million has been loaned out in over 50

separate advances. In this time, participants have repaid over \$1.5 million in loans and approximately \$250,000 in interest. All of the interest and principal payments have been repaid as scheduled, and there are no delinquent loans.

Given this track record, combined with credit unions' strong record of local community involvement, it just makes sense to target additional funds to this revolving fund. The demand is there. The last time that NCUA took applications for advances from the Fund, it received requests for over three times the amount that it had available. Furthermore, the low level of funding makes it difficult to advance funds in meaningful amounts. Too often, we seek to create new programs without taking sufficient advantage of programs that are already working. Therefore, an increase in authorization for the revolving fund is clearly justified.

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

THE STORY OF ONE MANUFACTURER'S STRUGGLE TO SURVIVE IN CALIFORNIA

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BAKER of California. Mr. Speaker, the mass exodus of businesses from California and the United States is costing jobs and hurting our economy. Fortunately, there are examples of successful enterprises that have survived government over regulation.

I would like to insert into the RECORD an article by Enita Nordeck, founder and CEO of Unity Forest Products, that appeared in the spring 1993 issue of California Manufacturer.

The article exemplifies how government kills jobs in California. Until government can create a friendly atmosphere for the private sector, jobs and businesses will continue to leave California and the United States.

The article follows:

I CAN'T GIVE UP, THIS IS MY STATE—THE STORY OF ONE MANUFACTURER'S STRUGGLE TO SURVIVE IN CALIFORNIA

(By Enita Nordeck)

Unity Forest Products was conceived as an idea in December of 1987. Three men, who had a great deal of faith in my ability, started the business January 1, 1988, in a rented one-room office with the total sum of four employees. In order to start this company it was necessary for me to sell my home and everything else I had to generate capital. I gambled all my past efforts, my future, and the future of my family on an idea and a sincere belief that in this country, and particularly in this state, with a dedicated effort and ability we could reach our goals. Our goals were to build a business on team effort, team rewards, make a profit and be an asset to the community.

On September 16, 1988, exactly nine months later, Unity Forest Products was 25 employees strong, with a million dollar manufacturing facility and office. We were producing our own product. But to do this we had to overcome many obstacles. There were four major ones: One was financing. Banks and

lending institutions do not lend money to start-ups. Second, I was a woman in a non-traditional role. Next, we had to face the federal, state, county and city regulations. We also had to find equipment, location, land, personnel, customers, establish a marketplace and find vendors who would give us a line of credit.

How did we overcome these obstacles? I put together a very complex package that involved Yuba City, and through a revolving fund of federal community redevelopment grants, our team received \$100,000, the state Department of Commerce loaned us \$105,000 and Wells Fargo came in with a \$465,000 term loan and a \$300,000 line of credit.

In order to put this package together for the bank's approval, I was required to obtain funding to train my employees. Through the state Employment Training Panel, I received a \$100,000 grant. In addition, I needed one more ingredient through the state—an enterprise zone. With the tax credits the enterprise zone would generate, I was able to convince the bank that this was an acceptable deal.

However, none of these funds were available until the facility was built and functional. I needed a developer willing to risk his judgment call on my ability and integrity. As far as being a woman in a non-traditional role, I handled that the only way I could. I just ignored it. [And] I found that developer.

When it came to federal, state, county and city regulations, I spent hundreds of hours meeting requirements at all levels. I was also very fortunate to have found a bureaucrat who had been in business for himself for many years and was now Yuba City's director of economic development. When I first approached him with my idea, his statement to me was, and I will never forget this, "I don't know how it could be done, but I know it can be done."

It was with his attitude—and I don't know if he's a Democrat or Republican—his attitude and his untiring effort to unravel the red tape of those federal, state, county and city regulations that made it possible for Unity Forest Products to be built. By the way, that gentleman's name is John Whitman.

Then we got to the appointment of the land, the personnel, the customer, the vendors, and this all turned out to be the easiest part of an almost impossible task. Once I got through the bureaucratic maze, we were able to do what we do best, and that's run a business.

Where is Unity Forest Products today? After starting in 1988 with the four employees and the one-room rented office, we have grown to a full manufacturing facility on 10 acres, 38 employees strong, and produce \$16 million in gross revenues annually with a payroll of \$1.3 million. And we've never had an unprofitable month.

In order to do this we had to add employees. I would like to say that 80 percent of our employees came from what the state calls "terminally unemployed." That I would like to define. It means the people who are no longer eligible to receive unemployment, are on welfare, and their families are on welfare. Our turnover rate last year was zero percent. Twenty percent of our employees are first-time home buyers. To accomplish this, however, it was necessary for me to start in-house training programs at the plant.

At the in-house training programs we teach not just work skills, but life skills, too, such as how to balance a check book, how to read, how to write, how to add, how

to subtract, etc. Then I realized that many of the terminally unemployed are in that situation because they were convinced they were losers. I knew we had a responsibility to do something to change it, and the first step was to create an awareness of their own potential.

We went after it and it worked. In working with our employees it became apparent that not only did they need a sense of dignity, but their families did as well. As a result, I started a tutoring program at the local elementary school which was available five days a week, year-round, to any student in the community. We also supply a credentialed local teacher with five aides for an hour each day.

The program has been extremely successful, and according to a principal, over the last four years the school's academic level has increased by 20 percent overall. But remember, the dollars I send go directly to the teacher. We created scholarships for students with learning disabilities. We work with community colleges in developing curriculum that relates to the real world business needs.

What are Unity Forest Product's goals tomorrow? The goals are not hard to define. Control growth, profit commitment to our employees and our community. Are the future goals feasible? Yes. But not possibly in California. To the bones, if I had to do it over again, I would have located in another state. I find that statement very difficult to make as there are six generations of my family who have lived, raised their families, and earned a living in this state.

Why not California?

State programs on the surface that look good in reality are not worth the volume of paper they are written on, let alone the dollars spent on them, state regulations that stifle business and place an unbearable financial burden on business. I'd like to take an example of the enterprise zone. The tax incentives are unusable. Currently, the program is worthless. I have \$166,000 of unusable tax credits. The Employment Training Panel program—another worthless program.

The \$100,000 grant I received from the state? I gave it back. The only good thing I can say about those two programs is that they were so deceptive it fooled my bank.

The state workers' compensation program—the whole system is a joke. The new state regulations that are constantly being created—such as the storm water runoff—are devastating to a small business, and serve in most cases, no real purpose other than to justify some state job.

Our timber harvest plans are out of control. I don't have any graphs, but I do have some visual aids.

This is a California timber harvest plan (holds up one-inch thick document). This is an Idaho timber harvest plan (holds up two-page document). This is an Oregon timber harvest plan (holds up single sheet).

Why do we have this?

Because special-interest groups and single-purpose agencies have made it politically advantageous to pursue unsound legislation and regulations. Have I tried to correct these inequities? Have I contacted my assemblyman, my senators, the Franchise Tax Board, the director of the enterprise zone, the Governor, the Department of Commerce, the Secretary of Natural Resources, the Director of the California Department of Forestry?

Absolutely.

Have I had any success?

Absolutely not!

(Speaker of the Assembly Willie Brown interjects: "You notice she didn't mention the Speaker?")

During the five-year period I've been in business, the cost of doing business in California has increased to the point that I doubt business can continue. By putting my net worth at risk in 1988, when I was in for \$220,000 that represented my home, I have generated payroll of \$1.2 million in 1992 and \$1.3 million in 1991. On average, I have generated in payroll taxes, property taxes, business taxes and income taxes to the federal, state, and county governments over \$500,000 annually.

Not to mention I removed over 20 families from the welfare rolls. I wonder if the state would have used these funds as effectively.

As a small business person I wear many hats. I'm the CEO, the CFO, the controller, the accountant, the in-house tax expert, not to mention the general manager and invoice clerk when need be. I know the first year of start-up my business required seven-day workweeks, around the clock.

What I didn't expect was five years later still working seven days a week. Not because manufacturing, personnel, or any item related to running a business and earning a profit created a need; but rather because it is necessary for me to spend more than 50 percent of my time handling state regulations that would destroy my company if not researched and implemented with extreme caution.

Can the erosion of California's economic stability be changed? Yes. But first we must stop the internal bickering and power struggles. Second, we commit to a goal.

The name Unity Forest is not an accident. I knew in order for my company to have a fighting chance of being successful it would require a commitment from my people working together as a unit toward a goal, agreeing to disagree and then move forward. Ego, pride, and power would destroy it.

We could not afford a star player. We had to have all-stars—each and every one. Third, the government must stop spending what it does not have. Both the legislative and executive branches must have the political courage to make decisions on what is right for the state and not necessarily right for political careers. Powerful special-interest groups with huge budgets must be set aside in the decision-making process. Our educational system is a disaster. Why we have 117 administrators to every 100 teachers—it's no wonder! Why do we have this ratio? Because the state decided it could do a better job providing education in the local districts.

Actually, big brother has decided it knows best on a wide range of topics, including the environment. I have attended the bio-regional executive council meetings many times, foolishly believing they wanted input from not only a business person but someone who really cares about the health of California's environment and economy. What I found was a group of bureaucrats with a predetermined agenda going through the emotions of obtaining input. Workers' comp reform—I have listened for three years to the subject of reform on a system that is horrible. The first year I was fooled into believing something was going to be done. The second year I still had hopes that our state government would have the intelligence to move on the problem. And this is the year I laughed at the thought of it ever being discussed. Maybe it wasn't laughter. Maybe it was tears.

What is the role of business in all of this? Are we blameless?

No. Business has a responsibility to address our educational problems, not just throw stones. Business needs to roll up its sleeves and get involved.

Business has a responsibility to educate the public with real facts covering a wide range of subjects from environment to health issues. Business has a responsibility to set aside greed and power and work hand-in-hand with government to develop sensible regulations and, if need be, insist the old regulations and legislation be swept away.

Business has a responsibility to educate our government officials of all the grand problems on these same subjects. Business people are in the front line, and most of all, business has a responsibility to provide jobs and incomes to our employees that allow them to live with dignity.

I was hesitant to accept the invitation to attend the Summit. My first reaction was "another meeting, more words, more reports—only to serve some political purpose. A waste of time—a time I can ill afford to be away from my job." But then I thought, "I can't give up—this is my state."

I'm responsible for what happens to my state and I must keep trying—and I will. But for businesses like Unity Forest Products there isn't much time left. If the results of this Summit are more reports, more findings, more committees, then I can assure that businesses big or small will continue to leave California until the state government's paychecks won't clear.

## INTRODUCTION OF THE COMMUNITY ARTS PARTNERSHIP ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ENGEL. Mr. Speaker, today I will introduce along with other of my colleagues, the Community Arts Partnership Act of 1993. This legislation would establish a comprehensive, demonstration grants program to be targeted to high-risk children and administered by the U.S. Department of Education.

Recent budget constraints have placed tremendous burdens on local and State agencies. As a result, school arts programs are one of the first areas targeted for budget cuts by local educational agencies. This is extremely unfortunate since research conducted by the National Endowment for the Arts has shown that the arts promote progress in other academic subjects. In addition, research has shown that children who receive instruction in the arts remain in school longer and are more successful than children who do not receive such instruction.

The grants awarded under the Community Arts Partnership Act would be made to qualifying entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services. A few of the activities which would be eligible for funding include the integration of community cultural resources with regular classroom curriculum, providing effective cultural linkages from preschool to elementary school, and for programs that use the arts to reform current school practices.

I invite my colleagues to cosponsor this innovative piece of legislation. The partnership between education and the arts is a proven success. Now, we must provide the means

necessary to continue and build on this partnership. The education of our Nation's children depends on it.

