

## EXTENSIONS OF REMARKS

### DRUNK DRIVING PREVENTION ACT

#### HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. BREWSTER. Mr. Speaker, the last decade has witnessed great strides in the battle against drunk driving. The facts speak for themselves: Alcohol-related traffic fatalities in 1993 were 21 percent below the 1990 level. The original drunk driving target for the year 2000 set by the Federal Government was met and exceeded by 19 percent in 1992, and the number of teenage drunk drivers involved in fatal accidents is down 62 percent since 1982.

The reduction in drunk driving is due to an effective comprehensive approach combining sound laws, strict enforcement, even-handed adjudication, education, and treatment. To continue to address the problem and prevent the abuse of beverage alcohol products we must continue a two-pronged effort that ensures strict and consistent law enforcement for those who break the law and education concerning the responsible consumption of beverage alcohol products.

While recognizing that there is certainly still much to be done, the Distilled Spirits Council of the United States [DISCUS], a leader in the beverage alcohol industry and a proponent of responsible initiatives to combat drunk driving, has developed a model State law, the Drunk Driving Prevention Act. The strong provisions contained in this model State legislation will deter and penalize those who drive while under the influence. DISCUS is to be commended for its exemplary effort to build a working partnership at the Federal, State and local community levels in an effort to enact passage of this measure. The Drunk Driving Prevention Act will help ensure that progress continues in the fight to stop alcohol-related fatalities on our Nation's highways.

The following is a synopsis of the act's provisions:

Alcohol and drug education for drivers: Every first-time applicant for a driver's license would complete a mandatory course of instruction that provides alcohol and drug education concerning the effects of consumption of beverage alcohol products; the use of illegal, prescription and nonprescription drugs; the ability to operate a motor vehicle, and the financial and legal consequences of driving while under the influence. The driver's license test would also include written questions on these issues.

Open container: Drivers and passengers would be prohibited from carrying or possessing any beverage alcohol product in the passenger area, except in the original container with the seal unbroken. Partially filled containers must be stored in the trunk or lacking a trunk, in the compartment area least accessible to the driver. This provision does not

apply to passengers in chartered buses, taxis, limousines for hire, or motor vehicles with a contract driver.

Administrative license revocation: Administrative license revocation for drivers who refuse to submit to the State's implied consent chemical testing, or who are arrested for the violation of the State's driving while under the influence law prior to court appearance. This provides for the arresting officer to physically take possession of the offender's driver's license and issue a temporary license with a notice of revocation. The driver would then have 15 days to request a hearing. If no hearing was requested, immediate revocation would take effect. Upon the expiration of the revocation period, the party would be eligible to apply for another driver's license upon payment of all applicable fees. It would be unlawful for the individual to drive while his/her license is revoked and for any person to knowingly permit his/her motor vehicle to be driven by an individual with a revoked license.

Tough laws against underage drinking: Administrative license revocation penalties for minors who drive with any measurable and detectable alcohol concentration, or who illegally purchase or possess beverage alcohol products. A minor may not enter premises licensed for the retail sale of beverage alcohol for the purpose of purchasing, being served, or having delivered to him/her any beverage alcohol product. A minor may not consume beverage alcohol on premises licensed for the retail sale of beverage alcohol, may not purchase, attempt to purchase, or have another purchase for him/her any beverage alcohol product, and may not misrepresent or misstate his/her age, or the age of any person, for the purpose of purchasing or having served or delivered to him/her any beverage alcohol product.

Mandatory alcohol and drug testing of drivers involved in fatal motor vehicle accidents: Chemical testing is required of every driver involved in an accident resulting in loss of human life where there exists probable cause to believe that the driver is guilty of violating the State's driving while under the influence law. It would also require the establishment and maintenance of a database of the number of fatal motor vehicle accidents that are alcohol-related with the percentage of alcohol concentration involved, and/or drug-related involvement and list the class of drugs so found and their amount.

Mr. Speaker, there are no easy answers or quick remedies to drunk driving. What is evident, however, is this country would greatly benefit from a cooperative partnership between the U.S. Government, the beverage alcohol industry, and the American public. Let us set aside any differences in our quest for a common goal. We must recognize personal responsibility as the first step toward the ultimate end to drunk driving. Drunk driving is everyone's problem, the solution must be as well.

MURLI DEORA, INDIAN M.P.,  
ELECTED PRESIDENT OF PARLIAMENTARIANS FOR GLOBAL ACTION

#### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. ACKERMAN. Mr. Speaker, earlier this week Parliamentarians for Global Action unanimously elected Murli Deora as its international president. Parliamentarians for Global Action is an association of more than 1,000 legislators from more than 80 countries who are committed to solving global problems in a spirit of cooperation that transcends national and ideological boundaries.

Murli Deora's election to this position marks the first time a parliamentarian from Asia has been voted to head this prestigious organization. It also is a recognition of Murli's many years as a staunch advocate of a strong relationship between the United States and India. Murli has been a key leader in promoting United States-Indo ties while he served as a Member of Parliament representing the financial center of Bombay. Murli has worked diligently both in his capacity as a Member of Parliament and as the chairman of the Congress Party in Bombay to make certain that the economic bonds between the United States and India grow stronger every year. He has offered invaluable advice and assistance to me and many other Members of Congress who share his vision of a vibrant Indo-United States relationship.

Mr. Speaker, India is the world's largest democracy. The United States is not only India's friend and ally, but also its largest trading partner. Therefore, I believe it is entirely appropriate for my colleagues and I to join together in congratulating Murli on this high honor which he so richly deserves. As we move toward the beginning of the 21st century I am certain that the Congress can continue to look to Murli for guidance and leadership as the relationship between the United States and India grows even stronger. He will be a dynamic president of Parliamentarians for Global Action at a time when his creative leadership and expansive vision will be utilized to the fullest. I know every member of this body joins me in wishing him continued success as he undertakes this important new responsibility.

#### TRIBUTE TO RON ESAU

#### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MINETA. Mr. Speaker, I rise today in tribute to a dedicated public servant and a

● 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.

personal friend. As Ron Esau retires from his position as general manager of the Santa Clara Water District, in San Jose, CA, this month, he caps a remarkable career as a major water resources force in Santa Clara County. This is a man whose interest in public service is so important to him that he made it his duty for more than half of his life.

Since 1957, Ron Esau has been serving the citizens of Santa Clara County. He first joined the Santa Clara Valley Water District as an assistant civil engineer and has held various posts, including assistant general manager, until appointment to his present position as general manager.

During his 37 years of dedicated service, Ron Esau has been appointed to numerous directorships on water boards across the State including the State Water Contractors, the Central Valley Project Water Association, the California Water Resources Association, the California Urban Water Agencies, the Western Urban Water Coalition, the Bay Policy Board, and others.

Aside from his prestige as a high-ranking water resources and community official, Mr. Esau has also been praised for the substantial contributions he has made as a hard-working volunteer. He is known for the work he has done as a cabinet member of the United Way of Santa Clara County, and for his extensive work with his church.

Despite the water wars that raged in our State for years, Ron Esau has been a voice of reason with an eye to the future for how we work well to develop a reliable water supply for Santa Clara County. One of the greatest strengths Mr. Esau brought to our valley was the need to expand the diversity of our water supply base to deal with the growth of our county and the realities of drought. His thoughtful approach of developing a mix of water supplies led this county through the recent critical drought experience relatively unscathed in a much stronger position than many areas around us. This feat is a testament to his leadership and vision.

Ron Esau is a principled and honest leader and a devoted father and husband. I know that whatever area of endeavor he chooses next, he will excel. I want to wish Ron and Connie and the rest of his family all the best in the future, and thank him for the wonderful achievements and progress he has left for us to remember him by.

NATIONAL COMMISSION ON  
PROFESSIONAL BASEBALL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. LaFALCE. Mr. Speaker, I am today introducing the National Commission on Professional Baseball Act of 1995. The legislation creates a temporary regulatory authority to oversee the conduct of professional baseball to assure that our national pastime will remain available and responsive to the American public.

Like all baseball fans, I have found the events of the past year extremely dishearten-

ing. We witnessed labor negotiations that focused more on outlandish demands by both owners and players that on tangible objectives, a baseball strike that halted all major league play after August 12 and, for the first time in 90 years, the cancellation of a World Series. Recently, the major league team owners unilaterally imposed a cap on player salaries that could also jeopardize the 1995 baseball season. All these events have taken place behind closed doors, in secret negotiations without representation of, and little apparent regard for, the interests of those who pay the cost of professional baseball—baseball fans and taxpayers.

These events tend to confirm the most negative images of major league baseball in the press as big business dominated by the interests of obstinate team owners and overpaid players. But baseball has always been more than just a business. Last year's PBS special on the history of baseball by Ken Burns offered a timely reminder that baseball is an important American institution and an historic national treasure. For more than 100 years, baseball has been one of the few constants in a changing American society. It has been the measure by which generations of Americans have recalled their past, identified their heroes and defined their values and aspirations.

Today, the values and traditions of baseball are at risk for future generations. In the struggle for financial dominance between major league owners and players, nowhere are the interests of baseball fans represented in any negotiation. Ticket and concession prices are now so high that the Nation's pastime, if available at all locally, is priced out of the reach of growing numbers of American families. Even watching baseball on commercial television, the only way many families now enjoy major league games, could be eliminated if broadcast rights are sold to pay-per-view television.

It is clear that baseball owners and players will continue to look out only for their own needs. But there is a crying need for someone to look out for the interests of fans, of taxpayers and of the communities in which both major league and minor league baseball is played. It is time for Congress to take steps to return baseball to the American people.

The legislation I am introducing today seeks to accomplish this by creating an independent National Commission on Professional Baseball. The Commission would serve as a temporary regulatory body and impartial arbitrator to oversee the conduct of professional baseball until the legal status of major league baseball can be redefined either by negotiation or by congressional legislation. Its purpose is simple—to provide a measure of protection for the interests of baseball fans and taxpayers against the near absolute control over baseball exercised by the major league baseball owners.

Major league baseball is unique among professional sports and American business in the broad exemption it enjoys from legal challenge under the Nation's antitrust laws. Major league team owners have, in effect, the ability to write all their own rules and to impose these rules on the public. No outside regulatory authority, nor any form of internal self-regulatory control, now exists to check this exercise of take-it-or-

leave-it market power by major league baseball.

The current player strike is the most obvious result of this unchecked exercise of market power. Where once baseball's antitrust exemption was instrumental in allowing baseball to expand and create playing opportunities, it now encourages labor disputes and deadlock. In every renegotiation of the major league players agreement since 1972—in eight separate negotiations in 22 years—agreement was not reached without either a strike or a lock-out.

