

## EXTENSIONS OF REMARKS

INSURANCE FIRMS ARE DUMPING  
SICK PEOPLE

## HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. STARK. Mr. Speaker, we need national health care insurance reform. Anyone who questions that statement should read the following excellent article by Jayne Garrison in the Sunday, April 5, 1992 San Francisco Examiner and Chronicle:

HEALTH CARE CRISIS: FIRMS ARE DUMPING  
SICK PEOPLE

(By Jayne Garrison)

Helen Konowitz was newly married and contemplating children when she first wondered whether her Kaiser health plan would satisfy a growing family.

A friend told her about a terrific insurance policy offered through the UC-Berkeley alumni association: reasonably priced, a safe group policy, offering a wide choice of doctors. Helen and Gary Konowitz bought.

Several years later, their baby son, Michael, had a stroke—and their reasonably priced policy became one of their most costly investments ever.

Today their health insurance costs \$13,020 a year.

"If we want any insurance of Michael, we're stuck," she said, watching her boy play with toys on the floor of their Marin County home. "But at some point we're going to throw up our hands and say, how much longer can we pay this type of money?"

The Konowitzes are caught in a practice that is stripping health insurance from families across America. Some insurers are separating the sick from the healthy, then raising rates until the sick can no longer afford their coverage.

The practice is expanding to people on larger policies, once thought to be more secure than individual insurance. And it is being applied to people with less serious, though chronic, illnesses.

Critics dub this trend "divide and dump."

"Insurers are trying to segment everyone who needs insurance the most and get them off the policies," said Dr. Philip Lee, director of the Institute of Health Policy Studies at UC-San Francisco.

"It's widespread. It's getting worse. And it's undermining the whole health insurance system."

No one knows exactly how many Americans risk being dumped off their health insurance policies. The Health Insurance Association of America says such creaming of the healthy from the sick is "atypical."

But university researchers believe the number is rising dramatically. Economists say 34 million to 37 million Americans have no health insurance.

Now, a new national survey by the Kaiser Family Foundation found that 5 percent of working adults—6.8 million people—say they have been denied health coverage because of a medical condition in the last two years.

And 6 percent—8.2 million people—said at least one member of their family has been dropped by their insurer in that period.

Even for those who can pay the spiraling premiums, health insurance is becoming "no more than a credit card," warns Alan Katz, head of the California Association of Health Underwriters, which advocates legal reform.

In essence, he said, some insurers are saying, "You go into the hospital, we'll pay your bills. But come renewal time, we'll raise your premiums to cover that bill. You'll pay us back in installments." It's no longer insurance.

Health economists say the practice of weeding the sick from the well began, on a tiny scale, back in the 1950s when some commercial insurers started rejecting less-healthy people from individual policies.

It spread to larger group policies offered by associations in the late 1980s, when rising medical costs led many major corporations to self-insure their own workers, and caused others to switch in droves to cheaper health maintenance organizations such as Kaiser or Bay Pacific.

Those who remained behind on traditional commercial insurance plans were, often, less healthy, with a history of medical problems. No other insurer would take them. For families such as the Konowitzes, the choice is simple and grim: Pay high premiums or risk going without health insurance altogether.

## AN AMERICAN TALE

The Konowitzes are being slowly squeezed off their policy because Michael, now 5, had two strokes as a toddler: one when he was 18 months old and one when he was 3.

His therapy bills topped \$80,000, treatment that could have bankrupted the family. His neurologists cannot explain why he had the strokes. Nor can they guarantee he will never have another stroke. But they do say the odds are even that he will not suffer a repeat.

He enters kindergarten this fall as a bright boy who has had only the normal tumbles and colds for the past two years. He has just started ski lessons. But his medical history renders him uninsurable in today's market.

The policy the Konowitzes bought in 1983 was advertised as a group plan available to UC alumni who weren't getting insurance through their jobs. The price: about \$700 a year.

Gary Konowitz was just beginning his own business as an accountant. Helen Konowitz, who worked as an accountant, wanted to stay home after she had children. The policy seemed designed for families like theirs, she recalls.

In 1988, the premium escalated about 40 percent. The administrators of the plan, Association Consultants Inc. of Chicago, told members it was having trouble finding an insurance company that would take the group. ACI invited members to reapply for a new, cheaper policy.

## "MEDICALLY UNDERWRITING"

But when Helen Konowitz phoned to inquire, she was told the insurer of the cheaper plan was "medically underwriting," a term that means people with medical problems are excluded.

"Without ever directly saying, 'No, we won't accept you,' they made it very clear there was no hope of our ever being put in that group," she said.

She called other insurers and brokers. One told her they might insure Michael as a teenager if he had no medical bills for 10 years. Gary Konowitz considered abandoning his own business and going to work for a corporate client—until he learned that they, too, required medical underwriting before accepting employees on their policy.

In 1990, the Konowitzes received notice that their premiums were rising to \$14,000 a year. Gary Konowitz dropped off the policy, bringing the premium down to \$9,068—but only temporarily.

Today the Konowitzes pay \$11,400 a year just to insure Helen and Michael. Gary Konowitz has a separate policy through a different company for \$1,620 a year, bringing their total annual health insurance expenses to \$13,020.

Helen Konowitz said she doesn't know how long they can afford the policy, particularly if rates keep rising. In search of some safety, she said her husband may find a job with a large corporation, if he can find one that will take Michael on their insurance plan.

## IN THE END, LESS DESIRABLE

Herbert Barker, director of the California Alumni Association at UC-Berkeley, said the Konowitzes' plan changed insurers several times, yet kept getting hit with increases because members of the group were getting older. Most members, thousands of graduates from throughout the UC system, had joined in the 1970s.

In a desperate attempt to help some alumni, he said, the associations allowed ACI to offer a new cheaper group plan to those who could qualify. But in the end, that tactic simply made the original group even less desirable to insurers and far more costly to this diminishing membership.

"We felt the insurer was in fact, doing a detriment to our group," Barker said. "But some of our members can't go anywhere else. We can't drop the policy and risk cutting them off."

## NO LEGAL PROTECTION

The practice of creaming the healthy from the sick on group plans "is not ethical, not acceptable, but perfectly legal and done all the time," said Walter Zelman, health adviser to California Insurance Commissioner John Garamendi.

Zelman explained that state law forbids insurers from setting different rates for people on the same group plan. But insurers can easily circumvent the law by offering a new policy to group members. Only the healthy are accepted. Soon the original group has been divided into two, three or four groups.

"When only the sick or bad risks are left on the original policy, the price goes through the roof," he said.

This has happened with so many policies offered by associations that brokers no longer call insurance sponsored by anyone other than a big employer group plan. Today those policies are called "association insurance" or "franchise insurance" and they are among the riskiest of policies.

• 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.

"It's a way to get around the protection of state law for individual insurance policies," said Brent Barnhart, lobbyist for Blue Cross of California. "They're sold as large, safe policies, but there's really no one behind them except the insurer. Those who are healthy get a nice plan. Those who aren't end up with nothing."

Some in the insurance industry, such as Barnhart and Alan Katz, are pushing reform of insurance laws to guarantee affordable policies for small businesses and small groups of people.

The bills, now in a conference committee in Sacramento, would not stop insurers from dividing and dumping people on large group policies, Barnhart said. They might, however, take away the market for such predatory practices by making it easier for self-employed people to buy small group policies.

#### A "FOOLPROOF REFORM"

Other experts, such as state Insurance Commissioner Garamendi and Princeton economist Uwe Reinhardt, say the only foolproof reform is some law that guarantees health insurance for every citizen—funded either by taxes or privately—and regulates the price.

"We have erected everywhere in America the sign: Payment is due at time of treatment," said Reinhardt. "We have allowed the insurance industry to impose an ethic on us that I don't believe we support. It's an ethic that says the patient is a consumer who is opting for treatment, and thus should pay what they use—as if a woman with cancer opts for her condition."

It is a dilemma Helen Konowitz understands, even as it frustrates her. "I know that people who are healthy don't want to pay any more than they have to. I know they don't want to be in groups with sick kids," she said. "But they should know: There, but for the grace of God, go I."

#### PREMIUMS AFTER HEART SURGERY BREAKING PINOLE MAN'S BUDGET (By Jayne Garrison)

Health economists warn that insurance is becoming no more than a credit card for medical bills. Patients who were sick pay back the costs, often at what would amount to a staggering interest rate, when their premiums are raised.

No one understands that process more clearly than Allen Sanborn, who owns Chase's Carpet Cleaning in Pinole.

Sanborn, 54, bought a group policy for himself, his wife and two children through the Carpet Cleaners Institute in 1976. The price was right: \$852 a year. He figured the policy was more secure than any he could buy as an individual. It covered thousands of small-business owners across California.

For years the premiums rose gradually, within the limits he expected. He paid without complaint.

Then in 1983, Sanborn had bypass surgery to repair arteries to his heart, clogged by cholesterol.

Today, Sanborn has paid about \$53,000 in premiums—more than the \$35,000 cost of his surgery and his other medical bills combined. He faces annual premiums of about \$10,000 just to insure himself. His wife and children dropped off the costly policy four years ago.

By the time he reaches 65 and is eligible for Medicare, he will have paid at least \$160,000 to insure his health. That stunning sum is based on the unlikely premise that his rates remain unchanged in the future.

"There seems to be no restriction to what insurers can do," said Sanborn. "They can't

cancel me legally, I guess, so they just keep raising the rates until I'm forced to eliminate myself."

#### A TROUBLED HISTORY

The administrator of Sanborn's policy, Jordan Jones Administrators in Sacramento, didn't return several phone calls from The Examiner. But Sanborn's records reflect a troubled history: Jordan Jones has switched insurance carriers at least five times. Starting around 1988, the insurers began conducting semiannual reviews of medical claims, and raising rates twice a year.

At least twice, the administrator invited people to apply for a new, cheaper group policy. Only the healthy were accepted, leaving people with medical conditions like Sanborn's on the smaller and costlier group policy.

By July 1988, Sanborn's family insurance cost \$8,040 a year. He tried to get different insurance. Brokers told him not even to bother applying.

He called United Way, which runs a hot line for small businesses in need of health insurance. They couldn't help him. No one was going to insure a man with a history of heart disease.

So Sanborn dropped his wife, Bess Sanborn, and two children, Shelley and Spencer, off his insurance. The children today are in college and insured by student policies.

His policy, alone, now costs \$9,729 a year. Add his children's policies to that, and he is paying \$11,109, nearly as much as the mortgage on his home.

#### "THEY WERE RIDICULOUS"

Bess Sanborn is uninsured and can't find a policy. She has mild hypertension, controlled by medicine. The only insurer even willing to take an application combed her medical records.

"They were ridiculous. She'd once had a yeast infection, and the insurer wanted to exclude coverage for all feminine complaints," Sanborn said. "That's not insurance. That's just a way to rake in money."

The irony of it all, he said, is that his health has been terrific, and his medical bills relatively low, ever since the bypass surgery.

Over the past three years, he has paid about \$22,000 in premiums. His insurer has paid \$8,532 in medical bills, mostly for minor sinus surgery.

Sanborn figures he could put a down payment on a second house, or make a tidy retirement investment, with the difference between his medical bills and his insurance premiums.

The gamble is tempting, but "very unsettling" for a man with a business, a home, a family—a man with a lot to lose, he said. "What if something big did happen? It's something to keep you awake at night."

So Allen Sanborn will continue to scrape to pay his insurance premiums—until the day they are raised so high he is forced to cancel himself.

"I suppose, if you talk to insurers, they can justify this whole thing under some formula," he said. "My group is getting older, or sicker, or smaller. But there ought to be some sort of fair play here. I don't see any fair play."

#### A TRIBUTE TO J.G.R. & ASSOCIATES ON THE EIGHTH ANNIVERSARY OF FOUNDING

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to offer my genuine sentiments of congratulations to one of our community's most thriving and prosperous private firms, J.G.R. & Associates, on the occasion of the eighth anniversary of its founding.

Under the careful direction and diligent leadership of founder, Julio Gonzalez-Rebull, J.G.R. & Associates has catapulted itself into one of south Florida's most highly regarded and respected marketing and public relations organizations.

Since its founding in 1984, J.G.R. & Associates has acquired the patronage of some of the most prestigious national and international private institutions known today, including: CAC-Ramsay, American Express, Anheuser-Busch, Inc., Bayside Marketplace, WTVJ Channel 4, and Shaw-Ross International Importers, Inc., earning this young establishment the respect and admiration of our area's business community.

Mr. Speaker, it gives me great pleasure to extend to Mr. Julio Gonzalez-Rebull, as well as all the dedicated members of J.G.R. & Associates may vest best and warmest wishes for success in every future undertaking.

#### SALUTE TO SGT. MIKE KORNUTH

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a veteran Simi Valley, CA, law enforcement officer as he retires from duty.

Reserve Sgt. Mike Kornuth has served with the Simi Valley Police Department since July 11, 1975. With 16 years and 8 months service, he is the longest term reserve officer in the history of the department.

During his tenure, he volunteered 6,641 hours to his community, primarily operating a patrol unit. He also served as a partner for regular police officers and worked many special details, including crowd control and traffic control for community events.

Mr. Speaker, we all know that law enforcement is inherently dangerous, and we rightly honor the thousands of men and women who choose to make police work their career. I believe, however, that special recognition is due men and women like Mike who serve their communities as volunteers. On April 18, the city of Simi Valley will honor Sgt. Mike Kornuth for his years of service to his community, and I ask my colleagues to join me in saluting him as well.



# A TRIBUTE TO LAURA C. SINGLETARY

## HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to congratulate one of the most dedicated individuals in the Commonwealth of Pennsylvania on the occasion of her retirement. After serving the people of this State without fail for more than three decades, Mrs. Singletary decided to step down on December 27, 1991. Her commitment to her community over the years should serve as an example to us all.

As a member of the First Baptist Church of Paschall in Philadelphia, Mrs. Singletary devoted her time and energy to the people of her community, and strove to bring the spirituality and humanity to all her work. In addition, she has been a loving wife to Bernard Treherne and a caring mother to their one child. In her retirement, she plans to continue to spread that love as she travels, fulfilling a lifelong desire to see novel sights and meet a variety of people. I am certain that her new friends will be inspired by her outgoing personality, her compassion and her warmth—a privilege her family and coworkers have enjoyed for many years.