#### RETIREMENT OF JACK BOBO

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mrs. KENNELLY. Mr. Speaker, when we speak of statesmen, very often we mean those who have spent their lives in the public sector. But statesmanship exists in the private sector as well, as the achievements of the man to whom I pay tribute today so well demonstrate.

Mr. Jack E. Bobo is retiring. For 15 years, he has led this country's professional life insurance agents. As executive vice president of the National Association of Life Underwriters, he has been a fierce and effective advocate for those who own and sell life insurance. But he has also recognized that those of us who serve in Congress must represent the whole spectrum of citizen interests, including our societal interest in fiscal responsibility. I join with many of my colleagues in saying that Jack's leadership and wisdom will be missed. And we are also joined by over 142,000 life underwriters, who worked with Jack during his years of leadership, at NALU and during his decades as a professional agent and a volunteer leader of NALU. We wish Jack and his family the happiest, healthiest, and most prosperous of retirements. We recognize his achievements. And we thank him for wisdom, his insight, and his leadership and for a job well done.

#### THE INTRODUCTION OF A BILL TO ASSIST LIVESTOCK PRODUCERS EXPERIENCING NATURAL DISASTERS

### HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GLICKMAN. Mr. Speaker, I am introducing a bill today to change a tax provision which assists livestock producers in time of drought. My bill would slightly change this provision to offer this assistance during other natural disasters, including excess moisture.

The Internal Revenue Service allows producers to postpone for 1 year reporting the gain from a sale or exchange of livestock, including poultry, if the sale was due to a drought. Producers forced to sell livestock, due to other natural disasters declared by the Federal Government, have no such provision available to them. My bill would allow this provision to extend to producers suffering other natural disasters, such as excess moisture.

In touring the flooded regions of Kansas, I was shocked at the extent of losses which farmers have experienced. When we think of lost crops sometimes we forget to think of the lost pastures and alfalfa hay that keep cattle alive. Without these sources of nutrition, it is

almost impossible to maintain a cattle operation. In addition, with dying or destroyed crops, selling cattle may be the only way some farmers can make ends meet.

State Agricultural Stabilization and Conservation Service officials reported that 223,050 acres of alfalfa has been destroyed or damaged by wet weather and floods. Wet weather has also prevented the planting of grain sorghum forage crops such as sudan grass or silage. Also, much of the available reserve feed from previous years has spoiled or has been swept away by flood waters.

The desperate forage situation will probably result in cattle liquidation. According to Department of Agriculture statistics, the Kansas disaster counties have 680,000 breeding cattle dependent on forage crops. Even if a fraction of these are liquidated, it still results in a substantial number and the economic impact will just compound the impact the flood has had in this region.

Changing this tax provision to allow producers, who suffer a natural disaster, 1 year to postpone reporting their gain from selling or exchanging livestock will financially help them immensely. It will also be an equitable change because drought, as we have found out, is not the only devastating, life altering, disaster.

#### ADVISORY COMMISSION ON MERGING BIF AND SAIF

### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. DREIER. Mr. Speaker, it is unfortunate that my colleagues in the House of Representatives could not come to an agreement this week that would allow for the passage of legislation to complete the savings and loan cleanup. One of the problems making this process difficult is that fact that H.R. 1340, as approved by the House Banking Committee, does not provide a long-term resolution to the savings and loan crisis.

Today, Mr. Speaker, there is little of a material nature that distinguishes a bank charter from a thrift charter, except that they have different insurance funds, answer to different regulatory agencies, and have different powers at the holding company level. The Bank Insurance Fund [BIF] and Savings Association Insurance Fund [SAIF] were created separately in 1989 for political, not economic reasons. The separation will continue to create competitive problems for the two industries whenever cyclical economic forces affect the industries disproportionately.

For example, in 1989, when the now-defunct Federal Savings and Loan Insurance Corporation [FSLIC] collapsed, the banking industry was considered healthy and the bank fund was solvent. By 1991, the BIF was teetering toward insolvency and legislation was needed to recapitalize that fund. Today, thanks to a favorable interest rate climate, the BIF is recovering rapidly, but the solvency of the SAIF remains in question. In the future, the pendulum may again swing in the other direction.

Therefore, Mr. Speaker, the economically rational and efficient long-term solution may

be to merge the regulatory structures and the insurance funds. The consequence of having two funds is that one industry can have a competitive advantage even though the funds are both operated by the FDIC. This is not a logical deposit insurance system. Thus, in an effort to determine the implications on the bank and thrift industries of a merger of the funds, I have introduced H.R. 2911. It authorizes the President to establish an Advisory Commission to study the merger of the BIF and SAIF funds.

Addressing this issue is also important in resolving the debate over RTC funding. As we know, in November 1991, Congress provided \$25 billion for the Resolution Trust Corporation [RTC] to close down thrift institutions that had become insolvent as a result of bad economic and regulatory decisions in the 1980's. However, that appropriation was good only through April 1, 1992. As a result, only \$6.7 billion was spent. Estimates to complete the cleanup range anywhere from \$12 to \$33 billion.

On May 6, the House Banking Committee approved H.R. 1340, which would release the remaining \$18.3 billion for the RTC. In addition, the legislation places conditions on the authorization of \$16 billion to recapitalize SAIF. These conditions, according to a study by Ferguson & Co., make it unlikely that additional Treasury contributions to SAIF will be forthcoming.

The conditions placed on SAIF, combined with the fact that H.R. 1340 does not alter the October 1, 1993 date in which the RTC may no longer take over insolvent thrift institutions, virtually guarantee that Congress will have to revisit this issue in the coming years. Our colleagues are being told that this will be the last time they will have to vote for more S&L money when, in fact, Congress will likely have to deal with another costly crisis in the thrift industry in just a few short years.

What will precipitate such a crisis, Mr. Speaker, is the likelihood that a large premium disparity will occur between BIF and SAIF. The disparity would occur for three reasons:

First, thrift deposit insurance premiums will rise if industry losses exceed the currently meager resources in SAIF. This would happen under H.R. 1340 because the RTC would not be able to resolve new failures and the burden would be placed on SAIF with little realistic prospect for additional funding. At the end of 1993, SAIF will have slightly more than \$1.1 billion in reserves. One major failure will wipe out any reserves for years to come.

Second, thrift deposit insurance premiums will also rise if Congress fails to appropriate money made available under the \$16 billion SAIF authorization. Part of the reason is that 40 percent—\$772 million—of SAIF premiums annually are required by law to be diverted to pay for interest on Finance Corporation [FICO] bonds issued in 1987 to recapitalize FSLIC prior to enactment of the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] of 1989.

Third, bank premiums will likely fall because BIF is expected to reach the mandated ratio of 1.25 percent of insured deposits by 1996.

The rise and disparity in premiums, which could exceed 20 basis points, will increase costs and reduce the value of a thrift charter. Additional institutions will fail, particularly in

California where return on assets is about one-quarter of that for non-California thrifts, and where the economy is in bad shape. California thrifts account for one-third of the industry, and they continue to show declining earnings.

A logical way to avoid a continuation of the savings and loan crisis would be to merge the bank and thrift industries along with their funds. The National Commission on Financial Institution Reform, Recovery and Enforcement made such a recommendation in July. The Commission report recommends that we eliminate thrifts as separately chartered and regulated entities by converting them into commercial banks.

The Advisory Commission outlined in H.R. 2911 would study the implications of such a merger on the banking and thrift industries. Issues to be considered include:

An analysis of whether a deposit insurance premium disparity between banks and thrifts is likely and the competitive impact thereof;

The practical justification for maintaining two separate Federal deposit funds;

The impact on the soundness of the Federal deposit insurance system by the continuation of a separate insurance funds for banks and savings associations;

Whether a merger of the Bank Insurance Fund & Savings Association Insurance Fund can be accomplished in a manner which is equitable and the legal and structural impediments which need to be addressed in such a merger;

The timing of a merger of the two funds, should such occur;

Whether the designated ratio of reserves of 1.25 percent of insured deposits, which must now be held by each deposit insurance fund, is appropriate in light of current and future needs and considerations;

The impact of any remaining regulatory differences between banks and thrifts on the soundness of a merged fund; and

The impact of a fund merger on a consolidation of the bank and thrift regulatory agencies.

Mr. Speaker, it is imperative that we finish the savings and loan cleanup as quickly as possible with the least cost to the taxpayer, while allowing viable thrift institutions to compete on a level playing field. It is incumbent upon us to look at every option that can accomplish that objective. Establishing an Advisory Commission to study the merger of the BIF and SAIF will assist Congress and the President in this effort, and I urge my colleagues to join me in cosponsoring this legislation.

TRIBUTE TO HONDA POWER  
EQUIPMENT MANUFACTURING,  
INC.

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. COBLE. Mr. Speaker, I rise today to commemorate the anniversary of a company located in the Sixth District of North Carolina. The company has been in our district for only

10 years, but it has been a decade marked with achievements and success.

I am referring to the 10th anniversary of Honda Power Equipment Manufacturing, Inc., [HPE] of Swepsonville, NC. During its time in North Carolina, Honda has invested \$30 million in facilities and equipment. The company employs more than 220 people.

HPE produces lawnmowers and lawnmower engines for the U.S. market and for export to more than 20 countries. The 142,000 square-foot facility has the capacity to produce 175,000 lawnmowers and 200,000 engines annually. Operations performed at the facility include casting, machining, bending, stamping, welding, painting, assembly, material service, and quality assurance. HPE currently has 110 American suppliers who produce parts and materials for the North Carolina plant. Early next year, HPE will produce its 1-millionth lawnmower.

August 6 also marks the opening of a new research and development facility on a site adjacent to the HPE plant. This facility will focus on prototype development, design, and working with local suppliers to produce quality power equipment products for the North American and export markets.

Again, all of us in the Sixth District of North Carolina wish to congratulate HPE and its employees for the valuable contribution they have made to our local and State economies during the past 10 years. We look forward to HPE's continued presence in our community for many years to come.

### LEGISLATION FOR DRUG TESTING UPON ARREST

### HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HOAGLAND. Mr. Speaker, we are experiencing a serious crime wave in my hometown of Omaha, NE. As Los Angeles gangs have moved eastwards, they have brought with them drive-by shootings, execution-style killings, and an increase in the number of teenagers carrying guns. Omaha is a fine community, and we're certainly not having the difficulties that other impacted urban areas are, but when our medium-sized midwestern city is suffering from such a spread of senseless violence, the time for strong Federal anticrime legislation has certainly arrived.

The bill I am proposing today would be an important step toward solving the crime problem in our hometowns. The bill proposes a program of pretrial drug testing. The results from these tests would be used only for bail and release consideration. Such a program, in effect in many jurisdictions, would help identify early those arrestees who pose a potential threat to the community because of their drug abuse.

Pretrial testing would accomplish two things. First, it would identify drug users upon arrest so that the judicial officer presiding at the initial appearance has an objective measure of defendant drug use as a part of his consideration when setting conditions of pretrial release. Second, this bill would establish a sys-

tem of periodic urine testing in order to reduce the risk of failure to appear and the risk of re-arrest before trial—both of which are higher upon those who use drugs.

The theory behind urine monitoring as a condition of continued release is threefold. First, testing serves as a deterrent to further drug use, and thus discourages those crimes typically associated with drug users. Second, testing positive in a routine test during release would give the court system an early indication of possible misconduct by the defendant and affords the court the opportunity to revoke release or impose more restrictive conditions to prevent further crime or flight. Lastly, testing allows the court system to identify and refer to treatment defendants with substance abuse problems, again as deterrent to further crimes.

I firmly believe that identifying soon after arrest those individuals who have drug problems is extremely important in determining appropriate sentencing and bail provisions: to make sure defendants show up for court dates, to monitor and control their drug use, and to keep them from committing offenses during the pretrial phase.

