

been increased wrangling between Beijing and London, and Hong Kong, over the form of the court; and, for a variety of reasons I will not expound upon here, the future of the CFR is much in question. While it is probably not fair to lay 100 percent of the blame for the imbroglio over the CFA on China, that country, I believe, bears a lion's share.

Mr. President, the continuation of the rule of law in Hong Kong after 1997 is synonymous with its ability to remain a thriving center of finance and democracy at the doorstep of the Communist behemoth to the north. The rule of law ensures that business can be conducted in a fair and secure way, that contracts are binding, and that there is a predictable and impartial means of settling disputes and appeals. Just what kind of problems the absence of the rule of law creates in China is easily illustrated. McDonald's had a contract with the Peoples Republic of China for a restaurant on Tiananmen Square. It operated there for several years, until the Chinese Government decided that it wanted to give the choice location to someone else. Consequently, despite contractual provisions to the contrary, the Chinese kicked McDonald's out of their location. Another company, Revpower, Ltd., entered into a contract with the Government-owned Shanghai Far-East Aero-Technology Import and Export Corp. After a dispute between the two was settled by arbitration, an arbitral award in the amount of \$6.6 million was made against the Shanghai firm. Despite its contractual promise, however, the Chinese firm refused to abide by the results of the arbitration. Revpower subsequently sought the assistance of the Shanghai Intermediate People's Court in enforcing the award, but the court has failed to act or even acknowledge the existence of the suit. One can see why the absence of the rule of law would make businesses skittish.

Mr. President, I come to the floor today as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs to let the people of Hong Kong—as well as the government in Beijing—know that the United States take great interest in the future of Hong Kong. We will be keenly watching to be sure that the parties live up to the letter and spirit of the Joint Declaration, especially any developments regarding the CFR and the rule of law. The People Republic of China should know that we will use how it treats Hong Kong as a strong indicator on how it will be expected to act in other areas such as the WTO or similar body, for example. If the PRC fails in the former, then I will be hard-pressed to support its accession to the latter. The world is watching, Mr. President; let us hope that we will like what we see.●

#### TRIBUTE TO CAROL FITZGERALD

● Mr. REID. Mr. President, I rise today to pay tribute to an outstanding member of the Nevada judicial system who

is retiring today after 30 years of service. I rise to honor Carol C. Fitzgerald. Ms. Fitzgerald's career culminated in 1994, her final year of service, with the receipt of the prestigious Angie Award from the Federal Court Clerks' Association. The Angie Award honors those individuals who consistently display unrelenting commitment to improving the administration of justice, fearless pursuit of causes and goals regardless of their popularity, and unblemished integrity. Ms. Fitzgerald demonstrated all of those characteristics throughout her 30 years of service.

She joined the clerk's office in the District of Nevada on March 15, 1965, and was appointed clerk of the court on April 1, 1976 by the Honorable Roger D. Foley. Under Ms. Fitzgerald's capable leadership, the clerk's office grew from less than 10 employees to well over 50. The number of case filings for the district of Nevada has reached the third highest in the Nation.

Carol has consistently been active in Nevada's judicial community. She served 4 years as a member of the district clerk's liaison committee to the ninth circuit judicial conference, was a member of the gender bias subcommittee, and was chair of the liaison committee. She was a member of the ninth circuit automation and technology committee, the ninth circuit task force on court reporting, and the chair of the subcommittee on court reporter/recorder management. Ms. Fitzgerald was also president of the Federal Court Clerks' Association.

As a practicing trial attorney, I first hand witnessed the tireless efforts of Carol Fitzgerald to serve the interests of the public, the bar, and the judiciary. Her efforts culminated in a relationship of efficiency and trust by all three. As a member of the House of Representatives and the United States Senate, I also witnessed Carol's advocacy of the Federal court in the federal bureaucracy. Her endeavors on the court's behalf bore fruit in the outstanding link now found between the Nevada Federal judiciary and the Nevada congressional delegation.

So, as this fine woman moves from the court to another sphere of community involvement, I congratulate and applaud her good works and friendship.●

#### ABOLISH THE SOURCE TAX

● Mr. GORTON. Mr. President, today I speak in support of an important piece of legislation designated to eliminate an unfair practice affecting thousands of senior citizens in my home State of Washington. It is S. 44, introduced by my distinguished colleagues from Nevada, Senators REID and BRYAN, to abolish the so-called source tax.

As it stands today, retirees living anywhere in the country may find that their retirement pensions are taxed by a State in which they no longer reside. A State may tax a nonresident's pension simply because the person spent

all, or part of, his or her working years in that State. This unjust tax is, in many cases, automatically deducted from the retiree's pension benefit every month.

Retirees are outraged because their taxes are going to pay for services of which they cannot take advantage. They are not able to partake in the senior services, medical services, transportation facilities, or public parks in States where they no longer reside. They do not vote in those States and cannot influence how their tax dollars are being spent. They are, however, forced to pay taxes to support these services so that others may benefit from them. The seniors in my State characterize this practice as taxation without representation. I agree.

The source tax is not only taxation without representation, but also a further drain on the already limited and fixed incomes of our senior citizens. Seniors, dependent upon fixed incomes to pay their bills and buy their groceries, are shocked when they learn that they may not have enough to get by because of the taxation policies of other States.

Many senior citizens have written to me about this burdensome practice. Seniors throughout the State of Washington have expressed their outrage and frustration at being taxed by other States. And, as I travel around the State listening to the concerns of the citizens, this issue is continually brought to my attention.

We need to correct this practice now. That is why I cosponsored S. 44, the Source Tax Elimination Act. I encourage my colleagues to help me pass this bill and restore tax fairness to our retirees.●

#### ANNOUNCEMENT OF POSITION ON CERTAIN VOTES

● Mr. BAUCUS. Mr. President, I regret being absent for several votes on Thursday, March 30, 1995. However, I felt an obligation to be home in order to take part in the Base Realignment and Closure Commission hearing and site tour of Malmstrom Air Force Base. These events will help determine Malmstrom's future; and I firmly believe that Malmstrom plays a crucial role in our national defense and the community of Great Falls, MT.

Yet I want to briefly express my support for two amendments, one offered by Senator KERREY of Nebraska and the other offered by Senator SHELBY, that would have curbed wasteful spending on Federal courthouses. This is a problem I helped bring to light last year during an investigation I conducted as chairman of the Environment and Public Works Committee. I am pleased that the Senate is now on record as saying we must get wasteful courthouse spending under control.●