I am pleased to express my respect and admiration for Laura A. Singletary, and to congratulate her on her richly earned retirement. All of us citizens of Pennsylvania owe her a debt of thanks for her years of kind service, and she will be sorely missed by all who worked with her. I wish her much joy in her future travels and endeavors, and all the happiness she deserves. Mr. Speaker, I ask my colleagues to join me in celebrating this tireless individual, a paragon of virtue and commitment to her fellow men and women, Laura C. Singletary.

# THE INNOCENT WILL BE SENTENCED TO DEATH

## HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EDWARDS of California. Mr. Speaker, Congress has been actively considering the issue of Habeas Corpus for several years. In November 1991, this body passed H.R. 3371, the Omnibus Crime bill, which contained a habeas corpus provision that would reform and restrict, but not eliminate, the Great Writ. However, this constitutional right is being threatened by both the administration and the Supreme Court. This article in the legal times describes death penalty cases where the prosecution unlawfully suppressed evidence and encouraged perjured testimony. If the right of habeas corpus is destroyed, offenses like these may never be discovered, constitutional rights will be ignored, and the innocent will be executed. We must continue to protect habeas corpus.

[From the Legal Times, Mar. 23, 1992]

PALE HORSE, PALE JUSTICE

(By Monroe Freedman)

Today I shook hands with a dead man. His name is Gary Nelson.

For 11 years, Nelson sat on Georgia's death row, condemned to die. During that time, 15 people were taken from cells near Nelson's and killed in the electric chair.

"The burnt flesh is something I will never forget," Nelson said recently. "It was horrible the way they let us smell them cooking."

Admittedly, the crime for which Gary Nelson was found guilty, beyond a reasonable doubt, was a horrible one. Six-year-old Valerie Armstrong was sodomized, raped, and knifed to death. And the evidence against Nelson was damning, enough so that even effective assistance of counsel could not—and should not—have saved him.

First, Detective D.L. Burkhalter testified that Valerie Armstrong's companion, Sabrina Williams, had readily identified Nelson as the man who was last seen with Valerie. Nelson, therefore, was not across town as he had claimed, but was at the scene of the crime.

Second, Detective Robert Wedlock testified that the owner of the knife used in the killing had identified it as the one that had been left in Nelson's house.

Third, as District Attorney Andrew Ryan III told the jury, a hair found on Valerie's body had been scientifically examined by Roger Parian of the Georgia Bureau of Investigation's crime laboratory, and Parian had concluded that "the hair that was found on the body and the known hair from the arm of Gary Nelson have . . . the same origin."

Nevertheless, Nelson had been denied due process. His trial began on a Wednesday, and by Friday, just two days later, he had been tried, found guilty, and sentenced to die. In those two days, Nelson's trial counsel had committed repeated acts of ineffective assistance of counsel. For example, Nelson said that when the crime was being committed, he had been across town, where he had gone to visit a friend. The friend had not been at home, but other people had been there, Nelson claimed, and he had spoken with them. At trial, however, Nelson's lawyer mistakenly subpoenaed the friend—who had not seen Nelson—rather than the other people, who might have corroborated Nelson's alibi.

## DECADE OF DILIGENCE

But even people guilty of heinous crimes are entitled to constitutional rights. Having read the trial transcript, Emmet Bondurant and the Atlanta law firm of Bondurant, Mixson & Elmore, undertook to handle Nelson's appeal as one of their *pro bono* projects.

One thing that trial counsel had done right was to demand, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), evidence in the hands of the prosecution that might have exculpated Nelson, and the trial judge had ordered compliance. Post-trial efforts to discover evidence in the government's files was therefore a futile, not to say frivolous, gesture. But the Bondurant firm, with the help of the Georgia Resource Center, managed to tie up the case with discovery demands for 10 years, thereby delaying Nelson's execution.

Nelson's case, therefore, was precisely what Chief Justice Warren Burger was complaining about in a concurring opinion in 1983. There the chief justice pointed out that the argument that the death penalty is cruel and unusual is "dwarfed" by the cruelty of 10 years on death row, which is "inflicted" upon defendants by "lawyers seeking to turn

the administration of justice into [a] sporting contest." That is, the humane and professional thing for Nelson's lawyers to have done was to have allowed his electrocution to go forward in 1980.

But 10 years and a quarter of a million dollars in billable hours later—with the state's lawyers resisting discovery all the way—Nelson's lawyers were belatedly given access to the *Brady* material that Nelson should have had at his trial. As finally acknowledged by Chatham County District Attorney Spencer Lawton (who had not prosecuted the original case), "There is no material element of the state's case in the original trial which has not subsequently been determined to be impeached or contradicted." Indeed, Gary Nelson's conviction and death sentence were shown to have been fabricated by the prosecution's unlawful suppression of evidence and by government perjury.

## FABRIC OF LIES

First, Detective Burkhalter had lied when he swore that Sabrina Williams had "readily identified" Nelson in a lineup. In fact, a taped police interview with Williams showed that she had said, "I don't know how he looked." When the eight-year-old was then pressed by Burkhalter to disregard her doubts, Williams had said, "I saw a man something like [Nelson's picture], but I don't know if he is. . . . He looked something like the man." Moreover, Williams had described the man she had seen as bald and thin, neither of which fits Nelson.

Second, Detective Wedlock also committed perjury to convict an innocent man. A tape recording of his interview with the man whom Wedlock claimed to have been the owner of the murder weapon showed that the man had not in fact connected the knife to Nelson.

Third, Rogert Parian of the Georgia Bureau of Investigation also perjured himself. He had not examined the hair himself, but had sent it to the Federal Bureau of Investigation crime lab in Washington. More important, the FBI report to Parian stated, "The hair is not suitable for significant comparison purposes." Also, the former unit chief of the Microscopic Analysis Unit of the FBI provided an affidavit saying that the hair in question "could have come from any black person, including, but not limited to, other suspects in this case or the victim."

The reference to "other suspects" related to substantial evidence in the prosecution's files, including a confession—all suppressed by the prosecutors for a decade—that pointed to another man as the perpetrator of the crime.

The Georgia Supreme Court recently freed Gary Nelson. But, shamefully, Nelson's case is not unique. Michael Kroll, of Washington, D.C.'s Death Penalty Information Center, has recently published a report cataloging two dozen cases, from all parts of the country, involving unethical conduct by prosecutors in death cases. In several of those cases, the accused is still awaiting execution. In others, the death penalty has already been carried out.

## THE "PRETTY GOOD WRIT"

Meanwhile, the Supreme Court has been diligently clocking the pale horse of Death and speeding it on its way. While paying lip service to the writ of habeas corpus as "a bulwark against convictions that violate fundamental fairness," the Court last year expressed its overriding concern that "the Great Writ entails significant costs," the "most significant" of which is "the cost to finality." *Coleman v. Thompson*, 111 S. Ct.

2546. Obviously, death offsets that cost by mooting all appeals and clearing all dockets, as Gary Nelson came perilously close to learning.

One of Garrison Keillor's commercials is for Ralph's Pretty Good Hardware Store: "If Ralph doesn't have it, you probably don't really need it." In the hands of the current Supreme Court, the Great Writ: "If it doesn't protect your constitutional rights, you probably didn't deserve them in the first place." One is reminded of Justice Antonin Scalia's comment on a Public Broadcasting System panel, discussing the plight of an innocent man wrongfully executed. "Oh, well," quipped the justice, "he was probably guilty of something else anyway."

Illustrative of how the Court is using the most trivial of technicalities to override essential justice is the Texas case of Leonel Herrera, who is awaiting execution for the killing of two police officers. Since Herrera's conviction, his brother Raul has confessed to the killings, and Raul's son has sworn that he saw his father commit them. As a result, a federal district judge stayed Herrera's execution one day before he was to have been put to death. The stay was then vacated in the appeals court, however, on the appalling reasoning that a claim of innocence-in-fact is constitutionally irrelevant.

The Supreme Court has granted certiorari in Herrera's case to consider the relevance of innocence in habeas corpus cases. But in an incredible use of a technical rule in the face of the very real threat that an innocent man would die as scheduled, the Court refused to stay Herrera's execution pending appeal. Playing a heartless game of chicken—with Herrera's life at forfeit—the Court in effect dared the Texas courts to allow the execution to take place. Fortunately, the Texas Court of Criminal Appeals swerved just in time, granting a stay only minutes before Herrera's scheduled execution.

#### PETTY TECHNICALITIES

Yet another recent case in which the Supreme Court valued petty technicalities over human life is *Coleman v. Thompson* (1991). Roger Coleman faces death in Virginia's electric chair despite the fact that his 11 federal constitutional claims have never been finally adjudicated in the federal courts. The reason is that Coleman's lawyer filed a notice of appeal in the Virginia trial court 72 hours late. Accordingly, Virginia refused to hear his appeal.

This three-day delay, in turn, was held to preclude the federal courts from hearing these issues—despite the fact that the notice of appeal is, in the words of the Supreme Court in this very case, "a purely ministerial document," and despite the fact that the late filing was "no doubt an inadvertent error." Indeed, the state acknowledged that in no sense had Coleman "understandably and knowingly" given up his appeal.

What weighty principle of law or policy, then, could have overcome the Constitution and the Great Writ and mandated death? The reasoning is simple. Because Coleman's lawyer inadvertently failed to file the notice of appeal on time, the Supreme Court held, it would be "contrary to well-settled principles of agency law" to allow Coleman to live. The Court's citation for this life-and-death conclusion is: "Restatement (Second) of Agency sec. 242 (1958) (master is subject to liability for harm caused by negligent conduct of servant within the scope of employment)." (This is not a parody: You can look it up, at 111 S. Ct. 2567.)

#### MINDLESS LEGAL MINDS

The constitutional scholar Thomas Reed Powell once observed sardonically that if

you can think of one thing without thinking of something else that is inextricably related to it, you have what is called a legal mind. Justice Sandor Day O'Connor has a legal mind, and then some. Her opinion in the *Coleman* case—in which a man's life hangs in the balance—begins with the words: "This is a case about federalism."

In the same mindless, heartless compartmentalized way, Justice O'Connor was able to say, "We discern no inequity in requiring [Coleman] to bear the risk of attorney error." This is in a case, mind you, where "bear[ing] the risk of attorney error" means being put to death without adjudication of his 11 federal constitutional claims because his lawyer inadvertently missed a filing deadline by 72 hours on a purely ministerial document.

Fortunately for Roger Coleman, his lawyers have managed to do what Chief Justice Burger considers to be even more cruel than the death penalty itself—they have kept him alive on death row for 10 years. The good news for Coleman is that there is now overwhelming evidence—all of it suppressed by the prosecution at trial—that he is in fact innocent of the rape-murder for which he was convicted.

The bad news, however, is that Roger Coleman is still scheduled to be electrocuted on May 20, 1992, at 11 p.m. He will just have to understand that what is really at issue is not whether he lives or dies, but "federalism" and, of course, Section 242 of the Restatement (Second) of Agency.

Adding to the tragedy of wrongful executions and to the outrage of technical barriers to the Great Writ and to due process of law, is the treatment of lawyers who have sacrificed thousands of hours and thousands of dollars to represent citizens unfairly condemned to death. Lawyers are regularly implored by the American Bar Association and by judges to volunteer for these gut-wrenching, heart-breaking cases. But lawyers who take their professional responsibilities seriously in litigating them, risk the ire of judges who prize efficiency over due process.

For example, in a concurring opinion in a death case in 1987, Chief Judge Charles Clark of the 5th Circuit wrote that "[m]ore counsel must be found who will shoulder the increased caseload." *Brogdon v. Butler*, 824 F.2d 334, 338 (5th Cir. 1987). But in the same opinion, Judge Clark attacked the lawyers in that case, accusing them of "deliberately" delaying the case and charging that they were "bent on opposing [the appellant's] execution by confusion in addition to the points of law they raised." This harsh judgment was supported by no evidence, but was based upon Judge Clark's "perception."

Nor did the lawyers, thus publicly castigated in a published opinion, have any effective way to respond to the judge. Moreover, Judge Clark's opinion has since been cited in support of the unfounded criticism of another *pro bono* lawyer in a 1988 5th Circuit case. There, New York attorney Edward Chikofsky, who had contributed thousands of hours and nearly \$10,000 of his own money in litigating the case, was similarly attacked in a concurring opinion, this time by Judge Edith Jones.

Judge Jones said that Chikofsky's conduct "tore . . . the veil of civility" and compared it to his client's alleged crimes of robbery, rape, and murder. Accusing the lawyer of deliberately filing late, the judge advocated sanctions including, "at a minimum," suspension from practice before the 5th Circuit "for a period of years." *Bell v. Lynaugh*, 858 F.2d 978 (5th Cir. 1988).

In the face of that harsh criticism, it is all the more to Chikofsky's credit that after five years, four state writs, two federal writs, three cert petitions, and the denial of a stay of execution by an equally divided Supreme Court, Chikofsky ultimately succeeded in vacating his client's death sentence.

Texas Law School Professor Michael Tigar, then chairman of the ABA Litigation Section, investigated the case and found Judge Jones' attack on Chikofsky to have been unjustified. "How can we expect [lawyers] to spend uncompensated thousands of hours and thousands of dollars in expenses," Tigar asked, "when their vigorous efforts to spare their client's lives will be met with hyperbolic condemnation in the Federal Reporter and threats to undermine their livelihoods by barring them from paying practice in the Court of Appeals?"

And so it goes. Prosecutors in death cases knowingly presenting false evidence and suppressing the truth, federal judges unfairly castigating lawyers who take death cases *pro bono*, and justices of the Supreme Court whipping on the pale horse of death with irrelevant reasoning and trivial technicalities.

Gary Nelson will never forget the horrible odor of burning human flesh. All of us, too, should "smell them cooking."

#### CARMEN DELGADO VOTAW NOMINATED TO MARYLAND WOMEN'S HALL OF FAME

##### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SERRANO. Mr. Speaker, I am pleased to recognize Ms. Carmen Delgado Votaw on the occasion of her recent induction into the Maryland Women's Hall of Fame. This honor is bestowed upon her as a result of her commitment to civil rights, particularly equal opportunities for Hispanic-Americans and for women. As the first Hispanic woman to receive this honor, Ms. Votaw is a source of inspiration, as well as role model, to Hispanics and to women everywhere.

