

## EXTENSIONS OF REMARKS

"TIME OUT" FOR EPA

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. UPTON. Mr. Speaker, I am introducing today legislation to delay full implementation of the Clean Air Act by 2 years. As this program has unfolded, it is clear that it is generating more expense and disruption than was foreseen at enactment.

Most knowledgeable Americans still support the Clean Air Act's goals and most are willing to accept reasonable personal sacrifice to achieve those goals. But, as EPA tightens the program's enforcement screws, I fear a public backlash that could undermine support for the program itself. Americans are simply in no mood for Draconian regulatory programs, especially when program benefits are so difficult to determine.

We have a situation in western Michigan that illustrates this point. A three county area generally around Grand Rapids and Muskegon is a nonattainment area. Studies by the U.S. Environmental Protection Agency and Michigan's Department of Natural Resources confirm that 80 to 90 percent of the pollution measured in this nonattainment area is not produced locally, but drifts across Lake Michigan from the industrial complexes on her western shore.

EPA is leaning hard on the State and on local agencies to take difficult steps to bring the area into compliance. These steps include a centralized or enhanced inspection and maintenance system for automobiles, a system that will be expensive and inconvenient. Three testing centers have been built in western Michigan at a cost of some \$16 million but they have catalyzed great public outcry and their opening has been delayed.

EPA has required development of regional transportation plans to evaluate transportation proposals to insure that traffic generated by those proposals won't push the region over its ozone budget. As described by one local official:

We have to take into consideration all the variables, including employment centers and traffic patterns, and project those in place in future years. We then have to run that data through the EPA's model and prove that the resulting emissions are less than the base case, which is 1990.

This is a significant and questionable change in the way local governments have operated. Under such a system, it's hard to see what the function of local government will be. If all decisions are driven by Clean Air Act considerations, what is the residual role of State and local agencies? Is EPA to be a national office of planning, zoning and development?

The public has yet to be convinced that such heavyhanded regulation will achieve re-

sults worth the costs involved. In the case of enhanced inspection and maintenance, a 1992 study by the General Accounting Office found more than one in four cars that failed the initial emissions test subsequently passed a second emissions test even though no repairs were made to the vehicles.

In areas more severely out of compliance, EPA has advocated an array of programs including mandatory carpooling that will have even heavier impact on the daily lives of working Americans. Small wonder that these planning, inspection, and trip reduction strictures cause many to wonder if job creation and economic development are even possible in areas under EPA's regulatory thumb. Few of the people I represent, viewing EPA data on the steady improvement in air quality, truly believe that the problem demands such solutions.

Earlier today, I wrote to the new chairman of the Commerce Committee's Subcommittee on Health and the Environment urging two actions on him. First, I asked that he schedule informational hearings as soon as feasible to reexamine the Clean Air Act, the assumptions accepted at the time of enactment and the methods proposed for achieving the act's goals. Secondly, I asked him to support a postponement in further enforcement of the act.

I have in mind a time out to reassess the situation and to allow State and local agencies additional time to determine what needs to be done and to do it. The bill I am introducing today simply grants a 2-year delay in further EPA requirements and in the imposition of sanctions against those unable to fulfill them.

Mr. Speaker, a clear message in November's election results is that Americans are weary of big, complicated and burdensome Federal regulatory programs. The public is not convinced that they generate benefits commensurate with their costs. I urge my colleagues to join me in assuring that the Clean Air Act's results justify its costs.

## INTRODUCTION OF THE "HOUSING COUNSELING ENHANCEMENT ACT OF 1995"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, today I am introducing the "Housing Counseling Enhancement Act of 1995" to help veterans stave off foreclosure and keep their homes. I urge my colleagues to cosponsor this important legislation.

My bill contains two major provisions. First, the bill strikes from the notification provision of the Housing and Urban Development Act of 1968 the cause that exempts individuals who receive loans backed by the U.S. Department

of Veterans Affairs [VA]. It is common knowledge that housing counseling services have helped dramatically in staving off foreclosures of loans backed by the U.S. Department of Housing and Urban Development [HUD]. After successfully extending the program to those with conventional loans through enactment of the Emergency Homeownership Counseling [EHC] Program. I again attempted to extend the service to those with VA-backed loans during the past Congress. My amendment to H.R. 3838 would have included VA-backed loans in the program by contacting VA borrowers 45 days delinquent in making a mortgage payment and notifying them that there are housing counseling services available to him or her via a 1-800 number. The measure, like the amendment, will not mandate any type of VA involvement. Rather, it will give the borrower additional means to avoid a nightmare.

Although the VA offers its own counseling services, they are far less effective because the borrower is not notified until he or she is 105 days delinquent. As anybody who has faced foreclosure will tell you, 90 days is already too late, let alone 105. Consequently, although the delinquency rate of HUD-backed loans—7.81 percent—was higher than VA-backed loans—6.73 percent—in 1993, the percentage of loans in foreclosure was nearly the same for HUD loans—1.43 percent—as it was for VA loans—1.34 percent. Of course, compare these numbers to those of conventional loans—2.65 percent delinquency, 0.72 percent foreclosure—and we see the positive influence of the EHC Program reflected.

Housing counselors have urged me to help the roughly 3.5 million borrowers with VA-backed loans avoid foreclosure. I believe this provision is a step in that direction. The Mortgage Bankers Association of America has expressed, from a lender perspective, that this provision is economically sound because it helps to prevent costly foreclosures. Congress should heed its input. With each foreclosure costing the Government an average of \$28,000, Congress can ill-afford not to adopt the bill.

Second, the bill authorizes \$62 and \$65 million in funding for fiscal years 1996 and 1997, respectively, for all counseling programs. Half of these amounts, which are identical to what was included in H.R. 3838, are earmarked for the EHC Program.

Mr. Speaker, at times Congress passes spending programs that appear one-way in nature. We spend the money, but never see the benefits. The EHC Program, however, is a preventative service has a proven track record of helping homeowners avoid nightmarish and costly foreclosures.

Again, I urge my colleagues to sign on as a cosponsor to the Housing Counseling Enhancement Act of 1995.

H.R. —

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

● 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.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Housing Counseling Enhancement Act of 1995".

**SEC. 2. EXTENSION OF PROGRAMS.**

(a) EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1997".

(b) PREPURCHASE AND FORECLOSURE-PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(13)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1997".

**SEC. 3. NOTIFICATION OF DELINQUENCY ON VETERANS HOME LOANS.**

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(C) NOTIFICATION.—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(1)."

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended—

- (1) in subsection (a), by striking paragraph (3);
- (2) in subsection (c)—
  - (A) by striking paragraph (8); and
  - (B) by redesignating paragraph (9) (as amended by section 2) as paragraph (8);
- (3) in subsection (d)—
  - (A) by striking paragraph (12); and
  - (B) by redesignating paragraph (13) (as amended by subsection (a)) as paragraph (12);
- (4) in subsection (f), by striking paragraph (7); and
- (5) by adding at the end the following new subsection:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$62,000,000 for fiscal year 1996 and \$65,000,000 for fiscal year 1997. Of any amounts appropriated for any such year to carry out this section, the Secretary shall use not less than 50 percent to carry out subsection (c) and the Secretary may use 50 percent (or such lesser amount as may be appropriate) for counseling for renters. Any amounts appropriated pursuant to this subsection shall remain available until expended."

SALUTE TO DR. JOSEPH D. PATTERSON, SR.

**HON. THOMAS M. FOGLIETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Dr. Joseph D. Patterson as he is installed as the president of the Black Clergy of Philadelphia at Hickman Temple A.M.E. Church on January 8. Dr. Patterson takes over the presidency of the Black Clergy, one of the most influential positive social forces in the city, from Rev. Jesse Brown who has lead the organization over the past years with great dignity and ability.

Dr. Patterson is a great leader in the Philadelphia community. He is a trustee at Cheyney University, a board member of the

Philadelphia Industrial Development Corp., chairman of the board of the Baltimore Avenue Redevelopment Corp., and has served over the past years as first vice president of the Black Clergy before his election to the presidency.

Dr. Patterson's commitment to the strengthening of the community is well known. He believes unflinching in a comprehensive approach to solving society's problems, and has been an outspoken advocate for health care improvement, the strengthening of the family, the importance of education, and the elimination of violence in our neighborhoods.

I join with Dr. Patterson's friends, family, and the entire Philadelphia community in wishing him the best of luck at his new post, and look forward to many years of his expedient leadership.

25TH ANNIVERSARY OF BRUCE COLLINS ELEMENTARY SCHOOL

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize the 25th anniversary of Bruce Collins Elementary School in Sterling Heights, MI. This anniversary was celebrated November 23, 1994.

Many times this body has heard discussions about problems with our education system. Collins Elementary School clearly does not fit this category. Collins Elementary school has actively pursued a partnership with the parents in order to form a better learning environment. The teaching staff has also played a major role in the school's 25 successful years. The teachers' 100 percent participation on the school improvement team is just one example of their commitment to the students. The major leader in Collins' success has been Principal Don Santilli who has directed the school for over 15 years.

With over 448 students the school has developed and implemented many programs to extend beyond the standard classroom learning environment. One such program is HOT in which students learn about the hazards of tobacco from the American Cancer Society. Another more renown program is DARE. This is an innovative drug prevention program which not only teaches the danger of tobacco, alcohol, and drugs but also instructs the students through practical situations, how to avoid these substances.

Bruce Collins Elementary School is much more than the simple brick and mortar of some facilities. This school has been instrumental in the teaching of students for over 25 years in the important early years of elementary school.

Mr. Speaker, I applaud the 25 years of successful education at Bruce Collins Elementary School and am sure that the next 25 years of this fine institution will be equally, if not more, successful.

MACBRIDE PRINCIPLES BILL, H.R. 470

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GILMAN. Mr. Speaker, today I rise to introduce the MacBride Principles Bill, H.R. 470. I am pleased to be joined by my distinguished colleague, the gentleman from New York [Mr. MANTON], as an original cosponsor of this important measure. I am also pleased to cochair the bipartisan ad hoc Committee for Irish Affairs with Mr. MANTON.

Fair employment for Catholics in Northern Ireland is an issue that has concerned me for a very long time. For example, in a letter as far back as July 20, 1979, I requested the Irish National Caucus to investigate hiring practices of United States companies in Northern Ireland. This was the first time this issue was raised by anyone in the U.S. Congress.

The caucus investigation lead to a congressional bill H.R. 3465: "Requiring United States persons who conduct business or control enterprises in Northern Ireland to comply with certain fair employment principles," 1983. I was a proud cosponsor of that bill in time this led to the Irish National Caucus launching the MacBride Principles bill in November 1984. On October 1, 1986, I was cosponsor of the congressional MacBride bill. This is the bill I proudly reintroduce today as the 104th Congress begins legislative business.

This bill would prohibit United States companies in Northern Ireland from exporting their products back to the United States unless they are in compliance with the MacBride Principles.

The MacBride Principles campaign in the United States has been the most effective effort ever against anti-Catholic discrimination in Northern Ireland. Informed observers would agree that it has played a key role in putting the issue of anti-Catholic discrimination on the front burner. It was instrumental in bringing about the British Government's Fair Employment Act of 1989.

The MacBride Principles have won the support of the Irish Government, the European Parliament, and the President of the United States. Mr. Clinton as a candidate pledged during the 1992 Presidential campaign that he would support the principles. As President, on St. Patrick's Day in 1993 in the White House, Mr. Clinton reaffirmed his support for the principles. They have been passed into law in 16 States, including my own great State of New York. Over 40 cities have also passed laws or resolutions on the principles. Indeed, the U.S. Congress allowed the principles to become law for the District of Columbia on March 16, 1993.

Recently the Protestant and Catholic churches in Ireland joined with Protestant and Catholic churches of the United States of America and issued a call for fair employment and investment in Northern Ireland. This is what they said about the MacBride Principles.

Many Americans support the MacBride Principles, as amplified, as good faith, non-violent means to promote fair employment. We urge that any support of these amplified

principles, which offer positive values and focus on fair employment, be joined with continued support for strong, fair, employment measures and as an active commitment to investment and job creation. The amplified principles, as many of their advocates agree, should not be used to discourage investment or encourage disinvestment.

Since 1986, over 100 Members of Congress have declared their support for the MacBride principles, as has the current Clinton administration, as well. Now, surely with peace moving forward and political solutions being sought for Northern Ireland, it is time for Congress to pass the MacBride principles, and also incorporate the principles as part of any planned increase in economic development assistance and new United States investment we are encouraging into Northern Ireland in aid of the ongoing peace process.

The methods we use to help address the twin problems of unemployment and discrimination, especially in the Catholic community, can and will play a important role in the chances for lasting peace and justice developing in Northern Ireland. For without a shared and equally distributed economic development, among both traditions, peace and justice may never take firm and lasting hold in Northern Ireland. The MacBride principles provide us a real tool to help being all these important goals to fruition, and avoid merely maintaining the totally unacceptable status quo of twice the level of Catholic unemployment in Northern Ireland.

Accordingly, I urge my colleagues concerned about lasting peace and justice in Northern Ireland to support the bill we are introducing today. I request that the full text of this measure be included at this point in the RECORD.

H. R. 470

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Fair Employment Practices Act of 1995".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Currently, overall unemployment in Northern Ireland is approximately 13 percent, as compared to 9 percent in the rest of the United Kingdom.

(2) Unemployment in the minority community in Northern Ireland is 22.8 percent, and in some portions of the minority community unemployment has historically exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is two times more likely to be unemployed than a member of the majority community.

(4) The Investor Responsibility Research Center (IRRC), Washington, District of Columbia, lists 80 publicly held United States companies doing business in Northern Ireland, which employ approximately 11,000 individuals.

(5) The religious minority population of Northern Ireland is subject to discriminatory hiring practices by some United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs.

(6) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a cor-

porate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

#### SEC. 3. RESTRICTION ON IMPORTS.

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

#### SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland, in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

#### SEC. 5. MACBRIDE PRINCIPLES.

The principles referred to in section 4 are the MacBride Principles, which are as follows:

(1) INCREASING THE REPRESENTATION OF INDIVIDUALS FROM UNDERREPRESENTED RELIGIOUS GROUPS IN THE WORK FORCE INCLUDING MANAGERIAL, SUPERVISORY, ADMINISTRATIVE, CLERICAL, AND TECHNICAL JOBS.—A workforce that is severely unbalanced may indicate prima facie that full equality of opportunity is not being afforded all segments of the community in Northern Ireland. Each signatory to the MacBride Principles must make every reasonable lawful effort to increase the representation of underrepresented religious groups at all levels of its operations in Northern Ireland.