But the problems created by the major league's exemption from legal challenge go beyond the labor disputes it fosters between owners and players and its exclusiveness and expense for consumers. There are equally adverse consequences for minor league baseball teams, local governments and taxpayers.

The relationship between major league and minor league baseball teams has become extremely imbalanced, to the extent that minor league teams appear analogous to closely controlled franchises with little independent control or discretion. The key assets of minor league teams—their players, managers, and coaches—are owned and controlled by major league teams, leaving minor league owners with authority to undertake largely financial management and marketing responsibilities for their team. Rights to operate as a minor league team, together with players and coaches, can be revoked for almost any reason, and with little or no recourse.

Major league owners have also learned that by threatening to move a team to another city they can extract hundreds of millions of dollars from local governments to renovate existing ball parks or build extravagant new stadiums. Teams have attracted new fans and generated substantial windfalls in the first few years after moving into new stadiums. Local taxpayers end up paying most of the costs. The major leagues have also required smaller communities to invest substantial sums to renovate playing facilities in order to retain their minor league teams, offering few, if any, guarantees that these teams will not be moved in future years. In my own State of New York, for example, the cost imposed on smaller towns to meet these facility requirements has amounted to nearly \$30 million. Once again, the taxpayers pay the bill.

It has become clear that we really need Federal legislation to solve some of the major problems faced by baseball. Since baseball is a national sport and, indeed, is known as our national pastime, I believe Federal legislation is the best way to address this need.

Proposals have been introduced in the House by Representatives MICHAEL BILIRAKIS and JIM TRAFICANT, and in the Senate by Senator DANIEL PATRICK MOYNIHAN, to repeal baseball's antitrust exemption. I fear this may be too simplistic an answer that does not come to grips with the totality of the problems of professional baseball. Repeal would certainly benefit major league players, and perhaps even consumers, if it results in team expansion and lower ticket costs. But it could be extremely disruptive of baseball operations generally and potentially devastating for many minor league teams. To resume play for fans in 28 major league cities could mean losing far

more affordable access to baseball for fans in many of the 170 minor league parks across North America.

The major alternative to this approach is incorporated in bills sponsored by Representatives JIM BUNNING and CHARLES SCHUMER and seeks only partial repeal of baseball's exemption to subject labor issues and negotiations to Federal antitrust law. These proposals suffer from the opposite problem of addressing only impediments to resolution of the current players strike while offering little to address the broader problems for baseball fans, local governments and taxpayers, and minor league teams.

The legislation I am introducing today offers a middle ground between these alternatives. It creates a seven-member national commission with representatives of all the principal parties in professional baseball, together with a chairman and two members representing the general public. The commission would serve as a temporary oversight and mediation body that could act immediately to help resolve an impasse between baseball owners and players and also protect the rights and interests of baseball fans, minor league teams, local governments and taxpayers. It would also facilitate a longer term, more thoughtful and balanced approach to resolving the broader problems created by baseball's antitrust exemption.

The legislation does not take a definitive position on the repeal of the antitrust exemption. A major duty of the commission would be to undertake a multi-year study of the antitrust exemption, taking into account all interests and perspectives, and to submit to Congress its findings and any recommendations for legislative remedies. The commission would be required to analyze the major proposals for modifying baseball's antitrust exemption, including total repeal of the exemption, partial repeal for purposes of subjecting labor relations issues to antitrust jurisdiction, and repeal of the exemption with protections to exempt long-standing contractual arrangements between major league and minor league teams from the antitrust laws.

My legislation does take the position that baseball's antitrust exemption is, in effect, a government-granted monopoly in much the same manner as a local public utility or transportation authority. And like any other publicly-sanctioned monopoly, my bill would require public oversight to assure that self-interest is not put above the interests of the public and consumers.

In this regard, the proposed commission would be similar to the Federal Communications Commission, or any other public body with oversight over a restricted industry or market. An important difference, however, is the fact that the authority of the proposed commission is intended to be temporary during a period of deregulation of baseball from the current market restrictions imposed by baseball's current antitrust exemption. Since Federal law has permitted a restricted national market for major league baseball, the Federal Government has both the right and the responsibility to regulate this market, just as we regulate other monopolies, to assure that the public's interests are protected.

The primary purpose of the commission is to provide a forum for public scrutiny over the

conduct of professional baseball at both the major league and minor league levels. It would have the authority to investigate many aspects of baseball, including the setting of ticket prices, expansion or relocation of team franchises, terms and conditions of major and minor league player contracts, relationships between major and minor league teams, structural requirements and financing for stadiums, television broadcast rights, and licensing and marketing of baseball merchandise. The commission could intervene in these areas upon a determination that an action or policy is potentially harmful to the public's interests or the best interests of baseball.

The commission also would have authority to conduct binding arbitration in the event of a labor impasse between major league owners and players. It could also provide for mediation or arbitration of disputes between the major leagues and minor league teams owners. In these areas, the legislation accords players and minor league team owners an opportunity to resolve disputes with major league team owners where no means of viable recourse are currently available.

A key power of the commission would be its authority to hold public hearings and to obtain, if necessary through court action, all relevant information and documents needed for its public investigations. Major decisions in baseball that affect baseball fans, teams, and taxpayers are made routinely in complete secrecy without any public representation or disclosure. Major league baseball's financial statements are accorded the status of State secrets. And secrecy and distrust between owners and players have created major barriers to settlement of labor disputes. The commission would lift this veil of secrecy in baseball and permit public disclosure of all relevant information pertaining to actions that affect the public.

The commission would also have authority to issue orders, and to obtain injunctions if necessary, to delay or halt actions or policies by major league team owners until it has had sufficient opportunity to hold public hearings and obtain relevant information.

Finally, the legislation requires that the commission be self-funding through payment of fees by the major league baseball owners. Major league baseball has reaped enormous benefits as a result of its protected market status under Federal antitrust law and has an obligation to pay most of the cost of regulating this market to protect the public's interests. Funding would be in the form of annual fees paid by major league baseball calculated as a fraction-of-a-percentage—.002 percent—of combined annual team revenues. The manner and allocation of these fee payments among major league teams would be determined by the commission after consultation with major league team owners.

Mr. Speaker, the single most important issue of economic policy and legal principle that every Member of Congress must consider is whether baseball owners should retain their unique prerogative to write all the rules of our Nation's pastime themselves. The events of the past year, and the cancellation of the World Series for the first time in 90 years, strongly suggest that major changes are needed.

I am particularly pleased about the recent statements by both President Clinton and Sen-

ate Majority Leader DOLE urging the players and owners to reach agreement as quickly as possible. I hope that these and other efforts are successful, and that the strike ends forthwith. But that alone is not enough, or should not be, because history shows that further work stoppages in the future are highly likely to occur. So Congress should act on this whether or not a settlement is reached.

Everyone involved in seeking a solution to this is doing so principally for emotional reasons—reviving our national pastime. But as the President pointed out, there are serious economic consequences as well. Spring training communities will lose \$1 million for each canceled game; major league cities will lose \$1.2 million and some 2,000 jobs for each canceled game, according to the U.S. Conference of Mayors. This means that the strike has already cost our economy some \$2 billion. We must not forget that it isn't just the owners and players who are losing money in this dispute—we are all losing, one way or another.

The many bills that have been introduced demonstrate the wide ideological and geographic extent of the interest in dealing with the baseball crisis. But the complete or partial repeal of the antitrust exemption is too simplistic an answer and will not get to the nub of the problem, which is to protect fans, taxpayers, and communities. My proposal offers a broader alternative. Under my bill, we will have the equivalent of compulsory arbitration to resolve the short-term problems and get major league baseball on the fields once again, followed by an in-depth study of how we can best organize baseball at all levels under conditions that provide future stability for all concerned: players, owners, fans, communities and taxpayers throughout the United States.

I think this is good legislation and sound public policy. I do not expect baseball owners to support my proposal; I do not expect major league players to support it; but I do hope that fans and taxpayers across America will support it, for it is the only proposal designed first and foremost for baseball fans and taxpayers. I urge the Congress to consider this legislation at the earliest opportunity.

#### BOYS CHOIR OF HARLEM: DOING IT RIGHT FOR 25 YEARS

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, a group of young men who have been doing it right for the past 25 years.

An outstanding article which appeared in the Daily News, December 11, 1994, speaks of the choir's humble beginnings to the celebrated musical success they take pride in today.

Please enjoy.

QUITE A CHOIR

(By Sharline Chiang)

"Guys, it's pianissimo," the burly choir director bellowed. Then, clapping twice, he ordered: "Don't half do it. It must be right!"

Doing it right. That's what the Boys Choir of Harlem has been specializing in for the past 25 years.

It hasn't always been easy.

"It's been a long process of convincing people—classical purists—that we were real," said Walter Turnbull, choir founder and director.

Evidence of real musicianship and diversity can be found on the choir's first solo album, "The Sound of Hope," which celebrates the group's silver anniversary.

The album, released in October by EastWest Records America, offers everything from pop and R&B to jazz and gospel.

In 25 years, the choir has been turned from a group of rambunctious boys in the basement of Ephesus Church in Central Harlem to a major international attraction.

In 1987, the Choir Academy of Harlem, a satellite of Community School District 5, was born. Today, the academy teaches youngsters ages 8 to 18 and offers a Regents high school program.

More than a year ago the academy moved from a smaller building in Harlem to its first permanent home—the former Intermediate School 201 building at Madison Ave. and 127th St.

Aside from proving itself to critics, keeping the school financially stable through the years has been a challenge, Turnbull said.

Performances for royalty and Presidents alone don't cover the costs of tutors, pianos and more than 100 worldwide tours each year. Ticket revenues cover only half its \$2.7 million budget.

Despite generous patrons, cutbacks in city and corporate funding have made some tours impossible.

Nevertheless, as funding shrinks, the number of young people who audition continues to grow. Last year 2,000 hopefuls tried out for 200 seats in music, dance and drama.

The school's population also is growing. Six years ago the choir reinstated its program for girls. Now the choir consists of 300 students.

The 35 to 40 boys who make up the touring choir are chosen from the 150-member concert choir on a rotating basis.

Although more than 90% of the students go on to college, Turnbull said, not everyone reaches graduation day. He loses some students to the lure of the streets.

"It's hard," the director said. "Some you can't reach."

But for many, like 12-year-old Nilelijah Scott, the Boys Choir of Harlem is a sanctuary, a place to get into music and off the streets.

"Instead of hanging out with friends and getting into trouble, I just come here after school and go to rehearsal," said Scott, a two-year veteran soprano and an aspiring accountant. "When you graduate from here, you gain a sense of self-esteem."

Osman Armstrong, 14, sings first alto. A choir member since age 9, his favorite song in the program is Haydn's "Te Deum."