Ms. Votaw began her career of dedication to civil rights in the mid-1960's working with the Overseas Education Fund of the League of Women Voters. In 1975, she participated in the world conference held in Mexico City, serving on the Committee on International Interdependence of the U.S. Commission on the Observance of International Women's Year preparatory for that conference. That same year, Ms. Votaw was elected president of the D.C. Chapter of the National Conference of Puerto Rican Women. From 1976 to 1978, she served as national president of the conference and she has been a member of the national board for many years.

Ms. Votaw was a member of the Maryland activities which culminated in the congressionally mandated State conferences held prior to the 1977 National Conference for Women in the United States. In 1977, Ms. Votaw was designated as U.S. Delegate to the Inter-American Commission of Women and served as a member of the U.S. delegation at the First Economic Commission for Latin America meeting on the Integration of Women in Development held in Havana, Cuba. The follow-



ing year, she was elevated to the presidency of the Commission until 1980. Ms. Votaw has received two Presidential appointments: The first as Commissioner in the IWY Commission where she served on the executive committee and the second as cochair of the National Advisory Committee for Women.

Throughout her almost three decades of dedication to civil rights, Ms. Votaw has made numerous speeches at, and participated in, a great variety of international activities including the United Nations Development Program Symposium on Rural Women in the Philippines, the seminar on the International Year of the Child in Israel and the Inter-American Labor Ministers Conference among many others. Ms. Votaw has also advised the Inter-American Agricultural Sciences Institute in framing their program for rural women in the hemisphere; collaborated with the United Nations Latin American Institute on Prevention of Crime and Rehabilitation of Delinquents in studying the treatment of women in the prison systems of Latin America; and was a planner and founding member of the outstanding Inter-American Institute of Human Rights operating in Costa Rica in conjunction with the Inter-American Court of Human Rights.

Other organizations of which Ms. Votaw has been a member or officer include the Girl Scouts USA; the Pan American Development Foundation; Partners of the Americas; the National Women's Political Caucus; the Urban Coalition; and ASPIRA. Ms. Votaw is the author of numerous articles on women in development, as well as other subjects, in publications such as "Americas, Horizontes," and the Miami Herald, among others. She contributed two biographies to the book "Notable American Women: The Modern Period," and played an instrumental role in the publication of "Libro de Oro," the Inter-American Commission of Women's book celebrating the contributions of five women from each of the countries of the Western Hemisphere. Ms. Votaw is also the author of the book "Puerto Rican Women: Some Biographical Profiles" (1978).

In the past, Ms. Votaw has served as the director of the congressional office of the Resident Commissioner from Puerto Rico, Mr. Jaime B. Fuster, and a Federal affairs specialist in the Office of the Commonwealth of Puerto Rico. Today, Ms. Votaw is the Washington representative for Girl Scouts of the United States of America and a member of Gov. Donald Schaffer's Trial Court Judicial Nominating Commission. Mr. Speaker, please join me today in recognizing Ms. Votaw for her commitment to Hispanics and women, and in congratulating her on her induction to the Maryland Women's Hall of Fame.

A TRIBUTE TO RYAN LEE  
ASHLOCK

**HON. PATSY T. MINK**  
OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mrs. MINK. Mr. Speaker, I rise today to recognize Ryan Lee Ashlock, a gifted young writer who placed fourth in the "Voice of Democracy" national broadcast script writing competi-

tion. The contest was conducted by the Veteran of Foreign Wars [VFW] and its Ladies Auxiliary and involved more than 147,000 secondary school students who competed for 22 national scholarships totaling \$76,500.

Ryan, who is a junior at the Hawaii Mission Academy in Honolulu, HI, was 1 of the top 22 winners. He received a \$5,500 Scholarship Award provided by the VFW Post 1540 and its Ladies Auxiliary in Honolulu, HI.

The "Voice of Democracy" contest encourages students to write and develop within them a higher standard of excellence for academic achievement. I believe the Congress should recognize and commend the Veteran of Foreign Wars and its Ladies Auxiliary, and offer to Mr. Ashlock our congratulations for his talent and achievement.

Thus, it is with great pride that I submit for the RECORD Ryan Lee Ashlock's fourth place essay in the VFW "Voice of Democracy" broadcast script writing contest.

MEETING AMERICA'S CHALLENGE

(By Ryan L. Ashlock, Hawaii winner, 1991-92 VFW Voice of Democracy Scholarship Program)

The fateful words of the General reverberated through the young man's thoughts, "I sentence you to be hanged."

Just the day before, Nathan Hale had been nearing the end of a successful mission to spy out the British position. Now he was captured by the enemy, but the 21-year-old patriot did not falter in his desire for freedom. As he stood calmly awaiting the moment of his hanging, he declared, "I only regret that I have but one life to lose for my country."

Today as the United States looks ahead to the twenty-first century, there are many opportunities for Americans to serve their country. There are many challenges waiting to be faced. They will require energy, but they are attainable. That same assuredness of belief possessed by Nathan Hale is for all Americans today. Yes, it may require even the lives of some to preserve what our nation stands for, but life to Nathan Hale was the freedom his country owned.

Wrote Thomas Jefferson in 1820, "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education."

Is this actually the essence of America's highest challenge? In my mind, this says it all. Education is the key that will open the doors of achievement, leadership, and honor for our country. With an educated public, the United States can stand firm as a world leader.

Complaints are often made about the apathy shown by some Americans toward their country. It is true that some today are oblivious to the liberties and freedoms that have been fought for throughout our nation's history. Imagine the concept of what it means to stare through a keyhole in a locked door and only wish for the freedoms that lie beyond the threshold.

But just one short year ago, I saw the patriotic spirit so long lost in the glorious days of our nation's past, revived. Our nation united under a common goal during Desert Storm. Awareness of what it actually means to be an American grew while the whole world watched in suspense as America and its allies fought to preserve what they lived for. Can we soon forget what soldiers died for on the battlefield? No, we must keep that

awareness growing. To do so, we must educate. And not merely in literature, science, or arithmetic, but in what it means to stand upon the earth a free individual—what it actually means to be an American.

US History class in school is viewed by some students as simply one more requirement to graduate, out of the school system, and stop learning. I believe there is something wrong with that view. The history of our country and what we stand for need to be made living in the minds of our citizens and should be something we spend our whole lives exploring. After all, we are our leaders. We have no other and none better. Our nation can rise to the top with what we have. It is each citizen's responsibility to make that happen.

America owes it to other nations to set a standard by its example. America's responsibility to make brilliant what a free society can do. Other countries look up to the power of the United States as a guide—a firm, unfaltering arrow pointing to world freedom and peace. Democracy has triumphed where communism has failed. Can we continue to shine the light of freedom ahead on the path to world peace? The answer lies within the people themselves. They have the power.

Said the mathematician and philosopher, Bertrand Russell, "If one man offers you democracy and another offers you a bag of grain, at what stage of starvation will you prefer the grain to the vote?" The challenge of America today is for all its people to be able to say with conviction just as Nathan Hale did, that they would rather die than give up their freedom. What a wonderful meaning that one word can have—freedom.

A TRIBUTE TO YOUNG ARTIST  
DAYAMI ALVAREZ

**HON. ILEANA ROS-LEHTINEN**  
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to acknowledge the artistic work of Ms. Dayami Alvarez of Our Lady of Lourdes High School in Miami. Ms. Alvarez joined other young artists in a contest hosted by the Caring Institute in Washington, and she received first prize. Sharony Andrews of the Miami Herald reports:

Dayami Alvarez, 17, believes children on this planet are tripping on a lot of heavy stuff. "AIDS, condoms \* \* \* it seems everything is thrown on them. They don't have time to be kids," she says.

Her concern is the kind the nonprofit Caring Institute in Washington, DC, wants to encourage. The group recently got 60,000 children across the country to draw, paint and sketch their vision of caring for a national poster contest. A team of artists led by political cartoonist Pat Oliphant judged.

Dayami, an 11th-grader at Our Lady of Lourdes Academy in South Miami, was one of 12 top national winners.

"I freaked when I heard," Dayami says. Her watercolor painting shows an angelic, nurturing woman with her arms spread over smiling children.

"She's, like, protecting them," says Dayami.

The drawing evokes an image that kids need more nurturing, and the different ethnicities of the kids in her picture reflect that it is a worldwide problem that transcends race, she says.

Oliphant said Dayami's picture, and the other winning entries, showed originality.

"After all that's been said about kids today, it's nice seeing so many respond to the contest," he said. "It shows they are caring about something."

Dayami has been drawing since she was 5, with private lessons since 11. She wants to be a commercial artist. When she graduates next year, she'll go to International Fine Arts College in downtown Miami.

The winning posters will go on a 12-city tour this year. The Caring Institute, founded in 1985, also sponsors an essay and photography contest. The contests are geared to encouraging selflessness, says program director Colleen Noland. "If we can get these kids to think about caring, it may become a way of life for them."

The institute puts out a brochure to teach kids how to set up their own Caring volunteer clubs. To get details or become a member of the institute, write The Caring Institute, 519 C St. NE, Washington, DC 20002 or call 202-547-4273 between 8:30 a.m. and 5 p.m. weekdays.

Mr. Speaker, I am proud to honor Ms. Alvarez for her terrific art work as well as her conscientiousness. Through her art, she has helped other young people of our community to understand the complex issues that concern them. I commend this young woman for her commitment and dedication to our community.

**MADE IN THE U.S.A. BY  
AMERICANS**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. STARK. Mr. Speaker, one of the best letters to the editor I've read in a long time came from Mr. Patrick Caufield of Newark, CA concerning his job at the joint Toyota-GM NUMMI plant in Fremont.

I hope other Members will read it:

**MADE IN THE UNITED STATES OF AMERICA BY  
AMERICANS**

(By Patrick L. Caufield)

I am a team leader at the New United Motors (NUMMI) plant in Fremont. I have been working there for two years. I was born in Castro Valley and grew up in Fremont. I currently live in Newark with my wife and two children. My team has four members, in a group of 11 people. All of these people live in this country.

It is true that some of the parts we use to build our cars with are Japanese parts or are from Japanese companies. It was determined that 75 percent of our materials are American parts.

In my view, the make of the car we produce shouldn't be the issue. The issue should be whether the cars are American-made. I go to work five days a week from 4:30 p.m. to 1 a.m. We have exactly 60 seconds to complete up to five different procedures on one vehicle, then move immediately to the next. We do this for eight hours a day, every workday. We sweat, bleed, break bones, have sore muscles—all this in order to produce the best quality car every time we do our job. Sometimes we produce as many as 480 cars that I would consider made in America because the plant is in America, the workers live in America and we build cars with American parts.

Some people will say "not enough." Well, if they want to get technical, have them look on the bottom of their toasters or TVs or telephones or their baby toys or even their clothes and see if the tag "made in Korea" sounds familiar. If people want to complain, let them complain about wearing Italian suits and driving BMWs.

Executives in a recent article who were criticizing NUMMI said they were worried were the money is going, I will tell you, and them. Yes, 25 percent is going to Japanese companies. Some is going to American companies. And the rest is going into paying the 3,500 America men and women working.

These people then take their American dollars home to their families so they can eat, have clothes, have a home, go to schools and someday grow up to be productive American citizens.

If anything were to happen to the plant causing it to indefinitely shut down or close permanently, who would suffer? Let's think back to when another company owned the same building—General Motors. What happens when they shut that plant down? People who don't live around here have no idea.

My father worked in that plant. I was a teen-ager when it shut down. Who suffered? Not the company—the families, the children. Families split up, people died by their own hands, children starved and Fremont almost died. The joint venture saved this town, its people and our children.

Most of the employees at NUMMI once worked at that old GM plant. Now their families do, too. The same families that suffered are now benefitting.

If this plant and the people in it aren't American enough for some people and we get shut down because of it, the Japanese can go back to Japan and be just as successful as they are. We as Americans and our American families will suffer, just as we once did.

We are Americans, working in America making American dollars and spending them in America. That's enough for me.

**SUSPENDING DAVIS-BACON SAVES  
MONEY**

**HON. CASS BALLENGER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. BALLENGER. Mr. Speaker, it is time we save tax dollars and signal our commitment for economic recovery by suspending the Davis-Bacon Act for 1 year.

Suspension of the act achieve approximately \$1.3 billion in annual savings for American taxpayers and create over 31,000 new job opportunities in the construction industry. Several organizations also support suspending the Davis-Bacon Act including the American Road & Transportation Builders Association, the American Legislative Exchange Council, the Business Industrial Council, and the National Stone Association. Their letters are listed below:

AMERICAN ROAD & TRANSPORTATION  
BUILDERS ASSOCIATION,  
March 23, 1992.

HON. SAMUEL K. SKINNER,  
Chief of Staff, The White House,  
Pennsylvania Avenue, NW, Washington, DC.

DEAR MR. SKINNER: On February 7, the American Road and Transportation Builders Association (ARTBA) wrote President Bush

urging him to suspend the Davis-Bacon Act. Suspending the Act would create nearly 41,000 jobs per year by providing additional funding for transportation construction projects.

The Davis-Bacon Act needlessly costs the federal government approximately \$1.3 billion per year. The Congressional Budget Office estimates that repeal of the Davis-Bacon Act would provide \$7.3 billion in additional spending authority and \$4.7 billion in outlays over five years.

It has come to our attention that the President is seriously considering suspending the Davis-Bacon Act as part of his economic recovery package. ARTBA would fully support the President's efforts to suspend the Act.

The transportation construction industry is currently experiencing one of its deepest recessions ever. The passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) is certainly helping to bring the industry out of the recession and producing jobs for many unemployed American workers. Suspension of the Davis-Bacon Act will only help to increase the positive effect that the ISTEA will have on the economy.

Sincerely,

T. PETER RUANE,  
President & CEO.

AMERICAN LEGISLATIVE  
EXCHANGE COUNCIL,  
Washington, DC, March 19, 1992.

HON. GEORGE H. BUSH,  
President of the United States,  
The White House, Washington, DC.

DEAR PRESIDENT BUSH: The American Legislative Exchange Council (ALEC) applauds the Administration's proposal to suspend the Davis-Bacon Act of 1931. Suspending the Act will help reduce the tax burden and create jobs.

Under Davis-Bacon, hard working Americans have seen their taxes inefficiently spent supporting artificially inflated wages on government funded construction projects. According to the Congressional Budget Office, suspending the Davis-Bacon provision would save the American taxpayers \$1.3 billion dollars annually, and create over 31,000 jobs. These savings would help reduce the Federal debt, stimulate the construction industry, and provide jobs.