(2) ADEQUATE SECURITY FOR THE PROTECTION OF MINORITY EMPLOYEES BOTH AT THE WORKPLACE AND WHILE TRAVELLING TO AND FROM WORK.—While total security can be guaranteed nowhere today in Northern Ireland, each signatory to the MacBride Principles must make reasonable good faith efforts to protect workers against intimidation and physical abuse at the workplace. Signatories must also make reasonable good faith efforts to ensure that applicants are not deterred from seeking employment because of fear for their personal safety at the workplace or while travelling to and from work.

(3) THE BANNING OF PROVOCATIVE RELIGIOUS OR POLITICAL EMBLEMS FROM THE WORKPLACE.—Each signatory to the MacBride Principles must make reasonable good faith efforts to prevent the display of provocative sectarian emblems at their plants in Northern Ireland.

(4) ALL JOB OPENINGS SHOULD BE ADVERTISED PUBLICLY AND SPECIAL RECRUITMENT EFFORTS MADE TO ATTRACT APPLICANTS FROM UNDERREPRESENTED RELIGIOUS GROUPS.—Signatories to the MacBride Principles must exert special efforts to attract employment applications from the sectarian community

that is substantially underrepresented in the workforce. This should not be construed to imply a diminution of opportunity for other applicants.

(5) LAYOFF, RECALL, AND TERMINATION PROCEDURES SHOULD NOT IN PRACTICE FAVOR A PARTICULAR RELIGIOUS GROUP.—Each signatory to the MacBride Principles must make reasonable good faith efforts to ensure that layoff, recall, and termination procedures do not penalize a particular religious group disproportionately. Layoff and termination practices that involve seniority solely can result in discrimination against a particular religious group if the bulk of employees with greatest seniority are disproportionately from another religious group.

(6) THE ABOLITION OF JOB RESERVATIONS, APPRENTICESHIP RESTRICTIONS, AND DIFFERENTIAL EMPLOYMENT CRITERIA WHICH DISCRIMINATE ON THE BASIS OF RELIGION.—Signatories to the MacBride Principles must make reasonable good faith efforts to abolish all differential employment criteria whose effect is discrimination on the basis of religion. For example, job reservations, and apprenticeship regulations that favor relatives of current or former employees can, in practice, promote religious discrimination if the company's workforce has historically been disproportionately drawn another religious group.

(7) THE DEVELOPMENT OF TRAINING PROGRAMS THAT WILL PREPARE SUBSTANTIAL NUMBERS OF CURRENT MINORITY EMPLOYEES FOR SKILLED JOBS INCLUDING THE EXPANSION OF EXISTING PROGRAMS AND THE CREATION OF NEW PROGRAMS TO TRAIN, UPGRADE, AND IMPROVE THE SKILLS OF MINORITY EMPLOYEES.—This does not imply that such programs should not be open to all members of the workforce equally.

(8) THE ESTABLISHMENT OF PROCEDURES TO ASSESS, IDENTIFY, AND ACTIVELY RECRUIT MINORITY EMPLOYEES WITH POTENTIAL FOR FURTHER ADVANCEMENT.—This section does not imply that such procedures should not apply to all employees equally.

(9) THE APPOINTMENT OF A SENIOR MANAGEMENT STAFF MEMBER TO OVERSEE THE COMPANY'S AFFIRMATIVE ACTION EFFORTS AND THE SETTING UP OF TIMETABLES TO CARRY OUT AFFIRMATIVE ACTION PRINCIPLES.—In addition to the above, each signatory to the MacBride Principles is required to report annually to an independent monitoring agency on its progress in the implementation of these Principles.

#### SEC. 6. WAIVER OF PROVISIONS.

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within the ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b)

of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

#### SEC. 7. DEFINITIONS AND PRESUMPTIONS.

(a) DEFINITIONS.—For the purpose of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

#### SEC. 8. EFFECTIVE DATE.

This act shall take effect 180 days after the date of enactment of this Act.

### CLARIFYING THE RIEGLE-NEAL INTERSTATE BANKING ACT

#### HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. ORTON. Mr. Speaker, I rise to provide clarification of the Riegle-Neal Interstate Banking and Branching Act of 1994.

Last year, I was proud to be an original co-sponsor of H.R. 3841, the House version of interstate banking legislation which became law. I participated both in subcommittee and full committee consideration of this important legislation. I worked hard to see this legislation work its way through the House to become law. I believe passage of this bill was an important step toward the modernization and full development of our banking system.

Therefore, I was disturbed to see a recent appellate court decision that, in my opinion, misinterprets the provisions of this interstate banking bill. The decision I am referring to is *Mazaika v. Bank One Columbus*, N.A. No. 00231 (Pa. Superior Court 1994) (en banc). Incidentally, other courts have reached the opposite conclusion.

The Mazaika 6 to 3 majority ruled that a national bank located in Ohio was not authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents. Collection of such charges is permitted under Ohio State law, but not under Pennsylvania State law. This decision relied on the applicable law provision of last year's interstate banking act in reaching the conclusion that Pennsylvania State law applies in such a case, notwithstanding section 85.

Based on my involvement in the legislative consideration of this bill, and on my understanding of its specific provisions, I believe that the conclusion reached in the Mazaika case is wrong. First, the applicable law provision in the interstate bill applies only when a bank branches into a second State. In such a case, the provision subjects the branch of a bank to the State laws of this second State unless those laws are preempted. In the case in point, however, no branching is involved. Therefore, section 85 is preemptive. In the case in point, the Ohio bank should not be subject to Pennsylvania limitations on credit charges.

Second, there is a savings clause in the interstate law that provides that nothing in the interstate law affects section 85 of the National Bank Act. As a result, the interstate law effectively preserves the lending authority of a national bank or State bank to collect lending charges on interstate loans from borrowers nationwide in accordance with the bank's home State limits.

Finally, while it is not relevant to legislative language or intent, it is my opinion that the Mazaika opinion, if upheld, could have a very detrimental effect on free-fettered banking activities. Philosophically, I believe in States rights. I believe that Federal laws should be preemptive only where there is an overriding need to provide national uniformity.

However, this is one such case where national rules should be preemptive. Subjecting lending activities of a bank in another State, where there are no branches, to that other State's limitations on credit card charges or usury limits would have a dampening effect on important interstate lending activities. This would also be contrary to the spirit and intent of the interstate banking bill, which is to expand lending activities nationwide.

Mr. Speaker, many Members of Congress spent countless hours last year crafting an interstate banking bill that increases credit availability and moves us into the 21st century. The Mazaika decision threatens this progress. It is my hope that this can be corrected.

### CONGRATULATIONS TO LADY OLYMPIANS OF MARATHON, NY

#### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. WALSH. Mr. Speaker, the biggest news in Marathon, NY, recently was the celebration surrounding the victorious Girls Field Hockey team, winners of the Class D New York State Championship. I ask my colleagues to join me today in adding our congratulations to the lady Olympians of Marathon High School who played on the team, the coaching staff and school staff, the fans who supported them so energetically throughout the season, and especially to the families and friends who traveled with the team to all the road games—notably, the 3-to-2 win in the State Championship game against North Warren at the State University of New York at Oneonta.

In the 21 years field hockey has been played in Marathon, a small and idyllic community in my upstate New York district, this is the first State Championship. We are all very proud.

The local celebrations have given residents a chance to display that pride, from the first night when the team returned home and fire sirens blared to the official ceremony at Lovell Field when each player and coach had time in the spotlight.

The girls have displayed the best competitive spirit as well as the best athletic performance. They have achieved much more than a series of victories, they have attained the satisfaction of personal best. While I salute their thrilling winning season, I applaud their outstanding individual drive.

The team is: Alissa Altmann, Annette Ando, Jenna Brown, Diana Contri, Carrie Ensign, Arlene Hallock, Jennie Lavens, Lela Leyburn, Hilary Matson, Bobbie McAllister, Gina Moyers, Tina Owen, Jen Potter, Kelli Reid, Joanna Ryan, Rachel Smith, Carla Tagliente, Tessa Warner, and Coach Karen Funk—who is responsible for the program's existence and its origin.

Mr. Speaker, I do not intend to overstate this accomplishment for it is in a field of sport—and not anything that directly relates to our business here today. But, when we honor the attainment of goals by these young people, we share their joy and their sense of community, a motivator for them which has been in abundance this season.

### INTRODUCTION OF THE ECONOMIC DEVELOPMENT LOAN ASSISTANCE DEMONSTRATION PROGRAM ACT OF 1995

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, today I am introducing the Economic Development Loan Assistance Demonstration Program Act of 1995 to incentivize private sector investment in our Nation's most needy areas.

When President Clinton announced the establishment of more than 100 enterprise communities and empowerment zones last month, the Federal Government signaled that it is willing to provide incentives to entrepreneurs, small businesses, and nonprofit groups who look to locate in our depressed communities. I reintroduced this bill to enhance this worthy initiative.

Specifically, the bill authorizes the Secretary of Housing and Urban Development [HUD] to make grants to bank Community Development Corporations [CDC's] that have targeted Federal enterprise communities for revitalization. The CDC's are then authorized to use the grant moneys to buy down interest rates on loans to businesses and nonprofit organizations that engage in economic redevelopment activities in the enterprise communities. The new rate cannot exceed 60 percent of the market rate of interest on the loan.

I understand that money for new programs is scarce. I also understand the need to test market new ideas before diverting precious resources to fund them. This is why my legislation specifies that the program be established in only five Federal enterprise zones. It is also why the measure requires a review of the entire program in a report to Congress within 1 year of its enactment. The report enables Congress to determine the cost effectiveness of the program, which is authorized from fiscal year 1994 through fiscal year 1996 at a level of approximately \$33 million each year.

Under the bill, economic development activities are defined as the construction and rehabilitation of housing, downtown and neighborhood commercial revitalization, industrial development and redevelopment, small and minority business assistance, neighborhood marketing, training and technical assistance, research and planning for nonprofit development groups, and other activities that create permanent private sector jobs.

Because of their continued involvement in the community, I believe it is best to work with CDC's to finance these activities. CDC's are established by national banks or bank holding companies and are regulated by either the Federal Reserve or the U.S. Treasury, depending on the particular corporation. The CDC's offer incentives for banks to participate in local community development projects. In exchange, bank regulatory agencies allow CDC's more flexibility with their investments. Under this setup, the Federal Government benefits from private sector organizations investing in their local communities, while CDC's benefit from higher yield investments, such as real estate and more chancy businesses.

As we all know, Mr. Speaker, it is essential that the private sector invest in its community. The Federal Government cannot and should not be the only entity investing in our depressed communities. This is why I believe my bill is significant. In the past, I have had moderate success with passing comparable programs. During the 101st Congress, I offered similar legislation as an amendment to the Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625, when it was under consideration on the House floor. Although I was successful at attaching the measure, it was stripped during conference. More recently, I was able to attach a provision

to the Economic Development Administration and Appalachian Regional Commission reauthorization bill that allowed the EDA to buy down interest loans on private economic development loans.

Despite this success, much more is needed to stem the tide of hopelessness in our communities. My bill is important because it merges two existing community development tools, CDC's and enterprise communities. Both have had limited success on their own on the local and State level, but with a jump start from this Federal demonstration program, we can combine them and incentivize investment.

Since 1977, my community has been devastated by an exodus of 55,000 manufacturing jobs. Unemployment in Youngstown, OH is twice that of the national average. I have seen first hand the hopelessness of a community crumbling around its citizens. As representatives of Americans like these, it is our duty to help them help themselves, to lend a hand so that they can return their communities to the thriving, healthy environment it once was.

We can begin this process, Mr. Speaker, through passage of this bill. I urge my colleagues to cosponsor the Economic Development Loan Assistance Program Act of 1995.

H.R. —

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Development Loan Assistance Demonstration Program Act of 1995".

#### SEC. 2. ESTABLISHMENT AND SCOPE OF DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall carry out a program to demonstrate the effectiveness of encouraging economic development in enterprise communities by making grants to community development corporations for reducing interest rates on loans for economic development activities in the enterprise communities.

(b) SELECTION OF ENTERPRISE COMMUNITIES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program under this Act with respect to 5 enterprise communities, which the Secretary shall select not later than the expiration of the 30-day period beginning on the date of the enactment of this Act.

(2) DIVERSITY.—Of the enterprise communities selected under this subsection, not less than 2 shall be located in rural areas (as defined in section 1393(a) of the Internal Revenue Code of 1986) and not less than 2 shall be located in metropolitan statistical areas (within the meaning of section 143(k)(2)(B) of such Code). In selecting the enterprise communities, the Secretary shall provide for national geographic diversity among enterprise communities participating in the demonstration program.

#### SEC. 3. GRANTS FOR ECONOMIC DEVELOPMENT LOAN ASSISTANCE.

(a) AUTHORITY.—Under the demonstration program under this Act, the Secretary may make grants to any community development corporation sponsored by a bank or thrift institution, by a nonbank economic development corporation, or by residents of an enterprise community selected under section 2(b).

(b) USE.—Each community development corporation receiving a grant under the demonstration program under this Act shall use the grant amounts to assist businesses and nonprofit organizations by reducing interest

rates on loans for economic development activities carried out in an enterprise community selected under section 2(b).

(c) OTHER REQUIREMENTS.—The Secretary shall require each community development corporation receiving a grant under the demonstration program under this Act to—

(1) use the grant amounts to reduce the interest rate on a loan described in subsection (b) by an amount not to exceed 60 percent of the market rate of interest on such loan; and

(2) take any actions necessary to inform businesses and nonprofit organizations of the availability of such loans, including holding informational meetings, making public announcements, and placing notices in newspapers and other publications.

#### SEC. 4. MONITORING.

The Secretary shall monitor the use of grants made under this Act and the costs of administering such grants.

#### SEC. 5. REPORTS AND STUDY.

(a) ANNUAL REPORT.—The Secretary shall submit to the Congress, not later than 1 year after the date that amounts to carry out this Act are first made available under appropriations Acts and for each year thereafter in which amounts are available to carry out the demonstration program, a report containing an evaluation of the effectiveness of grants made under the demonstration program.

(b) STUDY AND REPORT ON EXPANDED PROGRAM.—

(1) STUDY.—The Secretary shall conduct a study regarding the effects and costs of carrying out a long-term and expanded program of making grants for the purposes under this Act. The study shall determine the need for such grants and the amount of funds necessary to carry out an effective program of national scope.