"My mother loves it that I'm here because I get to travel," said Armstrong. "And I'm getting away from the city."

Some graduates, like William Byrd, return.

A Boys Choir assistant conductor and music theory teacher, Byrd, 26, graduated in 1986. After earning his computer science degree from Hunter College next spring, Byrd hopes to attend Westminster Choir College in Princeton, N.J.

"The school helped me home in on my ambitions and skills," Byrd said, "to become my own person."

Looking ahead, Turnbull dreams of helping others set up similar choir schools in major U.S. cities. Music teachers from Houston and Detroit have expressed interest.

But for now, creating an endowment through fund-raising and corporate projects is the Boys Choir's main goal, Turnbull said. He said an endowment will allow the Boys Choir of Harlem to celebrate the tradition of "doing it right" for another 25 years.

"It's not just about the choir, it's about discipline," he said. "It's about feeling good about yourself—that's hope."

INTRODUCTION OF LEGISLATION TO CONVEY SURPLUS REAL PROPERTY BY SALE AT THE FORT ORD MILITARY COMPLEX

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. FARR. Mr. Speaker, today I am introducing important legislation to convey surplus real property at the former Fort Ord Army reservation, by sale to the city of Seaside, CA. This legislation would, among other things, help implement the 1993 recommendation of the Defense Base Closure and Realignment Commission. In the Commission's 1993 report to the President, the Commission made specific recommendations for parcels of property to be disposed of by the Department of the Army, while recognizing the unique needs for supporting the military personnel remaining on the Monterey Peninsula. Specifically, the Commission directed the Department to dispose of all property, including the golf courses, not required to support the Presidio of Monterey and the Naval Postgraduate School. Accordingly, in 1993, the Acting Secretary of the Army decided to sell the two Fort Ord golf courses to the city of Seaside, CA.

Unfortunately, the Defense Base Closure and Realignment Act does not permit the Commission to take into account the non-appropriated fund revenue needs which are supported by the golf course revenues. Accordingly, this legislation would address that need by allowing funds received by the Army for the sale of the golf courses to be deposited into the Army morale, welfare, and recreation account.

The sale of the two Fort Ord golf courses to the city of Seaside is in accord with the Fort Ord preferred reuse alternative prepared by the federally recognized local redevelopment authority, the Fort Ord Reuse Authority [FORA]. As such, the Seaside purchase of the two Fort Ord golf courses will implement the community redevelopment plan as endorsed by S.B. 899, the State of California legislation creating the Fort Ord Reuse Authority.

The legislation conveys approximately 477 acres, which consists of the two Fort Ord golf courses, Black Horse and Bayonet, and the surplus Hayes housing facilities which have been excessed and appropriately screened according to the Pryor process. The city of Seaside will be required to pay fair market value for the property. The legislation directs the proceeds from the sale of the golf courses to be deposited in the Department of the Army morale, welfare and recreation fund, and the

proceeds from the sale of the housing into the DOD BRAC account.

In the 103d Congress I authored legislation to convey certain surplus real property at Fort Ord to the California State University, and the University of California, the centerpieces of the community revitalization strategy. The legislation I am introducing today is another step in the community development reuse plan which is now falling into place. A single local governing entity has been formed, the 21st campus of the California State University is about to open, the BLM land at Fort Ord is being cleaned up by AmeriCorps participants, and the University of California's Science, Technology, Education, Policy Center is attracting investors.

My legislation will move the process forward again by assisting the Army in divesting itself of the golf courses vis-a-vis the 1993 BRAC recommendation, at the same time it helps foster economic development in the city of Seaside, which has been adversely impacted by the closure of Fort Ord.

FIRST-TIME HOMEBUYER AFFORDABILITY ACT

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. ORTON. Mr. Speaker, today I am re-introducing my First-Time Homebuyer Affordability Act of 1995. I would like to take this opportunity to explain the need for this legislation and to summarize its provisions.

Study after study has demonstrated that the most significant barrier to home ownership in this country is the high level of downpayment generally required to secure approval of a mortgage loan. Yet, because of our current tax laws, the \$850 billion currently invested in individual retirement accounts [IRA's] is effectively precluded from being used for such downpayment purposes, either directly by a homebuyer or through a parental loan. I believe we must change our IRA tax laws to dynamically open up these funds to promote home ownership.

The First-time Homebuyer Affordability Act accomplishes this objective. It is substantially identical to legislation I introduced in both the 102d and 103d Congress. Last year's bill, H.R. 1149, was a bipartisan effort, with 28 co-sponsors, about equally split between Republicans and Democrats. H.R. 1149 was formally endorsed last year by both the National Association of Home Builders and the Mortgage Bankers Association of America.

First, let me explain the need for this legislation. Current IRA statutes prohibit an IRA account holder from engaging in a number of prohibited transactions, including loans to family members and use of one's own IRA funds for personal use. If anyone uses IRA funds for a prohibited transaction, the penalties are severe. The money that is used is subjected to full Federal and State income taxes. In addition, a 10-percent premature withdrawal or distribution penalty is assessed on the amount withdrawn. Combined, an IRA account holder may be forced to pay over 50 percent of the amount withdrawn in taxes and penalties. The

result is that under current law, individuals are effectively precluded from using IRA funds to make a downpayment to buy a home.

My legislation overcomes this barrier by providing a targeted exemption from prohibited transaction rules to allow individuals to access IRA accounts to make a downpayment on a first-time home purchase. By structuring the use of funds as an economic transaction entered into by a self-directed IRA account, the tax and premature withdrawal penalties are avoided—resulting in a substantial savings to the homebuyer. By eliminating barriers to the use of IRA funds, this change would have a significant impact in increasing homeownership. Finally, this approach is pro-savings. By structuring use of IRA funds as an economic transaction within an IRA, the moneys used to buy a home are eventually restored to the IRA, available for continued tax-deferred reinvestment.

Specifically, my bill: One, permits individuals to borrow money from their own IRA account to make all or part of a downpayment for a first-time home purchase of a primary residence. This is similar to loans permitted from one's 401(k) account; two, permits parents to lend money within their IRA account to their children for use as a downpayment on a first-time home purchase of a primary residence, and three, permits the transactions permitted in one and two above to be structured as an equity investment; that is, a home equity participation agreement.

IRA account holders are currently permitted to invest in a Ginnie Mae mutual fund, which consists of thousands and thousands of single family mortgages—on other people's homes. However, IRA funds may not be used to pay for or finance your own home, nor for the home of a family member. In other words, your IRA account can be used for the purchase of any home in the country except your own home or the home of a family member. This policy is unfair, anti-home-ownership, and antifamily.

Moreover, consider the purpose of IRA's. IRA's are intended to promote long-term productive investments to provide a nest egg for retirees. Historical studies have shown that one's home is generally the largest and most important asset people have. It is probably also the best investment they will ever make. Shouldn't IRA funds be available for this important purpose?

Consider, finally, that we do permit individuals to borrow from their 401(k) retirement accounts to purchase a home. A 401(k) plan is nothing more than a self-directed retirement plan—in much the same way an IRA account is. If we allow people to borrow money from a 401(k) plan for this purpose, shouldn't we also allow borrowing from an IRA account?

I believe we should. My legislation allows this to be done in a flexible, but responsible manner. My bill allows 100 percent of the funds in one's IRA account to be used for a first-time home purchase, structured either as a loan or an equity sharing investment.

Under my bill, IRA advances structured as a loan may be flexible. Any loan from an IRA can be for a term of up to 15 years. The loan may be interest only—no principal amortization. And, interest on the loan may be deferred until repayment of the loan. These two options

increase flexibility with respect to cash flow. Finally, the loan may be unsecured or may be secured—typically by a second lien on the home. This increases flexibility with respect to second mortgage limitations typically imposed by secondary market mortgage lenders like Fannie Mae and Freddie Mac.

IRA advances structured as an equity sharing agreement are intended to mirror current free market practices, in which homebuyers give up part of the appreciation of value of their home in return for vital down payment assistance. To preserve the concept of having the IRA engage in economic transactions, my bill requires that equity sharing arrangements be structured under terms similar to those made in arms-length transactions.

While flexible, the bill is also structured in a careful, targeted manner. The public policy purpose of the bill is to promote entry into the housing market. Therefore, the home buyer must be a first-time home buyer. In addition, the home purchase must be a principal residence. Finally, the loan or equity investment must be repaid upon the sale of the home.

My bill also contains provisions to prevent self-dealing or tax-gaming. For example, the interest rate on the loan must be no less than 200 basis points below and not more than 200 basis points above comparable Treasury rates. In this way, the IRA earns at least a fair rate of return, but individuals cannot funnel excessive tax-deferred funds into an account. Perhaps most importantly, my bill provides that forgiveness or default on loan or equity repayment subjects an IRA to premature distribution treatment—making the funds subject to tax and withdrawal penalty. This effectively prevents individuals or parents from converting IRA funds tax-free to personal use through a fabricated default.

Finally, I would like to compare this approach to the so-called penalty waiver approach. This approach was included in H.R. 4210, a major tax bill approved in the 102d Congress, but vetoed by the President. The penalty waiver provision was also included in the super-IRA bills introduced last year by Senator ROTH in the Senate and Representatives THOMAS and Pickle in the House. Many Members of both the House and Senate have introduced legislation incorporating this concept.

Quite simply, the penalty waiver approach provides for a waiver of the 10-percent penalty on premature IRA withdrawals for certain identified purposes. Typically, qualified purposes in legislative proposals include first-time home purchase, higher education expenses, and emergency medical bills.

Clearly, adoption of this type of proposal would make it easier to access IRA's for these purposes. However, penalty waiver advocates generally fail to emphasize that the IRA account holder would still owe Federal and State income taxes. At best, a penalty waiver would marginally reduce the huge disincentive against using IRA funds to buy a home.

Let me illustrate this point. Take a hypothetical case in which a young couple plans on buying a house, requiring a downpayment of \$10,000. Let's assume the couple's sole source of long-term savings is the \$10,000 they have in their IRA account. Let's also assume that this couple is in a marginal 28 per-

cent Federal tax bracket, and a 6-percent marginal State tax bracket. Even under a penalty waiver approach, this couple would still forfeit almost one-third of the amount in their IRA account to State and Federal taxes. Moreover, they would have less than \$7,000 left to invest, not enough to make the required downpayment. In contrast, under my legislation, the couple could lend themselves all of the \$10,000, with no tax or penalty consequences.

This difference is especially important when considering parental loans. It is true that certain penalty waiver proposals permit parental withdrawals to assist their children with a downpayment. But I think it would be a very rare case in which a parent would be willing to take \$10,000 from their IRA account, suffering an unnecessary tax of from \$3,000 to \$4,000, to assist their children with a downpayment.