With the information available from drug testing, judges would be better equipped to identify those drug abusing offenders who pose the greatest threat to the safety of our communities, and how best to regulate their behavior. Under our current system, an offender can go through the entire criminal justice system without ever having been tested for drugs. I feel it is unfortunate to continue with such a system when we can work to prevent future crimes and protect our communities. Please support this bill, as we try to make our hometowns safer.

### BETSY WRIGHT—WESTERN MAS- SACHUSETTS PROTECTOR OF AFFORDABLE HOUSING

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, protecting the rights of the disadvantaged is an often tedious and unacknowledged task. Today, I pay tribute to Betsy Wright, a resident of my district who has devoted her career to protecting those who cannot protect themselves.

The Anti-Displacement Project, where Betsy Wright has served as executive director since November 1988 is an organization that serves the needs of low- and moderate-income families who are at risk of losing their housing. Betsy has relentlessly fought against rent increases that threaten to push many people out of their homes and onto the cold streets.

Betsy began her distinguished career in 1977 when she founded and coordinated the Keystone Alliance, an anti-nuclear power campaign in Philadelphia, PA. In 1982 Betsy returned to school where at Boston College she graduated with a BA in Sociology as summa cum laude. While continuing her education at Boston College, Betsy continued her involvement with the community during the summers of 1985 and 1986. In 1985 she organized

neighborhood youth programs in Boston and the following year was an organizer of Tent City for affordable housing in Jamaica Plains, MA.

After graduating with a master's degree in 1986 Betsy continued her humanitarian ways by working for Woman for Economic Justice as a program coordinator until 1988. It was then that the city of Springfield was lucky enough to have this champion of affordable housing join the Anti-Displacement Project. Since that time, Betsy has worked tirelessly to protect the homes of those who cannot afford increases in their rent. Betsy's most successful project has been the buy-out of the Allen Park Apartments by the Allen Park Tenants Association. It is the first tenant-based non-profit buy-out in Western Massachusetts.

Mr. Speaker, I salute Betsy Wright for her dedication to the affordable housing cause. I wish her all the luck in her next position and on behalf of my constituents, wish to thank her for all her efforts.

#### INTRODUCTION OF LEGISLATION TO DESIGNATE THE ROUTE FROM SELMA TO MONTGOMERY AS A NATIONAL HISTORIC TRAIL

##### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LEWIS of Georgia. Mr. Speaker, today on the 28th anniversary of the signing of the Voting Rights Act, I am introducing legislation to designate the road from Selma to Montgomery, AL as a national historic trail. The road from Selma to Montgomery was the symbolic last leg in the journey to the Voting Rights Act of 1965, which removed the final hurdle to the legal right for all Americans to vote.

On Sunday, March 7, 1965, in an effort to dramatize the need for voting rights legislation, approximately 525 people attempted to march 54 miles from Selma to Montgomery. When we reached the apex of the Edmund Pettus Bridge in Selma, we were attacked by police dogs and state troopers. Scenes from what became known as Bloody Sunday sent shock waves around the world, raised the Nation's consciousness, and convinced political leaders that the time had come for voting rights legislation.

Two days later, on March 9, 1965, the marchers gathered in Selma again. But we had to turn back to avoid a second bloody encounter.

President Lyndon B. Johnson went before a joint session of Congress on March 15, 1965, to urge Congress to pass a voting rights law. He said:

I speak tonight for the dignity of man and the destiny of democracy \* \* \* At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, AL.

Finally, under the protection of National Guardsmen, FBI agents, and U.S. Marshals, we were able to complete a 3-day journey

from Brown Chapel in Selma to the State Capitol in Montgomery. As a direct result of this effort, the Voting Rights Act was signed into law on August 6, 1965.

The designation of the route of the march from Selma to Montgomery as a national historic trail will serve as a reminder of the right and responsibility to vote. It will also give long-overdue recognition to the men and women who sacrificed so much for, and dedicated their lives to, voting rights for all Americans.

#### TRIBUTE TO RETIRING JUDGE CARL CHRISTENSEN

##### HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BILBRAY. Mr. Speaker, it is a great pleasure to rise today in tribute to an outstanding jurist and a great Nevadan, Carl Christensen, district court judge in my home of Clark County, NV.

Judge Christensen had an outstanding career of public service. Like me, he is a graduate of Las Vegas High School. He attended Brigham Young University in Utah and received bachelor of arts degrees in French and international business. He served the country with the U.S. Air Force security service in the 1950's.

Following a successful legal practice, Carl Christensen was appointed state district court judge for Clark County, NV. He served as chief district court judge from 1974-80. His legal awards include: presidency of the Nevada District Judges' Association, fellow, International Academy of Trial Court Judges, Nevada Bar Association Award of Special Recognition, and the National Bar Association's Outstanding Jurist Award.

A community leader, Judge Christensen served as president of the Las Vegas Kiwanis Club and as director of the Boy Scouts of America, Boulder Dam Area Council.

On July 1, Carl Christensen retired from the bench after 22 years of faithful service to the people of the State of Nevada. I ask my colleagues in the House to join me in paying tribute to a fine jurist, and my friend, Carl Christensen.

#### COMMERCIAL MOTOR CARRIER SAFETY ACT

##### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LIPINSKI. Mr. Speaker, commercial trucks frequently endanger public safety and property by carrying uncovered loads of gravel and other loose materials. To alleviate this hazard, today I am introducing the Commercial Motor Carrier Safety Act to establish national standards for the transport of commercial loads and provide incentives for States to adopt covered load laws.

Anyone who has driven next to an uncovered truck can testify to the perils of flying

rocks and debris. Projectiles traveling at 60 miles per hour crack and shatter windshields, dent and scratch cars, and present a dangerous distraction to other drivers. In the least cases, uncovered loads leave a trail of debris for other cars and trucks to kick up from their tires into nearby vehicles. In the worst cases, these projectiles cause harrowing accidents and cost lives.

Though State highway agencies do not track the number of accidents caused specifically by flying debris, the experiences of highway safety experts and many, many drivers testify to the dangers of uncovered loads. I know of an unlucky Chicago family that has suffered two-broken windshields, one of which was shattered by a rock measuring 6 to 8 inches in diameter. The driver was lucky to escape serious injury.

We do, however, have concrete evidence on the dramatic number of glass windshield breakages. According to statistics gathered from hundreds of insurance companies nationwide, the annual cost of replacing damaged windshields for their policyholders is hundreds of millions of dollars. Allstate Insurance in Illinois estimates that fully 80 percent of the windshields it replaces are damaged by flying debris on roadways.

Most victims of these accidents must meet a deductible, and therefore pay \$50, \$100, \$200 or more of the \$200 to \$400 replacement cost of a windshield. This figure does not include the time and inconvenience of filing an insurance claim and getting a windshield replaced.

In a very real way, we are all victims of these accidents. Insurance companies pass these costs back to consumers in the form of higher premiums for all drivers. We all pay.

Fortunately there is a simple solution to this problem—covered load laws. Seventeen States already have them and three others have requirements in certain cases. The Commercial Motor Vehicle Safety Act draws from the experience of these States and establishes a uniform national standard. The bill also directs the Secretary of Transportation to transfer 1.5 percent of a State's annual highway construction funds to the State's highway safety programs if a covered load law is not enacted by fiscal year 1996.

The possible transfer of highway funds may not be good news for State legislatures, but drivers will appreciate the impact of covered load laws. The experience of Texas is a valuable example. Its law became effective on January 1, 1984, and had an immediate beneficial effect. According to a study by the American Automobile Association, the 3 years following enactment saw miles traveled on Texas roads increase 15 percent and glass breakage claims increase only 1 percent. During those 3 years, the covered load laws saved Texas drivers from thousands of glass breakages and millions of dollars in damages.

The drivers in my home State of Illinois will be interested to know how the Texas experience would apply to them. In 1992, Illinois drivers suffered approximately 210,000 glass breakages totaling about \$40 million in damages. By the third year, we could expect a covered load law in Illinois to prevent nearly 25,000 breakages and save more than \$5 million. That saves quite a few \$100 deductibles.

We could also expect lower premiums for comprehensive automobile coverage.

The potential savings in Illinois is obviously substantial. Multiply those numbers by 33 States still lacking covered load laws and the nationwide totals are enormous. In terms of both dollar costs and safety, we simply cannot afford not to require covered loads.

Mr. Speaker, the evidence is overwhelming: Covered load laws work. They protect vehicles from damage. They protect the safety of drivers. They lower insurance costs. I urge my colleagues to support this legislation.

#### DEFENSE AUTHORIZATION

### HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HEFLEY. Mr. Speaker, I would like to extend and clarify my remarks during general debate on the fiscal year 1994 Defense authorization bill. As I said during this debate, Bill Clinton wants to draw down the military to 1.4 million active duty soldiers.

However, the drastic defense cuts that Bill Clinton is proposing would not be possible while keeping 1.4 million active duty. We would have to draw down to at least 1.2 million, if not 1 million, to meet the Clinton cuts. If these cuts are enacted, by 1997, we will have put 1.2 million active duty personnel out of work. This does not even take into account reductions in DOD civilian personnel and reserve forces.

As we all remember from the campaign, Bill Clinton called for \$60 billion in defense cuts over 5 years. Since becoming President, that \$60 billion has become \$127 billion. This is on top of the \$50 billion Bush cuts. This would reduce the level of spending below the "hollow Army of the 1970's" figure. In fact, the U.S. Army today, today Mr. Speaker, is the smallest it has been since before World War II. Just think where another \$127 billion in cuts will take us.

As I said in my comments on the floor, LES ASPIN told me that these budget numbers were pulled out of this air. They are not based on a threat assessment—which all previous defense spending was based on.

If the administration would have bothered to do a threat assessment, they would have found a world which is more turbulent, not less. Clinton's own CIA Director, James Woolsey, said it best, "We may have slain the dragon, but there are many snakes left out there." This world is still a dangerous place.

Russia and Ukraine still have massive nuclear arsenals. Many of these weapons are still aimed at the United States. Just 2 months ago was the latest hard-line Communist challenge to Russian President Boris Yeltsin. Russia and Ukraine are currently in dispute over a naval port. The Russian Parliament has laid claim to this Ukrainian port.

North Korea is actively pursuing a nuclear capability. They have defied world opposition to such a development and continue to make threatening gestures to South Korea while thousands of United States troops patrol in the DMZ.

Saddam Hussein's Iraq still eyes a military buildup. Their state sponsored terrorism has extended its tentacles to the West. Saddam has never relinquished his claim on Kuwait.

Iran and its radical government are an emerging military threat to the Middle East, Europe, and the United States. Their sponsorship of the Hezbollah organization and its ties to countries around the world threaten all of us, even here at home. Iran has begun a massive military buildup, all the while intent on destruction of moderate governments of Egypt and democracies such as Israel.

If you listened to some Members of this House, they would have you believe that communism is dead. The largest country in the world, China, remains a Communist nation. They had no problem crushing their own people under tanks in Tiananmen Square. They have ruthlessly occupied Tibet, raping and pillaging her people, why would we not assume they are a threat?

The former Yugoslavia is awash in blood. The 1,000-year religious hatred may boil for 1,000 more years. Bill Clinton has tried several times to find support abroad for United States and NATO military involvement. So far, we have resisted the temptation.

United States troops are beginning to bog down in Somalia. Sent in to help with the starvation, United States troops opened food lanes and delivered the people of Somalia from starvation. Now, we continue to chase a warlord with no sight of withdrawal.

Additionally, the U.S. military is being called upon to fight the drug war and provide humanitarian relief here at home. Hurricanes Andrew and Hugo were soon followed by U.S. troops. We continue to use the military in South America to fight the war on drugs.