Mr. President, under Section 6 of Public Law 74-403, you have the statutory authority to perform a greatly needed public service. During the Great Depression in 1934 President Roosevelt recognized the necessity for suspending the Act and again in 1971 President Nixon acted in a similar fashion.

Immediate action will signal your commitment to stimulate the economy by relieving the excessive tax burden thus creating new opportunities for unemployed Americans.

Thank you, Mr. President, for seriously considering this proposal.

Very respectfully,

SAMUEL A. BRUNELLI,  
Executive Director.

BUSINESS AND INDUSTRIAL COUNCIL,  
March 19, 1992.

Mr. FRED MALEK,  
Bush-Quayle 1992 Campaign,  
Washington, DC.

DEAR MR. MALEK: It is our understanding that the Administration is considering making a proposal of real reform of the Davis-Bacon Act. We enthusiastically support that idea.

Our 1500 member CEOs have long supported reform of the wasteful, antiquated Davis-



Bacon Act. It has been estimated that a temporary suspension of the Davis-Bacon Act could save \$4.7 billion and create more than 30,000 jobs.

Decisive action on the Davis-Bacon Act could demonstrate leadership which is sorely lacking on the other end of Pennsylvania Avenue.

Sincerely yours,

JOHN P. CREGAN,  
President.

NATIONAL STONE ASSOCIATION,  
March 16, 1992.

Hon. GEORGE BUSH,  
President of the United States,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Stone Association's nearly 500 member companies and the 64,000 working men and women of America's crushed stone industry, I respectfully urge you to support suspension of the Davis-Bacon Act. By suspending this outdated prevailing wage law, more than 31,000 new jobs can be created in the construction industry while saving American taxpayers approximately \$1.3 billion annually.

As noted in a 1979 report by the U.S. General Accounting Office, the Davis-Bacon Act results in unnecessary construction and administrative costs and has an inflationary effect on areas covered by inaccurate wage rates and the economy as a whole. The GAO found that over half of area/project determinations are not based on a survey of wages paid to local workers, but are rather based on union-negotiated rates.

Because of the Davis-Bacon Act, which requires that prevailing wages be paid on all federal construction projects in excess of \$2,000, small companies and disadvantaged business enterprises are often precluded from bidding on these jobs. Suspension of the Act would help in opening the process to such businesses and providing job opportunities to many low income workers.

NSA urges you to exercise your statutory authority under Section 6 of Public Law 74-403 and suspend the Davis-Bacon Act. We greatly appreciate your efforts to create jobs and advance economic recovery in the construction industry.

Sincerely,

WILLIAM D. KELLEHER,  
Vice President, Government Affairs.

#### A TRIBUTE TO POLICE COMMISSIONER WILLIE L. WILLIAMS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to one of the finest public servants in the history of the great city of Philadelphia. Since 1988, Willie L. Williams has served as police commissioner for city of Philadelphia. As Commissioner Williams is honored by the Greater Philadelphia Chapter of the National Forum for Black Public Administrators this month, I would like to take this opportunity to reflect on the expansive career of this truly remarkable man.

From his initial appointment as an officer in the Fairmount Park Guards nearly 30 years ago, Willie L. Williams has dedicated his professional life to the betterment of the Philadel-

phia Police Department. Commissioner Williams rapidly ascended through the various ranks of the police department, from detective, to sergeant, to lieutenant, to captain, to inspector, to deputy commissioner, and finally, commissioner. As the police commissioner, Willie Williams oversees the operations of the largest, most visible arm of Philadelphia's municipal government. With nearly 8,500 police officers and civilian personnel under his jurisdiction, Commissioner Williams is responsible for insuring the efficient protection of Philadelphia's 1.6 million citizens. In addition Mr. Speaker, Commissioner Williams is charged with the tremendous task of overseeing the police department's \$315 million budget.

Mr. Speaker, one need look no further than Commissioner Williams' educational history to witness his deep roots in the city of Philadelphia. He has obtained degrees at Overbrook High School and the Philadelphia College of Textiles, and is currently pursuing a master's degree at St. Joseph's University. Commissioner Williams has also shared his expertise with students at Temple University, University of Pennsylvania, and University of Delaware.

Willie Williams is also a strong presence in nearly every facet of community life. As a former scout master, a member of the West Oak Lane Youth Association, and a member of the Pennsylvania Juvenile Officer's Association, Commissioner Williams has worked countless hours with young people across the city of Philadelphia, attempting to help these kids make the most of their formative years. In addition, Commissioner Williams has received numerous awards from the police department and the city of Philadelphia for his exceptional work as both an officer and an administrator.

Mr. Speaker, it with great pleasure that I present the credentials of my good friend Willie Williams before this body today. I cannot truly express all that this great man has done for the city of Philadelphia. It can simply be said however, that through Commissioner Williams' dedicated efforts, he has truly enriched the lives of all Philadelphians. I ask my colleagues to rise and join me in paying our greatest tributes to Commissioner Willie L. Williams. I would also like to extend our best wishes to the commissioner's wife Evelina, and their children Lisa, Willie Jr., and Eric. Congratulations and thank you, Willie on your wonderful contributions to the city of Philadelphia.

#### STATEMENT BY MR. McGRATH IN SUPPORT OF A DUTY SUSPENSION FOR CERTAIN GLASS ENVELOPES AND FUNNELS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. McGRATH. Mr. Speaker, I rise to introduce H.R. 4791, a bill to extend and slightly modify a present duty suspension for glass envelopes used to manufacture cathode ray tubes for computer displays. The present authority for this duty suspension expires on December 31, 1992.

A duty suspension for certain monochrome glass envelopes was originally approved by

Congress and enacted into law in 1988. At that time, no opposition was expressed by the domestic television glass industry. The suspension was extended in 1990, again with no opposition.

H.R. 4791 extends the current authority until December 31, 1994, and expands its coverage in two ways. First, unlike the previous suspension, it includes all tinted monochrome glass envelopes regardless of size and transmission limits. The size and transmission limitations currently included in the duty suspension are no longer necessary because no monochrome glass envelopes whatsoever can be sourced from U.S. companies.

Second, H.R. 4791 suspends the duty on a part of a glass envelope called a funnel not currently produced in the United States. This particular funnel is specifically designed for use in a proprietary, limited line of cathode ray tubes with a flat faceplate.

No opposition from the domestic television glass industry is anticipated in regard to any aspect of H.R. 4791 because these products are not manufactured in the United States. Moreover, no U.S. television glass manufacturer intends to make these products in the United States because the volume requirements are so insignificant.

Based on 1991 import data, the revenue loss associated with H.R. 4791 is approximately \$425,000.

#### EARTHQUAKE AND VOLCANIC ERUPTION HAZARD REDUCTION ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mrs. MINK. Mr. Speaker, today Congressman NEIL ABERCROMBIE and I are introducing legislation which will provide our Nation better protection from the financial catastrophe caused by earthquakes, volcanic eruptions, and tsunamis.

A companion to this bill is also being introduced today in the Senate by Hawaii's distinguished senior Senator, DANIEL K. INOUE, together with Senator DANIEL AKAKA and several other Senate cosponsors.

Our bill modifies H.R. 2806 introduced last year by my distinguished colleague from Washington State, AL SWIFT and which is cosponsored by GEORGE BROWN, DAVID DREIER, SHERRY BOEHLERT, myself and over 50 other Members representing 22 States. H.R. 2806, the Earthquake Hazard Reduction Amendments Act, is an excellent bill, but I believe it needed to be modified to fit our circumstances.

H.R. 2806 reduces losses from future earthquakes and volcanic eruptions by establishing two programs: First, a State-oriented hazard reduction program of seismic building codes and possible land-use planning to save lives and property; and second, an insurance program—much like the Federal Flood Insurance Program—which makes earthquake and volcanic eruption insurance more available and affordable to the Nation's homeowners. This legislation should lessen the damaging effects

of future seismic and volcanic activity and reduce the need for Congress to appropriate vast sums for Federal disaster assistance. By forging a partnership with the private sector to create a universal insurance program, premiums for earthquake and volcanic insurance coverage should drop dramatically.

This bill, however, does not cover a peril which is becoming increasingly important to my constituents in Hawaii: Fire following volcanic eruption. On the big island of Hawaii, lava flows venting from the sides of volcanoes are triggering fires which have already destroyed scores of homes. I am advised that some insurance companies are refusing to cover fire caused by volcanic lava flows, and this is causing a great deal of apprehension for homeowners on the big island. Yet despite the lack of private insurance coverage for this hazard, H.R. 2806 excludes fire following volcanic activity from the Federal insurance program.

The bill I am introducing today corrects this oversight. My bill recites most of the provisions contained in H.R. 2806, except that it would expressly include fire following volcanic eruption as a covered peril in the Federal insurance program. My bill also includes several other references to volcanic eruption to ensure that the Federal insurance covers all damage which results from volcanic activity, including land and mud slides as well as falling ash.

Federal insurance program. My bill also includes several other references to volcanic eruption to ensure that the Federal insurance covers all damage which results from volcanic activity, including land and mud slides as well as falling ash.

The perfecting amendments made by my bill ensure that homeowners in Hawaii and other volcanic eruption-prone States received insurance coverage at reasonable rates.

I hope that my amended legislation will be favorably considered as Congress reviews earthquake, volcanic eruption, and tsunami insurance legislation.

#### MEETING AMERICA'S CHALLENGE

##### HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SWIFT. Mr. Speaker, each year the Veterans of Foreign Wars sponsors the Voice of Democracy broadcast scriptwriting contest, which involves more than 147,000 high school students across this Nation. This year students submitted scripts on the theme of "Meeting America's Challenge" to compete for 22 national scholarships and share their unique points of view regarding the future of their Nation.

As a former radio broadcaster, I am proud today to share with the rest of my colleagues in Congress a broadcast script written by a constituent of mine, Deron John Sedy of Stanwood, WA. Deron's script was chosen as Washington State's entree at the national finals, where the judges picked it as 1 of the 22 best in the Nation. For Deron's 19th place finish at the national finals, he was awarded the \$1,000 Jesse A. Lewis Memorial Scholarship.

I would like to offer my sincere congratulations to all those who participated in this contest, especially Deron John Sedy, and hope that my colleagues enjoy the work of this talented young student as much as I have.

#### MEETING AMERICA'S CHALLENGE

(By Deron J. Sedy, Washington winner, 1991/92 VFW Voice of Democracy Scholarship Program)

In 1901, Ernest Rutherford showed that energy released in a nuclear reaction is roughly one million times as great as that released in a chemical reaction. In 1939, German physicists Otto Hahn and Fritz Strassman produced the first proof of nuclear fission in uranium. On December 7th, 1941, the Japanese attacked Pearl Harbor. The next day, the United States declared war on Japan. Then, on December 11th, 1941, the U.S. entered World War II.

June 18th, 1942, President Franklin Delano Roosevelt gave authorization for the United States Army to enter a race with Germany to develop fissionable materials—a plan later to be dubbed the Manhattan Project. On August 6th, 1945, in an attempt to bring a swift and uncostly end to the war, President Harry S. Truman gave the order to drop an atomic bomb on Hiroshima. When Japanese leaders failed to respond, the United States dropped an even larger bomb on Nagasaki. Within the week, Japan agreed to surrender.

Shortly after the end of World War II, the United States offered to share its nuclear technology with the world, providing that an adequate system of policing were established. The U.S.S.R. flatly refused. Then, on September 23rd, 1949, President Truman announced that the Soviet Union had set off its first atomic explosion in the recent weeks.

Thus began the cold war, an ongoing struggle between two super-powers to gain supremacy in world affairs. When America looked to her horizon for a challenge, there was one bright and brilliant star dominating the night sky, overshadowing our other concerns: the need to ensure peace by being ever-prepared to fight. Development of bigger and more powerful bombs as well as intercontinental missiles soon made the threat of total annihilation only minutes away.

Yet today, if we look to that horizon of America's challenges, we see the fall of communism and our recent victory in Desert Storm opening tremendous opportunities for the future. The once-dominating star is now not so prevalent, and other stars can be seen. Now, with the fading of the cold war and the proof of U.S. military superiority, the other challenges to America present themselves boldly. Certainly we must remain ready to defend democracy if called upon to do so, but thank God that we can now feel safe from the immediate threat of war and are now free to concentrate our efforts on those other stars which have been in the sky all along, yet not getting the attention they deserve. Once hidden behind the light of the blazing star of military expenses, the stars of new American challenges are shining through—stars like the environment, education, like medical and scientific research, space exploration, care for the elderly. It's a wonder that these other stars received so little attention before.

But now there are no more excuses. Our nation has been freed to face these challenges, thanks to those who have defended her to concentrate her efforts on troubles facing her people. Now is the time to dedicate our attention to developing solutions for domestic problems. This is the challenge

to America: to see that our education system competes with other nations as well as our military capability, to aid our senior citizens, to clean up the environment, to ensure that no child goes unfed—that is the challenge to America. Let us solve our problems and serve as an example to other nations in the world who now have a fresh chance to form democracies.

How can this challenge to America be met? There is only one way. All of her people must demand that it be met. Every American must exercise his right to vote, and be educated about the choices. Each citizen must write his representative and express his views, for that's what makes the United States republic great: representation of the people. If the people choose to focus on domestic issues, it will be done. We need to meet and accomplish the challenge to America, for when it comes time for us to pass the torch to a future generation, let us not hand down old problems; let us hand down solutions \* \* \* and new challenges.

#### BUSINESSMAN JOE QUEIPO HONORED FOR HIS SUCCESS

##### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to acknowledge Miami real estate broker Joe Queipo for being honored by Century 21 for his outstanding performance and terrific success in his field. Mr. Queipo is a dedicated member of our community and I commend him for his commitment to his work and to others. Marti Ostrander of the Miami Herald reports:

Real estate broker Joe Queipo, whose business increased 251 percent from 1990 to 1991, has been honored by Century 21 for remarkable success in less than two years with the company.

Queipo and his business partner-wife, Ydania, operate an office at 2320 SW 57th Ave., serving Coral Gables and West Miami. They attribute their success to 14- to 16-hour days five day a week—yet both still find time to practice karate together with their three children.

Two weeks ago, Queipo received the Top of the Century award, an honor bestowed on the leading 21 brokers in South Florida.