Thus, a penalty waiver sounds like a good public policy change. However, in practice, it would have only a marginal impact—reducing one's tax penalty by only around 20 percent of the amount otherwise owed. This incentive will induce relatively few people to actually take money out of their account to buy a house, compared to current law. As a result, it will produce a very small increase in the level of homeownership in this country.

We need to do more to access IRA funds for home ownership. Adoption of the First-time Homebuyer Affordability Act would make it much easier for many Americans struggling to meet downpayment requirements and enter the housing market. I would welcome cosponsors for this bill, and urge its consideration in the House.

#### TRIBUTE TO MARC HAKEN

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to a man whose contributions to his community speak volumes for the ability of one human being to have a positive impact on the lives of others. In a time when individuals seem to be focusing increasingly on their own welfare, Marc Haken, who already has made significant contributions to the Queens community as a teacher and community activist, has discovered yet another way to have a profound impact on his fellow New Yorkers.

For the last 3 years, Marc has made at least 1 monthly donation to the Queens Library Foundation's Buy-a-Book program to help expand the library's collection. You see, Marc learned at a young age that the ability and desire to read opens the door to a world of ideas and opportunities. The 37 books that Marc has donated to this point, each dedicated to a deserving individual, will enrich the lives of Queens residents for years to come, leaving behind a legacy of commitment to community in which we can all share. I hope it serves as an example to others.

Mr. Speaker, I'm inserting into the RECORD a January 8, 1995, article published in the Queens Library newsletter which elaborates on the meaningful contributions made by this fine citizen:

## COMMUNITY LEADER CHAMPIONS BUY-A-BOOK CAMPAIGN

Contributing to the Queens Library Foundation's Buy-a-Book program has become something of an obsession for Marc Haken. Since first learning about the opportunity to put new books into the Library's collection through Buy-a-Book, Mr. Haken, a teacher, community activist and lifelong Queens resident, has been the program's most enthusiastic supporter. Each month for the past two years, he has faithfully contributed at least one \$25 donation to purchase a book. In all, his donations have enabled the Library to acquire 37 new books—books that Queens Library would otherwise have been unable to offer.

While some might consider his generosity unusual or excessive, Mr. Haken knows well the great value of books and libraries, and believes that contributing to Buy-a-Book is the last he can do to repay the Library which helped make him a success. As a junior high school teacher, vice chair of Community Board 8, president of a housing association, political lobbyist and member of countless community organizations, Mr. Haken leads a full and contented life. However, he realizes that if Queens Library's limitless resources had not been available to him as a child, his life may have taken a much different course.

"It's frightening to think back on it today, but I almost slipped through elementary school without learning to read," Mr. Haken said. "Thankfully, my sixth grade teacher recognized the problem and insisted that I begin learning to read and taking my education seriously." That was just the push Mr. Haken needed. Each day following school, he walked directly to Queens Library's Central Library, then located on Parsons Boulevard, and spent all afternoon devouring books, determine to compensate for lost time.

"I wasn't even concerned with subject matter at the time, I only wanted to improve my reading skills," Mr. Haken related. "I'd simply pick a shelf in the library and return every day until I'd read every book on that shelf. Somewhere in the process, I began appreciating all the wonders of reading. I realized my mind was opening and new worlds were presenting themselves."

Mr. Haken believes that the voracious appetite he developed for reading led directly to his desire to teach, and his commitment to community service. He considers himself fortunate to have built a rich and satisfying life, and feels that he can best express his gratitude by providing opportunities for others, particularly young people.

The Buy-a-Book program, he said, offers a simple but ideal way for him to have a meaningful impact in the community. "I'm not a wealthy guy financially. I don't have the means to donate thousands of dollars. The beauty of this program is that for \$25, I can give a gift that will last for years and enrich the minds of dozens, maybe hundreds of people. Surely I can find \$25 for that."

Mr. Haken also enjoys the fact that Buy-a-Book contributors are invited to dedicate each donated book, with an inscription inside the bookcover, to a person of their choice. "I've found that people are absolutely thrilled to be recognized in this way. They consider it a wonderful gesture," he said. "One young man to whom I dedicated a book continually visits the Library just to see the book and ensure that it's in good condition."

For the first 20 or so books, deciding who to honor was simple: his sister Clair, colleagues, neighbors, and the memory of his

parents and other relatives who have passed away. Having donated 37 books at this point, he has been forced to become more inventive in conceiving dedications. "For my last book," he laughed, "I simply drew a blank, so I figured why not pay tribute to myself."

That, certainly, was an indulgence he richly deserved.

To become a Buy-a-Book donor, send a check payable to Queens Library Foundation to: Queens Library Foundation, 89-11 Merrick Boulevard, Jamaica, NY, 11432. Donors may indicate the name of the person to whom they wish to dedicate the book and the branch library or Central Library division where they would like the book to be shelved. For more information, call the Queens Library Foundation at (718) 990-0849.

IN HONOR OF REV. ARNOLD  
MCKINNEY

## HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. KINGSTON. Mr. Speaker, I would like to take this opportunity to honor Rev. Arnold McKinney. Reverend McKinney is the pastor of Macedonia Baptist Church in Waycross, GA. He has made many contributions not only in his capacity as a Baptist minister, but also as a concerned citizen. Reverend McKinney is a teacher, husband, and father, and his accomplishments are being honored this Friday by the members of his church and community.

Reverend McKinney received the Benjamin E. Mays Fellowship to attend theological training at the Morehouse School of Religion/Interdenominational Theological Center. Before attending seminary, he served for several years as associate dean of students at Middlebury College where he received his undergraduate degree.

Reverend McKinney's commitment goes beyond Waycross, GA. He is an active participant across the entire State, and serves on a variety of boards and organizations that are aimed at improving the lives of children and families. Currently, he serves as vice president of the General Missionary Baptist Convention, Inc., the State's largest organization of African-Americans who are active in ministerial training, community service, christian education, and home and foreign missions. He also serves on the boards of the Maternal and Child Health Institute, Ware County Health Coalition, and the Southern Governor's Ecumenical Council on Infant Mortality. He has served on the Governor's Special Council on Family Planning, the Governor's Commission on Children and Youth, the Grady Hospital Board of Visitors, and the Georgia Welfare Reform Taskforce.

Reverend McKinney frequently lectures on Christian education and holds workshops on church organization and leadership. He is a great leader, husband, and father, and I am proud to have such a devoted individual living in the First Congressional District of Georgia.

FEDERAL POLICIES ON CITIES  
AND STATES WITH RESPECT TO  
THE PROBLEM OF POVERTY

## HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Ms. JACKSON-LEE. Mr. Speaker, fixing a broken welfare system is one of the most significant challenges this Congress will face. As a newly-elected Member of Congress, I come to Washington with a background in city government. As a former councilmember and former vice-chair of the National League of Cities Task Force on Federal Policy and Family Policy. I am intimately familiar with effects that Federal policies have on cities and States as they grapple with the problem of poverty.

I am deeply concerned that sweeping budget and block grant proposals before the new Congress will have devastating long-term consequences for children and families as well as for the Nation's cities. Mr. Speaker, as you well know, welfare reform is fundamentally a children's issue as two-thirds of recipients are children—70 percent in Texas. In my district alone, 51,957 children are living in poverty with 35 percent of these children being under 18 years of age. In fact, of all 435 congressional districts, mine ranks 30th for the number of poor children.

Proposals which would convert welfare [AFDC], food stamps, SSI disability, or other survival programs for children and families into block grants to States would strip these programs of their entitlement status and thereby strip State and local governments of their ability to respond to increasing needs. In entitlement programs, more Federal money flows into cities through AFDC, food stamps, and SSI disability programs. This automatic influx of Federal funds designed to meet the increased need to meet the needs of our communities would cease under the block grant. Cities and States would be left holding the bag in the almost inevitable event that recession hits again and caseloads rise.

The Department of Health and Human Services has found that if these proposals were implemented, today, some 5 million children would be denied benefits. Interestingly enough, while the Personal Responsibility Act suggests orphanages and foster homes as the solution to families that cannot care for their children, it falls far short when it comes to funding these facilities. Under the Personal Responsibility Act, of the 541,000 children who are currently receiving AFDC benefits in Texas, 288,000 would be denied benefits and only 310 federal orphanage slots would be funded.

Furthermore, the USDA has recently calculated that the Personal Responsibility Act would decrease funding for USDA food assistance programs in Texas by over \$1 billion per year. That is a cut of almost one-third from current levels of funding.

Despite some claims to the contrary, the facts show that the vast majority of AFDC families are clearly not having additional children to increase their benefits. In Texas, nearly 72 percent of AFDC families have only one or two children. The national average is even

higher—73 percent. Others claim that most poor people are not, and choose not to be, employed. The facts, again, prove otherwise. The vast majority of poor Americans—four out of five—are children, elderly, ill or disabled, or already working full- or part-time at below-poverty wages. And for those who are not employed, they are not alone. More than 7 million Americans from all walks of life were out of work and actively looking for jobs by the end of 1994. Another 4.8 million either were working part-time because they could not find full-time jobs, or had grown too discouraged to continue searching. The truth of the matter is, adults, and particularly family heads, want to work. However, as in the children's game of musical chairs, there simply are not enough seats for everyone.

An effective welfare reform effort must include major new investments in real job creation. The bottom line is that work should pay and working more should pay more. Full-time work should provide enough earnings combined with earnings supplements such as an expanded Earned Income Tax Credit [EITC] to help get families out of poverty. Individuals who can work should have access to full-time work and community service jobs should be offered as a last resort to those who, after an aggressive job search, still cannot find work in the regular economy.

Sufficient funds must also be invested in child care, if we are truly committed to finding gainful employment for the poor. A survey of Illinois AFDC recipients found that child care problems kept 42 percent of those surveyed from working full-time—and 39 percent reported that child care problems kept them from going to school. These results should not be surprising. Census Bureau data tells us that non-poor families spend an average of 6 percent of their income on child care, while low-income parents are forced to pay roughly a quarter of their income for child care. Effective welfare reform must address these significant impediments to employment.

In addition, for welfare reform to succeed, families must be guaranteed comprehensive health insurance that they cannot lose. Lack of decent health insurance in low-wage employment is a major barrier for recipients who are trying to leave welfare for work, but are legitimately concerned about their own health, and that of their children.