These threats are real. They are also not part of the Clinton policy. Despite turmoil around the world, the Clinton plan is to suck money out of DOD and use it to increase social spending. Mr. Clinton has us well on our way to a hollow force incapable of decisive victory on the battlefield.

#### IMPROVING HOUSING OPTIONS FOR PEOPLE WITH DISABILITIES ON SSI

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. STARK. Mr. Speaker, when Congress passed Public Law 101-336, the Americans With Disabilities Act [ADA] in 1990, our intention was to continue the momentum of the civil rights commitment in all ways. Now we must go further to increase the independence of people with disabilities through assessing all our laws and benefits so that the pledge we made when we passed the ADA is strengthened and extended to all areas of life for every person with a disability. There is a fundamental belief in our country that individuals should have the opportunity to improve their lot as much as they can. The American dream is built around the idea that people have a place they can call home. This should be something we encourage for individuals with

disabilities, including those persons who must rely on supplemental security income [SSI].

I am proposing legislation to extend a basic concept found within the plan for achieving self support [PASS] that has been in effect since January 1974. Because of the PASS, persons can have part of their income from earnings or other sources not counted in determining their eligibility for SSI benefits. Also, what they save can exceed the SSI \$2,000 resources limit if there is a plan to be funded by the special PASS savings account.

Using the PASS, people with disabilities on SSI can save money needed for a work goal, including education, vocational training, starting a business, or purchasing work related equipment. People have been able to fund activities that help them achieve their employment goals, such as learning how to use a computer, getting their GED, or adapting a van to one's physical limitations in order to drive to work.

In addition to saving money under the PASS that attains career objectives, my bill also would allow persons with disabilities to save money to achieve a housing goal. By a set-aside of income or resources under a PASS focusing on a housing goal, SSI recipients could have income disregarded and have resources in a PASS account to be used to gain greater independence in housing and not lose their eligibility for SSI. Also, individuals would not lose their Medicaid, an essential benefit for SSI recipients.

A PASS that concentrates on a housing goal will not be linked to any specific housing programs so as to promote integrated housing. An eligible individual will formulate a specific housing goal whose main requirement would be that it increase the person's ability to develop independence and, therefore, become more fully integrated into the mainstream of society.

Some of the housing goals that a PASS will make possible include moving furniture and personal possessions into more accessible housing, converting space in a family member's home into an independent living unit, acquiring the initial security deposit and other costs related to a person moving into his/her own apartment or house, or acquiring the down payment on an individual's own home or condominium, or achieving any of these goals with another person.

An example of what a PASS that fosters greater independence in housing would allow a person with a disability to do is as follows: A young woman with cerebral palsy has the goal of becoming more independent by moving into space in her family's home, which has a bathroom but no kitchen at the present time. In submitting her plan, the young woman lists the steps to achieving her goal as follows: construct a kitchen, construct an entrance ramp, make the necessary environmental adaptations and controls such as widening doorways and lowering light switches, install an intercom system maintain communication with the family living in the other part of the house, put in separate utility hookups for the unit and acquire the necessary furniture.

Our current system holds back individuals with disabilities on SSI because if they accumulate any assets for purposes such as home modifications or improvements, utility deposits

or moving expenses their SSI check is reduced and they are kept back, in poverty, unable to move out or upward, and attempt the American dream.

However, SSI law does not count the value of a person's home toward the \$2,000 resources limit. This allows persons who have a home not to have to give it up if they become eligible for SSI. But, persons who do not own a home or who do not live independently are prevented from acquiring a home or moving into their own space.

We can fix this easily and quickly. We must do this without punishing people by taking away or reducing their SSI benefit check. This is what reinventing government is all about—we provide a benefit and we can add an incentive to encourage individuals with disabilities to live independently in the community, to create their own household. This is good for the economy, good for the housing market and more importantly, good for persons with disabilities.

SECRETARY CHRISTOPHER ON  
RUSSIAN ARMS SALES TO IRAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HAMILTON. Mr. Speaker, on July 30, 1993, I received a letter from Secretary Christopher concerning United States efforts to persuade Russia to refrain from all military sales to Iran.

This topic is of considerable interest to Members of Congress, and I would like to bring the Secretary's letter to the attention of my colleagues.

The text of the letter follows:

THE SECRETARY OF STATE,  
Washington, DC, July 30, 1993.

Hon. LEE HAMILTON,  
Chairman, Committee on Foreign Affairs, House  
of Representatives.

DEAR MR. CHAIRMAN: On February 3, 1993, on behalf of the President, I reported to you and the Chairmen of the other appropriate committees pursuant to Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1993. The Act states that "the President shall report to appropriate congressional committees that the United States has entered into serious and substantive discussions with Russia to reduce exports of sophisticated conventional weapons to Iran and to prevent sales to Iran of any destabilizing numbers and types of such weapons." I would now like to report our further efforts to persuade Russia against any arms sales to Iran.

President Clinton shares the concern of Congress over Russian arms sales to Iran, and he has made clear that this is a top priority on the U.S. agenda with Russia. During his meetings with President Yeltsin in Vancouver and Tokyo, the President set forth American concerns and urged that Russia refrain from sales of arms and dangerous technology to Iran. I have discussed this problem on many occasions with Foreign Minister Kozyrev, arguing that Iran's support for terrorism, abuse of human rights, and efforts to obtain weapons of mass destruction necessitate restraint on sales of arms and technology.

In Washington, Moscow, and elsewhere, American officials continue U.S. efforts to persuade Russia not only to reduce exports of sophisticated conventional weapons to Iran and to refrain from sales to Iran of any destabilizing numbers or types of such weapons or weapons-related technologies, as the Act requires, but to refrain from all military sales to Iran. The dialogue with Russia on arms sales to Iran is active and will remain so, in both bilateral and multilateral fora, as long as our concerns persist.

It is not possible to measure with precision the results of our efforts to date. Certainly, we have not yet succeeded in convincing Russia to cut off all arms supplies to Iran. Nevertheless, there are signs that our views are affecting Russian decisions.

Russia's arms sales relationship with Iran has continued albeit at a lower level than previously. A second diesel-powered Kilo-class submarine is scheduled to arrive in Iran in late July; this probably constitutes the most significant arms delivery from Russia this year. To our knowledge, however, Russia has transferred no advanced conventional weapons (as defined by the Iran-Iraq Arms Non-Proliferation Act of 1992) to Iran since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1993. This may reflect Russian concerns about the nature of the Iranian regime and the importance of stability in the region.

Neither the number nor the nature of the items Russia has transferred to Iran appears to have destabilized the region so far. Nevertheless, our opposition to arms transfers to Iran from any source remains firm as the cumulative effect of Iran's military build-up has the potential to threaten regional stability.

I assure you that persuading Russia to reduce exports of sophisticated conventional weapons to Iran and to prevent sales to Iran of any destabilizing numbers and types of such weapons is and will remain a high foreign policy priority of the United States. I strongly believe that the approach we are now taking offers the best hope of achieving our objectives.

Sincerely,

WARREN CHRISTOPHER.

LEGISLATION INTRODUCED TO ESTABLISH THE NATIONAL INSTITUTE FOR THE ENVIRONMENT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SAXTON. Mr. Speaker, I rise to announce to my colleagues that Congressman BROWN and I are introducing legislation today which would establish the National Institute for the Environment—an organization to provide extramural, competitive, and peer-reviewed research on environmental issues which are increasingly impacting the lives of our citizens, the economy and the ecology.

Mr. Speaker, ignorance is not bliss. The lack of credible information regarding the health of the environment, its degradation and restoration, costs billions of dollars annually.

The present Federal structure does not produce—the present Federal structure does not produce regular assessments of what we know about the environment, what we don't

know, or what the implications are as a result of that lack in knowledge.

What we don't know can hurt us and does—all the time.

Some of my constituents hear about environmental problems and demand immediate legislative action from Congress. Other constituents want to be sure that a problem exists before Congress gets involved. In the resulting controversy, which is often played out in the mass media, science takes a back seat to politics, and widely recognized environmental problems—the wetlands delineation debate, our ozone layer, and global climate change—become priorities due to public policy decisions, not scientific ones.

Because we are expending a great deal of time, effort and cold hard cash on these problems, it is wise to gather the scientific evidence in an unbiased, nonpartisan manner. Truly, the science must be accurate. And that is why I urge my colleagues to cosponsor this legislation, so we can once and for all make decisions on environmental policy based on science.

Hard scientific fact must replace speculation and scare tactics in the environmental arena. The NIE can help make this happen.

LEGISLATION TO ESTABLISH A NATIONAL INSTITUTE FOR THE ENVIRONMENT (NIE)

Legislation will soon be introduced by George Brown and Jim Saxton for the creation of a National Institute for the Environment (NIE) as an agency with a mission to improve the scientific basis for making decisions on environmental issues.

The bill would set the duties of the Institute to:

Increase scientific understanding of environmental issues by supporting credible, problem-focused research on environmental resources, environmental systems and environmental sustainability;

Assist decisionmaking by providing ongoing comprehensive assessments of current environmental knowledge and its implications;

To serve as the nation's foremost provider and facilitator of current and easy-to-use scientific information about the environment;

Strengthen capacity to address environmental issues by sponsoring high education and training;

To foster the interchange of scientific information about the environment among scientists, decisionmakers, and the public in the United States and foreign countries; and

To identify and seek to address emerging environmental issues, including all scientific, technological, and societal aspects.

The NIE would have a governing board that will include scientists and users of scientific information about the environment, including representatives of States, academic institutions, businesses, environmental groups and other citizens groups.

There would be an Interagency Advisory Committee whose function would be to ensure complementary and positive interactions with other agencies that conduct or use substantial amounts of environmental research.

The NIE would carry out its duties by providing contracts, cooperative agreements, and grants to scientists, engineers, and other researchers regardless of whether they are from government or private sector institutions. It would not have its own laboratories, nor would it have duties for regulation or management of the environment.

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 "National Institute for the Environment Act".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) An appropriate scientific understanding of the diverse physical, biological, engineering, social, and economic issues that underlie the environmental problems facing the United States is essential to finding environmentally and economically sound solutions to such problems.

(2) While more than a dozen Federal agencies support environmental research and gather environmental information, there is not a lead Federal agency for environmental research and information.

(3) The current approach of the Federal Government to developing a scientific understanding of environmental problems, and of applying that understanding to the problems, lacks coherence and often fails to provide information vital to finding sound solutions to such problems.

(4) The United States needs to improve the scientific basis for decision-making by Federal, State, and local governments, and private-sector entities, or environmental issues.

(5) Many environmental issues that will seriously affect the United States in the future are not adequately studied in existing Federal environmental research programs.

(6) Existing Federal environmental research programs often do not provide adequate information to enable Federal, State, and local governments, and private-sector entities, to engage in well-informed decision-making on environmental and related issues.

(7) Existing Federal environmental research programs do not adequately address, link and integrate research in different disciplinary, interdisciplinary, and multidisciplinary environmental sciences.

(8) Ongoing study and communication of the existing knowledge about environmental issues, including the assessment of the significance of such knowledge, are needed to strengthen the weak link between scientific knowledge and decision-making on environmental issues.

(9) Easy and effective access, including access by the scientific community, to the many rapidly growing sources of environmental information would improve the effectiveness of research on, and communication about, environmental issues.

(10) To address the complex environmental problems facing the United States, there is a growing need for more education and training of individuals in disciplinary, interdisciplinary, and multidisciplinary sciences related to the environment.

(b) PURPOSE.—It is the purpose of this Act to create an independent establishment to improve the scientific basis for making decisions on environmental issues through support for competitive, peer-reviewed, extramural research, ongoing knowledge assessments, data and information activities, and education and training on environmental issues.