(2) REPORT.—The Secretary shall submit to the Congress, not later than September 30, 1998, a report regarding the results of the study under paragraph (1) and any recommendations for carrying out a program as described in paragraph (1).

#### SEC. 6. DEFINITIONS.

For the purposes of this Act:

(1) ECONOMIC DEVELOPMENT ACTIVITIES.—The term "economic development activities" means the construction and rehabilitation of housing, downtown and neighborhood commercial revitalization, industrial development and redevelopment, small and minority business assistance, neighborhood marketing, training, and technical assistance, research and planning for nonprofit development groups, and other activities which create permanent private sector jobs.

(2) ENTERPRISE COMMUNITY.—The term "enterprise community" means an area that is designated as an enterprise community under section 1391 of the Internal Revenue Code of 1986.

(3) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act in fiscal years 1996, 1997, and 1998 a total of \$100,000,000.

#### SEC. 8. REGULATIONS.

The Secretary may issue any regulations necessary to carry out this Act.

TRIBUTE TO LYDIA BALDINI  
PIOMBO

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Ms. ESHOO. Mr. Speaker, I rise today to honor Lydia Baldini Piombo, an outstanding citizen of the 14th Congressional District who passed away last November after 70 extraordinary years of life. She was a devoted wife and the mother of 5 loving children, and the proud grandmother of 10. She was married to Frank Piombo, one of California's most distinguished jurists, for a remarkable 47 years, and was a partner in all he did.

In addition to her family, Lydia Piombo's other great love was St. Anthony's Padua Dining Room in Menlo Park, CA. Through St. Anthony's exemplary efforts to feed the hungry, Lydia Piombo touched the lives of literally thousands of people. She served on St. Anthony's board for 15 years, including a term as president, and guided the organization in its vital work with her intelligence, common sense, warmth, and always her wisdom. Our community has been enriched beyond measure because of her faithful devotion to serving those who were in need, alleviating their hunger of both the body and the spirit.

Mr. Speaker, Lydia Baldini Piombo was a shining light amongst us, inspiring all who knew her or benefited from her care and concern. Her devotion to and understanding of humanity was unsurpassed as she lived each day embracing the belief that we are all God's children.

She lives on through her children and grandchildren, through her devoted husband Frank, and all of us who were blessed to be part of her life.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a noble woman who lived a life of purpose and extend our deepest sympathy to Frank Piombo, the Piombo children and grandchildren. Lydia Piombo's legacy is that she made each one of us better, and because of her our community and our country have been immeasurably bettered as well.

THE HONEST BUDGET  
RESOLUTION

**HON. RICHARD A. GEPHARDT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GEPHARDT. Mr. Speaker, while the Republicans advance their "Contract With America," Democrats will stay true to the oldest contract we have in this country: to disavow Government by gimmickry, and to govern in an open, honest, responsible way. Rather than rewriting the Constitution in a flash of ideological ink, it's time to live up to the principles of the Constitution itself.

So I am introducing House Resolution 33, the Honest Budget Resolution, and I am delighted that both the President and Senate Democratic leader, TOM DASCHLE, are joining me in supporting its passage. It says simply

that before a balanced budget constitutional amendment can be sent to the States for debate, Congress must pass a plan to show exactly how we would balance the budget. Our States have a right to know. The people deserve a real plan of action—not just a bill of goods.

Democrats support balancing the budget as long as it's done honestly and responsibly. That's why we passed the largest deficit reduction package in history, without a single Republican vote. It was a \$500 billion downpayment toward getting our fiscal house in order.

Republicans talk a good game about cutting the deficit, but actions speak louder than words. For years, they claimed that if they were in power, they could balance the budget. Now that they have the gavel, they're discovering what Democrats already knew, balancing the budget means tough choices. And the American people have a right to know what those choices will be.

After all, at the dawn of the 1980's, Republicans claimed they could give huge tax breaks to the wealthy, enact massive defense increases, and balance the Federal budget at the same time. The rhetoric didn't come close to the reality. Trickle down economics raised taxes on the middle class, exploded the deficit, and devastated our economy.

Today, that same fool's gold glimmers in the Republicans' eyes. More tax breaks for the wealthy; a tougher tax burden on hard-working, middle-class families. More space invaders defense systems; less support for crucial needs here at home. Reaganomics was a catastrophe in 1981, and it won't work in 1995.

When the Republicans bring their balanced budget amendment before the House, they must expect more from Democrats than blind faith without real proof. Democrats will demand that they give us facts, not fiction. Seniors have a right to know if Social Security or Medicare will be on the chopping block. Veterans have a right to know if their pensions will be slashed. Parents have a right to know if school funding or college loans will evaporate. Farmers have a right to know if Government will abandon its mission to help them feed our Nation.

It's time for the Republicans to put their money where their mouth is. The honest budget bill will force them to do that, once and for all.

INTRODUCTION OF THE MEDICARE  
SELECT EXPANSION ACT OF 1995

**HON. NANCY L. JOHNSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am introducing a proposal to expand and make permanent the Medicare Select Program. My colleague, Senator CHAFEE, will be introducing an identical proposal in the Senate today as well.

The Medicare Select Program is currently a demonstration project that operates in only 15 States. It provides America's senior citizens with a MediGap managed care option. The

program has been extremely successful. There are currently over 450,000 individuals enrolled in Medicare select policies. These individuals are enjoying premium savings over traditional fee-for-service MediGap policies that range from 10 to 37 percent. In real world terms, these reduced premiums translate into savings of up to \$25 a month or \$300 a year. This is obviously a significant savings for individuals on fixed incomes.

In addition, these policies are proving to be among the highest quality products available in the MediGap market today. In August 1994, Consumer Reports rated the top MediGap insurers nationwide. Eight of the top rated products were Medicare select plans. To date, there have been no reported abuses or problems with the Medicare Select Program.

This program also enjoys broad bipartisan support. Last year, 239 members cosponsored legislation to extend the program. In addition, the National Governors Association, the National Association of Insurance Commissioners, National Conference of State Legislatures, Families USA, and the National Committee to Preserve Social Security, and Medicare support expanding and making this program permanent.

The savings and benefits associated with the Medicare Select Program should be available to all of America's senior citizens. By expanding the program and making it permanent, Medicare select products will become much more broadly available and hundreds of thousands of seniors will, for the first time, be able to recognize the savings current participants in the program enjoy.

Mr. Speaker, Medicare select is now set to expire at the end of June. If this Congress does not move quickly to enact this legislation, America's senior citizens will lose access to one of the most successful programs in recent history. I strongly encourage my colleagues to cosponsor this legislation and look forward to providing seniors continued access to this very important program.

175TH ANNIVERSARY OF THE  
FIRST PRESBYTERIAN CHURCH  
OF MAUMEE

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Ms. KAPTUR. Mr. Speaker, it is my pleasure to rise today in honor of the 175th anniversary of the First Presbyterian Church located in Ohio's 9th district.

Beginning on January 9, 1820, with the settlement of 11 pioneers as charter members, the contributions of the First Presbyterian Church have stretched through a rich and diverse history. Built on a site that was once used to house a British battery, the founders of Maumee, Ohio's First Presbyterian Church began a mission to provide spiritual guidance and sustenance that continues today.

Like all churches, First Presbyterian's greatest asset and resource is her congregation. Even as Maumee's prosperity began to shift to the neighboring city of Toledo and membership was declining rapidly, the church members continued their mission. In 1870, when it

became impossible to meet the pastor's salary of \$900 and he was subsequently transferred to a larger parish, First Presbyterian's congregation pulled together and raised the resources necessary to maintain and continue the church's ministry.

As everyone in this historic Chamber knows, America's greatest strength is her communities and their willingness to contribute in times of national need and emergency. In keeping with this tradition and beginning with the Civil War, and continuing with World War I, World War II, the Korean conflict, and Vietnam, the church made innumerable and immeasurable contributions from her congregation and her ministry. Now, this proud history and tradition has become the wellspring of the church's continuing efforts to respond to today's challenges with a new era of service and devotion.

As the congregation of the First Presbyterian Church of Maumee begins to respond to new challenges and create tomorrow's history, let us remember the contributions of its first 175 years—and congratulate them on their willingness to serve their community, their country, and their fellow man.

#### SALUTE TO FRANCIS SORRENTINO

##### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise to pay tribute to one of my constituents, Mr. Francis "Frank" Sorrentino, who is retiring from the Pennsylvania Department of Transportation (PennDot) after 34 years of distinguished and dedicated service.

Mr. Sorrentino, who received both his BSCE and MSCE from Drexel University in Philadelphia, has served for the past 5 years as the assistant district engineer for services in engineering district 6-0. The services unit has provided support activities for all of the PennDot design, construction and maintenance activities in the district 6-0 jurisdiction of bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

Mr. Sorrentino has led a staff of 95 engineering technical and clerical personnel responsible for the right-of-way acquisition, utility relocation, geotechnical, survey, traffic and municipal service functions of PennDot District 6-0.

Throughout his long career with PennDot, Mr. Sorrentino has shown leadership and dedication as a structural designer in the highway design unit, as chief project manager in the Philadelphia interstate office, as district soils engineer, and as administrator of the project management unit. He has also played a key role in the design, community coordination, and implementation of such major area highways as I-95, I-76 rehabilitation, I-476 and I-676.

Mr. Sorrentino will retire from service to PennDot on January 13 to enjoy more time with his wife Martha and three sons: Frank Jr., David, and Brian. I applaud and thank him for his commitment to the Pennsylvania transportation system.

Further, I commend him for his ability, dedication and pursuit of excellence in public service upon his retirement.

#### TRIBUTE TO DET. LT. DANIEL PATERSON III OF THE FERNDALE POLICE DEPARTMENT

##### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize the distinguished service of Det. Lt. Daniel Paterson III of the Ferndale Police Department.

Lieutenant Paterson has devoted over 29 years of service to the people of Ferndale. These 29 years of service have been marked by numerous promotions, and 13 different awards and commendations. For the past 8 years he has directed the detective bureau of the department.

Mr. Speaker, I can attest to the excellence of the Ferndale Police Department, and I am certain Lieutenant Paterson played a role in making it so.

I am privileged to join his family, friends, and colleagues in thanking him for 29 years of service and wish him a restful and rewarding retirement.

#### INTRODUCTION OF H.R. 448

##### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, arachnoiditis easily qualifies as a disease of the nineties. It has been described as "the greatest enigma in the field of spinal surgery" with few surgeons ever having seen it, and even fewer knowing how to treat it. In simple terms, arachnoiditis means inflammation of the arachnoid, and is characterized by chronic inflammation and thickening of the arachnoid matter, the middle of the three membranes that cover and protect the brain and spinal cord.

Arachnoiditis may develop up to several years after an episode of meningitis or subarachnoid hemorrhage—bleeding beneath the arachnoid. It may be a feature in diseases and disorders such as syphilis or it may result from trauma during a diagnostic procedure known as a myelogram. According to the Arachnoiditis Information and Support Network, more than 600,000 myelograms are performed in this country every year. Of the 12 million Americans who suffer from arachnoiditis, the cases resulting from myelograms could have been avoided.

In a myelogram, a radiopaque dye is injected into the spinal subarachnoid space. After the x-ray examination, as much of the oil as possible is withdrawn; however, a small amount is left behind and is slowly absorbed. Studies have implicated the iodized oil contrast medium, Pantopaque, in arachnoiditis. Water-soluble dyes such as Ampaque, Omipaque, and Isovue were once thought to

be safer for use; however, recent evidence proves they also cause arachnoiditis. In fact, Harry Feffer, professor of orthopedic surgery at George Washington University states that patients who have had two or more myelograms stand a 50 percent chance of developing arachnoiditis. Numerous studies on animals have confirmed these findings.

Symptoms of arachnoiditis include chronic severe pain and a burning sensation which may attack the back, groin, leg, knee, or foot and can result in loss of movement to almost total disability. Other symptoms include bladder, bowel, thyroid, and sexual dysfunction, as well as headaches, epileptic seizures, blindness, and progressive spastic paralysis affecting the legs and arms.

In the past few years, arachnoiditis sufferers and Members of Congress alike have repeatedly asked the FDA to recall the use of Pantopaque. The FDA has clearly not reviewed the safety of oil-based Pantopaque as well as water-based dyes, in spite of medical evidence. As a result, I have introduced H.R. 448, a bill to ban myelograms involving the use of Pantopaque, Ampaque, Omipaque, or Isovue.

This legislation is not a new idea. Since 1990, Britain and Sweden have banned the use of Pantopaque in myelograms. In fact, a class action suit is still pending in Britain consisting of 25,000 people, 1,500 of which are nurses. In 1986, Kodak, the company that makes Pantopaque, voluntarily stopped distributing the drug in the United States due to public pressure. Pantopaque has a 5-year shelf life. The last batch was due to expire April 1, 1991. However, the use of Pantopaque has continued, with the most recent documented case in September 1993 and hospitals stocking the dye as recent as April 1994.

A large number of medical professionals do not know how to diagnose myelogram-related arachnoiditis, and when they do, they cannot treat it. Medical journals and case studies from around the world document the connection between radiopaque dyes and arachnoiditis. Despite this document, the medical profession as a whole has not been effectively enforced and still persists in its use. Moreover, the lack of information prevents the physician from recognizing the disease or side effects of the residual dyes after the fact. The time has come for thorough research to study this painful, disabling condition. H.R. 448 will direct the National Institute of Neurological Disorders and Stroke to estimate the number of Americans suffering from myelogram-related arachnoiditis and determine the extent of this relationship.

Every year, chronic back pain is responsible for billions of dollars in lost revenues and millions more in health care costs. The American Journal reports that chronic low-back pain is estimated to cost \$16 billion annually in the United States. Occupational research finds that back injuries, pain and complications cost an average of \$15,000 per incident. According to "The Power of Pain," by Shirley Kraus, 100 million Americans are either permanently disabled or are less productive due to back pain. Those who do work lose about 5 work days per year, a productivity loss of \$55 billion. Interestingly enough, these figures only refer to chronic back pain patients. Almost all arachnoiditis sufferers eventually become totally disabled, becoming permanent fixtures on

the rolls of Social Security, disability, welfare, and Medicaid.

Arachnoiditis sufferers want to become functioning, contributing members of society again. H.R. 448 will provide research for treatments for arachnoiditis sufferers, including treatments to manage pain. Pain-management treatments would enable sufferers to once again become active, working members of society.

It's time to protect unsuspecting Americans from this debilitating and preventable condition. I ask Members of Congress to join me by cosponsoring H.R. 448.