Bill Scott, executive director of the South Florida region of Century 21, said Queipo is "one of the top brokers in the region after being with us for only a year and a half."

Queipo, 31, a South Miami resident who came to Miami from Havana at age 7, is a Miami High School graduate with an associate's degree in psychology from Miami-Dade Community College.

He went into real estate in 1982 and opened his own company in 1988. Two years later, he joined Century 21.

Queipo also is president of the Century 21 Brokers Council, an advisory group of 50 Century 21 brokers from across Dade County.

According to sales increases, Queipo ranked 20th among Century 21's 230 offices in the region for the 1991 year. "He was also ranked number four in Dade County in terms of total sales volume," Scott said.

Queipo credits his wife with much of the business' success.

The couple has three children: Marta, 10, Cristina, 8, and Joey, 4.



Mom, Dad, Marta and Christina are all working for their black belts in karate this year. "We all practice together; I find time to keep the family together so we all practice martial arts," Queipo said.

Mr. Speaker, I am proud to honor both Joe and Ydania Queipo for their role as business partners in our community. They have worked hard to accomplish their goals and through their seemingly endless hours of operation they have met success. I hope that other business men and women follow in the Queipo's wonderful example of success.

#### WHY DO U.S. CONSUMERS PAY MORE FOR THE SAME U.S.-MADE PHARMACEUTICAL DRUG?

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. STARK. Mr. Speaker, I again have the dubious honor of recounting the woeful tale of price gouging by a pharmaceutical company. For several weeks, I have been sharing with my colleagues stories relayed to me by my constituents about the pricing policies of the pharmaceutical companies. Hardly a day goes by when I don't receive notice of a case I can add to this ever-growing portfolio.

The enormous discrepancy between U.S. prices for pharmaceutical drugs and prices for these same drugs throughout the world begins this particular chapter. According to a study by the Health and Human Services Inspector General, United States drug prices are, on the whole, 62 percent higher than the same products in Canada. This same study concludes that U.S. drug prices are 54 percent higher than the same products in Europe. The collective question from my constituents is why?

A Fremont, CA constituent recently sent me a letter from the magazine "Nurseweek" detailing the specific differences between U.S. drug prices and other countries drug prices. The enclosed letter asks two telling questions.

"The politics of distributing Norplant notwithstanding, of whom can we inquire as to why it costs patients \$350 in this country, and \$23 in other countries [to receive Norplant]? Shouldn't Wyeth-Ayerst Laboratories be made to answer for this discrepancy?"

I agree with the point raised by my constituent. Our health care system desperately needs reform. Outrageous price increases in pharmaceuticals stand as an enormous hurdle to any progress toward reform. The Congress and the administration must take the appropriate measures when this industry lags behind.

#### THE SUPREME COURT HAS HAD ITS FILL OF SCHOOL DESEGREGATION CASES

#### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EDWARDS of California. Mr. Speaker, history will show that the nine Justices who

spoke unanimously in striking down racially segregated public schools in the 1954 Supreme Court decision, *Brown versus Board of Education* did the right thing.

Unquestionably, that decision was a defining moment in our Nation's history.

But the fact is, having declared racially separate schools unconstitutional, the Supreme Court in recent years has been somewhat timid and less than clear in providing guidance to the Federal district courts charged with fashioning desegregation orders.

Now, in its most recent school case, *Freeman versus Pitts*, the Supreme Court has rendered a decision which will make it much easier for school districts to be released from Federal court supervision without ever achieving meaningful school desegregation.

Mr. Speaker, I ask that the following editorial, entitled, "Loss of Zeal for School Desegregation," which appeared in the *New York Times* on April 3, 1992, be included in the *RECORD* at this point.

#### LOSS OF ZEAL FOR SCHOOL DESEGREGATION

For those seeking guidelines for winding down school desegregation litigation, the case from DeKalb County, Georgia, was potentially the most significant the Supreme Court has handled since *Brown v. Board of Education*. Unfortunately, the Court has delivered an unworthy decision that threatens to undermine that 1954 landmark. To say that the result could have been even more disheartening is not very consoling.

Brown's promise of equality would have been honored best if the high court had sought not merely to free school districts from judicial control but to make sure the districts had earned their freedom by completing the job of desegregation. Instead this Court offers its brightest hope not to children trapped in segregated schools but to officials seeking relief from the Court's demand in 1968 that they get busy and establish "not white schools, not black schools, just schools."

The Court has now made it easier for schools to escape oversight of their desegregation efforts. Five Justices, in an opinion by Justice Anthony Kennedy, say it's all right for the Federal court in Atlanta to release its power over some aspects of a system's operation once officials have made "good-faith" efforts to achieve equality, even though other features like faculty and resource allocation remain unequal. That approach invites judges to view school systems piecemeal and deprive themselves of useful flexibility.

The Court also seemed too credulous in its readiness to excuse segregation as caused by demographic factors beyond school control. At some point, all agree, even school districts like DeKalb's that were segregated by law long after 1954 may work their way out of court-supervised desegregation. To accomplish that, they need to create systems free of the effects of segregative state policies. DeKalb County, an Atlanta suburb, contended that whatever racial identification remained in its schools was the result of private housing choices—widespread black migration across the city line and white flight still farther out.

Sweeping demographic change undoubtedly complicates desegregation efforts but may not legitimately excuse failures attributable to government. Three dissenting Justices wisely called for more careful consideration of how much of the persistent segregation was due to official rather than private action.

Refreshingly, even Justice David Souter, who voted with the majority, showed appreciation that school systems must be viewed as a whole until they have earned total relief from court supervision. Justice Souter recognized that partial termination of court supervision might "act as an incubator for re-segregation."

For example, even if a school's student body has been integrated, if teacher assignments are still being made on a racial basis, a "white" faculty will draw more white students and a "black" faculty more black students, increasing racial imbalance. Justice Souter said judges may need to reassert jurisdiction over previously exonerated features of an incompletely desegregated system.

It is disquieting to watch the Court inch closer to excusing school districts that haven't finished their job. The DeKalb decision might have been even weaker in tolerating segregation had Justice Clarence Thomas participated; he was still fighting for confirmation when the DeKalb case was argued last October.

Justice Antonin Scalia, sometimes a model for the newest justice, argued that the passage of time along presumptively excuses a school system's past faults. If Justice Thomas had joined Justice Scalia, the Court's ruling might have been even harsher against judicial supervision. The high court's commitment to finish the work of *Brown v. Board of Education* hangs by a thread.

#### GALLEGLY HAILS INDEPENDENCE OF CROATIA, SLOVENIA, AND BOSNIA-HERCEGOVINA

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GALLEGLY. Mr. Speaker, I am extremely pleased that today the United States has finally recognized the independence of three former Yugoslav republics—a move I have been working for since last October.

I am also gratified that the Europe and Middle East Subcommittee this morning approved my substitute resolution calling for recognition of Croatia, Slovenia, and Bosnia-Herzegovina. Within minutes of that vote, the President announced that the United States was recognizing the independence of these three republics.

My only regret is that we waited so long to take this action. When I first introduced House Concurrent Resolution 224 calling on the President to recognize the independence of the Republics of Croatia and Slovenia, the United States could have assumed its historic position as a staunch supporter of freedom, democracy, and self-determination. Instead, due to foot-dragging on the part of the State Department, which listened to bad advice, and unfortunate delays in the House, we find ourselves among the last major nations of the West and the world to recognize these republics.

I am, however, pleased that my resolution, which has 123 cosponsors, including all but one member of the Europe and Middle East Subcommittee and over three-fourths of the membership of the full Foreign Affairs Committee, has served as the impetus to persuade the State Department to do the right thing fi-

nally. Without the strong bipartisan support my bill has received, I suspect that today's recognition might not have occurred at all.

As a member of the House Foreign Affairs Committee, I am pleased by the cooperation I have received from my colleagues in this endeavor. For many months, the brave peoples of Croatia, Slovenia, and Bosnia-Herzegovina have been fighting to end cruel Serbian domination and to end the fiction of a united Yugoslavia. I hope that today's action will convince the Serbians that the world is now united behind the three new independent republics, and that it is in their best interest to sit down finally and negotiate a fair and lasting peace with their neighbors. In this regard, I also salute the European community for its efforts to find a permanent peaceful settlement of the Yugoslav crisis.

Mr. Speaker, I request that the full text of the amended resolution which I offered and was approved in the nature of a substitute to House Concurrent Resolution 224 be printed in the RECORD at this point.

#### H. CON. RES. 224

Whereas during 1991 the peoples of the Republic of Slovenia and the Republic of Croatia expressed their clear preference for independence;

Whereas it has been the policy of the United States to support the equal rights and the right of self-determination of peoples as enshrined in the Charter of the United Nations and the Helsinki Final Act of the Conference on Security and Cooperation in Europe;

Whereas the movement toward independence by the freely-elected Government of Croatia in 1991 was violently opposed by the Yugoslav Federal Army and elements of the Serbian minority living in the Republic of Croatia;

Whereas this opposition led to open warfare in Croatia which resulted in much human misery, including thousands of deaths, hundreds of thousands of refugees, and massive physical destruction in several cities, including destruction of hospitals, schools, and historical and religious monuments;

Whereas the United States continues strongly to support a comprehensive, negotiated peace plan for the region as embodied in the European Community-sponsored peace conference, and strongly supports the United Nations plan to send substantial numbers of peacekeeping forces to 3 designated United Nations-protected areas in Croatia and along borders with neighboring republics;

Whereas the United States, together with the European Community and other nations, has emphasized that it will not accept or recognize any resolution of the Yugoslav crisis based on the use of force and intimidation to change unilaterally the borders of any Yugoslav republic;

Whereas the United States supports the territorial integrity of those republics which have declared their independence as well as those which have chosen to remain in a common Yugoslav state;

Whereas security in the Balkan region requires all states, both established and newly independent, to respect the territorial integrity of all neighboring states;

Whereas the European Community-sponsored peace conference on Yugoslavia envisages that areas in which persons belonging to a particular national or ethnic group form a majority, including Kosovo, must enjoy a special status of autonomy, including all appropriate legislative, administrative, and ju-

dicial institutions as well as full educational, cultural, and religious freedom;

Whereas resolution of the issue of Kosovo and the repressive human rights situation there must be a central aspect of any comprehensive peace plan for the region; and

Whereas resolution of the Yugoslav crisis, to be enduring, must be based on firm obligations by all republics involved to guarantee and foster the full range of internationally recognized human rights and fundamental freedoms for their constituent peoples and ethnic minorities, including (among others) Serbs in the Republic of Croatia, Hungarians and Croats in the autonomous province of Vojvodina, and Albanians in several republics: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) strongly supports the peacekeeping efforts of the European Community and the United Nations as part of a comprehensive, negotiated settlement of the Yugoslav crisis;

(2) welcomes and supports the freely expressed desire of the peoples of those republics which have voted for independence and the desire of the peoples of those republics which wish to remain in a common Yugoslav state;

(3) condemns the use of all violence and believes that differences can only be resolved through dialogue and negotiation;

(4) calls upon all states in the Balkan region, both established and newly independent, to respect the territorial integrity of all neighboring states;

(5) urges full respect for, and guarantees of, the internationally recognized human rights and fundamental freedoms of all citizens, including ethnic minorities living in the region;

(6) urges that areas in which national or ethnic groups form a majority, including Kosovo, must be afforded a special status of autonomy;

(7) urges that the issue of Kosovo be a central aspect of the European Community-sponsored peace conference on Yugoslavia;

(8) urges the President expeditiously to extend diplomatic recognition to the Republic of Slovenia and the Republic of Croatia;

(9) urges that the United States and the European Community coordinate their approach to the Republic of Serbia and the Republic of Montenegro, which have expressed the wish to remain in a common Yugoslav state; and

(10) urges the President, in consultation with all members of the European Community, to consider positively the request for recognition of the Republic of Bosnia-Herzegovina.

#### INTRODUCTION OF THE TELEPHONE NETWORK RELIABILITY IMPROVEMENT ACT OF 1992

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Telephone Network Reliability Improvement Act of 1992, a bill to guarantee that the mission of the Federal Communications Commission [FCC] includes a commitment to making telephone service reliable and of high quality. The bill also establishes a system of compensation to consumers for disruptions of telephone service.

I introduce this legislation at this time because of increasing concern that the reliability of our telephone network is being taken for granted. Certainly it is true that Americans enjoy one of the best telephone networks in the world. The deployment of advanced signaling, switching, transmission, and software control technologies enables telephone companies to offer a new array of services to business and residential customers. And this is just the beginning of what is to come. But with these advances in technology and the emergence of intelligent networks comes a concomitant risk that our ever more complex technology will fail and lead to ever more complex problems.

For this reason, I think it is wise to focus our attention on preventing and mitigating failures. There is too much at stake—including human life, public safety, public services, and the productivity of American business—for it to be taken for granted either by the regulators or the companies. For evidence that the regulators and companies do not devote sufficient and consistent attention to the problem of network reliability and service quality, consider a report done by subcommittee staff on the basis of data provided by the largest local exchange carriers. That report showed a wide variation by these companies on their internal measurement of what is acceptable performance in a number of reliability and quality areas. The staff found that, absent Federal standards or benchmarking, service quality was not going to be consistent across carriers and jurisdictions and was not going to be what it could be.

We need not look just to the theoretical as a basis for concern, however. In fact, network failures occurred so frequently over the past 2 years that they are no longer a rare event. And when the telephone networks fail, consumers are hurt and businesses suffer unprecedented productivity losses which directly affect their ability to compete in domestic and world markets.

For American business, a telephone network failure is like a computer virus attack. Everything that otherwise would be done is put on hold, sometimes for days, as the business evaluates the effect on its network-dependent operations, reconstructs affected business transactions, ensures its prior communications capability has been fully restored, and analyzes ways to mitigate the affects of the next failure. For a large business, thousands of hours are routinely lost just trying to make sure everything is back to normal.

For consumers and small businesses, who do not have the communications option available to large businesses, loss of one's telephone is to lose one's voice. We all know that today's phone services make possible entirely new ways for Americans to learn, work, conduct business, govern, provide and obtain services, and entertain themselves. Every year, Americans become more dependent on our telephone networks. As this dependency increases, the consequences of a network failure become more severe as well.