Mr. Speaker, I urge you to consider what will happen to children and families if cities and States exhaust their Federal funding under these circumstances. Children facing imminent danger of abuse or neglect could be placed on waiting list instead of being removed immediately from their homes. Needy mothers and children might be turned away from a county or city welfare office simply because AFDC funds for that month or year already had been spent. Or in the best-case scenario for children and families, cities and States would be forced to pay 100 percent of the costs of continuing aid to eligible families after Federal funds run out. And of course the States would have to deal with the human suffering, social problems, and costs of emergency services that will result from greater destitution among children and families.

All of you know that eliminating the entitlement status of these key child survival pro-

grams will not cause the needs of poor children to disappear. The consequences of pending block grant proposals are all the more troubling because they are likely to be accompanied by new responsibilities placed on States and countries that will deny basic cash assistance to as many as 5 to 6 million needy children, including up to two-thirds of all children now receiving AFDC. Children born to unmarried teenage mothers, those for whom paternity has not been established, and those whose parents have received AFDC for more than 5 years could lose all benefits under this welfare reform proposal.

This is not genuine welfare reform, but rather welfare punishment. What many congressional leaders are calling welfare reform, many children will call empty stomachs \* \* \* and Texas will call a fiscal disaster. Genuine reform would be lifting poor children and families out of poverty and by creating real jobs, providing quality child care, good health care, expanding education and training, and strengthening child support enforcement—taking the tough and sometimes costly, but nonetheless necessary, steps to make the system work in the long-term for poor families and for all Americans.

#### C-17'S READY TO TACKLE THE WORLD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. HORN. Mr. Speaker, I am very proud to announce to my colleagues that the United States has a military force projection capability today that is unprecedented in the history of airlift.

The reason for this unparalleled capability is simple. The U.S. Air Force's first C-17 Globemaster III squadron at Charleston Air Force Base, SC, was declared operational a week ago. This is the first major step in overhauling America's ability to carry out the Air Force's Global Reach missions.

This event is all the more significant to me, since this great milestone is really a tribute to the over 10,000 employees at McDonnell Douglas in Long Beach, most of whom I represent in these Chambers and whose magnificent efforts have been essential to making the C-17 the best, most capable airlifter ever built.

Critically needed oversized equipment for humanitarian aid, such as water purification systems, can now be airlifted to previously inaccessible runways in remote areas of the world. America's ability to airlift heavy, oversized combat equipment and firepower into short, austere airfields to support U.S. and allied ground forces during a security crisis is now a reality. It is essential that equipment be delivered directly to the troops in the field, and because of the C-17's unique on-load/off-load capability, it now can be.

The declaration of initial operational capability means that the C-17 has passed all flight tests and is ready for any type of military or humanitarian mission. The 12 aircraft will be shared by the 17th Airlift Squadron, assigned to the 437th Airlift Wing, and the Air Force Re-

serve's 317th Airlift Squadron, assigned to the 315th Airlift Wing, both at Charleston.

All of you who joined last year in supporting the amendment I introduced along with my colleague and neighbor, Representative JANE HARMAN—to provide full funding for the President's request for the C-17—can take pride in your vote and in your role toward providing this essential airlift capability. The C-17 is the most flexible, most capable airlifter ever produced. Its entry into fully operational status is an important landmark which will benefit our troops in the field and those in need throughout the world for years to come.

At this point in the record, I would like to include an article, "C-17's Ready to Tackle the World," from the January 18 Long Beach Press-Telegram and news releases by the Department of Defense and Air Mobility Command about this historic declaration.

[From the Long Beach (CA) Press-Telegram, Jan. 18, 1995]

#### C-17S READY TO TACKLE THE WORLD

(By Lindsay Chaney)

LONG BEACH.—The U.S. Air Force on Tuesday declared its squadron of a dozen C-17 transports ready for worldwide service.

The declaration of "Initial Operation Capability" means that the C-17 has passed all flight tests and is ready for any type of military or humanitarian mission.

Also Tuesday, McDonnell Douglas delivered a 13th plane to the Air Force.

The C-17 will be operated by the 17th Squadron of the 437th Airlift Wing, based at Charleston Air Force Base in South Carolina.

Built by McDonnell Douglas in Long Beach, the C-17 is designed as a three-in-one airplane to replace the aging C-141 Starlifter fleet as the military's core transport plane. The C-17 can carry twice the payload of a C-141, but more importantly can carry oversized equipment such as tanks, helicopters and missile batteries, such as the C-5 Galaxy. Like the much smaller C-130 Hercules, it can also take off and land at small airstrips.

Its contract with the Air Force required McDonnell Douglas to have 12 operational C-17s delivered to the Charleston wing by midnight New Year's Eve. The 12th plane was delivered to the Air Force on Dec. 22, but because an earlier plane was being modified, this made only 11 operational planes on the flight line at Charleston.

Modification crews began working around the clock after Christmas to meet the delivery deadline and finished on the afternoon of Dec. 31. The Air Force accepted delivery of the modified plane at 6:25 p.m.

Because of past problems with cost overruns and production delays, the C-17 program is on probation with the Department of Defense. The government has committed to buying 40 planes, and will make a decision in November whether to order up to an additional 80. An important consideration in making the decision will be how well the C-17 performs this July during a 30-day test called a "reliability, maintainability and availability" evaluation.

[Department of Defense News Release]

#### FIRST C-17 SQUADRON DECLARED OPERATIONAL

The commander of the Air Force's Air Mobility Command declared the Initial Operation Capability (IOC) of the first C-17 Globemaster III squadron today. Gen. Robert L. Rutherford's decision is a significant milestone for America's newest airlifter. It

means the 17th Airlift Squadron, assigned to the 437th Airlift Wing, and the Air Force Reserve's 317th Airlift Squadron, assigned to the 315th Airlift Wing, both at Charleston Air Force Base, S.C., will officially begin flying operational AMC "Global Reach" missions.

The first C-17 arrived at Charleston AFB in June 1993. By December 1994, the 437th was fully equipped with a fleet of 12 aircraft and 48 crews. The 12 aircraft will be shared with the Air Force Reserve unit. Together, both active duty and reserve aircrews have already demonstrated the C-17's ability to airlift personnel and equipment with missions to Southwest Asia, Central America and the Caribbean basin.

IOC declaration is a major step in modernizing the nation's strategic airlift fleet. The C-17, designed to replace the aging C-141 Starlifter fleet as the nation's core airlift aircraft, combines the best features of older airlifters within a single airframe. The C-17 is about the size of the C-141, but can carry twice the Starlifter's payload. It can also carry outsized equipment strategic distances like the C-5 Galaxy, yet land on airstrips normally accessible only to the C-130 Hercules.

Built by McDonnell Douglas at Long Beach, Calif., the C-17 can carry 160,000 pounds of cargo, unrefueled, 2,400 nautical miles at a cruise speed of 450 knots. With a maximum payload of 169,000 pounds, the aircraft is designed to carry every air transportable piece of equipment in the U.S. Army inventory, from Patriot air defense missile batteries and Bradley fighting vehicles to M1A1 Abrams main battle tanks.

The C-17 can be aerial refueled, land on airstrips as short as 3,000 feet, back up, rapidly offload cargo, and is designed to airdrop equipment, cargo or paratroopers. The aircraft completed developmental testing of these capabilities on Dec. 16, 1994. During these tests, the C-17 set 21 world performance records in three weight classes of the heavy aircraft category and one additional world record in the short takeoff and landing category.

The Air Force has contracted to buy 40 C-17s from McDonnell Douglas. A Defense Acquisition Board decision on extending the buy beyond 40 aircraft is scheduled for November 1995.

[Air Mobility Command Media Release]  
FIRST C-17 SQUADRON DECLARED  
OPERATIONAL

SCOTT AIR FORCE BASE, IL.—The commander of Air Mobility Command declared the Initial Operational Capability of the Air Force's first C-17 squadron today. Gen. Robert L. Rutherford's decision is a significant milestone for America's newest airlifter. It means the 17th Airlift Squadron, assigned to the 437th Airlift Wing at Charleston AFB, S.C., and the Air Force Reserve's 317th Airlift Squadron, assigned to the 315th Airlift Wing (Associate), will officially begin flying operational AMC "Global Reach" missions.

The first C-17 arrived at Charleston in June 1993. By December 1994 the unit was fully equipped with a fleet of 12 aircraft and 48 crews. Together, both active duty and associate reserve aircrews have already demonstrated the C-17's ability to airlift personnel and equipment with missions to Southwest Asia, Central America and the Caribbean basin.

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The Air Force has contracted to buy 40 C-17s from McDonnell Douglas. A Defense Acquisition Board decision on extending the buy beyond 40 is scheduled for November 1995. Based on demonstrated improvements in aircraft and contractor performance, a favorable decision is expected, thus fulfilling America's requirement for strategic airlift.

STATEMENT IN SUPPORT OF LEGISLATION TO AMEND THE FEDERAL ADVISORY COMMITTEE ACT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. DICKS. Mr. Speaker, I am pleased to introduce legislation today which will make small changes in the current Federal Advisory Committee Act [FACA] statute, but will have significant and important consequences for those the bill is intended to provide relief.

Specifically, my bill will limit the application of FACA with regard to meetings held Federal officials and representatives of State, county, local governments, and Indian tribes. This will enable Federal representatives to proceed with legitimate contact with local governmental officials and tribes for purposes of implementing cooperative programs such as the President's forest plan.

In the Pacific Northwest, we have been moving forward diligently in an effort to implement the President's forest plan, particularly with regard to economic assistance to dislocated workers, businesses, and timber-dependent communities. The Northwest was hit very hard by the listing of the northern spotted owl as a threatened species. The owl's listing and subsequent injunctive relief ordered by the courts reduced harvest levels in the region on Federal lands by over 80 percent.

The \$1.2 billion promised through the forest plan is a key means to mitigate for job losses, mill closures, and associated impacts from reductions in timber harvest. However, in order to ensure that the forest plan's economic assistance reaches those individuals and communities it is intended to reach, there must be

involvement by local and county officials in the planning process for these funds.

Currently, an unintended consequence of FACA is that it makes it difficult for Federal officials to meet with local governmental officials and tribes to plan for the dissemination of economic assistance. However, the FACA problem isn't simply limited to the use of the economic assistance, it also creates problems for elements of the plan such as adaptive management areas, which hinge on local and community input in order to be effective.

Numerous States and counties in the West have expressed concern with the current FACA law, and its unintended prohibition of official contact between Federal officials and legitimate representatives of tribes and local governments. Concern never intended FACA to prohibit legitimate and appropriate contact in order to carry out Federal objectives that require interaction at the State and local levels.

These changes will make FACA more reasonable, transparent, and palatable. The bill will help ensure the smooth implementation of the President's forest plan, but will also aid other States who have similarly expressed concerns with the current FACA statute.

I urge my colleagues support for this important legislation.