**SEC. 3. ESTABLISHMENT OF NATIONAL INSTITUTE FOR THE ENVIRONMENT.**

There is established as an independent establishment an institute to be known as the "National Institute for the Environment" (in this Act referred to as the "Institute"). The mission of the Institute shall be to im-

prove the scientific basis for decision-making on environmental issues.

**SEC. 4. DUTIES.**

The Institute shall have the following duties:

(1) To increase scientific understanding of environmental issues (including environmental resources, systems, and sustainability, and the human dimensions associated with environmental issues) by initiating and supporting credible, extramural, problem-focused, peer-reviewed basic and applied scientific environmental research and other disciplinary, multi-disciplinary, and interdisciplinary environmental programs. The support of research and programs under this paragraph may include the provision of financial assistance pursuant to section 8, including grants, contracts, and cooperative agreements.

(2) To assist decision-making on environmental issues by providing on-going, comprehensive assessments of existing knowledge of environmental issues. The performance of assessments under this paragraph shall include the following:

(A) Summarizing the state of such knowledge.

(B) Assessing the implications of such knowledge.

(C) Identifying additional research that will provide information needed for decision-making by Federal, State, and local governments, and private-sector entities, on environmental issues.

(D) Analyzing constraints which may affect the conduct of research described in subparagraph (C), including the existence of limited technological, human, and economic resources.

(E) Communicating the results of assessments under this paragraph to relevant Federal, State, and local government decision-makers and the public.

(3) To serve as the foremost provider and facilitator in the United States of access to current and easy-to-use scientific and technical information about the environment. The provision and facilitation of access of information under this paragraph shall include the following:

(A) Providing and facilitating access to credible environmental information (including scientific and technological results of environmental research) for relevant Federal, State, and local government decision-makers, policy analysts, researchers, resource managers, educators, information professionals (including computer and telecommunications specialists), and the general public.

(B) Establishing an electronic network that—

(i) uses existing telecommunications infrastructures to provide single-point access to environmental information; and

(ii) includes existing collections of environmental information, such as libraries, specialized information centers, data and statistical centers, and government and private sector repositories of regional, event-driven, or ecosystem information.

(C) Identifying and encouraging the effective application of state-of-the-art information technologies to promote the availability and use of, and access to, environmental knowledge.

(D) Providing long-term stewardship of the environmental information resources of the United States, including efforts to ensure the continued usefulness of such resources, through the promotion and development of policies and standards for providing access to environmental information, and through the

support of relevant research and development.

(4) To sponsor higher education and training in environmental fields in order to contribute to a greater public understanding of the environment and to ensure that the United States has a core of scientifically educated and trained personnel who possess skills to meet the environmental needs of the United States. The sponsorship of education and training under this paragraph shall include the following:

(A) Awarding scholarships, traineeships, and graduate fellowships at appropriate non-profit institutions of the United States for study and research in natural and social sciences and engineering related to the environment.

(B) Supporting curriculum and program development in fields related to the environment.

(C) Promoting the involvement of women, minorities, and other under-represented groups.

(5) To encourage and support the development and use of methods and technologies that increase scientific and general understanding of the environment and minimize adverse environmental impact.

(6) To evaluate the status and needs of the various environmental sciences and fields.

(7) To foster interchange of scientific information about the environment between, scientists, Federal, State, and local government decision-makers, and the public.

(8) To identify and seek to address emerging environmental issues and all aspects of scientific, technological, and societal aspects of environmental problems.

(9) To establish research priorities for the Institute for environmental issues of global, national, and regional significance.

**SEC. 5. GOVERNING BOARD.**

(a) ESTABLISHMENT.—There shall be a Governing Board for the Institute (in this Act referred to as the "Board") which shall establish policies and priorities of the Institute.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of 18 members who shall be appointed by the President by and with the advice and consent of the Senate.

(2) REPRESENTATION ON THE BOARD.—

(A) IN GENERAL.—The members of the Board shall include individuals—

(i) who, as scientists and users of scientific information, are representative of diverse groups and entities, including States, academic institutions, businesses, environmental groups, citizens groups, and other appropriate organizations;

(ii) who have a distinguished record of service in their fields; and

(iii) who, among the scientific members of the Board, represent the diversity of scientific fields that study the environment.

(B) SELECTION OF CERTAIN GROUPS.—In making appointments under this subsection, the President shall seek to provide for representation on the Board of women, minority groups, and individuals recommended by the National Academy of Sciences, the National Academy of Engineering, and other groups.

(c) TERMS.—

(1) INITIAL TERMS.—Members initially appointed to the Board shall serve for the following terms:

(A) Six members shall serve for an initial term of two years.

(B) Six members shall serve for an initial term of four years.

(C) Six members shall serve for an initial term of six years.

(2) **SUBSEQUENT TERMS.**—Upon completion of a term referred to in paragraph (1), each member of the Committee subsequently appointed or reappointed shall serve for a term of six years, with a maximum of two consecutive terms for any member appointed under this section.

(d) **ADMINISTRATION.**—

(1) **TRAVEL EXPENSES.**—Each member of the Board who is not an officer or employee of the United States may receive travel expenses, including per diem in lieu of subsistence, in the same manner as travel expenses are allowed under section 5703 of title 5, United States Code, for persons serving intermittently in the Government service.

(2) **PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.**—Members of the Board who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(e) **CHAIRPERSON.**—The Chairperson of the Board shall be designated by the President at the time of the appointment. The term of office of the Chairperson shall be six years.

(f) **MEETINGS.**—The Board shall meet as needed at the call of the Chairperson or a majority of its members, but not less than four times a year.

(g) **REPORTS.**—The Board shall periodically submit to the President reports on such specific environmental policy matters as the Board, the President, or the Congress determines to be necessary. After receipt of any such report, the President shall transmit the report to the Congress in a timely fashion, together with any comments that the President considers to be appropriate.

(h) **ADVISORY COMMITTEES.**—The Board may establish such advisory committees as the Board considers necessary for purposes of this Act.

**SEC. 6. STAFF.**

(a) **DIRECTOR.**—

(1) **APPOINTMENT.**—The Director of the Institute shall be appointed by the President by and with the advice and consent of the Senate.

(2) **AUTHORITY.**—The Director shall exercise all of the authority granted to the Institute by this Act, including any powers and functions delegated to the Director by the Board. All actions taken by the Director pursuant to the provisions of this Act or pursuant to the delegation from the Board shall be final and binding upon the Institute. The Director shall formulate programs consistent with the policies of the Institute and in consultation with the Board and any appropriate advisory committee established pursuant to this Act.

(3) **PAY; TERM OR OFFICE.**—The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall serve for a term of six years.

(4) **FCCSET MEMBERSHIP.**—Section 401(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651(b)) is amended by inserting "the Director of the National Institute for the Environment," after "the Director of the Office of Science and Technology Policy".

(b) **ASSISTANT DIRECTORS.**—The President may, upon the recommendation of the Director, appoint such assistant Directors as the president considers necessary to carry out this Act.

**SEC. 7. INTERAGENCY ADVISORY COMMITTEE.**

(a) **ESTABLISHMENT.**—There is hereby established an Interagency Advisory Committee to ensure that the environmental efforts

of the institute and other Federal agencies are complementary.

(b) **DUTIES.**—It shall be the duty of the Interagency Advisory Committee established under subsection (a) to provide recommendations and advice to the Board to help to ensure that—

(1) the research priorities and agenda of the Institute support, rather than compete with, the research agendas of existing Federal agencies;

(2) the knowledge assessment activities of the Institute incorporate knowledge obtained and possessed by other Federal agencies, and are useful to such agencies;

(3) information within the databases of other Federal agencies is available for incorporation into the information network of the Institute; and

(4) the educational programs of the Institute serve the needs of the United States.

(c) **COMPOSITION.**—The Interagency Advisory Committee established under subsection (a) shall include directors of research (or individuals who hold a comparable position) from Federal agencies that conduct or use substantial amounts of environmental research, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Department of Energy, the Department of the Interior, and the Department of Agriculture. The Director of the Office of Science and Technology Policy, or such individual's designee, and the Director of the Office of Environmental Quality, or such individual's designee, shall serve as ex officio members of the Interagency Advisory Committee.

(d) **DURATION.**—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Interagency Advisory Committee established under subsection (a).

**SEC. 8. FUNDING.**

(a) **AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.**—The Institute may enter into contracts and cooperative agreements and provide financial assistance, including grants, to carry out the duties of the Institution under this Act.

(b) **PERSONS ELIGIBLE TO RECEIVE FUNDING.**—Scientists, engineers, and other researchers are eligible to receive funding from the Institute under subsection (a), except that—

(1) scientists from Federal agencies shall not be given a preference for funding based on their employment with the Federal Government; and

(2) the receipt of funding from the Institute shall be subject to any criteria and other requirements prescribed by the Institute.

(c) **RECEIPT OF FUNDS FROM OTHER PERSONS.**—The Institute may, subject to the approval of the Board, receive funds from other Federal agencies and private-sector persons to carry out particular projects and activities under this Act. Funds received under this subsection shall be deposited in the Treasury and shall be made available to the Institute to the extent provided in appropriations Acts.

OCTOBER 1993 TO BE DESIGNATED  
CRIME PREVENTION MONTH

**HON. THOMAS M. BARRETT**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BARRETT of Wisconsin. Mr. Speaker, today, I am pleased to introduce a joint resolution designating October 1993 as Crime Prevention Month across the United States. This piece of legislation supports and commemorates individuals and groups who are among the 27,000,000 people involved in fighting crime in their neighborhoods across the United States.

Crime Prevention Month issues a challenge to each and every one of us to take the necessary steps to make the job of a potential criminal more difficult. Through individual awareness and collective effort, we will succeed in turning back the tide of violence that has plagued this Nation far too long.

In my hometown of Milwaukee and across the country, effective programs such as Neighborhood Block Watches, Drug Abuse Resistance Education [DARE] Programs, and personal safety presentations are helping individuals and communities in the early detection and prevention of criminal activities. The citizens and businesses taking part in these programs deserve appreciation and recognition as they continue their attack on crime and make the neighborhoods safer for our children and for future generations of Americans.

I encourage my colleagues on both sides of the aisle to support this bill and to join with me and McGruff the crime dog to take a bite out of crime this October.

BALANCE OUR BUDGET

**HON. WAYNE ALLARD**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ALLARD. Mr. Speaker, today I am introducing legislation that will help Congress get a hold on its spending. Congress has been unsuccessful in all previous statutory attempts to reduce the deficit and balance the budget. For that reason, I am introducing a joint resolution to amend the U.S. Constitution to require the President to propose a budget that reduces the deficit by not less than 10 percent per year in order to balance the budget within 10 years.

Following the 11th year of ratification of this amendment, the President will be required to propose a balanced budget. At such time, this measure will mandate that Congress begin paying down the gross Federal debt in payments that are equal to the amount required to amortize such debt over the next 20 years. This will repay the entire debt by the end of the 30th year after ratification. To help enforce fiscal accountability, I have also included a Presidential line-item veto.

This legislation is founded on the same logic used when buying a house. When you purchase a home you go deeply into debt, but then you take out a mortgage and finance it over a fixed number of years and amortize the

amount with a scheduled series of payments to reduce the debt. It takes discipline to make your monthly payment, but you understand that if you do not make the payment you could lose your home. Our Government should operate under that same principle.

We must stop borrowing from future generations to pay for the consumption habits of this generation. Our current rate of spending also must eventually be tied to a debt repayment schedule that has the teeth necessary to balance our budget.

This is tough medicine, but we must begin to make serious strides toward reducing the debt of this Nation.

#### HISTORICAL BUDGET ACTS

You can't fault Congress for trying to pass statutory legislation to balance the budget, but to date all efforts have failed. Here is a listing of each of Congresses' attempt to get-a-hold of the budget.