#### SERVICE AND COMMITMENT TO EASTERN LONG ISLAND

### HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FORBES. Mr. Speaker, Edward V. Ecker, Sr. of Montauk, Long Island, NY, a community in my congressional district, continues to live the classic American dream in his very full life, and so it is with pleasure that we honor him for his ongoing and outstanding service and commitment to the east end. Mr. Ecker's list of accomplishments and friends reads like a Who's Who: from his youth to the present.

Mr. Eckert, a graduate of Montauk School, went on to be a star athlete at East Hampton High School and later attended Syracuse University on a football scholarship. After a tour of duty with the Army in the Korean war, he came home and worked as a probation officer. His gregarious, loving nature has held him in good stead throughout the years as a very popular elected official and recognized political pro.

As an East Hampton town supervisor and town councilman, he was the youngest in New York State. In addition he was the commissioner of jurors and the deputy commissioner of Suffolk County parks.

When his lifelong friend, Perry B. Duryea, Jr. ran for the State Assembly in 1960 and was elected speaker in 1969—the last Republican speaker of that body—Eddie Ecker was a key strategist and top advisor.

Currently he is assistant deputy commissioner of the Suffolk County Board of Elections and is a Republican committeeman, having once been the Republican town leader.

For 47 years he has been a Montauk volunteer fireman. He also served as fire police captain. For 29 years he had been the master of ceremony for the St. Patrick Parade in Montauk, as well as serving as past grand marshal.

Many of us are regular listeners of Ed's as he broadcasts high school sports weekends over Radio Eastern Long Island, WLNG. In the entertainment world he appeared in several movies—"Joe vs. Volcano," "Awakenings," and Woody Allen's "Manhattan Murder Mystery"—and a number of commercials including one for Prudential Life and Ray Ban sunglasses. Business Week magazine also ran a feature article on Mr. Ecker.

Eddie Ecker has been a friend and a big influence in my life. He got me started over 20

years ago as an aid to Speaker Duryea. I've learned a lot about politics and government from Eddie. It is a point of high personal privilege to have this opportunity to stand with my colleagues in the 104th Congress in the first in 40 years to have a Republican majority—to recognize the tremendous accomplishments of our own "Mr. Republican." Eddie Ecker, a man whose love for family, for country, and for community serves as a bawon for us all. God bless you, Eddie.

#### THE FHA MODERNIZATION AND EFFICIENCY ACT OF 1995

### HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. ORTON. Mr. Speaker, today I am introducing the FHA Modernization and Efficiency Act of 1995.

The purpose of this legislation is to make a number of changes to the FHA single family mortgage loan program to make it more responsive to market needs, and to provide for more efficient administration within the FHA. The bill contains many of the provisions found in H.R. 4484, a bill I introduced in the 103rd Congress.

Six of the seven provisions in this bill are identical to the provisions the House adopted last year in H.R. 3838, the housing reauthorization bill. Since the Senate failed to act on this legislation, it is incumbent on Congress to take these matters up again.

As the current Congress convenes, there has been some talk of privatizing or eliminating the FHA single family loan program. I believe this would be a mistake. FHA has served as an invaluable source of low downpayment mortgages to enable young families and individuals to enter the housing market. As this Congress increasingly emphasizes policies which promote opportunities, there is hardly a better example of a Federal program which provides opportunities than the FHA Single Family Mortgage Loan Program.

Furthermore, there appears to be no good fiscal or public policy argument for transferring FHA operations to the private sector. The FHA single family Mutual Mortgage Insurance Fund [MMIF] is very healthy. Moreover, since the program is currently running a surplus, we would not cut Government spending by privatizing the program.

However, privatization or elimination would likely result in significantly less competition in the market for low downpayment mortgage loans. It is likely that a private company would not have either the congressional mandate or incentive to serve the affordable, low downpayment single family market in the same way FHA has historically done, through all market conditions, good and bad. It is hard to see how less competition would be better for the consumer.

However, it is also true that FHA suffers from a problem typical of Government agencies—a failure to adapt quickly to market changes and make internal efficiency improvements. While private companies can make changes in programs at a moment's notice,

FHA is subject to programmatic restrictions by Congress that have not been updated for some time.

The FHA Modernization and Efficiency Act is an effort to make these needed changes. I believe that with the passage of the provisions in this bill, FHA can continue to be a fiscally sound, responsive provider of affordable single family loans.

First, let me address the provisions in my bill which make FHA loans more responsive to market conditions. A commonly cited impediment to use of FHA is the extraordinarily complex down payment calculation for FHA mortgages. Under current statute, borrowers, lenders, and realtors are forced to go through a convoluted two-part calculation to determine the maximum amount that can be financed, and the corresponding down payment required by FHA.

Under section 4 of my bill, this complexity would be replaced by a simple one-part formula, based on the size of the loan. For properties with a value up to \$50,000, the loan could not exceed 98.75 percent of appraised value. For properties between \$50,000 and \$125,000, the loan could not exceed 97.65 percent of appraised value. Finally, for loans over \$125,000, the loan could not exceed 97.15 percent of appraised value. In each case, the borrower could also finance mortgage premiums—as under current policy—but could not finance closing costs.

This measure was adopted as an amendment on the House floor last year by voice vote, with bipartisan support. The proposal was painstakingly developed to be as neutral as possible in comparison to current law with respect to the general levels of downpayments required by FHA. To achieve this, we also added a provision for high closing cost States, where we permit loans of up to 97.75 percent of value. This is because current law generally allows higher loan-to-value ratios for transactions with high closing costs. Finally, in a letter dated July 21, 1994, during House consideration of this proposal, the Commissioner of the FHA wrote me a letter in support of this proposal, stating that "We concur with your assessment that the new proposal will simplify the process for calculating the maximum mortgage amount available on single family properties and fully support it."

A second provision on my bill, section 6, makes the FHA program more flexible by eliminating the current prohibition against parental loans used in conjunction with FHA mortgages. Under current FHA policy, parents may assist children with downpayment assistance, but only if they submit a gift letter indicating that the assistance is not to be repaid. While prohibitions against loans for downpayments generally make fiscal sense, there is no reason to have this policy in the case of a parental loan. There is no practical difference between a parental gift and a parental loan. There would be no added risk to the FHA fund by eliminating this parental loan prohibition.

This change would permit many more families and individuals to enter the housing market. It would also end the common practice whereby many parents are forced to lie about the true nature of financial assistance, stating in the gift letter that no repayment is expected,

when in fact there is a private agreement that the loan shall be repayed. This provision was adopted in committee by voice vote and included in H.R. 3838 last year. I believe this change is both family-friendly and non-controversial.

A third important provision in my bill, section 9, would provide for FHA authority to insure 2-step mortgages. This type of mortgage allows the borrower, for example, to have a 30-year term, with a 5-year fixed rate of interest, followed by periodic reset(s) of interest rates according to a formula. This mortgage vehicle has become increasingly popular in recent years among private lenders, since it provides for more flexibility and lower rates for borrowers. In order to keep pace with market innovations, FHA should have the same capability. This provision was also adopted in committee by voice vote and included in H.R. 3838 last year.

A fourth provision in my bill, section 3, is probably the only controversial provision in the entire bill. This is the provision which raises the single family loan floor to 50 percent of the maximum Freddie Mac loan amount. This would permit loans of up to \$101,150 in any place in the country, regardless of the average median home price. This is an important simplification provision for many smaller communities throughout the country, and was included in the bill which passed the House. However, I recognize that a smaller floor increase was adopted into law, in the VA-HUD appropriations bill. I believe that that increase was too small, and propose that we move the same loan floor we passed in the House last year.

In addition to changes needed to modernize the program, there are a number of changes we should make, to make administration of the FHA program more efficient. Perhaps the most significant is section 8 of my bill, which permits direct endorsement lenders to issue their own mortgage certificates. Several years ago, we took the important step of delegating underwriting decisions to qualified lenders, subject to strict FHA criteria as to LTV, appraisals, and other matters. However, the physical issuance of the certificates was still left in the hands of HUD. This is an unnecessary burden on HUD, and has resulted on long, and sometimes costly delays for lenders. The provision in my bill, developed by HUD and included in the housing bill we passed last year, would simply let lenders issue their own certificates. This would not represent any threat to the fund, since lenders would still be subject to the same scrutiny by HUD.

Finally, there are two other efficiency changes that we should make to streamline the FHA program and make it more efficient. Section 5 of my bill would remove an outdated 90 percent loan-to-value prohibition that applies to newly constructed homes that were not inspected by HUD prior to start of construction. With improvements in local zoning and inspection laws, this special limitation is outdated, and places an unnecessary inspection burden on HUD staff. FHA insurance of new homes continues to fall, in part because of this restriction. Ten years ago, when FHA's total business was roughly one-third of today's volume, its new construction business was approximately 40 percent higher than it is today.

I believe that elimination of this unnecessary limitation would make FHA more competitive in this area. Again, this provision was adopted in committee by voice vote and included in H.R. 3838 last year.

Finally, section 7 of my bill would eliminate the need for FHA approval of condominium projects, when any such project has already been approved by a government sponsored enterprise [GSE]. Requiring FHA approval in this case is redundant, and is the type of bureaucratic excess that we are seeking to undo.

In conclusion, as we move to consideration of proposals dealing with FHA and other Federal housing programs, let's make sensible decisions which preserve opportunities for all Americans. My approach is simple: don't eliminate FHA—modernize it. I believe the FHA Modernization and Efficiency Act is the way to do this, and would welcome cosponsors for this important legislation.

#### SALUTING ROBERT AND ERIC SCHULTZ

#### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of all of our colleagues a courageous act of bravery on the part of two of my constituents, who serve as an inspiration to all of us.

Robert W. Schultz of New City, NY, and his 24-year old son Eric were vacationing at Saranac Lake in New York's Adirondack Mountains last May when they witnessed, on the lake, the capsizing of a canoe which was occupied by a father and son.

Both Robert and Eric dove into the freezing waters of the lake to rescue the two unfortunate canoeists. Eric managed to get the son to an island, where he administered first aid in the manner which he learned in the Boy Scouts, and performed other procedures which brought the young man back to consciousness. In the meantime, Bob was able to lead the father to another location on shore, where by utilizing the survival skills he had learned as a Boy Scout, reversed the first stages of hypothermia which had begun to set in, and stabilized the gentleman's condition until help arrived. Both Bob and Eric remained calm and collected throughout this emergency situation, and their actions resulted in saving the lives of both father and son.

Because of their heroism and their expertise, both Robert and Eric are being presented the Boy Scouts of America Lifesaving Award, perhaps the most prestigious honor bestowed by the Boy Scouts. Bob and Eric had both achieved the rank of Eagle Scout, and there is no doubt that the skills they had obtained as a part of their Boy Scout training directly led to the saving of both of these lives.

Mr. Speaker, in today's cynical society, many people question the relevance of the Boy Scouts of America to today's society. Let us point to Bob and Eric Schultz as a shining example of the worthiness of the Boy Scout movement—an organization which warrants the support of all of us. To those cynical

naysayers, let us remind them too that the skills, the leadership, and the good citizenship which are the foundation of Scouting benefit our Nation as a whole.

#### 40TH ANNIVERSARY OF FREEDOM FROM GOVERNMENT COMPETITION POLICY

#### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. DUNCAN. Mr. Speaker, January 15, 1995, will mark a historic anniversary in the history of our Nation and one which could not occur at a more appropriate time.

It was on January 15, 1955, that President Dwight Eisenhower issued a policy that:

The Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

That policy is still on the books today in Office of Management and Budget Circular A-76. However, this policy has been regularly avoided during the past 40 years. The Congressional Budget Office reported in 1987 that some 1.4 million Federal employees are engaged in occupations that are commercial in nature.

The Grace Commission recommended contracting out and estimated that \$4.6 billion a year could be saved by using private contractors to perform the commercial activities currently accomplished in-house by Federal employees. Even this administration's National Performance Review recommended that A-76 be strengthened and enforced.

The issue of government competition with the private sector has become so pervasive that the most recent White House Conference on Small Business adopted as one of its leading planks:

Government at all levels has failed to protect small business from damaging levels of unfair competition. At the federal, state and local levels, therefore, laws, regulations and policies should . . . prohibit direct, government created competition in which government organizations perform commercial services . . . New laws at all levels, particularly at the federal level, should require strict government reliance on the private sector for performance of commercial-type functions. When cost comparisons are necessary to accomplish conversion to private sector performance, laws must include provision for fair and equal cost comparisons. Funds controlled by a government entity must not be used to establish or conduct a commercial activity on U.S. property.

The issue is again at the top of the agenda of America's small business owners, having been adopted as a plank in several of the State meetings leading to the 1995 White House Conference on Small Business that will convene in Washington, DC, in June.

During the 102d and 103d Congress, I introduced legislation known as the Freedom from Government Competition Act. This bill would provide a legislative mandate for implementation of the 1955 Eisenhower policy. It would

require OMB to conduct an inventory of commercial activities performed by Federal agencies using Government employees and establish a process for contracting those activities to the private sector over a 5-year period.

During the course of my research on this matter, I have become aware of a particularly glaring example of the insidious nature of Government intrusion into an area that rightfully should be performed by the private sector. That is the field of surveying and mapping.

The Federal Government annually spends approximately \$1 billion on surveying and activities, but in fiscal year 1993 only \$69 million or 6.9 percent was contracted to the private sector while there are some 6,000 surveying firms and 250 mapping firms in the United States. You can go into any county seat in Tennessee or any other town in the Nation and you will find a private professional surveyor's firm within a 5-minute walk of the courthouse ready, willing, and able to do this work.

Not only do Federal agencies fail to contract a meaningful amount of their surveying and mapping requirements, but they market their services to other Federal agencies and to State, local, and foreign governments, in direct and unfair competition with the private sector. It just doesn't make sense for the U.S. Government to have this capability when it is available from the private sector. I am convinced the more than 99 percent of the surveying and mapping firms that are indeed small business, as well as the larger firms, can save tax dollars and help us reduce the Federal deficit by working under contract with Federal agencies, and that the surveying and mapping firms in Tennessee and the other States can do as good if not better job of surveying and mapping our land than the Government.

The surveying and mapping community is a perfect example of overzealous Government growth in an activity that can and should be performed by the private sector. The old chain and transit methods of surveying have been replaced by Global Positioning System [GPS] satellite receivers, analytical computer mapping systems, and other technologies. It is frustrating to small business men and women that their markets, both domestic and foreign, are limited by the predatory activities of Federal agencies and that their tax dollars are supporting purchases of this same equipment by these agencies.