NUCLEAR TERRORISM JURISDICTION EXTENSION AND CONTROL ACT, H.R. 730

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. GILMAN. Mr. Speaker, today, I introduce another in a series of legislative proposals intended to strengthen America's defenses against the terrorist threat. I am particularly pleased to introduce the Nuclear Terrorism Jurisdiction Extension and Control Act of 1995, H.R. 730.

This bill is an important step in our Nation's continuing and aggressive battle against international terrorism. It is especially important as relates to the latest and most alarming possibility, the nuclear terrorist threat.

Since the collapse of the former Soviet Union, we are all familiar with the many news reports of that region, and in Europe on the possible black market sale of cold war missile nuclear material. The most recent account involved the arrests of smugglers and the seizure of almost three kilograms—6.6 pounds—of highly enriched uranium in the Czech Republic last December. This is a new challenge that cannot be ignored by either our allies in the region, or ourselves.

The serious threat these new black market nuclear material sales pose, especially when made by common criminals, or organized crime figures from the former Soviet Union, possibly even to terrorists, or other unsavory individuals, is something to be taken seriously.

We, here in the United States must act now, in order to be prepared for this new and possibly deadly nuclear challenge, before it is too late. We need to give our U.S. law enforcement agencies all the tools and authority they will need to fight this emerging new nuclear material criminal threat.

The American law enforcement community needs new tools and statutory authority, especially following the collapse of the Soviet Union and the long-established strict state nuclear material controls, which once existed in the region. Controls and nuclear material stability, which today we can no longer take for granted or count on in many instances. The chances for trafficking in these nuclear materials is much greater today in light of these developments and the breakdown in traditional controls and state security arrangements in the region.

While there is no need to panic, we must be prepared to act responsibly to insure that the United States can meet any nuclear material criminal threat, especially from terrorists, if one were to materialize. I note that the Secretary of State Mr. Christopher himself in an interview with the Washington Times on January 17, 1995, addressed some of the concerns over the nuclear material problem in the former Soviet Union, and the terrorist threat. While noting that the military facilities in the region maybe relatively safe from nuclear proliferation problems, unlike civilian laboratories, he went on to say "That's a problem for the entire world. It's a problem that we focus on in Russia because it has a great deal of this nuclear material."

Accordingly, we must review and revise our own criminal laws directed at the threat from the newest nuclear proliferation, especially in this unstable black market criminal climate in Eastern Europe today, where everything and anything, may be for sale. We must meet these new circumstances and challenges, many have not anticipated, nor even scarcely envisioned, just a few years ago.

After review it is evident to me and others that there are some loopholes in U.S. criminal laws in this area that must be closed as soon as possible. In order to be prepared for such a new and more deadly threat, which no one could ever have imagined before the end of the cold war, we must act now and have our Federal criminal laws meet the new challenges.

The bill I am introducing today, starts the process. It makes needed changes to help address this whole unanticipated new area of the criminal law and activity involving the unauthorized trade in dangerous nuclear materials for criminal purposes, including possible terrorism.

This criminal threat, including this new phenomena of black market dealings in dangerous nuclear materials, requires even greater cooperation and international efforts by our law enforcement agencies in this post-cold-war era. Law enforcement both here and abroad, must be given the tools and authority in this new area of the criminal law to do the job, and protect all our citizens, whether at home or while they are abroad from a new nuclear threat.

The bill I am introducing today provides the Attorney General and the FBI the necessary long arm jurisdiction to reach nuclear based crimes targeted against Americans anywhere in the world if the victim is the U.S. Government, an American citizen, or an American company; or alternatively, if those committing the offense are either U.S. citizens or U.S. companies, they are covered as well. The lo-

cation of the offense in such circumstances anywhere in the world should not be a bar to U.S. jurisdiction over these crimes that may well threaten international stability and order today. The threat in such cases justifies this extraordinary criminal remedy.

The bill also adds new forms of nuclear material to the coverage of our criminal laws as relates to prohibited transactions in explosives and dangerous materials, particularly nuclear byproduct material. It closes any possible loopholes under which those black market criminals might claim protection under U.S. law with regard to these dangerous nuclear materials, for example byproduct materials, including certain radioactive isotopes created in the operation of a nuclear reactor or accelerator, source, and/or other special nuclear materials.

If these criminals may be dealing in, or contemplating dealing in such dangerous nuclear related materials in this unstable and uncertain time in the former Soviet Union, they will be covered by United States law under my new bill. Any possible loophole, will be closed.

Accordingly I urge my colleagues to support this urgently needed legislation. I invite my colleagues to join me in helping American law enforcement take on the newest dangers from the nuclear terrorist threat, which we must face in this new and sometimes more dangerous, post-cold-war era.

I ask that the full text of this bill be printed at this point in the RECORD.

H.R. 730

*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 "Nuclear Terrorism Jurisdiction Extension and Control Act of 1995".

#### SEC. 2. NUCLEAR TERRORISM JURISDICTION.

(a) EXTRATERRITORIAL JURISDICTION.—Paragraph (2) of section 831(c) of title 18, United States Code, is amended to read as follows:

"(2) one of the persons who committed, or is charged with committing, the offense is a United States person, or the offense is committed against a governmental entity or a United States person";

(b) DEFINITION OF UNITED STATES PERSON.—Section 832(f) of title 18, United States Code, is amended—

(1) by striking the period at the end of paragraph (3) and inserting "; and"; and

(2) by adding at the end the following:  
"(4) the term 'United States person' means—

"(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act); or

"(B) a corporation organized under the laws of the United States, or of any State, district, commonwealth, territory or possession of the United States."

(c) CLARIFICATION OF COVERED TYPES OF NUCLEAR MATERIAL.—Section 831(f)(2) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking "and" at the end of subparagraph (D); and

(3) by adding at the end the following:

"(E) byproduct material, source material, or special nuclear material, as such terms are defined in section 11 of the Atomic Energy Act of 1954; and"

## INTRODUCTION OF TEAMWORK FOR EMPLOYEES AND MANAGERS ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. GUNDERSON. Mr. Speaker, one of the visible issues in the 104th Congress is how we as a nation can develop and maintain a competitive, motivated, and involved workforce. This is particularly important today because we now live and compete in the global market. As the global market has expanded, successful American companies of all types have learned that cooperation between employees and managers is vital to staying competitive both domestically and internationally.

Unfortunately, the employee involvement programs across the country are legally threatened. Under the National Labor Relations Act, employee involvement programs have been disbanded because of inconsistencies between the purposes of the act when written, and the realities of the modern workplace. Two recent decisions by the National Labor Relations Board in particular, the Electromation and DuPont decisions, refocused attention on the act, calling into question virtually every current employee involvement program in the Nation.

WHAT ARE EMPLOYEE INVOLVEMENT PROGRAMS?

Employee involvement [EI] programs have no set formula or structure, although they are referred to by many different names—quality circles, self-managed work teams, employee involvement committees, etc. Flexibility is essential. It allows employers and employees to construct a program which makes the most sense in the context of their particular workplace.

Through involvement programs, employees voice their opinions in the decisionmaking process and therefore have a greater stake in the success or failure of the company. Likewise, managers receive vital information from the people who have the most knowledge about detailed workplace operations—the employees. These programs often drive decision-making down the lowest level possible and open up the flow of information in the workplace, creating much more cooperative atmosphere.

WHO USES EI

Currently, well over 30,000 companies are using some form of employee involvement structures, from large to small, unionized to nonunionized firms. A 1994 survey performed by four business groups found that 75 percent of employers responding had incorporated employee involvement to some extent. Among employers of 5,000 or more, 96 percent of surveyed companies used it. The survey also found that the most growth in EI occurred in small companies, defined as those with less than 50 employees, 60 percent of which had instituted their EI program within the last 3 years.

Two years ago, in a survey my office conducted of companies in my rural western Wisconsin district, we found that 40 percent of the more than 100 companies that responded used EI. Among the respondents using it were

a drug store with 10 employees and a radio station with 26 employees.

#### DO EMPLOYEES WANT EI?

A survey just finished by the Princeton Survey Research Associates on behalf of Profs. Richard Freeman and Joel Rogers indicates that employees want more involvement in decisions affecting them in the workplace. For example, the survey demonstrates that employees believe that joint worker-management committees are the best way to increase employee influence. In fact, such committees are preferred to unions or union-like employee organizations by a 2-to-1 margin, and much preferred over additional legal mandates from Washington.

The survey indicates that the majority of employees also believe that by using Employee Involvement structures and pushing decisions to the lowest possible level, their company would be more competitive, the effectiveness of EI structures would increase; and the effectiveness of problem solving would improve.

#### WHY A CHANGE IS NEEDED

Employee involvement structures are a recent development relative to the passage of the original National Labor Relations Act, also known as the Wagner Act. The Wagner Act was written in the 1930's—a very turbulent time in labor-management relations. At that time, it was common for companies to create management-dominated or sham unions to prevent employees from forming independent unions. The National Labor Relations Act included a very broad proscription on company dominated unions. There is no doubt this section worked—companies stopped creating sham unions. But the same section of the act which prevents sham unions, also acts as a barrier to legitimate workplace cooperation.

In the past 20 years, the use of employee involvement has expanded dramatically. Organizations from the most prestigious of the Fortune 500 down to the local drug store have successfully used cooperative programs to empower their employees. However, section 8(a)(2), the pertinent section of the Wagner Act, has never been amended, and it certainly did not contemplate managers and employees cooperating for mutual gain. At the present time, companies that have legitimate EI programs are always subject to sanctions by the National Labor Relations Board. In the wake of the Electromation decision, it has become painfully obvious that it is extremely difficult to apply a 1930's law to a 1990's workplace.

#### THE TEAM ACT WOULD FIX THE PROBLEM

The bill which will be introduced in the House and Senate today, the Teamwork for Employees and Managers Act, would amend the National Labor Relations Act by adding a provision to section 8(a)(2) to allow legitimate employee involvement programs. As long as the programs were not created for the purpose of collective bargaining or to establish a sham union, they would be presumed not to have violated the act. The bill leaves intact the prohibition against company dominated unions, and in no way reduces the right of employees to form a union.

#### CONCLUSION

America's greatest economic challenges will not be overcome in Washington. They will be

met and overcome in American workplaces by the creativity of American workers and managers. Our task must be to nurture that creativity, not stifle it. I look forward to working with my colleagues on the other side of the aisle to move this initiative forward. Clearly, it is in the interest of our companies, our workers, and our competitive ability to pass the TEAM Act as soon as possible.

#### TRIBUTE TO MOLLY MERRY— COLORADO'S TEACHER OF THE YEAR

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Molly Merry on the occasion of her being named Colorado Teacher of the Year. Her positive contributions on behalf of educating children have enabled her to win this award.