The Budget and Accountability Act of 1921.—Required the President to make appropriate recommendations to Congress in the budget whenever the estimates of revenue spending in the budget show a deficit or a surplus. The Act directed the President to recommend "new taxes, loans and other appropriate action" to meet a projected deficit. In 1982 the reference to new taxes and loans was removed.

The Revenue Act of 1964.—This act stated, "to further the objective of obtaining balanced budgets in the near future, Congress by this action recognizes the importance of taking all reasonable means to restrain Government spending and urges the President to declare his accord with this objective."

The Revenue Act of 1978.—This act stated, "and the Federal budget should be balanced in fiscal years 1982 and 1983."

The Humphrey-Hawkins Act of 1978.—This act stated, "fiscal policies that should establish the share of expanding Gross National Product accounted for by Federal outlays at the lowest level consistent with national needs and priorities, a balanced budget, \* \* \*"

The Byrd Amendment of 1978.—This amendment stated, "beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts."

The Temporary Increase in the Public Debt Limit of 1979.—This act required the House and Senate Budget Committees to report balanced budgets by April 15 of 1979, 1980, and 1981. It also required the President to submit alternative proposals for a balanced budget if his budget submission for fiscal year 1981 or 1982 recommended a deficit for either fiscal year.

The Gramm-Rudman-Hollings Act of 1985.—This Act set forth annual deficit targets leading to a balanced federal budget by fiscal year 1991 and established an automatic process for across-the-board spending cuts (sequestration) aimed at keeping the deficit within statutory targets. During the period that the GRH Act has been in effect, sequestration has been triggered five times—once each for fiscal years 1986, 1988, and 1990, and twice for fiscal year 1991. The sequestration reductions made for fiscal year 1986 were voided by court action and later reaffirmed, the reductions for fiscal year 1988 were later rescinded, the reductions for 1991 were applied in one instance to domestic discretionary programs and in another to international discretionary programs (the latter reductions were later rescinded). Sequestration was forestalled for fiscal year 1989 be-

cause the estimated deficit was less than the \$10 billion margin-of-error amount.

The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987.—This act modified GRH and extended the goal of a balanced budget to fiscal year 1993.

The Budget Enforcement Act of 1990.—This act revised the deficit targets in the GRH Act, making the targets adjustable rather than fixed, and extended the sequestration process for two more years—through fiscal year 1995 (although the budget is not required, and is not expected, to be in balance by that time). Additionally, two new procedures enforceable by sequestration were established: (1) adjustable limitations on different categories of discretionary spending funded in the annual appropriations process and (2) a "pay-as-you-go" process to require that increases in direct spending or decreases in revenues due to legislative action are offset so that there is no net increase in the deficit. The 1990 amendments changed the focus of the GRH Act from achieving budgetary balance to controlling the growth of discretionary spending and maintaining deficit neutrality regarding legislative changes in mandatory spending and revenues.

#### TENTH ANNIVERSARY OF OFFICIAL ENGLISH MOVEMENT

### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. EMERSON. Mr. Speaker, recently, I am sure you and most of my colleagues saw in the media that Dade County, FL, had repealed its English language ordinance. For 13 years, this ordinance provided that, with a few exceptions involving health and safety issues, all county documents were to be printed and business was to be conducted in our common language, English. A new majority recently elected to the Dade County Board of Commissioners decided that their first order of business after the election would be to repeal the ordinance, which they did on May 18.

But similar events relating to the repeal or lack of common language statutes have occurred beyond the level of local government. For example, on July 2, the Federal Immigration and Naturalization Service in Tucson, AZ, arranged and conducted a citizenship swearing-in ceremony primarily in Spanish. And since the law does not prohibit such activity, ceremonies conferring U.S. citizenship which are held predominately in a language other than English could become routine.

Mr. Speaker, 82 of my colleagues and I are cosponsoring H.R. 123, the Language of Government Act. This legislation would make English the official language of the U.S. Government and would prevent the recurrence of incidents such as the one in Arizona. Furthermore, it would establish a climate which would encourage the use of English as the official language as a common bond between all American citizens in every area of society, not just those involving our Government.

If we continue without national legislation designating English as the official language, however, official U.S. Government activities and ceremonies will continue to be held in

other languages. Unfortunately, the major obstacle at national, State, and local levels has been only one of perception.

Various attempts have been made on local and State levels to declare or reinstate English as the official language, but the threat of false accusations of racism and xenophobia often discourages legislators from voting in support of common language legislation. Opponents of such legislation frequently fail to acknowledge that a declaration of English as the official language is neither elitist nor exclusionary, but rather an attempt to uphold the very foundations of our democratic system. Designating an official and common language will serve as a common bond between individuals of different backgrounds seeking to enter American society and will serve as an absolutely vital first step in opening the door to the opportunities offered by our great Nation.

I am pleased to inform my colleagues that the necessity of an official common language has been recognized long before today. In 1983, only 10 years ago, our late former colleague, U.S. Senator S.I. Hayakawa of California, a multilingual immigrant himself, officially launched the common language of government movement when he founded U.S. English. A national, nonpartisan, nonprofit, citizens' action group dedicated to preserving the unifying role of a common language in America, U.S. English is one of the fastest growing interest groups in the Nation, with a current membership of more than 500,000 nationwide.

In the 10 years of U.S. English's existence, the number of States adopting official language statutes or constitutional provisions has grown from 4 to 19, with a number of others adopting other forms of specific language-based laws.

The Language of Government Act has gained support in both Houses, and it is my goal to have more than 150 cosponsors before the close of this Congress. This year we adopted another dimension to the issue when we introduced H.R. 124 to provide incentive for employers to provide English-language training for employees lacking verbal skills.

This issue is getting more attention each day, and support for our various initiatives at both State and Federal levels is growing rapidly. Membership in U.S. English is at an all time high.

Senator Hayakawa was a prolific writer, and I offer you one of my favorite quotes of his:

America is an open society—more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and their families. And what do these people who enter into the American mainstream have in common? English, our shared, common language.

It is a worthy subject for all of us to ponder as we note this, the 10th anniversary year of the founding of the official language movement—and, specifically, of U.S. English.

We can continue the evolution toward multi-language government that those in Dade County and Tucson would give us, or we can work together to begin defining a language policy that will protect and promote English as our official common language. I invite all of you to join me in this latter course.

**HON. CARDISS COLLINS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mrs. COLLINS of Illinois. Mr. Speaker, I am pleased to introduce today the Dietary Supplement Consumer Protection Act of 1993. This bill will ensure that dietary supplements are safe, well manufactured and appropriately labeled. It will also call for further research on the benefits of these products and establishes an advisory panel to assist the U.S. Food and Drug Administration with their regulation.

Scientific research indicates that dietary supplements including vitamins, minerals, amino acids, herbs, and other nutritional substances can help delay the onset of chronic disease and promote good health. Not surprisingly, more and more consumers are using these products to protect their health. However, as the market for supplements grows, it becomes all the more important to ensure that they are regulated adequately.

While most dietary supplements on the market today are safe, serious questions have been raised about certain products. For example, the amino acid L-tryptophan, used by some Americans as a sleep aid, is associated with a disease known as eosinophilia myalgia syndrome [EMS]. This disease has killed 38 persons and caused more than 1,500 serious adverse reactions.

While this supplement is no longer sold, the FDA, consumer groups such as Consumer Union, the Institute of Food Technologists, university researchers and others have all stated recently that other supplement ingredients such as chaparral, comfrey, and gerdander can cause adverse reactions ranging from liver disease to kidney failure.

The FDA is presently grappling with how to ensure the safety of supplements. A controversy has erupted over the FDA's efforts in this area because under current law, the agency is forced to regulate supplements as either food additives or drugs in order to compel manufacturers to prove that a supplement product is safe before it is marketed. This bill would clear up the confusion and provide the FDA with express authority to keep unsafe dietary supplements off the market.

Additional concerns have been raised about the quality of certain dietary supplements. A Duke University study funded by the National Association for Rare Disorders recently examined the quality of L-carnitine supplements. A majority of the brands surveyed contained less than 60 percent of the carnitine stated on the label. Such problems could prove fatal to Americans who suffer from carnitine deficiency. This legislation would remedy this problem by requiring the FDA to establish quality control procedures and standards that will ensure that supplements are properly manufactured.

Consumers must not only be able to depend on what is in the bottle, but also on what is printed on the label. This bill ensures that consumers will be able to rely on information provided on dietary supplement labels by requirements of the Nutrition Labeling and Education

**EXTENSIONS OF REMARKS**

Act of 1990 [NLEA]. Last year, dietary supplement manufacturers were temporarily exempted from the NLEA, which establishes a regulatory framework to ensure that health claims are based on reliable scientific evidence. This exemption appears unwarranted. According to a recent report issued by the FDA, "thousands of unsubstantiated claims are being made about hundreds of dietary supplements."

This situation is unfortunate because some dietary supplements provide real health benefits. It is difficult, however, for most consumers to distinguish between truly beneficial products and others that make dishonest claims. For example, folic acid supplements claim to help reduce the risk of birth defects while herbal supplements claim to help boost the immune system and protect the body against HIV infection. Each of these claims may seem equally improbable, or equally believable, depending on one's attitude toward supplement use. How many people actually know that the first claim is based on significant scientific agreement while the second claim is considered by consumer agencies to be deceptive. Unless supplement manufacturers are brought under the rubric of the NLEA, as Congress originally intended, consumers will not be able to tell fact from fiction.

The FDA, however, also has certain responsibilities under the NLEA to promptly approve new health claims as the scientific evidence evolves. In the past, the FDA has been slow to act. This bill helps ensure that the agency lives up to its responsibilities by establishing an advisory panel to guide the FDA with supplement regulation, including the approval of new health claims.

This bill also addresses my continuing concerns about the health of older Americans. It requires label statements regarding possible adverse effects of any supplement on particularly vulnerable segments of the population, such as the elderly. This information is important considering that older persons may be especially vulnerable to the effects of high doses of certain supplement.

I am pleased to announce today that this bill has the support of leading consumer protection and public health organizations including the American Cancer Society, the American College of Physicians, the American College of Preventative Medicine, the American Institute for Cancer Research, the American Nurses Association, the Association of Schools of Public Health, the Center for Science in the Public Interest, Citizens for Public Action on Cholesterol, the Consumer Federation of America, the National Council on Aging, Public Voice for Food and Health Policy, and the Society for Nutrition Education.

I believe that this bill—the only dietary supplement bill pending in this Congress that is supported by a broad spectrum of consumer and public health groups not associated with the dietary supplement industry—truly represents the needs of all Americans.

I urge my colleagues to join with me and give their support to this legislation.

*August 6, 1993***LEGISLATION TO ESTABLISH A  
UNIFORMED SERVICES TREATMENT FACILITY AT SILAS B.  
HAYS HOSPITAL INTRODUCED****HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 6, 1993*

Mr. FARR. Mr. Speaker, I am introducing legislation to provide an important option to active duty personnel, military retirees, and their dependents who will soon face uncertainty in their health care security.

As a result of the closure of the Fort Ord military installation in my district, the Department of the Army will shut down Silas B. Hays Hospital in June 1993. This would continue the Department of Defense [DOD] trend of simplistic determinations which require the closure of military health care facilities based only on the narrow criteria of local active duty populations. I believe that we have an obligation to also consider those who have sacrificed in service to their country, were promised access to life-long medical care, and depend on the treatment available at military health facilities during their retirement.

The legislation I am proposing today would provide for the designation and conversion of the Silas B. Hays Hospital at Ford Ord, CA, as a satellite facility of a Uniformed Services Treatment Facility [USTF].

Unfortunately, Mr. Speaker, active duty personnel and their families, military retirees, and veterans cannot bank on the expedient implementation of national health care reform to ease their health care worries. For these individuals, where their health needs will come from in the coming months remains a frightening uncertainty.