The FCC should have seen this problem looming on the horizon. Less than 3 years ago the National Research Council of the National Academy of Sciences issued a warning in its preliminary report on the growing vulnerability



of the public switched networks. Though the Council was concerned with the implications for national security emergency preparedness, its findings have direct application to virtually every residential and business use of today's networks. Unfortunately, the FCC was blinded by the telephone industries' substantial investments in advanced technology.

The Council's study, which also looked at the implications of the new technology deployed in the telephone network, leaves little doubt that investment in advanced technologies is not the panacea some would have us believe. The Council found that these technologies—notably fiber optics, digital switching, and software control—were driving network assets into fewer, but more critical, network nodes. As a result, these new technologies were among the factors making tomorrow's networks at greater risks than today's.

Consequently, today's telephone technology is very much a double-edged sword. The cutting edge promises dramatic increases in network capacity, capability, and survivability. But the trailing edge introduces greater vulnerability to consequences of massive proportion and severity. Ironically, both the benefits and the risks of advanced technology stem from the concentration of ever-increasing volumes of voice and data communications through a decreasing number of communications nodes and pathways.

The task of policy makers and regulators is to define a better way to cope with this reality.

The bill I introduce today is an initial step. It proposes to clarify and amplify the role of the FCC by making clear the centrality of network reliability to the mission of the FCC. Building on a recommendation from the President's advisor on telecommunications, the National Telecommunications and Information Administration, the bill also provides modest compensation to consumers when a telephone network failure results in the loss of telephone service.

Following the lead of actions begun by the FCC, this legislation is anchored in partnership and networking concepts. It is proactive and not limited to failure incident investigations. Instead, it proposes establishing a program to review and evaluate telephone reliability and quality issues on a continuous basis, in a collaborative manner. It builds a foundation upon which the FCC can become a truly expert partner and facilitator to the industry, but when appropriate, a more informed and more effective regulator.

Although the bill includes regulatory provisions, they differ from the classic regulatory structure often criticized for burdening the regulated with extensive reporting requirements. This bill would not lead to receipt of additional marginally useful reports that do little more than take up space on someone's shelf. To the contrary, instead of receiving reports, FCC would be preparing and actually using them to guide the Commission's work.

Briefly, the proposed reports would be management oriented tools. They would document the industry's approach to designing, operating and maintaining critical network systems; identify concerns affecting reliability; and define a plan of action for addressing them through studies and evaluations conducted either by

the Commission, or by the industry with FCC monitoring.

Under the proposal, the FCC would have to publish new regulations. The substance of the regulations will help the telephone industry and extend certain protections to it. The help will come from the development of standard interpretations of reliability and service quality that otherwise might be difficult to achieve without the appearance of collusion, anticompetitive behavior, or other possible antitrust law violations. In fact, some of the recent talk from the FCC about "benchmarking," by which the Commission looks to the industry for a standard and adopts one from a company performing well and imposes it on all the industry, in concept would be consistent with this approach.

The bill also sets up protections in the form of specific escalating and mitigating factors that are designed to ensure telephone companies are treated fairly in regulatory decisions involving the assessment of penalties for network failures. These failures would enable the FCC to show lenience to companies that make a concerted effort to improve the reliability and quality of their networks, and penalize complacent companies whose efforts are more lip service than substance.

In summary, this bill clarifies the job of the FCC by rededicating it to network reliability, compensates consumers for loss of service, and encourages telephone companies to increase their commitment to network reliability and service quality.

I urge my colleagues to examine and support this legislation.

#### THE OAKLAND JEWISH CENTER

##### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SCHEUER. Mr. Speaker, it is with great pleasure that I rise today to recognize a milestone in the history of a synagogue in my district. Next month, the Oakland Jewish Center will celebrate the happy event of completing the repayment of a mortgage entered into 20 years ago in order to renovate and expand its services.

Founded in 1949, the Oakland Jewish Center in Bayside, Queens, provides the surrounding community not only with religious services, but with Hebrew education for all children, adult education programs, and other community services as well.

Mr. Speaker, in 1971 the concerned and dedicated members of the Oakland Jewish Center realized that they could not meet their community's needs and their own objectives without expanding and renovating their existing facilities.

They knew they needed a bigger library, more meeting rooms, facilities for social functions, and administrative offices to conduct the center's business. So they planned a major renovation and entered into a substantial mortgage that would take years to repay.

Well, it's taken 20 years, but they have succeeded in clearing their debts and they have expanded their center and their activities.

They have extended their educational programs to all members of the community who are in need; they have renovated their building, installing the facilities necessary to serve their community most effectively; and they have attracted distinguished guests and visitors, hosting innovative programs for Soviet boys and girls.

Mr. Speaker, I am proud to join the numerous groups and individuals who have recognized the Oakland Jewish Center and its member organizations over the years with awards and citations for their important contributions to the Jewish community. It is a time for joy, for celebration, and for thanksgiving, most especially to those in the community who have worked so hard to bring the Oakland Jewish Center of Bayside to this happy juncture.

#### A SPECIAL RECOGNITION TO THE ADULT EDUCATION CENTER AT HIALEAH-MIAMI LAKES SENIOR HIGH SCHOOL MOCK TRAIL TEAM

##### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to extend my warmest congratulations to the principal, Robert P. Villano, and assistant principal, Martin D. Simonoff, of the Adult Education Center at Hialeah-Miami Lakes Senior High School, and to the teachers, and students of the legal studies course who participated in and won a State mock-trial contest.

On March 30, 1992 the members of the class won the competition which was conducted in Tallahassee and included competing with over four preliminary teams and one final team.

The student team placed fifth in the Nation in 1991 and is now preparing for the national competition taking place from May 7 through 10 in Madison, WI. Tony De Fillippo and Walter Gishler are the teachers who will be preparing the students for this competition.

The Office of Vocational Adult, Career, and Community Education along with the country commission will recognize May 1, as Law Day and will be declared throughout Dade County as Hialeah-Miami Lakes Mock Trial Day.

The mock trial team members are: Ray Araujo, Veronica Sanchez, Rick Gonzalez, Dorys Andani, Gladys Mesa, Pam Martin, Fred Hernandez, and Sam Maldonado.

#### TRIBUTE TO WILLIAM G. ORINSKI: 1992 ARIZONA SMALL BUSINESS PERSON OF THE YEAR AWARD

##### HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. KOLBE. Mr. Speaker, I'd like to take a moment to recognize Mr. William G. Orinski, an outstanding citizen from Oro Valley, AZ who will be recognized as the 1992 Arizona Small Business Person of the Year. The Unit-

ed States Small Business Administration could not have chosen a better recipient than Mr. Orinski, and I would like to extend my congratulations to him on having received this award.

Bill is the founder and president of Vanguard Automation, Incorporated, which has been designing and manufacturing custom robotics and automated assembly systems since 1984. Through his vision and determination, Bill has turned a 1 man consulting effort into a multi-million dollar enterprise with 70 employees. As recently as 1989, there were only 15 employees and \$1.5 million in sales at Vanguard Automation. This year, Vanguard automation projects it will reach over \$10 million in sales, and the company continues to expand and diversify. In addition, through Bill's direction and leadership, his company designed and currently manufactures the only automated machine capable of fabricating computer head suspension assemblies for ultra-high density drives.

Bill's success as a businessman is only excelled by his ability to treat his employees with appreciation and respect. Vanguard promotes from within, strives to develop the capabilities of all its employees and encourages additional education by providing a tuition assistance program. This quality has earned Bill the loyalty and admiration of all who know him. In fact, Bill's tireless efforts have been recognized by the mayor of Oro Valley, Cathy Hufault, who nominated him for this award.

I would like to recognize Bill Orinski on receiving this honor and for his exceptional achievements in the business community. The town of Oro Valley and the State of Arizona have benefitted tremendously from Bill's efforts and we should be proud that he is getting the recognition he deserves.

#### REAUTHORIZATION OF HISTORIC PRESERVATION FUND

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. VENTO. Mr. Speaker, at the request of the administration, I am introducing legislation to extend the authorization for the Historic Preservation Fund for another 5 years. The Historic Preservation Fund is crucial to the proper functioning of the preservation partnership in this country. This fund, which is annually credited with \$150 million derived from offshore oil and gas receipts, provides Federal funding for the National Trust for Historic Preservation, chartered in 1949, and the State historic preservation offices. The National Trust for Historic Preservation has long been recognized for its leadership in this field and for its unstinting efforts to protect our past. The State historic preservation offices are equally well known for their diligence, expertise, and even fervor in ensuring that we consciously guard our national inheritance.

Twenty-five years ago landmark legislation, the National Historic Preservation Act, established the Nation's historic preservation program. As part of that landmark legislation, the National Register of Historic Places was es-

tablished, a register now listing 58,400 places significant to our history on it. The National Register complements the National historic landmarks and the units of the National Park System as a key building block of our heritage.

The National Historic Preservation Act of 1966 also created the State historic preservation offices which have worked as the Federal Government's partners in preservation. The funding mechanism for the State offices, as well as the National Trust for Historic Preservation comes through the Historic Preservation Fund. The noncontroversial legislation, which I am introducing today, will allow this partnership so key to protecting our heritage to continue.

At this point, Mr. Speaker, I would include a copy of the legislation and the letter of transmittal from the Department of the Interior.

H.R. 4801

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 108 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), is further amended by striking "1992" and inserting in lieu thereof "1997".*

U.S. DEPARTMENT OF THE INTERIOR,  
Washington, DC, March 18, 1992.  
Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a draft bill, "To amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund."

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

The enclosed draft bill would extend through fiscal 1997 the period in which \$150,000,000 per year is authorized to be included in the Historic Preservation Fund from Outer Continental Shelf Lands Act revenues. Under the National Historic Preservation Act, such revenues are included in the Fund through fiscal 1992. Monies in the Fund are available for appropriation for matching grants to the National Trust for Historic Preservation, the States, and Indian Tribes.

The Fund was last extended by the Act of October 9, 1987 (101 Stat. 800), to authorize revenues to be included in the Fund from fiscal years 1987 through 1992. In fiscal years 1987 through 1991, a total of \$126,121,504 was appropriated from the Fund, and for fiscal year 1992, the President's budget requested, and the Congress appropriated, an additional \$35,931,000.

Although the enclosed legislation would authorize \$150 million in appropriations annually for five fiscal years, the actual amounts recommended will be set forth in annual Administration budget requests. Our recommendation that the Fund be reauthorized is not a commitment, in advance, to future budget requests in specific amounts.

Enactment of this legislation would have no "Pay-as-you-go" implications under the Budget Enforcement Act, since it would provide for neither direct spending nor increased revenues.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

JENNIFER A. SALISBURY,  
Deputy Assistant Secretary.

#### STOP THE SLAUGHTER IN SOMALIA

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GILMAN. Mr. Speaker, I rise to introduce House Resolution 422, a resolution that brings attention to the devastating crisis in Somalia.

Somalia is a nation in the throes of self-destruction. Following the fall of dictator Siad Barre in January 1991, the people of Somalia have been gripped by a humanitarian emergency among the worst the world has ever seen. The battle in the capital city of Mogadishu between Gen. Mohamed Farah Aided and interim President Ali Mahdi Mohamed has left over 10,000 civilians dead and almost 30,000 wounded in 4 months of vicious fighting. Millions more face starvation, and there have been reports that 80 percent of the children in some areas of the country are critically malnourished.

Over the past decade, we have all been witness to the tragic cycle of drought, famine, and civil war that has touched the lives of millions of people throughout the Horn of Africa. But Somalia over the last 4 months deserves a special page in the history of human misery.

Food supplies around the country are dangerously low, and the violent breakdown of civil order has made delivery of significant food shipments all but impossible. Hospitals in the capital city are overflowing and stocks of the most basic medicines are dwindling. Somalia doctors and nurses, working without pay to salvage the lives of thousands from the wreckage, are themselves living hand to mouth. To escape the terror, thousands have fled Mogadishu without food, water, or shelter and are living on barren patches of land surrounding the city.

House Resolution 422, Mr. Speaker, seeks to add the voice of this House to the chorus calling for peace in Somalia. It urges General Aided and interim President Ali Mahdi, indeed all the warring parties in Somalia, to guarantee the safety of emergency aid and relief personnel and to commit to an immediate suspension of the artillery fire that has claimed the lives of so many innocent Somalis. I look with great hope upon the recent actions of the United Nations to broker a peace settlement among the opposing sides and to forge an agreement among clan chieftains to monitor the U.N.-sponsored truce signed on March 3.

While initiatives on the political side proceed, efforts to step up emergency relief activities must not delay. The international community owes a great debt of gratitude to the handful of relief workers and private organizations still operating in Somalia, upon whose shoulders has rested truly the weight of the world. One can hardly imagine circumstances more difficult or more dangerous than those in Mogadishu through recent months. And I would also draw attention to the excellent work of our own office of foreign disaster assistance for their continuing efforts to get food and medicine to those in need.

The U.N. response to the humanitarian crisis in Somalia, however, has not been ade-



quate. To that end, this resolution also calls upon our representative to the United Nations to urge that the United Nations immediately begin an emergency relief program in Somalia, even in the absence of a permanent cease fire. Innocent Somalis cannot be allowed to suffer for the moral myopia of their leaders blinded by the desire for power.

While peace in Somalia may be elusive, this must not deter our efforts to secure it. Accordingly, I ask my colleagues to support House Resolution 422, so that we may begin to forge some order from the chaos in the streets of Mogadishu and bring an end to the months of senseless destruction.