Molly is responsible for designing, planning, and teaching an alternative education program known as the Madison Exploratory School, located in Canon City. The curriculum at the school is designed for students who have not reached their full potential in traditional classrooms. Her lesson plan's increase the amount of time spent with hands-on projects to bolster traditional lessons.

When Madison Exploratory School opened 2 years ago, there were 30 fifth-grade students. The program has been such a success, in large part due to Molly Merry's work, that it has been expanded to include 82 students in grades fourth through sixth. Molly's ability to identify problems, build children's self-esteem and provide an encouraging voice make her the logical choice to receive Colorado's Teacher of the Year Award.

Molly Merry has not only met the criteria needed to win this award, but she has exceeded those expectations. Her dedication, professionalism, and selfless service to her students has not gone unnoticed.

Mr. Speaker, on behalf of my home State of Colorado, I respectfully ask that my fellow colleagues join me in saluting Molly Merry, Colorado's teacher of the year.

#### TRIBUTE TO THE HIGHBRIDGE- WOODYCREST CENTER

#### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Highbridge-Woodcrest Center, a community-based organization in the Bronx, which, at a ceremony tomorrow in the Cannon Caucus Room, will receive a \$50,000 Women's Health Initiative grant from the Fannie Mae Foundation.

The Highbridge-Woodcrest Center is dedicated to educating AIDS-infected and HIV-positive women in shelters and prison to help them reduce high-risk behavior and seek ap-

propriate health care support. In an expansion of its activities, the center is also creating a day treatment center for women with HIV and AIDS.

Mr. Speaker, more than 1,000 organizations from around the country applied for this grant. A national advisory committee of women's health experts selected the Highbridge-Woodcrest Center and nine other programs to receive this award under Fannie Mae's women's health initiative, which will provide \$1 million over the next 5 years to support women's health services in underserved communities throughout the United States.

I ask my colleagues to join me in congratulating the Highbridge-Woodcrest Center, whose vital contributions to women's health have earned it the generous support of the Fannie Mae Foundation.

#### TRIBUTE TO VICTOR MELENDY

#### HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to a man who was a hero in every sense of the word. Victor Melendy was a firefighter in Stoughton, MA for 23 years. He died in the line of duty on January 28, and his courage will not be forgotten.

Victor Melendy's life represents all of the best qualities of the human spirit. His gift was to do ordinary things in an extraordinary way. Victor's courage was only surpassed by his compassion. Above all, he loved his family. Stoughton Fire Chief John Soave said it best when he described him as "the best definition of the word firefighter"—a characterization to which all who served with him readily attest.

Victor Melendy led a life of public service. He served his country in the U.S. Navy and then his community as a member of the Stoughton Fire Department. As we reflect on his life, we can learn from his example. Victor's spirit will live on through his beloved wife Carol, his children Christopher, Lisa, and Kerry, and all of those who have had the honor to know him.

Mr. Speaker, we have lost a true hero.

#### A TRIBUTE TO THE HONORABLE THOMAS D. LAMBROS

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

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the Honorable Thomas D. Lambros upon his retirement. Chief Judge Lambros was born to parents Demetrios and Panagoula Lambros in Ashtabula, OH, on February 4, 1930. Chief Judge Lambros was the youngest of five brothers. He graduated from Ashtabula High School in 1948, and received his law degree from Cleveland-Marshall Law School in 1952. He was admitted to the practice of law that same year at the age of 22.

Chief Judge Lambros' illustrious career started in 1960, when he was elected to his first judgeship. From 1960 through 1967, Chief Judge Lambros served on the Court of Common Pleas for the State of Ohio, Ashtabula County. In 1966, Judge Lambros was re-elected without opposition. As a common pleas judge, Judge Lambros established a voluntary public defender program to provide free counsel to indigent criminal defendants. The establishment of this innovative program preceded the landmark Supreme Court decision in *Gideon versus Wainwright*, which held that the Constitution guarantees free counsel to indigent defendants.

Also as a common pleas judge, Chief Judge Lambros instituted mandatory domestic relations conciliation programs. This program established a 3-month cooling-off period before formal divorce proceedings would take place. Through the passage of time and the efforts of skilled social workers, this program saved many marriages and served to adjust family relationships.

On June 3, 1967, Chief Judge Lambros, at the age of 37, was nominated United States District Judge for the Northern District of Ohio by President Lyndon Baines Johnson. Confirmation by the Senate took place on August 18, 1967, and Judge Lambros took office on August 28, 1967. On January 16, 1990, he became Chief Judge of the United States District Court for the Northern District of Ohio.

While serving as a Federal judge, Chief Judge Lambros has had numerous judicial accomplishments. One very successful achievement was founding the "summary jury trial." This innovative judicial procedure is an effective method of resolving cases by promoting settlement, thus avoiding lengthy and expensive court trials. The summary jury trial is a short jury trial which helps to settle cases on the basis of a jury's advisory opinion. The procedures has received widespread acceptance in both Federal and State courts throughout the country.

The policymaking arm of the Federal judiciary, the Judicial Conference of the United States, in 1984 adopted a resolution endorsing the use of the summary jury trial in Federal courts nationwide. In 1983, 1984, and 1985, Chief Judge Lambros was commended by the Chief Justice of the United States, the Honorable Warren E. Burger, in the "Year End Reports on the Judiciary," for developing the summary jury trial process. These reports represent the Chief Justice's perspective on the most important developments in the judiciary and on its current and future needs. Chief Judge Lambros' invention, the summary jury trial, received formal statutory recognition by the U.S. Congress in the Judicial Reform Act of 1990. By this legislative enactment, Federal judges are now authorized to utilize the summary jury trials throughout the Nation.

Today, Mr. Speaker, I would like to personally recognize Thomas Lambros, both as a wise and compassionate officer of the court who has made an enormously positive impression on our justice system, and as a personal friend. His selfless dedication to both his community and his family is commended. May God bless Thomas with health, happiness, and continued success in his retirement. All friends of justice will surely miss him.

CONGRATULATIONS TO MILES B. BORDEN, KINGS PARK CHAMBER OF COMMERCE, INC. 1994 MAN OF THE YEAR

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to offer my congratulations to Miles B. Borden on being named the Kings Park Chamber of Commerce 1994 Man of the Year.

Miles Borden, whose family settled in the community in the 1890's is a lifelong resident of Kings Park. His family was among the founding members of the Lucien Memorial United Methodist Church of Kings Park, where he is an active member of the board of trustees.

He has been a member of the Kings Park Fire Department for 40 years and served as president of the department for 6 years. In 1956 he chaired the committee which established the ambulance squad.

On December 31, 1994, he retired after serving 20 years as a volunteer trustee of the Smithtown Library boards of trustees. He is retired from a career as an assistant superintendent of the Amityville School District after 34 years in public education.

An accomplished author and historian, he has researched and published two histories of Kings Park, "The History of the Kings Park Fire Department" and "The First 100 Years—1892—1992: Lucien Memorial United Methodist Church." He is currently writing a history of Kings Park.

Mr. Speaker, I ask my colleagues to join me in saluting Miles Borden for his outstanding and selfless dedication and commitment to enriching the lives of the folks in the Kings Park community. And to extend our best wishes and congratulations for being named the 1994 Man of the Year.

### SOLID WASTE INCINERATION

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the facts surrounding solid waste incineration. While the reauthorization of the Resource Conservation and Recovery Act (RCRA) may not be on the top of the agenda for this Congress, I believe the importance of the issue warrants some immediate discussion.

I have long been a vocal opponent of solid waste incinerators in my community. While incinerators may make some small dent in our garbage problem, they also create severe environmental and health concerns we cannot afford to ignore.

During combustion, an incinerator emits significant quantities of heavy metals like mercury, cadmium and lead, and complex organic compounds, including dioxins. Equally important, incineration transforms many toxic substances in solid waste into highly volatile com-

pounds more easily absorbed into the food chain or inhaled or ingested by humans. Lead can cause mental retardation, learning disabilities and kidney damage. It is especially toxic to children and pregnant women. Cadmium has been linked to lung cancer and kidney disorders. High levels of dioxins can result in altered liver function. These toxins are not rare—they are common emissions of solid waste incinerators. Burning garbage is a dangerous and costly proposal.

Research has shown that air pollution by tiny particles, even within current legal limits, can raise the risk of early death from heart or lung disease. As a result, I have urged the U.S. Environmental Protection Agency (USEPA) to review and update the Federal health based standard for particulate air pollution. This is an issue of great concern for me and my constituents since we must already cope with a number of polluting industries in Chicago and the surrounding suburbs. Fortunately, the USEPA has initiated the process of revising air quality criteria for particle pollution. I welcome this action.

Last year, the USEPA released its report on the dangers of dioxins. Dioxins, one of the most toxic manmade chemicals, are chlorinated hydrocarbons that are byproducts of a number of combustion processes, including solid waste incineration. In its report, the USEPA concluded that dioxins are probable cancer causing agents. Dioxins have also been associated with weakened immune systems, birth defects and damage to the reproductive system.

Dioxins are extremely pervasive in the environment. Much of dioxin comes from incinerators that emit the chemicals through the air, which is deposited on grass and trees. The chemical is then consumed by cows and other animals. Dioxin is also deposited in lakes and streams and ingested by fish. The highest concentrations of dioxins are found in plants and animals, thus contaminating the food supply.

As required under the 1990 Clean Air Act Amendments, the USEPA last year announced tougher new air standards for municipal solid waste incinerators. These regulations are designed to cut harmful emissions from incinerators by requiring the installation of more pollution control equipment. While I am encouraged by these new requirements, I remain opposed to the construction of any new solid waste incinerators. The costs of complying with new standards, along with the health risks of the incineration process, are simply not worth it.

At this time, I wish to insert into the RECORD comments made by one of my constituents, Michael Turlek of the Lyons Incineration Opponent Network (LION) in Illinois. These comments were submitted in response to the USEPA's proposed rules on incinerator emissions and the reassessment of dioxin.

I would also like to take this opportunity to recognize and commend Mr. Turlek for his commitment to the environment. Mr. Turlek has been a leading force in fighting solid waste incinerator projects proposed for my congressional district. I thank Mr. Turlek for his tireless efforts on behalf of public health.

LYONS INCINERATOR OPPONENT NETWORK  
(LION)

(by Michael W. Turlek)

The disclosures of the Federal EPA Health Assessment Document for dioxin (TCDD) and Related Compounds call for re-assessment of corrective measures for primary sources of major dioxin emissions.