Once the Army shuts down Hays Hospital, there will be 30,000 active duty personnel, military retirees, and veterans that will remain in the base closure area. To date, Army plans have mainly focused on time-lines for closure of Hays Hospital and the Primus Clinics in the area. There has been little in the way of community outreach and presentation of options by the Department of Defense. The DOD plans only a limited outpatient capability for active duty personnel with the remaining beneficiaries left to rely on CHAMPUS. If not for the efforts of the Fort Ord task force and health care working group, those who have come to depend on Hays Hospital would likely be in the dark about their health care options.

Mr. Speaker, one of the greatest concerns for military retirees is where they will obtain prescription drug coverage once they reach the age of 65. As we all know, Medicare does not include prescription drug coverage. For those who are over 65, without access to a military health care facility, many will be unable to afford pharmacy services. Therefore, I am pleased with the actions of my colleagues in the House Armed Services Committee who had the foresight of including within the fiscal year 1993 Defense authorization provisions for individuals residing in areas adversely impacted by a base closure. This legislation provided that in these areas, military retirees will be eligible for pharmacy services without regard to Medicare eligibility.

I believe that we can and must provide additional options for individuals who have no alternative but to remain permanently settled near military hospitals during their retired years. This bill would provide that alternative.

Mr. Speaker, we must consider the cost of turning over dependents of active duty personnel and military retirees to private sector medical providers, with Federal Government reimbursement. Indeed, the purpose of the base closure process was to reduce the costs of defense, and therefore, costs to the Government. However, as military treatment facilities are closed, the Government's cost of providing medical care may increase. According to a 1990 General Accounting Office report, CHAMPUS is about twice as expensive as care provided by military treatment facilities. We are all aware of the explosive costs of the Medicare Program.

I want to make it clear that I am supportive of the CHAMPUS Program, including the CHAMPUS reform initiative in place in California. But I believe that until we are certain of the cost-effectiveness of moving beneficiaries to these systems which utilize private care providers, it makes good policy sense to examine the cost of the USTF managed care option compared with the cost of closing military health facilities.

In summary, this legislation is about fairness. I believe that we have an obligation to provide a maximum in cost-effective alternatives for those negatively impacted by base closures. I urge my colleagues to support this legislation.

For the convenience of my colleagues, a summary of the bill follows:

H.R.—

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

**SECTION 1. CONVERSION OF SILAS B. HAYS COMMUNITY HOSPITAL AT FORT ORD, CALIFORNIA TO SATELLITE FACILITY OF A UNIFORMED SERVICES TREATMENT FACILITY.**

(a) **NEGOTIATIONS FOR OPERATIONS OF HOSPITAL.**—The Secretary of Defense shall enter into negotiations with a uniformed services treatment facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)), for the purpose of arranging for the facility to assume operation of the Silas B. Hays Army Community Hospital at Ford Ord, California, in a manner consistent with the managed-care delivery and reimbursement model required under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587).

(b) **TREATMENT AS USTF SATELLITE FACILITY.**—Upon completion of the negotiations under subsection (a), the Secretary of Defense shall—

(1) consider the hospital to be a satellite facility of the uniformed services treatment facility, as described in section 721(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1405 Stat. 1405); and

(2) designate the hospital as a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code.

(c) **COMPLETION OF NEGOTIATIONS.**—The Secretary shall complete the negotiations under subsection (a) and make the designation under subsection (b)(2) not later than September 30, 1994.

**HONORING 50TH WEDDING ANNIVERSARY OF ZENA AND IS TEMKIN**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. DeLAURO. Speaker, today I would like to ask the House to join with me in celebrating and honoring the 50th wedding anniversary of two dear friends of the State of Connecticut, Zena and Is Temkin.

Since their wedding on August 18, 1943, Zena and Is have been an unstoppable force of activity and an example of strength and commitment. Zena, a Connecticut State representative from 1958 to 1962, has always been an inspiration and role model for me. A political adviser to Gov. Ella Grasso, Senator Abraham Ribicoff, and Senator Christopher Dodd, Zena has had her finger on the political pulse of Connecticut for as long as I can remember. While Is has also donated much of his time, energy and spirit over the years to the political well-being of Connecticut, he is perhaps better known to his patients as the devoted dentist upon whom they can depend for compassionate and quality care.

Together, Zena and Is offer a role model to each of us of what generosity, kindness, and community service can accomplish. The parents of Bruce, Alan, and Nan, they have taught their children, as well as their neighbors, by example how important it is to make this world a better place for others.

After a half century of marriage, Zena and Is are still making this world a better place. Is still has his dental practice, and Zena's energy is still infiltrating every nook and cranny of Connecticut. The commemoration of 50 years of their marriage, and the legacy of spirit that has followed, is cause for celebration. Mr. Speaker, I ask you once again to join with me in honoring the 50th wedding anniversary of Zena and Is Temkin. Thank you.

**INTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO END UNFUNDED FEDERAL MANDATES**

**HON. BOB FRANKS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce an amendment to the U.S. Constitution, supported by Members from both political parties, that would force Congress to pay for any new Federal programs it mandates on the States.

As my colleagues are aware, many State and local government budgets are straining under the onerous burden of unfunded Federal mandates. It is estimated that unfunded mandates cost the States as much as \$500 billion a year. State and local spending to implement Federal mandates has increased from 30 percent of their budgets in 1962 to a whopping 50 percent in 1992. Additionally, many States are being forced to raise taxes or cut services in order to comply with the new Federal mandates routinely passed by Congress.

This legislation, which has been endorsed by the National Taxpayers Union and the National League of Cities, would relieve the States of any obligation to comply with a new Federal mandate unless that mandate was fully funded by Congress. This amendment is necessary because Congress' increasing appetite for unfunded Federal mandates shows no signs of abating. Furthermore, many States fear that Congress will solve the Federal budget problem by simply transferring more and more unfunded mandates to the States.

Unlike statutory law, which Congress often chooses to waive, this constitutional amendment would force Congress to face up to its own fiscal responsibilities.

Mr. Speaker, it is time to stop Congress from passing legislation where Congress gets the political credit and the States, counties, and municipalities are forced to pay the bill. I invite my colleagues to help end the burdensome practice of Congress passing new unfunded Federal mandates by cosponsoring this legislation.

**IN MEMORY OF CLINTON A. WEST**

**HON. JAN MEYERS**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in my capacity as the ranking minority member of the House Small Business Committee to honor the memory of the late Clinton A. West and his lifetime of work as a successful entrepreneur, small business advocate, political activist, husband and father.

As a successful small business owner Clint had over 15 years of administrative and executive experience in the automated data processing industry. In 1984 he founded WESTCO Automated Systems & Sales, Inc. As president and chief executive officer of WESTCO, Clint was responsible for overall project management, marketing, finance, government relations and strategic planning. Under his leadership WESTCO was an active and successful participant in the U.S. Small Business Administration's section 8(a) program and provided invaluable services to both the public and private sectors.

Prior to establishing WESTCO, Clint served this body as a legislative assistant to our former colleague, the Honorable John Anderson where he followed small business issues, and as a legislative aide to the Honorable RON DE LUGO.

Clint was a long time supporter and advocate on behalf of small and minority business. Concerned that the achievements of minority small businesses were not receiving proper recognition during National Small Business Week, Clint, along with other minority small business owners, founded the Minority Awards Breakfast Committee. The Minority Awards Breakfast, which celebrated its seventh year in 1993, represents a uniting of the minority business community, the corporate sector and the Federal Government to recognize a mutual goal—that of minority small business development. That the Minority Awards Breakfast is an integral part of our celebration of National

Small Business Week is but one example of Clint's efforts on behalf of small business.

A graduate of Howard University and the College of Law, American University, Clint was active in many business and professional organizations: The National Business League of Montgomery County; the Howard University School of Business, Small Business Development Center Advisory Committee; and First American Bank of Maryland's Community Reinvestment Advisory Committee, to name just a few.

Clint was active in the Republican Party locally and nationally. He was a Republican Eagle and an elected delegate from the State of Maryland to the 1992 Republican National Convention.

We will all deeply miss Clint. His personal and professional contributions to his community made a difference. I know my colleagues will join me in extending our sympathy to his family and friends during this difficult time. But we can also honor his memory by recognizing his outstanding achievements and efforts on behalf of small businesses in America.

TRIBUTE TO THE CRUMBAUGH  
FAMILY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the Crumbaugh family of St. Louis, MI. The Crumbaughs were honored as the 1993 Gratiot County Farm Family of the Year, at the rural urban day festivities on July 29.

The Crumbaugh family has just had the honor of celebrating the farm's 50th crop. Along with his parents, Robert and Marcella Crumbaugh, Rex Crumbaugh and his wife Kathleen also share the farm with their daughter Rachel, her husband James Vallance and their son Clay and his wife, Christina. Through hard work and strong family support, the family has expanded the farm to 2,000 acres of cash crops such as sugar beets, corn, soybeans, and dry edible beans.

Rex Crumbaugh has been an outstanding leader in Michigan agriculture and the community. He has served as president of the Gratiot County fair board, the B&W Co-op, Inc., board of directors for 12 years, acting as chairman of the board for 2 years, and the board of directors of Chemical Bank & Trust Co. for many years. Rex is renowned throughout Michigan for his leadership and expertise in agriculture and has many friends and supporters throughout the State.

Rex graduated from St. Louis High School in 1962 and went on to study at the ag tech program at Michigan State University [MSU]. His wife Kathleen also attended MSU, and currently attends Central Michigan University where she studies public administration. Their daughter Rachel is a high school special education teacher at Swan Valley Schools. Rex and Kathleen's son, Clay also graduated from the ag tech program at MSU, and is currently a member of the cattlemen board and the Farm Bureau Young Farmers. Clay and his

wife Christina have a 3-month-old boy, Cyle Max.

Like many farm families, the Crumbaugh family has not been without hardship. While thousands of Michigan farm families suffered through the disastrous flood in 1986, Rex traveled to Washington, DC, to help obtain financial relief for area farmers. Through it all, hard work and patience prevailed, and the Crumbaughs survived this and other natural disasters. With their perseverance, hard work, and leadership through time of distress, the Crumbaughs are a Michigan family of which the agriculture community of Michigan is very proud.

The Crumbaughs are the deserving recipients of this prestigious award. They have been a model of tenacity and values to their family and community. Many U.S. Secretaries of Agriculture including Edward Madigan, Clayton Yeutter, Richard Ling, and John Block have visited the Crumbaugh farm. I, too, have had the pleasure of being a guest of the Crumbaughs.

Mr. Speaker, the Crumbaughs have touched many lives in Michigan through their labor, hard work, and contributions to Gratiot County. They are a model family and truly deserving of this prestigious award. On the very special occasion of their being named Farm Family of the Year, I would like to bid them and their family congratulations, and wish them success in future endeavors.

EDWARDS' STATEMENT ON VOTE  
AGAINST BUDGET BILL AND GAS  
TAX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. EDWARDS of Texas. Mr. Speaker, after carefully reviewing the President's budget proposal, I decided that I could not support it. Before we ask Americans to pay higher taxes, Congress must first prove it is willing to make major cuts in spending.

This was a difficult decision for me, because I strongly believe reducing the Federal deficit is crucial to our Nation's future. I believe President Clinton deserves credit for making deficit reduction a major goal of his administration. I want to work with him in that effort, and I am willing to make tough choices to balance our budget.

There are a number of positive provisions in the President's plan, including tax incentives for small businesses and specific spending cuts. The earned income tax credit encourages people toward work and away from welfare. That is a positive step toward much-needed welfare reform. The Btu tax, which I actively opposed, was deleted from the bill.