Mr. Speaker, I insert House Resolution 422 in full at this point in the RECORD:

H. RES. 422

Whereas the civil war in Somalia and the ensuing chaos has led to extraordinary abuses of human rights by the warring factions and a dire humanitarian crisis;

Whereas relief groups estimate that as many as 30,000 Somali civilians have been killed or wounded since fighting escalated in mid-November;

Whereas an estimated 1,500,000 Somali civilians living in and around the capital city of Mogadishu are at immediate risk of starvation and epidemic disease and an additional 4,500,000 civilians throughout southern Somalia are also facing hunger and disease;

Whereas both major armed factions, headed by General Mohamed Farah Aided and Interim President Ali Mahdi Mohamed are using artillery indiscriminately in the city of Mogadishu;

Whereas according to international humanitarian organizations, approximately 75 percent of all casualties are a result of indiscriminate artillery fire by both sides;

Whereas the targeting of civilians is prohibited by Common Article 3 of the Geneva Conventions which is binding upon all parties to the conflict in Somalia;

Whereas most artillery pieces are under the central command of the two principal warring factions and their use could be suspended and monitored immediately, resulting in an immediate cease-fire;

Whereas the shelling has been so intense that most humanitarian organizations have had to suspend their operations;

Whereas international relief workers with the International Committee of the Red Cross, Save the Children/UK, International Medical Corps, Medecins Sans Frontieres, and volunteer Somali doctors and health professionals have, at great personal risk, attempted to meet the need for food and medical care; and

Whereas the United Nations humanitarian organizations have not had a presence in Somalia for over a year and have yet to reestablish a presence in the country: Now, therefore, be it Resolved, That the House of Representatives—

(1) condemns unequivocally the conduct since November 1991 of General Mohamed Farah Aided, Interim President Ali Mahdi Mohamed, and other warring parties which has resulted in the destruction of Mogadishu and has placed at grave risk the entire civilian population of the city;

(2) calls upon General Mohamed Farah Aided, Interim President Ali Mahdi Mohamed, and all warring parties to—

(A) curb the wanton violence and destruction that they have visited upon the civilian population of Somalia by immediately suspending artillery shelling;

(B) guarantee protection of relief commodities from port or airport;

(C) participate in good faith in United Nations sponsored efforts to achieve a complete cease-fire and eventual political reconciliation in Somalia;

(3) commends the United States Office of Foreign Disaster Assistance for its significant efforts to provide food and humanitarian relief to Somalia;

(4) commends United Nations Secretary General Boutros Boutros Ghali for his attention to Somalia and for promoting the adoption on January 23 and on March 17, 1992, of resolutions on Somalia in the Security Council of the United Nations;

(5) calls upon the United States Representative to the United Nations to urge the United Nations to—

(A) appoint a special United Nations envoy to Somalia to engage in sustained efforts to facilitate relief for Somalia as well as to further negotiations to end the conflict and achieve political reconciliation;

(B) take such steps as may be necessary, including the establishment of a United Nations presence in Mogadishu, to assure the safety of United Nations and other relief personnel and to coordinate relief efforts and facilitate negotiations; and

(C) Allow the provision of extensive food and humanitarian relief even in the absence of a cease-fire; and

(6) requests that the Secretary of State convey to General Mohamed Farah Aided, Interim President Ali Mohamed, and all warring parties the United States' condemnation of the practices employed by all parties which have contributed so greatly to the tragedy in Somalia.

RECOGNITION OF SHIRLEY CAMPBELL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. STARK. Mr. Speaker, I would like to take a moment to recognize Shirley Campbell of Hayward, CA. Ms. Campbell has, throughout the years, dedicated much of her time to the community and, by doing so, has become a pillar of the city in which she lives. In 1953 Ms. Campbell graduated with a B.A. from the University of California and, 1 year later, completed graduate work for a secondary teaching credential. She is married and has three children.

Ms. Campbell's involvement in the community began in 1960 when she served as the president of the San Lorenzo Parent Nursery School. She served until 1961, and, in 1964 became the president of the California Council of Parent Participation Nursery Schools where she served until 1966. From there she became the president of the Winton Junior High School Parent Teacher Association [PTA] and served as president of the Hayward Council PTA from 1968–70.

Throughout the late sixties and the seventies Ms. Campbell took on various projects throughout her community. In 1969 she began to fight against drug use and abuse and became the co-organizer of Project Eden's Parents' March Without Drugs. In that same year she joined the board of directors for the Project Eden Community Drug Abuse Program where she served until 1980. In the early sev-

enties Ms. Campbell chaired the Sunset Area Pool Committee and in 1971 served for a year on the Citizens' Advisory Committee of the Hayward Area Recreation and Park District. In 1974 Ms. Campbell joined the Coordinating Committee for the Hayward Community Clean-up. During this time she served on the board of directors for the California Association of Recreation and Parks Districts, of which she became president in 1978 and served a 2-year term.

During this time, Ms. Campbell dedicated much effort to the preservation of the environment and in 1976 became a member of the Advisory Council of the Bay Area Air Quality Management District. She served as the chairperson of this council from 1983 to 1984. She joined the board of directors of this committee in 1984 and served as chairperson in 1989–90. During this time she worked on the professionals' committee for the Moreau High School Presidents' Council and was on the Bay Vision 2020 Steering Committee.

Currently, Ms. Campbell is the cochairperson of the Council for the Prevention of Drinking and Driving and serves on the board of directors for the Greater Hayward Area Recreation and Park Foundation, of which she is the vice president. She is also a member of the League of Women Voters, the National Women's Political Caucus, and works with the National Association for the Advancement of Colored People [NAACP]. Among other groups she is also a member of the South Hayward Democratic Club and the University of California Alumni Association. She has further involved herself in the Alameda County Mental Health Association and the Hayward Area Forum of the Arts.

Ms. Campbell has received many awards throughout her terms on the various boards and councils mentioned above. In 1968 she received a California PTA Honorary Life Membership and in 1972 was given the Outstanding Citizen Award from the Hayward Area Recreation and Park District. Most recently, in 1987, she was granted the Robert W. Wetzel Award for Outstanding Contributions from the California State Advisory Board on Alcohol Related Problems.

Ms. Campbell was elected to the Hayward City Council in 1980 and served as mayor pro tem in 1981, 1985, and 1990. She will be retiring from the council, after 12 years of service, upon completion of her term. As a council member, Ms. Campbell chaired various committees such as the Shopping Center Committee, 1982–84 and the Airport Operation and Development Committee, 1988–92. She has also been actively involved with both the Environment and the Growth Management Committees.

As you can tell, Mr. Speaker, throughout the years Ms. Campbell has been extraordinarily active in various committees and organizations around her community. She has dedicated her time to the welfare of the area in which she lives and she has, over the years, set a new level of excellence in citizenship and public service. I would like to urge members of her community, and communities everywhere, to use Ms. Campbell as an example and take a step toward involvement in their communities so that, together, we can build a strong future for all.

## HEINIG TRIBUTE

## HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to two constituents and very special friends of mine, Drs. Edward and Ruth Heinig, both distinguished faculty members at Western Michigan University. On April 11, Ed and Ruth will be honored by their friends and colleagues on their retirement from almost three decades of teaching, scholarship, and public service.

Both Ed and Ruth arrived at Western Michigan University in the early sixties, only a few years before I joined Western's political science faculty. Ed became a member of the department of education and professional development, where he quickly established himself as an outstanding teacher and scholar. He made particularly significant contributions in the areas of multicultural education and health education, and was repeatedly recognized for his impact in the classroom. In 1972, he received the WMU Alumni Award for Teaching Excellence; in 1973 he was listed in "Outstanding Educators of America"; and in 1979 he was named the outstanding professor in graduate education by Western's Graduate Student Association.

Ruth Heinig's tenure at Western has been no less distinguished than that of her husband's. A member of the university's communications department, Ruth has published widely and taught courses in the areas of creative drama, communications, and speech. She has centered much of her work on creative drama for children, and the wide variety of her contributions led to Ruth's listing in Theatre News as one of the American Theatre Association's 110 most distinguished women. Ruth has also been repeatedly listed in "Who's Who in the Midwest," "World Who's Who in Women," "Who's Who in Entertainment," and "Who's Who in Education." In 1985, Indiana University presented Ruth with the key to the city of Indianapolis in recognition of her outstanding work in creative drama.

The contributions of the Heinigs over the past three decades have extended far beyond the classroom. They have both been deeply involved in all facets of the university community and have also given generously of their time and energies to a wide variety of off-campus volunteer enterprises. How they have found time to do it all is rather a mystery, but countless numbers of people have been touched by their service.

I feel privileged to have known Ed and Ruth Heinig. They are two remarkable people, and the dinner that is being organized in their honor is eloquent testimony to the love and respect their friends and colleagues hold for them.

Mr. Speaker, I am certain that my colleagues will want to join me in paying tribute to Ed and Ruth for their multiple contributions to public education and to their community. We congratulate them on their well-deserved retirement, and wish them both all possible happiness in the years ahead.

A TRIBUTE TO THE CUBAN  
RAFTERS EXHIBIT

## HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to pay tribute to the exhibit at the Hacienda Mardenpaz by the Cuban American National Foundation. Mr. Ruben Abella has led in the organization of the exhibition, which honors the freedom-seeking *lancheros* who left Cuba on homemade rafts, hoping to realize their dreams in a free land. Manny Garcia of the Miami Herald reports:

Oneida Delgado fought back tears Tuesday morning as she toured several rafts used by refugees to flee Cuba, and models of the island's most notorious prisons.

Although it has been 32 years since she fled Cuba, Delgado said the replicas of seven prisons and the sun-dried purse she found in one innertube were too much.

"This is so emotional," Delgado said, "My children need to see this—the world needs to see this."

That's the message of the Cuban American National Foundation's exhibition that opened last weekend and closes Sunday at Hacienda Mardenpaz, a 20-acre ranch at 12240 SW 72nd St. in West Kendall.

Foundation member Ruben Abella said the jails were designed, painted and built by former political prisoners, many of whom spent years crammed into child-sized cells. Abella said the exhibit was planned to coincide with the United Nations meeting in Geneva on human rights violations in Cuba.

"We have to honor political prisoners, and the best way is to build this tribute," Abella said. "Cuba today is one big prison."

Abella said organizers came up with the idea last year when they heard former political prisoners speak about their experiences in jail.

Visitors agreed the most dramatic sights were the rafts, some made from Styrofoam, wood or innertubes, and a cell called the "drawer." The drawer, located in Tres Macio prison in Oriente province, is an eight-foot high, 20-inch wide cubicle lined with glass shards on two walls.

Five prisoners were usually crammed into the cell.

Kendall resident Bill Paschal called the exhibit a gut-wrenching experience.

"I think every American should see it," Paschal said. "It opens your eyes to what the Cuban people have suffered through. We are born with freedom here, but the average person has no idea what living under communism is like."

Mr. Speaker, I am pleased to acknowledge the work of the foundation in constructing this exhibit. This display of rafts and innertubes has given the people of our community an idea of what these people have gone through. It is a tribute to the men and women who have given their lives for the sake of freedom. Theirs is a desperate journey.

But Castro's communism will not last, and men and women will no longer have to leave their families behind in search of the liberties they are denied.

This exhibit stands in order that we understand and that we never forget what Cuba's people have suffered.

## NEW MEXICO MAGAZINE

## HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. RICHARDSON. Mr. Speaker, this year marks the 70th anniversary of New Mexico magazine, an outstanding publication dedicated to the spirit and beauty of the land of enchantment and her people.

Published by the State of New Mexico, this monthly information source has grown considerably since its first printing in July 1923. It was back in the administration of James F. Hinkle, New Mexico's sixth Governor, that the State highway department began publishing the New Mexico Highway Journal. The first issue—some 300 copies were printed—was filled with personnel and road building items from the New Mexico Highway Department.

The journal soon became a monthly, supported by advertising and running about 40 pages. There was no charge for copies. By the early 1930's the magazine got a new name, the Sunshine State's Recreational and Highway magazine, and a price, 15 cents a copy or \$1 a year. By the mid 1950's the popular publication's names was changed to New Mexico magazine and came under the New Mexico Department of Development.

As the magazine enters its 70th year, it is its own division within the New Mexico Department of Tourism. It receives no State funding. Each issue averages about 100 pages. Circulation has grown to 125,000 with a yearly subscription rate of \$19.95. It is read in every State of the Union and has a healthy distribution overseas. It routinely wins awards for editorial writing, photography, and design. In fact, just this past week, the magazine won a Maggie Award—a coveted industry citation—for best black and white article in a competition among all western magazines in the country. In short, the magazine is well known in publishing circles and is considered one of the premier State publications.

I urge my colleagues to join me in wishing New Mexico magazine a most well-deserved 70th birthday.

SALUTE TO CHIEF JAMES  
MCMULLEN

## HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a leader in the campaign for fire safety as he retires as California's fire marshal.

James F. McMullen served the residents of the Golden State as fire marshal since 1985, capping a 30-year career in a variety of firefighting positions. As fire marshal, Jim was responsible for enforcing fire-related laws, investigating arson fires, providing training and education for firefighters, approving fire alarm systems and gathering data on fires and burns that occur throughout the State.

In addition, Jim has taught extensively in the community college and State training systems



and holds a lifetime teaching credential, as well as a master's degree in public administration.

Jim also has served as chairman of the Governor's Special Arson Task Force and the State Board of Fire Services, and president of the National Association of State Fire Marshals. He is a member of numerous organizations, including the California Fire Chiefs' Association, the State Firefighters Association and the Lions Eye Foundation.

This year, the California Association of Homes for the Aging honored Jim as its public official of the year for his work on behalf of older Californians.

Mr. Speaker, Jim's many friends will be honoring him on April 11 for his work on behalf of fire safety. I urge my colleagues to join me in saluting him for his many accomplishments, and in wishing him well.

#### STANFORD'S WOMEN BASKETBALL TEAM WINS NCAA TOURNAMENT

#### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EDWARDS of California. Mr. Speaker, it is my distinct pleasure to join in commending the Stanford University's women basketball team for winning the NCAA Tournament.

In an era of highly competitive collegiate athletics, Stanford has performed the impressive feat of its second national championship in 3 years. Playing their second game in as many days, the Cardinal proved their stamina and determination in battling a very good western Kentucky team in a hard-fought game. For those of my colleagues who did not have the pleasure of watching the NCAA women's final on television on Sunday, both teams demonstrated the high quality of women's basketball in the NCAA today that merits continued national network coverage. I look forward to more of the same excitement and action in next year's tournament—with the same results.

Mr. Speaker, I commend to my colleagues an article highlighting Stanford's exceptional achievement printed in the New York Times on April 6, 1992.

#### PEPPER STANFORD WINS WOMEN'S TITLE (By Michael Martinez)

LOS ANGELES, April 5.—They hugged and shouted and cried when the game was over, and then they cut down the nets to remember the moment. What won that moment—and the national championship—for the Stanford women's team today was stamina.

The Cardinal had it. Western Kentucky did not.

Stanford pressed, raced, rebounded and never seemed to stop its frenetic pace, beating Western Kentucky, 78-62, to win the women's National Collegiate Athletic Association title in front of 12,072 at the Los Angeles Sports Arena.

Both teams had to turn around quickly after semifinal victories on Saturday, but Western Kentucky was less able to shake off its weariness. As a result, the Lady Toppers didn't press when they could have and didn't shoot well when they should have.