While there has been considerable discussion of privatization, an end to State-dominated economies in favor of market oriented economies, individual initiative, and other virtues that led Eastern Europe to discard socialism in favor of capitalism, Washington has not practiced here at home what we are preaching in fledgling democratic nations. When a Government agency competes with private firms it stifles growth in private industry by dominating certain markets; diverts needed personnel, particularly in technical occupations, from private sector employment; thwarts efforts by U.S. firms to export their services; and erodes the tax base by securing work that would otherwise be accomplished by tax paying entities.

Not only have the advantages of privatization and private sector utilization been recognized on the international scene, but these strategies are being implemented in America's States, cities, and counties.

In a recent report, "Listening to America", the Republican National Committee's National Policy Forum, said:

In reducing the size and scope of government, it is time for Washington to learn from the lessons of the state and local governments. In Indianapolis, Jersey City, Dallas, Charlotte and Philadelphia, city governments under Democrat as well as Republican administration are turning to privatization to do more with less. In some cases, governments are getting out of the business of doing things they never should have done in the first place. In other cases, private companies compete with public employees to provide service at the highest quality and the lowest cost. \* \* \*

The federal government can learn much from the new breed of mayors and governors who are responding to the call from their friends and neighbors to put government back in the hands of the people who found it, to rethink the role of government; to get out of business it doesn't belong in \* \* \*

We in Congress have failed in our oversight responsibilities and permitted this buildup of in-house Government capabilities in commercial activities to occur. No matter how well intended these capabilities were when created or how popular they are now, we must put a stop to this unfair and costly practice.

I urge all my colleagues to use the 40th anniversary of President Eisenhower's policy to help focus America's attention on this important issue. I invite all Americans to join with me on January 15 to recognize the benefits of relying on our great enterprise system to assist in developing those Government services that can be performed at higher quality and lower cost than the Government itself. Let us use this occasion to dedicate ourselves to redefining Government by focusing the public sector on those activities only it can perform and relying on the private sector for those activities it does best.

#### LEGISLATION TO SAVE AMERICAN JOBS

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. KIM. Mr. Speaker, I rise today to introduce legislation which will save the jobs of thousands of American workers.

As many of my colleagues know, the medical device industry is one of the most dynamic industries in the United States. The statistics bear this point out: In 1993, the U.S. medical device industry produced nearly 40 billion dollars' worth of goods and employed approximately 270,000 workers in high-skill, high-wage jobs. U.S. medical device firms also exported almost \$10 billion worth of goods in 1993, capturing 53 percent of the worldwide device market.

However, like other U.S. industries in the past, our position of world dominance in this industry is being threatened. The medical device industry is facing increasingly fierce competition from many foreign nations, especially Japan, Germany, and France.

Given this situation, one would think that our Government would be doing all it could to help

device manufacturers retain their position as world leaders. Unfortunately, the opposite is true: In their fight for survival against these foreign competitors, our own Government has put U.S. companies at a serious competitive disadvantage.

Under current law, any company wishing to export a class III medical device must obtain separate export approval from the FDA—a process which is complex, expensive, and which can take months to complete. Surprisingly, U.S. companies are required to complete this export approval process even if the export product is not intended for sale in this country and has already been approved by the country to which it is being exported.

Because of this FDA redtape, U.S. device companies who want to export face a double hurdle: They must satisfy both the U.S. Government and the government of the country to which they wish to export. This situation creates a strong incentive for American companies to move overseas, where they do not face this kind of unnecessary redtape.

This incentive is already having devastating effects: In a recent survey of device company CEO's 40 percent said that their companies had reduced employment as a result of regulatory delays, and 22 percent said that they had already moved jobs offshore due to unnecessary FDA regulation. In other words, the result of this FDA regulation is lost American jobs.

The legislation I am introducing today, the Medical Device Export Promotion Act, could help save these jobs.

This legislation would direct the FDA to give automatic export approval to class III medical devices which have been approved for import by members of the European Community or Japan. These countries are our two most important export markets and have device approval processes which are internationally recognized as being safe and effective. The bill would also allow the U.S. companies which have gained approval for import into Europe and Japan to export worldwide without FDA interference. Finally, the bill would not allow companies to export products which have been banned in this country.

In short, this legislation represents the best of both worlds: It would allow 85 to 90 percent of U.S. medical devices to be freely exported without allowing U.S. companies to dump inferior products on the world market.

In doing so, this legislation would eliminate many of the bureaucratic hurdles that U.S. companies must currently overcome in order to export medical devices. In doing so, this legislation will eliminate the incentives for companies to move overseas to avoid such unnecessary regulation and, as a result, will save American jobs. For this reason, I urge my colleagues to support the Medical Device Export Promotion Act and ask for its timely consideration by this body.

American workers are counting on us. It is time to act.

## CHANGING THE WAY GOVERNMENT WORKS

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. PACKARD. Mr. Speaker, last November the voters overwhelmingly chose to change the way Government works. Last week, we successfully changed the way Congress does business. Next, we will change the business Congress does.

We took our first steps toward turning back bloated, wasteful, inefficient government. I am committed to continuing down the path to less taxes, less spending, and less regulation.

In order to change the way government works, we must change the way Washington works. The out of control Federal spending beast thrived on 40 years of liberal tax and spend policies. We must pass the balanced budget amendment to reign in the spending beast and impose discipline on Washington's wasteful spending habits.

Our Nation's forefathers envisioned a government that served the people—not the other way around. A balanced budget amendment would help fulfill that vision.

## TRIBUTE TO BOBBY CAVE

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to call this entire body's attention to the accomplishments of a young man from my district. Bobby Cave is 15-year-old freshman at Greenwood High School, Greenwood, IN, and his parents are Mr. & Mrs. Robert Cave. On Sunday, January 8, Bobby won the national Punt, Pass & Kick championship before a national television audience.

Mr. Speaker, Punt, Pass & Kick is an annual football skills competition which gives thousands of youngsters ages 8 to 15 a chance to participate in a healthy and competitive environment. It has been going on for many years, and in fact, a member of my staff twice competed in the competitions more than 15 years ago.

Mr. Speaker, Bobby Cave has proven himself to the Nation with his football skills, and in the process he has represented my district and my State in a very positive manner. I am very proud of Bobby and would like the entire U.S. Congress to recognize his accomplishments as well.

## INTRODUCTION OF H.R. 452, THE "FOREIGN INTEREST REPRESENTATION ACT"

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. TRAFICANT. Mr. Speaker, every year, foreign interests spend hundreds of millions of

dollars to influence the American Government. They employ topnotch lobbyists, many of whom are former U.S. Government officials and staff, to present their case in Washington. Meanwhile, our free trade policies have literally opened the doors to foreign investment, while an archaic law allows agents of foreign governments to work in secrecy.

The Foreign Agents Registration Act [FARA] of 1938 requires foreign agents to disclose their connections with foreign governments, foreign political parties, and other foreign principals to the Foreign Agents Registration Unit at the Department of Justice. However, according to General Accounting Office [GAO] reports, FARA is plagued by unclear language as to who is required to register, weak investigative and enforcement provisions, and loopholes.

GAO's July 1990 report entitled, "Foreign Agent Registration: Justice Needs to Improve Program Administration," finds that only 775 foreign agents—out of thousands—actually bothered to register under FARA. Since the 1990 report, neither the Justice Department nor Congress has rectified this breach of security. As a result, I have introduced H.R. 452, the Foreign Interest Representation Act.

The GAO report found several problems with current law:

The Foreign Agent Registration Act was originally enacted to target Nazi and Communist propaganda in the 1930's and 1940's. The term "foreign agent" was originally used to identify foreign principals in America who were spreading foreign propaganda and organizing political activities. With the end of the cold war, however, the emphasis has shifted from political propaganda to free trade and the global economic competition. FARA, however, remains unchanged. Thus, many individuals and law firms representing foreign interests are exempt from registration under the act.

My bill, H.R. 452, substitutes "representative of a foreign interest" for "foreign agent," thus broadening the definition and closing a loophole. Likewise, the term "political propaganda" has been dropped in favor of "promotional or informational materials." Several other term substitutions were made in this manner.

FARA provides certain exemptions to registration including commercial activities. Moreover, representatives of foreign interests are not required to notify the registration unit to claim an exemption. As a result, it is difficult for the unit to determine who should and who should not be registered.

Under H.R. 452, any person who engages in political activities for the purpose of furthering the commercial, industrial or financial operations of a foreign interest would no longer be exempt. In addition, representatives of foreign interests will now be required to notify the Attorney General.

Furthermore, H.R. 452, establishes a test to determine what constitutes foreign control. Entities that are more than 50 percent foreign owned would be presumed to be foreign controlled and required to register. Entities with 20 to 50 percent foreign ownership would also be considered foreign controlled, but the presumption could be rebutted with evidence. Less than 20 percent foreign ownership would not require registration. Both provisions help to clarify the law and will lead to an increase in registration.

Timeliness of foreign agent registration and reporting remains a problem. Of the 28 registration statements reviewed in the GAO report, a whopping 68 percent had not registered on time.

Currently, registrants must submit updated disclosure forms every 6 months after the initial registration. This system has made it almost impossible to know who is registered and whether the registration is up-to-date. H.R. 452 requires follow-up registration forms to be filed in January 30 and June 30 of each year. The Justice Department, however, would be given the authority to waive this provision, on a case-by-case basis, for entities whose fiscal year does not follow the calendar year.

Finally, harsh criminal penalties under FARA are another reason the Justice Department has shied away from enforcement of the act. Under H.R. 452, any person who has failed to file, has omitted facts, or has made a false statement regarding the facts, will be fined a minimum of \$2,000, up to \$1,000,000, depending upon the nature and duration of the violation. Furthermore, the Justice Department would be given the authority to subpoena individuals for testimony and records.

The bottom line is, the American people have a right to know who is getting paid by foreign interests to influence the U.S. Government. If you support an end to secrecy through uniform reporting and penalties for noncompliance, I urge you to cosponsor H.R. 452, the Foreign Interest Representation Act.

## SIKH LEADER S.S. MANN ARRESTED FOR MAKING SPEECH; CALLED FOR FREE KHALISTAN; SIKHS SHOW SUPPORT FOR FREEDOM

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. SOLOMON. Mr. Speaker, the brutal oppression of the Sikh nation by the Indian regime continues. Simranjit Singh Mann, a very prominent Sikh leader, was arrested on January 5 under India's draconian Terrorist and Disruptive Activities Act, known as TADA, after he made a speech in which he called for a free and independent Khalistan by peaceful means. The speech was given December 26 at an annual Sikh observance commemorating the martyrdom of Guru Gobind Singh's two sons. After telling the crowd that Khalistan is the only issue facing the Sikh nation, Mr. Mann asked the crowd of 40,000 to 50,000 to raise their hands if they supported a free Khalistan. The attendees all raised their hands if they supported a free Khalistan. The attendees all raised their hands in a clear demonstration of the Sikh nation's support for a free Khalistan.

When India held state elections in Punjab, Khalistan, in February 1992, only 4.3 percent of Sikhs there voted, according to the newspaper India Abroad. Nearly 96 percent stayed away, despite the military's effort to drag voters to polling places at gunpoint. This is a clear reflection of the Sikh nation's desire for freedom.

Now Mr. Mann, a former Member of Parliament, again faces charges under TADA as well as sedition charges. Will the almost 50,000 Sikhs who raised their hands also be declared terrorists by the brutal Indian regime?

India calls itself the world's largest democracy. Do these actions sound like the acts of a democracy? In fact, they sound more like the workings of North Korea, Cuba, or any other dictatorship you can name. If making a speech is terrorism, the word is drained of any meaning I recognize.

The oppression of the Sikhs must end. The Sikh nation wants its freedom. It is time for India to withdraw its occupying troops from Khalistan and allow Khalistan to achieve its full independence by peaceful means. Until India is willing to allow the Sikh nation to vote on independence, it cannot call itself democratic. Until India recognizes the fundamental liberties of all people living under its rule, it should receive no aid or trade from the overburdened taxpayers of the United States or any civilized nation.

Only freedom for Khalistan will ensure peace and freedom in the region. It is time for India to withdraw from Khalistan and all the other nations it is oppressing. It is the duty of the United States to support the cause of freedom. We should impose sanctions on India and cut off its aid until India is willing to live by the principles of freedom which define democratic nations. We must take strong measures to support human rights and self-determination for everyone.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ANNOUNCES CHANGES

**HON. RICK LAZIO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 1995*

Mr. LAZIO of New York. Mr. Speaker, on December 19, 1994, Secretary of the Department of Housing and Urban Development [HUD] Henry Cisneros announced that he planned to dramatically alter the manner in which the Department operates. He admitted that HUD was a bureaucracy more attentive to process than to results, was slavishly loyal to nonperforming programs, and did not trust the initiatives of local leaders. To correct these problems, he presented a plan, called the HUD Reinvention Blueprint, to restructure HUD's programs in an unprecedented fashion.

After reading the blueprint, which is still conceptual, I was pleased to see that the Secretary adopted many Republican ideas. For example, it proposes to shrink the Federal Government, to reduce micromanagement, and to return power and responsibility to State and local jurisdictions.

I told the Secretary that I welcomed his ideas and that I wanted to work with him to change the way housing, especially low-income housing, is provided in this country.

Nevertheless, I also told the Secretary that, as the new chairman of the Housing and Community Opportunity Subcommittee, I planned to review in toto all HUD's programs.

My reasons for this review are based on reports which question HUD's capacity to admin-

ister its more than 200 programs. For example, the National Academy of Public Administrators [NAPA] has recommended that HUD's programs be reduced to 10 by the year 2000 or be eliminated. HUD's inspector general [IG], in her most recent report to Congress, found that HUD needed to be more proactive and aggressive to correct its problems, especially in light of their magnitude and complexity. The HUD blueprint proposes to consolidate only 60 programs into 3—leaving unanswered the question of what becomes of the remaining 140 programs.

Congress must do a top-to-bottom review of HUD programs. Most require major overhaul—a process that involves rewriting statutes and reducing Federal regulations. Therefore, as part of my review, I intend to find ways in addition to the blueprint, to reform, consolidate, streamline, and if appropriate, eliminate outdated housing programs.