However, the plan falls short in several areas. Spending cuts need to be deeper and up front. Too many of the cuts are unspecified and put off for 3 to 4 years, whereas new programs and new taxes begin immediately or even retroactively.

Putting the Deficit Reduction Trust Fund and entitlement caps into law rather than in Executive orders would add credibility to the plan.

The gas tax is regressive and is unfair to families, farmers, and businesses in States such as Texas. In short, this bill should raise taxes less and cut spending more.

I think it is important for all Americans to know that balancing the \$300 billion a year Federal deficit will require tough choices. We can no longer say cut someone else. We must be willing to share the cuts and the sacrifice.

In listening to thousands of central Texans who have written to me and called my office, I am convinced that people know the deficit must be reduced, but they want a program that is fair and credible.

IN MEMORY OF WILLIAM  
STEFFEL, JR.

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ROTH. Mr. Speaker, I rise today to honor the legacy of William Steffel, Jr. It is my distinct privilege to insert into the CONGRESSIONAL RECORD a tribute to the memory of an outstanding citizen of Oconto, WI, as printed in the 1993 Oconto County Fair Supplement.

William Steffel, Jr.'s involvement with fairs began in his childhood. He exhibited at the first of the presently constituted Oconto County fairs 52 years ago. A point of particular pride with him was his long running maple syrup exhibit at the Oconto County Fair. He started as a 4-H'er when he was 14 years old, he continued exhibiting his syrup at the fair until 1992.

Bill's name was synonymous with the Oconto County Fair for most of the life of the fair. He served as a director for 33 years including two years as vice president and 31 years as president. His commitment to the fair industry extended beyond the local fair. He was elected by his peers to the position of district director of the WI Assoc of Fairs and from that position served two years as president of that association. Bill's involvement made him recognized and well-known throughout the state among fair people. Throughout his career he was a tireless advocate for and promoter of fairs for the traditional values they preserved and the educational value to youth.

Bill Steffel could not be called one-dimensional. In life he practiced community service with almost a vengeance. He was a twenty year county 4-H leader and served his fellow farmers as a director on the Oconto County FS Cooperative and the Oconto Farm Bureau Board. He served his neighbors as a member of the Town of Spruce Town Board, the Council of Our Redeemer Lutheran Church and secretary and sexton of Pine Hill Cemetery. He served the citizens of Oconto County as one of the most active promoters and members of the Oconto Rural Urban Committee, who recognize other citizens for their civic involvement.

Bill, with his wife Janice raised a family of three children. Bill J., Peter and Barb. The Steffel brothers, Bill and Don, operated a successful dairy and beef farm along with a saw mill and maple syrup business. Bill also served as an assistant zoning administrator for his area.

A recounting of the active life of William Steffel, Jr. acknowledges the active leadership role he played in family, business and

community. It also makes clear the void left by his untimely passing. He leaves a strong legacy for those of us who follow and whose lives have been touched by him. Bill, you will be missed and remembered by many. Thank you for your many contributions and for the example of a lifetime of selfless giving that will be a model for all of us.

INTRODUCTION OF ABANDONED  
INFANTS LEGISLATION

**HON. HARRIS W. FAWELL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FAWELL. Mr. Speaker, today I, along with a number of my colleagues, am introducing the At-Birth Abandoned Bay Act of 1993 and the At-Birth Abandoned Infants Assistance Amendments of 1993. The bills guarantee all babies abandoned at birth, or shortly thereafter, the right to immediate placement and bonding with preadoptive parents. The preadoptive parents are then given the right to immediately initiate proceedings for an expeditious adoption of the abandoned baby.

In my district, I was witness to a particularly sad story. An at-birth abandoned baby girl was turned over to foster parents who were told they would be able to adopt the baby—her natural mother was a drug addict who had abandoned the baby in the hospital. Due to a system that placed the baby girl's rights below all others, the foster parents were able to adopt the baby for 5 years, and during that time they raised her as their own. In year 5, the natural mother, along with her live-in boyfriend, reappeared. Stating that she had kicked her drug habit, the mother attempted to reclaim the child. Incredibly, the little girl was taken from the only home and parents she knew. Unfortunately, scenarios similar to this take place all too often across the country.

I believe that something must be done about the terrible plight faced by babies abandoned at birth. Our present system, in effect, leaves our most vulnerable babies—those who are abandoned at birth and often drug-addicted and/or HIV-infected—without access to immediate bonding with loving parent or any chance for a permanent home, both of which they so desperately need.

Worst of all, they have no one to represent them for a chance to find loving parents and a permanent home.

The two bills are identical except that one amends the Social Security Act and the other amends the Abandoned Infants Assistance Act of 1988. They simply require State welfare authorities to immediately place these at-birth abandoned babies with suitable preadoptive parents who, in turn, will be allowed to immediately file for an expeditious adoption of the abandoned baby in the State court of proper jurisdiction.

The State court will be responsible for the final decision of adoption, taking into account the legal rights of all parties involved, including the infant abandoned at birth, the natural parents, and the preadoptive parents. These bills give babies abandoned at birth at least a fighting chance for immediate parental bonding and a permanent home.

Mr. Speaker, we must take action here and now in Congress. I want to urge all of my colleagues to join in me cosponsoring this measure.

DEMOCRATIZATION OF AFRICA:  
U.S. DESERVES SUPPORT

**HON. NYDIA M. VELÁZQUEZ**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. VELÁZQUEZ. Mr. Speaker, as we adjourn for the August recess, I want to draw my colleagues' attention to the problem of democratization in Africa.

While we can applaud the relatively smooth transition to nationhood by Eritrea, the national elections in Burundi, and the referendum process in Malawi, there are other examples in Africa where the democratization process has not fared as well. There are only two former Spanish-speaking colonies in Africa: Equatorial Guinea and the Western Sahara. While Equatorial Guinea became an independent nation some time ago, the Western Sahara moved from colonial domination by Spain to annexation by Morocco. A U.N.-sponsored referendum, to give the people of the Western Sahara an opportunity to express their desire to become an independent nation or to remain a part of Morocco, was supposed to occur over 2 years ago. A date for the referendum has still not been scheduled. The sticking point seems to be who will be allowed to vote in the referendum: Only residents or their dissidents living in the Western Sahara territory at the time of the Spanish survey in 1935 or Moroccan nationals with ethnic origins in the Western Sahara. While the dispute is ongoing, refugees from the Western Sahara remain in camps in southern Algeria.

In the case of Algeria, while they have been hospitable to Western Saharan refugees, they have denied their own people an opportunity to elect their parliament in democratic elections. On December 24, 1991, Algeria successfully completed the first round of democratically held national elections. Then, on January 11, 1992, the Algerian military seized power, cancelled the second round of elections due to take place on January 16 and installed the five-man Higher State Council [Haute Comite d'Etat] as the national governing body. The military actions of January 11 totally undermined that national democratic election process. In addition, the state of emergency was renewed earlier this year and has been imposed indefinitely.

Finally, the most recent disappointment in moving forward with democratic elections was the annulment of the Presidential elections in Nigeria. After repeated promises to end military rule and return to a civilian government, the head of the military junta, General Babingida, abruptly annulled the recent Nigerian Presidential elections when it appeared that Chief Bashorun M.K.O. Abiola was the winner.

If we are to encourage the adherence to democratic principles for governments in Africa, then we must be willing to raise our voices when those principles are violated. In the case

of both Algeria and Nigeria, the government in power, at the time of the elections, did not like the election results so they simply cancelled or annulled the elections before the winners could take office. We have a responsibility to encourage the military regimes in those countries, as soon as possible, to return to democratically held elections and to negotiate honestly with political parties who are committed to democracy. In the case of Western Sahara, we must encourage all parties, including the United Nations, to schedule a referendum so that the people of the Western Sahara can make a choice about whether they wish to be an independent nation.

CONFERENCE PROVISIONS ON  
BOVINE SOMATATROPIN

**HON. RICHARD A. GEPHARDT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GEPHARDT. Mr. Speaker, the Senate amendment to the House-passed reconciliation bill included a 1-year moratorium on the commercialization of bovine somatotropin [BST]. The House position, which I support, imposed no limits on the introduction of new technologies.

To create new jobs, we must aggressively commercialize the fruits of U.S. research. Where we have failed to do this, the United States has forfeited jobs and economic opportunities to other countries.

America's lead in agriculture and industries like pharmaceuticals is rooted in our development and commercialization of new technologies. We have succeeded in international markets when we have developed new and better products.

Biotechnology is important in part because it gives our farmers the ability to produce more food with fewer inputs. Because of this promise, the number of U.S. agricultural biotechnology companies has increased 38 percent since 1991, growing from 89 to 123. U.S. biotechnology employment, currently 79,000, is expected to increase to 200,000 by 2000.

If companies invest millions of dollars in developing new products, and the Food and Drug Administration says that those products are safe, our companies should be able to sell them. To do otherwise is to discourage investment in critical new industries at the cost of our long-term competitiveness. We need policies that give our family farmers a good income. Limiting the development of new, safe technologies ultimately will not accomplish this end.

In the final reconciliation agreement, the House agreed reluctantly to a short pause on the marketing of BST—and only on the condition that it be narrowed in scope and limited to 90 days. The agreement governs only the sale of BST, so that companies are able to engage in the full range of marketing and product promotion, including the unrestricted use of free samples. The conferees dropped any reference to requiring additional study.

The reconciliation agreement should not be construed as a desire by the Congress to interfere with regulatory policies based on scientific review of health and safety issues. I appreciate the hard work of the conferees and

particularly the chairmen of the House Agriculture and Energy and Commerce Committees.

FOREIGN POLICY ADRIFT

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LAZIO. Mr. Speaker, as the United States once again contemplates military strikes against Serbian forces in Bosnia and Hercegovina, I worry about the drift of our foreign policy under the Clinton administration.

Just 2 months ago, Peter Tarnoff, the Under Secretary of State for Political Affairs, commented publicly that the United States had not the resources—nor the American public the will—to remain a leader in the international community. This disturbing comment, although disavowed by the Clinton White House, has fueled concerns raised both here and abroad about the President's ability to conduct foreign policy.

President Clinton's lack of decisiveness in the foreign policy arena is probably best illustrated by his continually shifting position on Bosnia. Campaigner Clinton pledged to do more to stop Serbian aggression. Until now, however, President Clinton has held only half-hearted support for the "lift-and-strike" proposal for lifting the arms embargo against the Moslems and holding Bosnian Serb forces at bay. While the President obviously wanted to do something to address the horrible bloodshed and ethnic cleansing in the former Yugoslavia—which has resulted in approximately 200,000 people killed or unaccounted for—he did not demonstrate the ability to define the United States' role—if any—in this regional conflict, or to mobilize our European allies in a common plan of action.

The President's interim gambit—sending 300 U.S. marines to Macedonia as a symbolic show of force—is, in my opinion, a dangerous half measure that unnecessarily risks the lives of our troops. I question whether the deployment of these marines will deter the spread of violence in the Balkans or merely attract it. How unfortunate for the United States to back

into a large-scale military conflict in the Balkans. We should not repeat our mistake of 1983 when we lost 241 U.S. servicemen during the bombing of the marine barracks in Lebanon. The lives of our servicemen and servicewomen are too precious to waste in a conflict in which we have no defined role.

While the threat of air strikes at this time may serve a useful purpose in facilitating the peace process and providing for humanitarian aid, the President must be willing to exercise that option if push comes to shove. In my opinion, the ideal time to act has long passed. Serbian and Croatian forces have occupied nearly 90 percent of the state of Bosnia and Hercegovina. United States or NATO military action will not erase the hatred and mistrust now necessarily guarantee the maintenance of a Bosnian Moslem "trump" state. The President's policy of vacillation is flawed, but the men and women of our Armed Forces will have my unqualified support if the President, at this late stage, decides to commit them to this conflict.