We are dealing with extremely poisonous, stable compounds with environmental persistence measured in decades. Compounds that can be passed from the expectant mother's system to the growing fetus, then, post-natally, through the mother's milk to the infant who is then subject to a lifetime of additional exposure and health hazards. Following absorption, a half-life for 2-3-7-8-TCDF elimination was estimated from 5.8 years to 11.3 years.

The current report reveals the average human intake exposure rate to be more than 500-fold HIGHER than the 1985 EPA report data. Upper-bound risk estimates for general population dioxin exposure could be as high as one in 10,000 to 1 in 1,000. This is frightening data and the FEPA must look closely towards recommendations for the cure rather than the band-aid.

We, as responsible adults cannot accept the associated health risks for the current or future generations.

REPRODUCTIVE AND DEVELOPMENTAL EFFECTS

Hormonal changes, reproductive dysfunction, under-developed organs and impaired organ function. Developmental toxicity found in fish, birds and mammals is likely to occur in humans.

IMMUNE TOXICITY

Alterations in specific immune defector functions and increased susceptibility to infectious disease.

CANCER

TCDD has been clearly shown to increase malignant tumor incidence in laboratory animals.

The peer panel that met in September of 1993 found that results from human studies were largely consistent with observations from laboratory studies of dioxin-induced cancer and therefore should not be dismissed or ignored.

Major, qualitative, environmental release sources have been identified as: Medical Waste Incinerators, Municipal Waste Incinerators, Cement Kilns, and Industrial wood burning.

Dioxin, being a by-product of incineration merely transfers the dioxin to land-fills via the bottom-ash if emission standards are reduced to keep dioxins out of the atmosphere. The problem continues.

It behooves the EPA to recommend a ban on medical municipal, wood-burning and other dioxin producing incinerators. Tightening standards is not enough.

Chemical manufacturing process recommendations should call for a phasing out of chlorinated compounds with immediate use of alternate non-dioxin compounds, where available.

Perhaps it's time that we should be talking about BEST KNOWN technologies rather than BEST AVAILABLE. Laser burn technology might prove substantially more efficient.

Part of the study states that you cannot point to the number of the populace affected negatively nor can you point to the individuals; but the facts and data are there.

You never will be able to point to these people. They will continue as needless, obscure casualties, unless you do something about it.

ADDENDUM

The persistent and hazardous nature of dioxin causes us to question the control effectiveness of Waste Incineration Dioxin Standards.

Michael Cooper, Mgr, Environmental Compliance, Foster/Wheeler waste incinerator builder/operator, while describing "carbon injection" as a dioxin emission control system stated the following:

Trapped dioxin particles are released when introduced to fire of lower temperature than the original combustion.

In answer to a question from the Chair, he stated that the dioxin particles do not end up in the fly-ash.

Our comment: Most incinerator operations have identified dioxin in both fly-ash and bottom ash.

In answer to another question from the Chair, Cooper stated that the temperature was not high enough to destroy the dioxin.

Our comment: Carbon injection is not a proven technology for removal and destruction of dioxin.

OTHER QUESTIONS ARISE

1. Can we be comfortable with injecting dioxin particles for destruction while other dioxin particles are being formed? Are we really reducing atmospheric dioxin emission or creating a steadier flow?

2. Do we want dioxin-contaminated fly ash or dioxin-contaminated bottom ash that does not test hazardous to be landfilled with non-hazardous waste?

3. Do we want dioxin-contaminated fly ash or bottom ash used for building products as some burner builder/operator would?

4. Because of the high toxic and persistent nature of dioxin, we should require hazardous waste treatment for ash and filters that show dioxin content.

The preponderance of evidence shows dioxin to be a very dangerous, hazardous compound. How much longer are we going to expose the population to needless hazards, be it dioxin, mercury or any other compound? Haven't we learned yet?

THE LESSONS OF AUSCHWITZ

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MARTINI. Mr. Speaker, I think it is appropriate today to remember the horrible discoveries that were made by Allied forces at Auschwitz 50 years ago.

Words are insufficient to describe one of the blackest and most despicable crimes against humanity ever perpetrated. The actions of Nazi Germany aimed at the utter extermination of European Jews tore apart the collective souls of our parents' and grandparents' generations, tragically reminding them, lest they had forgotten, the depths to which the human character can sink. As the truths about the holocaust emerged, we were forced as a nation to reassess not just the direction of the global community or our country, but to look inside ourselves and face many very difficult questions about the moral direction of our communities, our families, and ourselves. No citizen of good conscience could escape that important self-examination.

Fifty years later, the lessons from Auschwitz are the same. The suffering and anguish is

still very real, and continues to act as a constant reminder of our obligations to the pursuit of decency and compassion, both at home and abroad.

But on this occasion I believe a sense of guarded optimism and quiet resolution are in order alongside of the tremendous sense of loss we still feel. For the United States is the leader of the free world. It was the United States that picked up the sword of democracy to defeat the evil hand of the Axis Powers and restore security and prosperity to the world. And since then it has been the United States who has stood firm to make sure that such persecution would never occur again.

As we approach the 21st century, we must constantly bear in mind what America has become: a model of freedom and justice to the world. We strive for peace so that we never have to discuss another Auschwitz again. On this 50th anniversary of the horrible revelations at Auschwitz, let us all pause to reflect on several things. First and foremost, we remember the victims of the Holocaust with great sadness, and the survivors with consolation. We also need to remember how terrible the nature of man can be. But we in America should not lose sight of how far we have come. Most of all, we can never forget how diligent we must remain in the struggle to secure the safety of our posterity, and that of the posterity of our neighbors around the world.

TRIBUTE TO BUD GATES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. McINNIS. Mr. Speaker, today I rise to recognize an outstanding Coloradan, Mr. Bud Gates, on the occasion of his being awarded the Colorado Counties Inc. 1994 Distinguished Service Award.

Each year the CCI board of directors select a Colorado county commissioner who has been a positive influence and an active member of the community to receive this award. Bud Gates is no exception. His innovative approach to solving problems and important work in the community have made him a logical choice to be named this year's Distinguished Service Award recipient.

Bud has been an Eagle County Commissioner for 8 years and chairman of the board for 3 years. His work in the community has been extensive. He's been on the Eagle Valley Planning Commission, the Agriculture Stabilization Conservation Service Committee, the Conservation Board of Appeals, the Eagle County School Board, and the Agriculture Soil Conservation District Board. He also has been president of the Derby Mesa Irrigation Co., the Burns Hole Livestock Association, and the Eagle County Farm Bureau.

His commitment to the community extends outside his public life. Bud has been a 4-H leader and still actively supports the program. He has also been a classroom assistant at the Eagle Valley and Gypsum Elementary Schools, and works as a mediator in social services cases involving kids with family problems.

Bud Gates has not only met the criteria needed to win the Colorado Counties Award, but he has exceeded the expectations associated with this award. His dedication, professionalism, and selfless service to the people of Eagle County has not gone unnoticed.

Mr. Speaker, I ask my colleagues to join me in marking this occasion and saluting Bud Gates for his years of devotion to the people of Eagle County.

#### 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 Tuesday, January 31, 1995, may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### FEBRUARY 1

- 9:30 a.m.  
Agriculture, Nutrition, and Forestry  
Business meeting, to mark up S. 178, authorizing funds for fiscal years 1995-2000 for the Commodity Futures Trading Commission. SR-332
- Budget  
To hold hearings on Federal entitlements. SD-608
- 10:00 a.m.  
Governmental Affairs  
Business meeting, to mark up S. 244, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and accountable for reducing the burden of Federal paperwork on the public; and to consider subcommittee assignments. SD-342
- Judiciary  
Constitution, Federalism, and Property Rights Subcommittee  
Business meeting, to mark up S.J. Res. 19 and S.J. Res. 21, measures proposing an amendment to the Constitution of the United States relative to limiting congressional terms. SD-226
- Veterans' Affairs  
To hold an organizational meeting. SR-418

##### FEBRUARY 2

- 9:30 a.m.  
Budget  
To hold hearings to examine block grants and opportunities for devolution of Federal programs. SD-608
- Finance  
To hold hearings on the potential for targeted incentives to increase domestic savings. SD-215
- Governmental Affairs  
To continue hearings to examine Federal Government reform issues, focusing on information management systems. SD-342
- Labor and Human Resources  
Education, Arts and Humanities Subcommittee  
To hold hearings to examine education's impact on economic competitiveness. SD-430
- 10:00 a.m.  
Appropriations  
Legislative Branch Subcommittee  
To hold joint hearings with the House Committee on Appropriations' Subcommittee on the Legislative on downsizing Legislative Branch support agencies. H-144, Capitol
- Armed Services  
To hold hearings on the foundations of United States national strategy. SH-216
- Judiciary  
Constitution, Federalism, and Property Rights Subcommittee  
Business meeting, to continue markup of S.J. Res. 19 and S.J. Res. 21, measures proposing an amendment to the Constitution of the United States relative to limiting congressional terms. SD-226

##### FEBRUARY 3

- 9:30 a.m.  
Joint Economic  
To hold hearings on the employment-unemployment situation for January. 2359 Rayburn Building

##### FEBRUARY 7

- 9:30 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine what tax policy reforms will help strengthen agriculture and agribusiness. SR-332

##### FEBRUARY 8

- 9:30 a.m.  
Governmental Affairs  
To hold hearings on regulatory reform issues. SD-342

##### FEBRUARY 9

- 10:00 a.m.  
Indian Affairs  
To hold oversight hearings to review challenges facing Indian youth. SR-485

##### FEBRUARY 14

- 9:30 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine how to reduce excessive government regulation of agriculture and agribusiness. SR-332

- Indian Affairs  
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs. SR-485

##### FEBRUARY 15

- 2:00 p.m.  
Judiciary  
Antitrust, Business Rights, and Competition Subcommittee  
To hold hearings to examine the court imposed major league baseball antitrust exemption. SD-226

##### FEBRUARY 16

- 9:30 a.m.  
Indian Affairs  
To continue hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs. SR-485
- 10:00 a.m.  
Labor and Human Resources  
Children and Families Subcommittee  
To hold hearings to examine the effectiveness of the Federal child care and development block grant program. SD-430

##### FEBRUARY 23

- 2:00 p.m.  
Indian Affairs  
To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs. SR-485

##### MARCH 2

- 10:00 a.m.  
Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation. SD-192

##### MARCH 9

- 10:00 a.m.  
Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board. SD-192

##### MARCH 16

- 10:00 a.m.  
Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation. SD-192

##### MARCH 23

- 10:00 a.m.  
Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak). SD-192

MARCH 30

APRIL 27

MAY 4

10:00 a.m.

10:00 a.m.

10:00 a.m.

Appropriations  
Transportation Subcommittee

Appropriations  
Transportation Subcommittee

Appropriations  
Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.

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