As part of this review, I am looking at new approaches to administering HUD programs in a cost-efficient, yet people-friendly manner so that as many families as possible can get housing. I intend to explore various options to deregulate programs so that States and local jurisdictions are provided with all the authority they require to operate independently—both financially and administratively. It is my feeling that unless localities have unfettered discretion to operate their programs, with the fewest possible attached strings, deregulation is illusory.

Finally, I want to review HUD's budget. Every Member of this House is aware that all Federal agencies must tighten their belts in order to reduce the budget deficit and pay for the middle-income tax cut. HUD cannot be excused from this effort.

It is my intention to work with HUD and with my former chairman, HENRY GONZALEZ, for whom I have great respect, as the committee reviews the proposals in the blueprint, particularly insofar as they are based on Republican efforts over the last 12 years. I welcome many of the blueprint's core ideas as a beginning, but intend to take a hard look at them and to expand upon them, so that they become in actuality what they appear to be in concept.

RESTRICTED EXPLOSIVES CONTROL ACT

**HON. JACK QUINN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 1995*

Mr. QUINN. Mr. Speaker, I rise today to reintroduce the Restricted Explosives Control Act, a consequential piece of legislation that I sponsored in the 103d Congress.

Not only does my legislation require a Federal permit for all purchases of explosives, it also dictates that all applicants must submit a photograph as well as a set of fingerprints along with their permit application. The bill defines "restricted explosives" as: high explosives, blasting agents, detonators, and more than 50 pounds of black powder.

In addition, the legislation will not unduly burden legitimate explosives purchasers. The bill establishes a 6-month grace period, before the measure is implemented, to enable people

to obtain Federal permits from the Bureau of Alcohol, Tobacco, and Firearms [ATF].

During the holiday season of 1993, four mail bombs exploded in western New York—taking five innocent lives. Current law enabled those accused in the murders to buy the deadly dynamite in Kentucky, simply by providing false identification, completing a short form furnished by the ATF, and promising not to cross State lines.

Once this measure is enacted, never again will an individual be able to walk into an explosives dealer's office, quickly fill out a short Federal form, and walk out with dynamite or some other type of high explosive.

The Restricted Explosives Control Act is endorsed by the Institute of Makers of Explosives, the very people who manufacture explosives. The bill also is endorsed by the National Rifle Association.

This legislation is a solid proposal that will prevent such tragedies. The fact is that current law allows for dynamite and other explosives to be sold over the counter. The Restricted Explosives Control Act must be implemented without delay so that we may close that deadly loophole in Federal explosives law.

HONORING DR. PAUL MICHAEL KAZAS

**HON. CHARLES E. SCHUMER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 1995*

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly outstanding citizens of our Nation.

I rise today to honor Dr. Paul Michael Kazas, a model citizen. I congratulate Dr. Kazas for his recent election as president to the Woodhaven Residents' Block Association. If he brings the same dedication that he has brought to his other pursuits, then there is little doubt that this organization will blossom and grow.

Dr. Kazas belongs to some 20 civic professional organizations, and actively serves on five different board of directors. While others lead and leave the work to others, Dr. Kazas is never afraid to get his hands dirty. He cleans the traffic islands from Park Lane South to 91st Avenue on Woodhaven Boulevard; he was involved with repainting the nearby Interborough Parkway Overpass; he became a certified street pruner so that the community could receive a \$15,000 grant from the New York State Department of Environment Conservation to plant trees on Jamaica Avenue. He is truly a remarkable individual.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in commending Dr. Kazas for his tireless work. He is worthy of our recognition for making Queens County and the city of New York a better place in which to live.

NO MORE TAXPAYER SUBSIDY  
FOR WESTERN EUROPE

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, the biggest single mistake we are making in public policy today is to continue to spend far more on the military than is necessary. We have not responded responsibly to the collapse of the Soviet Union and our victory in the cold war in particular, we continue to act as if Western Europe is in need of subsidy for its defense from the American taxpayer.

During our recess, on December 3, Jack Beatty, senior editor at the Atlantic Monthly, wrote an excellent essay in the Boston Globe pointing out the irrationality of our current policy. I was flattered to read Mr. Beatty's forthright assertion that "NATO is an exorbitant anachronism" and I ask that his very persuasive essay be printed here. I hope that Members will read and think about it as we prepare to vote on the fiscal 1996 budget.

[From the Boston Globe, Dec. 3, 1994]

NATO: IT'S TIME THE EUROPEANS FOUND  
THEIR OWN WAY

(By Jack Beatty)

NATO is an exorbitant anachronism. Widely regretted by columnists and editorial writers, the current rift among the NATO allies over Bosnia should instead be seen as a welcome development, a chance to reorder national priorities. We can no longer afford to defend countries with higher standards of living than our own against a vanished threat. The Cold War is over, but the peace dividend has been swallowed up by NATO.

We continue to spend \$75 billion to \$100 billion annually on the defense of Western Europe—this largely is to maintain the 150,000 US troops stationed there. The Clinton administration wants to cut that force by 50,000 by 1999. What is the rationale for keeping 100,000 troops in Europe into the next millennium? To repel any future Russian invasion of Lithuania. Unbelievably, that was the sole European case offered in the seven possible war scenarios leaked from the Pentagon two years ago.

We have no treaty commitments to Lithuania. For 50 years we tolerated the Soviet occupation of Lithuania without harm to our national well-being. Lithuania is to Russia as Haiti is to us, a small country within a big country's sphere of influence. Yet the Pentagon expects US taxpayers to fork over more than \$50 billion every year to preserve a free Lithuania.

Military welfare to Europe should be as hot a political button as domestic welfare to women and children, and perhaps it would be if the British, Danes and Germans we are saving from the costly inconvenience of defending Lithuania all by themselves were—how to put it?—stigmatically nonwhite. But with the elites of both parties under the platitudinous spell of the foreign policy establishment, it will probably take a third party to raise the issue.

Counter-arguments? Two are usually cited. First, we would lose influence within the alliance if we had no ground troops stationed on alliance soil. Second, only isolationists could advocate abandoning the forward-deployment strategy taught by the bitter experience of two Europe-made world wars.

EXTENSIONS OF REMARKS

Lose influence within the alliance? What influence? The Clinton administration's fruitless efforts to change alliance policy on Bosnia shows how little influence we have. To be sure, we might have had more if, like the British and French, we had dispatched peace-keepers to Bosnia, a place with no peace to keep. But influence at the price of folly is a bad bargain.

The idea that we should "lead the alliance," that the European powers have grown soft behind the generous welfare states our defense spending has let them afford, has surface plausibility. Certainly the British and French have not shown much spine in Bosnia. But unpack that word "lead" and you'll find it means something like this: If we continue to spend more to defend Europe than the European countries spend to defend themselves, and if we are willing to station peace-keepers in powderkegs like Bosnia, the allies will suffer us to lead them, yes, but only where they want to go, as Lyndon Johnson discovered over Vietnam. Leadership means pointless, unending subsidy.

Moreover, it is insulting to the Europeans to carry on as if they are cock-a-hoop without us. Just as a welfare check can inhibit your will to work, so being led by others can inhibit your will and weaken your capacity to lead. The Europeans must find their own way.

Is it "isolationist" to leave them to it? No. It is realism. We should trade places with the French: They are the major land power in Europe. Let them lead; it will do wonders for their *hauteur*. Our political role should be as a French-like kibitzer around the edges of NATO, ready to build up in Europe, if necessary, to answer any buildup from a nationalist Russia. Our proper geostrategic role is offshore, as a maritime power. Walter Lippmann called this the "blue water strategy." Unlike the continuance of forward deployment against a phantom enemy, it has the merit of being sane.

Besides, as conservatives will soon be warning in Congress, we face security threats that the cost of forward deployment in Europe simply won't permit us to address. It is, for example, just a matter of time before some rogue regime or stateless band of terrorists learn how to make and transport nuclear weapons. We have no defense against such threats now. The Republicans want to revive the Strategic Defense Initiative, but even if that celestial Maginot Line could be constructed for less than hundreds of billions of dollars, it would only work against ballistic missile attack. A border patrol scaled to national security dimensions would make far more sense as protection against bomb-carrying terrorists. Estimates are that \$20 billion annually, about half what NATO will cost in the year 2000, would pay for a real military-style border between the United States and Mexico. That would also keep out both illegal immigrants and drug traffickers, which would benefit both our lowest wage earners and inner-city kids. What a novelty that would be: American defense spending defending Americans.

In short, getting Europe out of our pockets is a requirement of both economic and national security. The burden should be on those who want to maintain the somnolent commitment to NATO.

January 11, 1995

LESLIE MERLIN CELEBRATES 15TH  
ANNIVERSARY WITH THE BRICK  
CHURCH

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues a wonderful woman who recently marked her 15th year with the Brick Presbyterian Church in Manhattan.

Since 1979, Associate Pastor Leslie Merlin has devoted her considerable talents and deep compassion to the Brick Church as Associate Pastor. As a parishioner at the Brick Church, I have enjoyed her sermons and been a beneficiary of her wisdom many times.

When she arrived in 1979, Pastor Merlin brought with her to the Brick Church a long-standing commitment to helping others, and a devotion to making the world around her a better place. After graduating from Wagner College in Staten Island, she served as a volunteer teacher in Papua New Guinea. Shortly thereafter, she blended her interest in teaching with a calling to the church by earning a master of divinity at Princeton Seminary. After a brief stay with the Nassau Presbyterian Church in Princeton, she came to the Brick Church, which has enjoyed her presence ever since.

Mr. Speaker, I would ask that my colleagues join me in celebrating Leslie Merlin's 15th anniversary with the Brick Church. She has been both a friend and an inspiration to the parishioners of the Brick Church, and I wish her many more years of happiness and joy.

REPEAL NAFTA!

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today in support of the NAFTA Withdrawal Act, legislation to pull the United States out of the North American Free-Trade Agreement [NAFTA].

When I cast my vote against NAFTA, I did so knowing full well the devastating impact such an agreement would have on U.S. workers. To date, because of NAFTA, over 8,000 American workers have lost their jobs.

Since NAFTA took effect, United States imports from Mexico have been increasing at a rate faster than United States exports to Mexico. This distinction is important because in order to create jobs, United States exports must be expanding faster than imports. This imbalance between imports and exports has cut the United States trade surplus with Mexico down to little more than \$1 billion.

Likewise, from January through July of last year, United States automakers exported about 22,000 vehicles to Mexico. The United States, however, imported 221,000 from Mexico—an imbalance of 199,000 vehicles in Mexico's favor. Moreover, in the short-time since NAFTA passed, Honda, BMW, Volkswagen, Toyota, and Samsung have all announced plans to build new or expanded production facilities in Mexico.

In passing NAFTA, too many of my colleagues failed to see NAFTA for what it really was—a continuation of policies that have undermined the hard won benefits of our Nation's labor movement. Passage of the NAFTA Withdrawal Act is essential if we are to restore justice to the working people of America.

THE ROBERT J. LAGOMARSINO  
VISITORS CENTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. GALLEGLY. Mr. Speaker, I am today re-introducing legislation to designate the visitors center at the Channel Islands National Park, CA, as the Robert J. Lagomarsino Visitors Center.

In 1980, Bob Lagomarsino successfully guided legislation through Congress which established the Channel Islands National Park in Ventura County, CA. He then worked tirelessly during the next dozen years to obtain land acquisition funds to buy the islands from their previous owners. Because of his efforts, virtually all of the islands are now protected, ensuring that they will remain free of development and in their pristine state which will be open to the public for generations to come.

Unquestionably, without Bob Lagomarsino's perseverance, it's safe to say that the islands would not be protected today. It's only fitting that the visitors center at Ventura Harbor serve as a living monument for the outstanding service Bob Lagomarsino provided to Ventura County residents for almost 35 years in public office.

Identical legislation was passed by the House in the 103d Congress; regrettably it was not considered in the Senate prior to adjournment.

I urge my colleagues to support and to co-sponsor this legislation.

INTERSTATE BANKING REVISITED

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. McCOLLUM. Mr. Speaker, last year, Congress enacted the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. This was certainly one of the Banking Committee's most important accomplishments. One provision in the interstate law, the applicable law provision, generated considerable discussion by the conference committee.

The applicable law provision is relevant when a national bank branches into a second State. With respect to four kinds of State laws specified in the statute, the branch is subject to State law as if it were a bank chartered by the host State, unless the State law is preempted. However, we were clear in the language of the statute and the legislative history that the applicable law provision in the interstate law applies only when a bank actually has branches in a second State. If a bank

does not branch into a second State, the applicable law provision does not come into play.

Another provision of the interstate law, the savings clause of section 111, is also important in this regard. The savings clause provides that nothing in the interstate law affects section 85 of the National Bank Act and section 27 of the Federal Deposit Insurance Act. These provisions, as we explained in the legislative history, authorize banks to make loans, including interstate loans, and the savings clause therefore preserved the preexisting lending authority of banks to collect all lending charges, without regard to the changes in branching authority made by the interstate law.

I believe it is important to reemphasize these points as courts, regulators, and others interpret the applicable law provision and other parts of the new interstate banking law. It has come to my attention that a State court in Pennsylvania recently interpreted the applicable law provision in a decision concerning whether a national bank located in Ohio was authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents. I would certainly hope that all courts recognize that the applicable law provision has no bearing on or relevance to a case in which a national bank has no branches in a second State.

HONORING THOSE FIRE FIGHTERS,  
EMERGENCY PERSONNEL, AND  
VOLUNTEERS WHO CONTAINED  
THE LOGAN VALLEY MALL FIRE  
IN ALTOONA, PA ON DECEMBER  
16, 1994

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. SHUSTER. Mr. Speaker, I rise today to honor a group of people who exemplified the utmost professionalism and courage in their efforts to battle the devastating Logan Valley Mall fire in Altoona, PA during the early hours of Friday, December 16, 1994. These firefighters, emergency personnel, and volunteers all came together in a desperate time of need to contain this fire which has left an everlasting impression on the Altoona economy and its people. Over 300 firefighters, from 63 departments, stationed in Blair and four surrounding counties were called upon to extinguish the fire. Considering the fact that there are 81,000 firefighters in the Commonwealth of Pennsylvania, 73,000 of which are volunteer, one can realize the magnitude of this fire by the number of personnel involved. Along with these numerous firefighters were emergency assistance workers and volunteers on site to provide any needed support throughout the ordeal. I applaud the job done by the local police, sheriffs, dispatch centers, and community organizations which all played a part during the fire and the aftermath.

Due to the quick action by all of the participating fire departments the powerful blaze was contained, saving a majority of the mall stores, and even allowing a handful to reopen in the following days. Hopefully, the reconstruction of

the mall will be completed by the fall of 1995 thanks in part to this team of people.

I know I speak for everyone involved in this tragedy when I say that without the support and cooperation demonstrated by this crew of professionals and volunteers the damage sustained from the fire surely would have been greater, and we are all very thankful that no one was seriously injured from the dangerous blaze. In fact, with hundreds of people on the scene, only one minor injury was reported. Even though a disaster such as this is never welcome, it is reassuring to know that there are top notch emergency services in central Pennsylvania, committed to a profession in which they face life and death situations every time that station bell goes off.

I hope that in the future our communities will be able to maintain the necessary resources needed to maintain such readiness when called into action in times of serious emergencies. The Altoona region is indeed fortunate to have such a dedicated fire and rescue service on hand.

IN MEMORIAL: SHANNON LOWNEY  
AND LEANNE NICHOLS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. FILNER. Mr. Speaker, the violence continues and the death toll rises once again. In the wake of the recent clinic violence in Massachusetts, 25-year-old Shannon Elizabeth Lowney and 38-year-old Leanne Nichols are dead, five people are injured, and an entire Nation sits paralyzed by fear and shock.

I wish to extend my deepest sympathies to the families of Shannon and Leanne. To them we offer this promise: We will not allow these women's lives to be lost in vain and we will not allow their sacrifice to be dismissed as mere casualties of a political conflict. These were not combatants—these were health care professionals. They were brutally murdered by those that seek to do through terrorism what they can never do through the ballot box.

The time has come for an end to clinic violence. An end to the lame excuses offered on behalf of the offenders. An end to the fear that grips professionals, patients, and ordinary Americans throughout our Nation. An end to the sick belief that violence will reap political empowerment.

Our Nation must act quickly to bring to justice both the assassins and those who incite them. Make no mistake: There is no greater threat to our national security today than the domestic terrorists roaming America under the cover of anti-choice politics. Dr. David Gunn, Dr. John Bayard Britton, Lt. Col. James Barrett, Shannon Elizabeth Lowney, and Leanne Nichols are gone forever, but their cause, the cause of freedom, lives on in all of us.

Our challenge is clear, our resolve unwavering, and our cause is just. We pause now to remember those who have died, but we will not give up our freedoms and we will not capitulate to terrorism. These women expect better of us, and better we must do to honor their memory.

THE ANTI-COP-KILLER BULLET  
ACT

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 1995*

Mr. STARK. Mr. Speaker, today I am introducing legislation that would impose a tax and import controls on bullets expressly designed to penetrate the bulletproof vests of law enforcement personnel.

This legislation, the Anti-Cop-Killer Bullet Act, would impose the same tax which currently exists on controlled firearms, such as submachine guns and sawed-off shotguns, to high-technology cop killer bullets like the rhino and black talon bullet. If enacted, the bullet manufacturer would be taxed at the rate of \$200 for each bullet—a tax so high that the bullet obviously would never be produced.

Over 10 years ago, a Teflon-coated bullet designed to pierce soft body armor was introduced. Due to strong public reaction, Congress in 1986 enacted the very first law to ban a round of ammunition. Since then other bullets manufactured from different materials but designed with the same purpose have been introduced. Only after threatening or actually carrying out our threat to ban these cop-killer bullets, have we in Congress been successful at stopping them from reaching our streets.

However, as soon as we in Congress go through the motions of preventing a cop-killer bullet from going into production, along comes another manufacturer with a new bullet designed to penetrate protective armor. This pattern will continue as long as bullet manufacturers are allowed to exploit the loophole that exists in the 1986 law banning cop-killer bullets. Under the law, only metal alloy and Teflon-coated bullets were singled out leaving the door wide open for companies such as the Signature Products Corporation to develop plastic-based ammunition like the rhino bullet.

My legislation would prevent these unscrupulous bullet manufacturers from taking advantage of this loophole in existing Federal law. Rather than attempting to add another amendment to the 1986 law, the Anti-Cop-Killer Bullet Act proposes an across-the-board tax on all bullets expressly manufactured or advertised to penetrate normal quality bulletproof vests worn by law enforcement personnel. The tax at \$200 per bullet would surely make the business of manufacturing cop-killer bullets an economic impossibility.

America's law enforcement officers are already out-gunned as it is. Having to worry about a bullet piercing their protective armor should be the last thing on their mind.

By passing the Anti-Cop-Killer Bullet Act, we will be giving our law enforcement the support they need. I urge my colleagues to join with me to pass this legislation so that we can prevent these cop-killer bullets from endangering the lives of America's law enforcement officers.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO THE  
LEAGUE OF WOMEN VOTERS

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 1995*

Mr. WALSH. Mr. Speaker, it is a great pleasure for me to commend the League of Women Voters for their recently celebrated 75th anniversary, which we recognized in Syracuse last month with a ceremony and exhibit at our beloved Erie Canal Museum.

The league has steadfastly dedicated itself to informing voters about the choices they have and the process they are most certainly a part of.

It is fitting that our celebration in Syracuse was held at the Canal Museum, inside a symbol of our regional—and, in fact, our national—history and our local heritage. Decisions by elected government are by their nature best made after consultation with an informed citizenry. Just as the Erie Canal was the work of governmental leaders enlightened by a populace requiring economic salvation, so too is democracy exercised best when groups such as the League of Women Voters have done their work.

My personal experience with the Syracuse Metro League has been positive. I believe I have benefited by their efforts. They have sponsored debates in which I have taken part. They have provided forums for discussion, most recently on health care. And more generally, but perhaps most important, they have been willing partners in the push to keep people interested and involved in the responsibilities of democracy.

I want to encourage the league, and to cooperate. I would ask my colleagues to join me in congratulating the League of Women Voters for their hard work and in wishing them well for many years to come.

INTRODUCTION OF H.R. 449, THE  
PRIMARY HEALTH CARE EDU-  
CATION ACT

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 11, 1995*

Mr. TRAFICANT. Mr. Speaker, it's a well-known fact that America's growing emphasis on specialization in the physician work force has driven up the costs of health care and fragmented access to medical services. What is not widely known is that America will have a shortage of 35,000 primary care physicians by the year 2000 and a projected surplus of 115,000 specialists—Department of Health and Human Services. To reverse current trends in medical education and lower the rate of inflation on health care costs, I have introduced H.R. 449, the Primary Health Care Education Act.

In the past year, two separate Government-funded studies have produced substantial evidence that medical schools must respond now to compensate for our primary care needs of the 21st century. H.R. 449 is based on the

*January 11, 1995*

findings and recommendations to the Congress found in both reports. These reports include: First, the General Accounting Office's [GAO] October 1994 report to congressional requesters entitled "Medical Education: Curriculum and Financing Strategies, Need to Encourage Primary Care," and second, the Council On Graduate Medical Education's [COGME] fourth report to Congress and the Department of Health and Human Services entitled "Recommendations to Improve Access to Health Care Through Physician Workforce Reform."

At this time, I would like to briefly summarize the GAO's findings. Medical career decisions are usually made at three specific times during a student's education: First, at the end of college when students typically apply to medical school, second, during the fourth year of medical school when students choose the area of medicine to pursue and enter residency training, and third, at the end of residency training when residents decide to enter practice or to train further for a subspecialty. H.R. 449 attempts to encourage primary care as a career choice at all points in a student's academic career.

The choice of career paths in medicine were found to be significantly influenced by the curriculum and training opportunities students receive during their medical education. Foremost among these factors was whether the medical school had a family practice department. Students attending schools with family practice departments were 57 percent more likely to pursue primary care than those attending schools without family practice departments. Second, the higher the ratio of funding of a family practice department in relation to the number of students, the higher the percentage of students choosing to enter primary care. Students attending medical schools with highly funded departments were 18 percent more likely to pursue primary care than students attending schools with lower funding. A third factor was whether a family practice clerkship was required before career decisions were made in the fourth year. Students attending schools which required a third-year clerkship were 18 percent more likely to pursue primary care. Fourth, a significant correlation was found between residents who were exposed to primary care faculty, exposed to hospital rounds taught by primary care faculty, and exposed to rotations which required training in primary care—and residents who were not—in choosing to enter general practice.

Given the health care needs of the 21st century, COGME recommends we attain the following physician workforce goals by the year 2000. First year residency positions should be limited to the number of 1993 U.S. medical school graduates, plus 10 percent. At least 50 percent of residency graduates should enter practice as primary care physicians. And, steps should be taken to eliminate rural and inner-city primary care shortages.

To reverse the current trends toward specialization, the Traficant Primary Care Education Act directs the Secretary of Health and Human Services to give preference to medical schools which have established programs that first, emphasize training in primary care, and second, encourage students to choose primary care. Under H.R. 449, the Secretary

must consider the GAO's findings when establishing the conditions a medical school must meet to receive preference.

The Secretary, however, is by no means limited to the GAO's findings. H.R. 449 was designed to give the Department of Health and Human Services the authority to shift the current trends in medical education to meet existing and future needs. It does this by giving preference, or awarding grants and contracts to schools which have designed curriculum that has been proven to increase primary care. The Traficant bill, however, by no means dictates, to the administering agency or medical schools, the best way to achieve the desired results. The Traficant bill, in fact, follows the intent of language of the Public Health Service Amendments of 1992, which was passed only by this body. It is my hope that HHS, as the expert agency on this issue, in consultation with medical schools, GAO, and COGME, will attain the health care and physician work force needs of the 21st century.

If you support improved access to services and lower health care costs, I urge you to co-sponsor H.R. 449, the Primary Care Education Act.

#### NUCLEAR WASTE POLICY REASSESSMENT ACT

#### HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mrs. VUCANOVICH. Mr. Speaker, today I'm introducing the Nuclear Waste Policy Reassessment Act of 1995. Congress has shown little concern for the science of Yucca Mountain. Instead, the siting of the Nation's high-level nuclear waste repository has become nothing more than a political football.

My bill prohibits site characterization of Yucca Mountain for 3 years while the National Academy of Sciences conducts a study to determine if the current process of studying only Yucca Mountain makes scientific sense, or whether alternatives should be looked at. I believe that a body concerned with scientific objectivity cannot possibly endorse the further site characterization of Yucca Mountain and the current exclusion of other options.

During the suspension of work on the Yucca Mountain site the legislation provides for funding of dry cask storage at existing reactor sites. As the deadline approaches for the Federal Government to take possession of this waste, we must provide some type of storage; onsite storage appears to be the most workable solution.

In recognition of slippage in the deadlines for study and construction of a high-level nuclear waste facility, this legislation moves the deadline for opening any nuclear waste dump back to 2015.

I have been consistently opposed to siting the Nation's high-level nuclear waste repository in Nevada, and I will continue to fight Congress' abuse of Nevada with all means available. It's not fair for Congress to make Nevada into the nuclear dumping ground for the rest of the country. I hope my colleagues will support my efforts to see that science prevails over politics.

#### TRIBUTE TO MUSICIAN/COMPOSER GEORGE KATSAROS

#### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. BILIRAKIS. Mr. Speaker, we owe a great debt of gratitude to those ancient Greeks who forged the notion of democracy and thus gave us a blueprint for our own democratic heritage. We owe another debt of gratitude to a man who has been called the greatest Greek folk song composer and singer of the 20th century. It is that man, my good friend George Katsaros, for whom I rise today to pay tribute.

Ironically, it was the promise of opportunity inherent in democracy that beckoned George to this country from the island of Amorgos in 1913 at the age of 25. Stepping off a steamship at New York Harbor with all his belongings in one hand and his guitar in the other, George Katsaros began a musical career that continues even today. Within hours of his arrival he was accompanying a Salvation Army street band and was invited to stay on. Now, more than 80 years later, his strong, nostalgic, mellow voice and unique style on the guitar have been heard in every corner of the world: in ballrooms, hotel clubs, coffeehouses, concert halls, steamships, private yachts—anywhere people gather to hear their memories and dreams and experiences put to music and sung from the heart.

Katsaros became so popular that in 1919 RCA Victor signed him as a recording artist. Contracts with Columbia and Decca followed, and soon many of his compositions became favorites in Greece and other places where Greek music is played. His popularity grew because people related to his songs about life in unfamiliar surroundings and in difficult times; songs about the comfort of family and friends; songs about the joy of hopes fulfilled.

Now, even in his twilight years, George Katsaros still composes and performs. At 106 years of age he is immaculately dressed, his back straight, his eyes bright with ideas yet to be expressed. Accolades, such as his 1990 State of Florida Folk Life Heritage Award, or his selection as grand marshal of the 1994 Tarpon Springs Christmas parade, don't lull him into inactivity; they inspire him to continue on.

Steve Frangos, in his 1992 study of the international Greek entertainment industry, noted that Katsaros merits recognition on a national level "for his singular contributions not only to the ongoing development of Greek music but as one of the finest proponents of traditional ethnic music ever to perform in America." I am proud to call him a fellow American and a friend.

#### EL REGRESO FOUNDATION

#### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Ms. VELÁZQUEZ. Mr. Speaker, on September 23, 1994, I attended the graduation cere-

mony for El Regreso Foundation, a bilingual drug and alcohol abuse treatment program in the Williamsburg, Brooklyn section of my district. The event was an incredibly moving experience filled with tears and applause. The feeling of hope overcoming pain and abuse permeated the evening's festivities.

Overcoming the greatest odds and barriers, these graduates literally received a new lease on life, a life formerly plagued with violence, crime, and drug use.

This graduation was a perfect example of the ability of our people to take hold of their lives and turn them around, to be able to look into their selves and recognize that they do not want to become another statistic.

Events such as this one at El Regreso, are an inspiration to us all. They are of extreme importance to communities such as Williamsburg, which struggle daily for sources of hope. And while the media bombards us daily with stories of violence, crime, and despair, these and other success stories go unnoticed.

Success stories such as the one of Carlos Pagan. He too overcame heavy drug use and a hard street life, to become the founder and executive director of El Regreso. He is now a source of inspiration to untold numbers of men and women who go through El Regreso's Program, and a bright beacon of light illuminating the dark waters of addiction.

In closing, I salute Carlos Pagan and the staff of El Regreso for reminding our community that the best weapons against poverty, discrimination, and even fear are not the escapes offered by powerful hallucinogenics. The best weapons against these enemies are the potency of pride and the power of belief in themselves.

#### NATIONAL GAMBLING IMPACT AND POLICY COMMISSION

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. WOLF. Mr. Speaker, today I am introducing legislation establishing the National Gambling Impact and Policy Commission. This blue ribbon panel will be composed of nine members—three appointed by the Speaker of the House of Representatives, three appointed by the majority leader of the Senate, and three appointed by the President of the United States. One of the appointees should be a State Governor.

America is on a gambling binge. The question facing this commission will be: are we trading long-term economic growth and prosperity for short-term gain? Gambling is one of the fastest growing industries in the Nation and is becoming America's pastime. In 1993, Americans made more trips to casinos than they did to major league ballparks. At the turn of the century, gambling was prohibited. Today, however, there are 37 State lotteries, casinos operate in 23 States, and 95 percent of all Americans are expected to live within a 3- or 4-hour drive of a casino by the year 2000. Only two States, Hawaii and Utah, forbid wagering.

Reports indicate that cash-strapped State and local governments will continue to authorize more gambling operations in the hope that

they will be an economic bonanza. Governments often fail to consider, though, that gambling can bring on economic problems to their jurisdictions that far outweigh any benefits. Negative impacts on State and local economies, small businesses, and families can no longer be ignored. Crime and social problems related to gambling could add to already overburdened criminal justice and social welfare systems. This is an issue of national economic importance, and I believe the new Congress should examine it closely over the coming months.

The Commission established by this legislation will conduct a comprehensive legal and factual study of gambling in the United States. I will outline some of the specific matters to be studied and some examples of why they should be studied.

The Commission should review the costs and effectiveness of State and Federal gambling regulatory policy, including whether Indian gaming should be regulated by States as well as the Federal Government. Indian gambling accounts for about 5 percent of all casino gambling and that figure is growing at an extraordinary rate. Unlike New Jersey and Nevada which has extremely costly, mature, and effective regulatory structures, the Federal effort to regulate Indian gaming to prevent the infiltration of organized crime is scanty at best. There are less than 30 staff persons to regulate Indian gaming operations throughout the country. The Commission should recommend whether or not Indian gaming should be regulated by the States.

The Commission should examine the economic impact of gambling on other businesses. As gambling proliferates, job-creating wealth is shifted from savings and investment to gambling which creates no useful product. Income spent on gambling is not spent on movies, clothes, recreation services, or other goods or services. Gambling cannibalizes other businesses such as restaurants. For example, the number of restaurants in Atlantic City declined from 243 in 1977, the year after casinos were legalized, to 146 in 1987.

The Commission should make a detailed assessment and review of the political contributions and influence of gambling promoters on the development of public policy regulating gambling. Proponents of gambling raised about \$14 million in their losing battle to bring casino gambling to Florida. Millions in contributions are given to lawmakers yearly by gambling interests. In my own State of Virginia, 10 casino industry groups spent \$317,000 lobbying Virginia's legislators to roll the dice and bet on casino or riverboat gambling. Gambling interest's role in the formation of public policy is important because a recent study notes that most economic impact statements about gambling overwhelmingly are written from the gambling proponents perspective.

The Commission should make a detailed assessment of the relationship between gambling and crime. In one report, the Florida Department of Law Enforcement opposed legalizing casino gambling because they indicated "casinos will result in more Floridians and visitors being robbed, raped, assaulted, and otherwise injured." Sometimes organized crime is associated with gambling because of the huge

amounts of cash involved, making it an easy target of money launderers. Drug money, extortion money, and prostitution money are all laundered through such operations.

Gambling may on occasion breed political corruption. Seventeen South Carolina legislators were convicted of taking bribes to legalize horse and dog track racing. Six Arizona legislators pleaded guilty in 1990 for accepting bribes on a bill to legalize casino gambling. Seven Kentucky legislators pleaded guilty of bribery for the same. In 1990, a former West Virginia Governor pleaded guilty to taking a bribe from racing interests. In 1994, a West Virginia lottery director was sentenced to Federal prison for rigging a video lottery contract.

Because of crime associated with casino gambling, regulatory agencies in New Jersey spend over \$59 million annually to monitor the city's casinos. In 1992, the Wall Street Journal reported that since 1976, Atlantic City's police budget has tripled to \$24 million while the local population has decreased 20 percent. During the first 3 years of casino gambling, Atlantic City went from 50th in the Nation in per capita crime to 1st. Overall, from 1977 to 1990, the crime rate in that city rose by an incredible 230 percent. Organized criminal activity is so pervasive that the American Insurance Institute estimates that 40 percent of all white-collar crime is gambling related.

The Commission should also study the impact of pathological, or problem gambling on individuals, families, social institutions, criminal activity, and the economy. Gambling social costs include direct regulatory costs, lost productivity costs, direct crime costs, as well as harder-to-price costs such as suicide, and family disintegration. Various studies indicate that the mean gambling-related debt of people in compulsive gambling therapy ranged from about \$53,000 to \$92,000. Compulsive gamblers in New Jersey were accumulating an estimated \$514 million in yearly debt.

Pathological gamblers engage in forgery, theft, embezzlement, drug dealing, and property crimes to pay off gambling debts. They are responsible for an estimated \$1.3 billion worth of insurance-related fraud per year which is borne by the rest of us in the form of increased premiums, deductibles, or copayments.

Teenage gambling is another daunting social problem. In 1991 New Jersey casino security ejected 21,838 persons under the age of 21 from casinos, and prevented another 196,707 from entering. The New Jersey Casino Control Commission regularly reports 25,000 or more teenagers being stopped at the door or ejected from the floors of Atlantic City's casinos. One can only guess at how many teenagers do get in, gamble, and are served drinks. Today, research indicates that as many as 7 percent of teenagers may be addicted to gambling.

The Commission should review the demographics of gamblers because studies indicate a disproportionate number of gamblers are low-income people.

Mr. Speaker, while I am personally opposed to legalized gambling in Virginia, I am not taking a position on whether other States should or should not permit gambling. The purpose of this legislation is to bring together all the relevant data so that Governors, State legisla-

tors, and citizens can have the facts they need to make informed decisions. I invite any interested Members to join me as cosponsors of this important legislation.

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 Gambling Impact and Policy Commission Act".

#### SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the National Gambling Impact and Policy Commission (in this Act referred to as the "Commission").

#### SEC. 3. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed from persons specially qualified by training and experience, of which one should be a Governor of a State, to perform the duties of the Commission as follows:

- (1) three appointed by the Speaker of the House of Representatives;
- (2) three appointed by the majority leader of the Senate; and
- (3) three appointed by the President of the United States.

(b) DESIGNATION OF THE CHAIRMAN.—The Speaker of the House of Representatives and majority leader of the Senate shall designate a Chairman and Vice Chairman from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting as directed by the President.

(e) MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

#### SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of gambling in the United States and existing Federal, State, and local policy and practices with respect to the legalization or prohibition of gambling activities and to formulate and propose such changes in those policies and practices as the Commission shall deem appropriate.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the economic impact of gambling on the United States, States, political subdivisions of States, and Native American tribes;

(B) the economic impact of gambling on other businesses;

(C) an assessment and review of the political contributions and influence of gambling businesses and promoters on the development of public policy regulating gambling;

(D) an assessment of the relationship between gambling and crime;

(E) an assessment of the impact of pathological, or problem gambling on individuals, families, social institutions, criminal activity and the economy;

(F) a review of the demographics of gamblers;

(G) a review of the effectiveness of existing practices in law enforcement, judicial administration, and corrections to combat and deter illegal gambling and illegal activities related to gambling;

(H) a review of the costs and effectiveness of State and Federal gambling regulatory policy, including whether Indian gaming should be regulated by States instead of the Federal Government; and

(I) such other relevant issues and topics as considered appropriate by the Chairman of the Commission.

(b) REPORT.—No later than three years after the Commission first meets, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

#### SEC. 5. POWERS OF THE COMMISSION.

##### (a) HEARINGS AND SUBPOENAS.—

(1) The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, receive such evidence, and require by subpoena the attendance and testimony of such witnesses and the production of such materials as the Commission considers advisable to carry out the purposes of this Act.

(2) ATTENDANCE OF WITNESSES.—The attendance of witnesses and the production of evidence may be required from any place within the United States.

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

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

(5) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (3) may be served in the judicial district in which the person required to be served resides or may be found.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

#### SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

##### (c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The executive director shall be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman of the Commission may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4.

#### TRIBUTE TO THE HERITAGE SCHOOL OF NEWNAN, GA, ON THE OCCASION OF ITS 25TH ANNIVERSARY

##### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. COLLINS of Georgia. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding educational institution located in Georgia's Third Congressional District. On November 22, the Heritage School of Newnan, GA, celebrated its 25th anniversary. The Heritage School was founded in 1970 to create an outstanding educational alternative for the families of Newnan and the surrounding areas. Renowned for its emphasis on family involvement in the educational process, the Heritage School prospers through intense communication between teachers, students, and parents. In fact, the parent conferences at the Heritage School are led by the students. This highly innovative method allows students to analyze their scholastic progress, outline

areas needing improvement, and share with both parent and teacher the steps that will be used to achieve the goal.

Stressing personal growth as well as academic excellence is evident in the Heritage School's Bigs/Littles program. This program is designed to foster social and academic relationships between the students ranging from age 3 to 18. The Bigs/Littles program provides younger students an opportunity to have older, more experienced students as role models. In turn, older students have a sense of duty to look after the well-being of their little friends. The Bigs/Littles program at the Heritage School fosters respect, trust, and friendship throughout the students' lives.

The Heritage School prepares students for success in college and life by encouraging and demanding academic excellence. The fact that 98 percent of the Heritage School graduates attend college, and 92 percent of those graduate from college with their entering class, illustrates the success of this educational institution.

The success of the Heritage School is deeply rooted in its three-part educational philosophy. First, students must become involved and develop a strong desire to participate in their own education and in the life of their school. Then, students need to experience genuine success in an academic area or activity. Finally, students are encouraged to strive toward excellence, develop the ability to tap their deepest personal resources, and interact meaningfully with others.

Mr. Speaker, at a time when the education of America's youth is under constant attack, I am honored to have an institution in my district that continually produces outstanding young individuals. I ask my colleagues to join me today in recognizing the achievements of the Heritage School on its 25th anniversary and encourage this institution to continue to uphold what has become the standard for academic excellence in Georgia.

#### MAZAIKA VERSUS BANK ONE COLUMBUS, N.A.

##### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. NEY. Mr. Speaker, for the information of my colleagues I am entering into the RECORD the following letter to Mr. Leach, chairman of the House Banking and Financial Services Committee regarding the *Mazaika v. Bank One Columbus, N.A.*, No. 00231 (PA Superior Court 1994) decision:

HOUSE OF REPRESENTATIVES,  
January 10, 1995.

Congressman JIM LEACH,  
Chairman, House Banking and Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR JIM: Last month, the Pennsylvania Superior Court issued a decision interpreting important provisions of the Riegle-Neal Interstate Banking and Branching Act of 1994—provisions that our colleagues worked on together during the 103rd Congress.

The case that we are referring to, as you know, is the *Mazaika v. Bank One Columbus,*

N.A. No. 00231 (PA Superior Court 1994) decision. In a 6 to 3 decision, the Pennsylvania Superior Court determined that a national bank located in Ohio was not authorized by Section 85 of the National Bank Act to collect certain credit-card charges from Pennsylvania residents. This holding conflicts with the conclusions reached by many other courts across the country and the clear legislative intent. These other courts have held, based on decisions of the United States Supreme Court and other authorities (including opinions by the federal bank regulators), that a national bank may collect credit card charges from borrowers, no matter where they live, as long as the charges are legal in the national bank's home state.

We believe that the *Mazaika* court made two fundamental errors in its interpretation of the Riegler-Neal Interstate Banking and Branching Act of 1994. The court found that the "applicable law" provision in the interstate law applied, even though that provision is applicable only when a bank actually has branches in a second state. This provision has no bearing on or relevance to the facts in the *Mazaika* case because, in that case, no branching by the Ohio bank into Pennsylvania is involved.

The *Mazaika* court also ignored the provision in the interstate law that actually is relevant, the "savings clause" in Section 111 of the Interstate law. The savings clause ensured that a bank's ability to collect all lending charges was not affected by other provisions of the interstate law (such as the applicable law provision). The savings clause preserves the pre-existing lending authority of banks to collect all lending charges in accordance with home state law, without regard to the changes in branching authority made by the interstate law.

It is always frustrating when courts fail to interpret correctly the plain meaning of the laws we enact. This is particularly troubling in this case. We therefore would appreciate your assistance in clarifying the legislative intent regarding this matter.

Very truly yours,  
 DEBORAH PRYCE.  
 ROBERT NEY.

WELCOME TO HON. FRANKLIN A. SONN, AMBASSADOR FROM SOUTH AFRICA

**HON. BENJAMIN L. CARDIN**

OF MARYLAND  
 IN THE HOUSE OF REPRESENTATIVES  
 Wednesday, January 11, 1995

Mr. CARDIN. Mr. Speaker, I rise today to welcome the Honorable Franklin A. Sonn as the new Ambassador from South Africa to the United States. On Thursday, January 12, 1995, Ambassador Sonn, in his first major U.S. speech, will address the Beth Tfiloh Congregation in Baltimore.

Ambassador Sonn, a leading South African educator and businessman who was appointed by President Nelson Mandela, is interested in promoting greater opportunities for partnerships between the United States and South Africa. I believe it is vital that the United States continue to offer economic development opportunities for South African and United States businesses. Without economic stability, President Mandela will have great difficulty in accomplishing his goal of building a new future for all South Africans.

South Africa and President Mandela have made enormous strides in focusing on human rights issues and the economic needs of South Africans. Ambassador Sonn will discuss President Mandela's plans for a new South Africa, including housing, education, economic development, and racial harmony.

This address is being coordinated by the International Commission of Community and Volunteer Services of B'nai B'rith in cooperation with the black and Jewish organization the BLEWS.

I hope that my colleagues also join my fellow Baltimoreans and me in welcoming Ambassador Sonn and in extending best wishes to him as he begins his assignment in the United States.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 12, 1995, may be found in the Daily Digest of today's RECORD.

**MEETINGS SCHEDULED**

**JANUARY 18**

9:30 a.m.  
 Rules and Administration  
 To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1995 and 1996. SR-301

**JANUARY 19**

9:30 a.m.  
 Rules and Administration  
 To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1995 and 1996. SR-301

**JANUARY 25**

9:30 a.m.  
 Rules and Administration  
 Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business. SR-301

**POSTPONEMENTS**

**JANUARY 19**

9:30 a.m.  
 Indian Affairs  
 To hold oversight hearings to review structure and funding issues of the Bureau of Indian Affairs. SR-485