#### WE JUST DIDN'T SHOOT WELL

"In the first half, we got great shots," Coach Paul Sanderford said, "but we just

didn't shoot well. Fatigue was part of the problem, Stanford's defense was part of the problem. But they gave us some good shots."

Western Kentucky's 29.6 shooting percentage was the lowest ever in a title game. Stanford shot just 40 percent but made 31 of 37 free throws and 10 of its last 12 after the Lady Toppers had narrowed a 24-point deficit to 9, 68-59, with three minutes left.

Stanford (30-3), which won its second national championship in three years under Coach Tara VanDerveer, has met its primary goals this season, except one.

#### PRESSURE COMES TOO LATE

"Our captains set some high goals, but there's still one left," VanDerveer said. "Getting on the 'Arsenio Hall Show' was last on the list. Maybe we'll get that one now."

Maybe. The Cardinal played as if it were Showtime today.

It led by 10 points in the first half, then made five of its first six shots to open the second half and extended the lead to 59-35 with 13 minutes 20 seconds remaining. But after Western Kentucky (27-8) outscored Stanford by 25-9 over the next 12 minutes, Sanderford wondered why he hadn't used a pressure defense earlier.

"I kick myself now for not pressing them earlier," he said. "I don't want to say we were passive, but I guess that's the word. It cost us. I was scared about our legs at the end of the game."

Sanderford said he was worried that his players might not be capable of keeping up a hectic defensive pace for 40 minutes. But Stanford, which pressed successfully, didn't seem bothered.

"Conditioning is a big factor," Cardinal center Val Whiting said. "We do a lot of sprinting before the season, and it seems kind of stupid, but it pays off. I don't know what other teams do, but I sometime feel like we're in better shape than they are."

They were today. Molly Goodenbour, who was named the tournament's most outstanding player despite going 3 for 10 from the field, did well protecting the ball after the Lady Toppers got close.

"I don't think there's anyone in the country who can run with Molly," VanDerveer said, "She's got legs."

#### A FRESHMAN RE-EMERGES

So did others. The front line of Whiting, Rachel Hemmer and Chris MacMurdo finished with 39 of their team's 51 rebounds, and four players scored in double figures, led by Hemmer's 18.

Stanford built a 10-point lead in the first half, 37-27, with help from freshman Rachel Hemmer, whose play in Saturday's semifinal victory over Virginia had been almost nonexistent.

Hemmer fouled out in 19 minutes and scored just 5 points against the Cavaliers, but she emerged as an inside force today. Despite two turnovers at the start, the 6-foot-3-inch forward made six straight free throws and later began a 10-0 Cardinal run with a layup. She also scored at the end of the burst, following her own miss with another layup.

By the break, Hemmer had 12 points, 8 rebounds and 1 steal. She and Chris MacMurdo, Stanford's other forward, totaled 17 rebounds, just 2 fewer than Western Kentucky's entire lineup.

The Lady Toppers remained relatively close only because of guard Kim Pehlke, who scored 11 in the opening half—she had 16 for the game, including 4 of 8 3-pointers—and made a brilliant spin move to the basket in the last few minutes of the half that cut Western Kentucky's deficit to 6 points, 31-25.

But Stanford scored 6 of the last 8 points before the buzzer to lead, 37-27.

#### INTRODUCTION OF THE HATE CRIMES SENTENCING ENHANCEMENT ACT OF 1992

#### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. SCHUMER. Mr. Speaker, today I introduce the Hate Crimes Sentencing Act of 1992. This legislation would direct the U.S. Sentencing Commission to establish guidelines to increase the sentence for the commission of any Federal crime where the perpetrator was motivated by hatred, bias, or prejudice based on his victim's race, color, religion, national origin, ethnicity, gender, or sexual orientation. This act would result in an average increase of one-third real time served.

I only wish that such legislation was not necessary. But it is. The evidence is all around us.

A veritable epidemic of hate crime is sweeping through this Nation at an alarming rate.

In Raleigh, NC, a 24-year-old Chinese-American man is savagely beaten to death with the butt of a gun and a broken bottle by two white men who claimed they didn't like orientals.

The Yeshiva Kerem Schlomo in the Bath Beach section of Brooklyn is viciously desecrated when four fires are set, and three pentagrams and offensive slurs, such as Hail Satan, are scrawled throughout the building.

In Laguna Beach, CA, pipe-wielding skinheads, yelling "kill the faggot," beat a gay man unconscious and leave him for dead.

In Portland, OR, an Ethiopian man is clubbed to death by white supremacists.

These chilling examples illustrate the cancer of hate crime that is growing with each passing year. The sad statistics bear this out.

According to the Anti-Defamation League of B'nai B'rith, the number of anti-Semitic acts committed in this Nation in 1990—1,685 reported from 40 States and the District of Columbia—was the highest total ever reported since such records have been kept. The National Gay and Lesbian Task Force Policy Institute reported that anti-gay assaults in our major cities increased by 42 percent in 1990. Asian-Americans have noted a dramatic increase in anti-Asian violence as Japan-bashing has become fashionable.

We cannot rationalize these incidents as aberrations. Not when Presidential candidate Patrick J. Buchanan recently captured nearly 37 percent of the votes in a recent primary with a campaign centered around a homophobic TV ad. Not when David Duke's campaigns, laden with racist and anti-Semitic slurs, grabbed national headlines and nearly propelled him into office.

This is not the dream Reverend King envisioned for America. Nor is it mine. It is time for Congress to fill the vacuum of national leadership on this issue and send a clear signal that hate crime is not the American way.

The States are already way out in front of the Federal Government on this issue. Cur-

rently, almost every State in the Union has some form of hate crimes statute. These crimes should not go unpunished under Federal law because of an omission in the sentencing laws. My bill would correct this defect. If a Federal crime, whether it be kidnapping, homicide, illegal possession of firearms or explosives, destruction of Government property, or any other Federal crime is motivated by hate, then under the bill, the court would be empowered to impose a stiffer sentence.

In 1990, the congress took a step in the right direction when it enacted the Hate Crimes Statistics Act. But simply knowing the depth of our problem is no longer enough. We must now act to catch up with the States and punish those who commit hate crime. I urge my colleagues to support this bill.

#### DECLARATION OF THE CROATIAN COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS

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

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. TRAFICANT. Mr. Speaker, I submit the following declaration by the newly formed Croatian Committee for the Defense of Human Rights to the CONGRESSIONAL RECORD for the consideration of the Congress:

ZAGREB, FEBRUARY 24, 1992.

Setting forth the fact that the history of mankind is in fact an incessant struggle for the realization of elementary rights and freedoms and continuing the struggle for the affirmation of civil, political, economic, social, cultural, religious and other personal rights, the parliamentary parties represented in the Parliament of the Republic of Croatia declare that on February 24, 1992 they have formally inaugurated the Croatian Committee for the Defense of Human Rights with its headquarters in Zagreb, Trg Hrvatskih velikana 2/I.

This Committee's purpose is to promote, further and protect fundamental human rights proclaimed in Article 3 of the Constitution of the Republic of Croatia, i.e. freedom, equality, equality between national groups, social justice, respect of human rights, inviolability of ownership, preservation of nature and the environment, and the reign of justice and a multi-party democratic system.

It is natural for a responsible person to fight for his natural rights and to broaden the area of articulation of his rights. As far back as 1679, in the Habeas Corpus Amendment Act do we find the first legal rulings concerning the protection of the citizens of England from arbitrary arrest and prison detention, such that the Bill of Rights in 1689 would extend that protection to also include other rights of ordinary citizens. The American Declaration of Independence proclaims that all are created equal and that life, liberty and the pursuit of happiness are inalienable rights, and after the French Revolution, the Constitutional Congress of 1789 brings about the first European Declaration of the Rights of Man and of the Citizen which begins with the famous Article 1: "Men are created and remain free and equal in rights" and wherein Article 2 the four fundamental rights are enumerated, "freedom, ownership, security, and resistance to tyranny".

The General Assembly of the United Nations, at its meeting in Paris on December 10, 1948, accepted the Universal Declaration of Human Rights to which were carried over from the French Declaration of the Rights of Man elementary rights, though broadened to include protection of new human rights which, with the passing of time, have been affirmed. The United Nations' Declaration prohibits every racial, sexual, religious, social, political and property discrimination.

All human rights' principles from the UN Declaration were carried over into the Constitutions of democratic states and into the Constitution of the Republic of Croatia. This, however, at the same time does not mean that human rights are always being universally respected. To the contrary! We are witnesses to repeated violations of human rights on the territory of Croatia, due to the insufficient and ineffective functioning of a lawful state. War is not and cannot be an excuse for illegal arrests, unacceptable maltreatment of prisoners, breaking into people's apartments, the suspension of parts of the criminal-judicial process which determine the fundamental protection of man as an individual, for bringing about authoritarian statutes which imperil elementary human rights and which bring into question the protection of citizens from the arbitrariness of state organs and opens the door to a dictatorship and police state.

Protecting human rights should be stopping the executive branch from meddling with the judiciary, stopping citizens from being subjected to verbal lynchings and public threats by those responsible in public life and similarly. Everything must be done to free this land from unprofessional and incompetent people who have taken up the biggest offices and from there, because of their own hypocrisy, unscrupulously violate fundamental human rights. Their rise is the fall of our soul. To not do anything against that is destruction and defeat in an of itself.

Due to this, the opposition's recently founded Croatian Committee for the Defense of Human Rights has assigned itself the following priority duties for which to fight:

For holding free elections without the imposition of election laws;

For insuring the continuity of rights and of a lawful state;

For confirming an independent judiciary as the sole institution which makes determination about people's freedom;

For ending censorship of printed material and statutes on censorship empowered by law;

For cancelling military courts;

For changing citizenship laws;

For protecting victims;

For protecting new rights—ecological, health and others;

For independent television and radio.

The Croatian Committee for the Defense of Human Rights is the association of representatives in parity (2 each) of distinguished representatives of parliamentary parties. The Committee may have honorary members as well from the ranks of those so deserving for their defense of human rights in or outside of Croatia. By way of this declaration, those persons are invited to join the work of the Committee thereby contributing to the success of this Committee with their knowledge and moral support. The Committee is independent in its work but is authorized to cooperate with all such or similar committees in the world—Amnesty International, Human Rights Watch, Helsinki Watch and many others.

The opposition's Committee for the Defense of Human Rights is a completely dif-

ferent association from the Parliament's Committee for Human Rights which, unfortunately, has remained in a capacity of protecting the existing government and not the citizen.

That is why all citizens of Croatia are called upon to inform the Committee about observed violations of human rights at the following address: Croatian Committee for the Defense of Human Rights, Zagreb, Trg Hrvatskih velikana 2/I, either in writing or directly through a Committee representative.

The Croatian Committee for the Defense of Human Rights: Ljubomir Antic, Slobodan Budak, Dr. Filip Culo, Silvije Degen, Ante Djapic, Gordana Grbic, Dr. Jure Juras, Ivan Juricic, Drago Kastratovic, Dr. Asim Kurjak, Dr. Slobodan Lang, Mladen Mesic, Zvonimir Nikolic, Dobroslov Paraga, Zeljko Perokovic, Zlatko Seselj, Dafinka Vecerina and Gordan Nidovic.

#### A TRIBUTE TO REV. DEREK J. LAWRENCE

**HON. LUCIEN E. BLACKWELL**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. BLACKWELL. Mr. Speaker, I rise today to celebrate a milestone in the Second Congressional District of Pennsylvania. On April 10, Rev. Derek J. Lawrence will celebrate his fifth pastoral anniversary at the New Psalmist Baptist Church in Philadelphia. His time at New Psalmist Church has been marked by his unselfishness and humanitarianism in his service to his community. It is indeed my pleasure to address my esteemed colleagues on the distinguished career of Reverend Lawrence.

Mr. Speaker, Rev. Derek Jay Lawrence was born on September 17, 1957, in Jersey City, N.J. As a dedicated Sunday school member, he demonstrated devotion to Christ and his teachings from a young age. In the early 1970's, Reverend Lawrence moved to Los Angeles, CA, where he joined the Christ is the Answer Church. At the age of 17 he answered the call of gospel ministry, and attended the Life Bible College of Southern California, where he received a bachelor of theology degree.

Mr. Speaker, Reverend Lawrence has given his life to spreading the word of God around the United States, conducting as many as 35 revivals a year throughout the country and leading local spiritual communities. In 1984, he was called to be pastor of the Second Nazareth Baptist Church in Philadelphia. During his tenure there, he oversaw major renovations, and phenomenal growth in membership, stewardship, and spirituality. His congregation drew inspiration from his strength and compassion, and, in 1986, the Philadelphia Evangelistic Bible School recognized his work with an honorary doctorate in theology.

Mr. Speaker, since 1987, Reverend Lawrence has served as pastor of the New Psalmist Baptist Church. In his first 5 years, the church's membership has swelled by over one thousand, and new ministries, such as a new drug counseling ministry, a food bank, and an outreach program have greatly enhanced the church's service to the community.

Reverend Lawrence is indeed a man who deserves our praise and respect. His excep-



tional career is marked by the enrichment of communities and the inspiration of his people through his tireless effort to spread God's message. It is once again my privilege to celebrate the fifth anniversary of his pastorage at the New Psalmist Baptist Church. It is my deep desire that with God's blessing the good works of Reverend Lawrence continue for decades to come. Mr. Speaker, I ask my colleagues to join me today in honoring Rev. Derek J. Lawrence.

ASSISTANT SECRETARY'S PERSPECTIVE ON YEAR OF THE AMERICAN INDIAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res 217, H.J. Res 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an essay written by Eddie F. Brown, Assistant Secretary Indian Affairs, U.S. Department of the Interior, and published in the winter 1992 edition of the magazine "Native Peoples."

GUEST ESSAY

(By Eddie F. Brown)

Nineteen ninety-two, the Year of the American Indian, is a celebration of and for our people. Nineteen ninety-two also marks the 500th anniversary of the single most profound event ever to occur in the long history of the original inhabitants of the Americas. It has been 500 years—half a millennium—since the world as our forbearers knew it was forever altered by the arrival of three small ships from Spain.

The fact we have emerged from that long ordeal as intact tribal societies gives evidence of our resolve as a people, and is a testament to the spirit—and the spirituality—which we have inherited from our ancestors.

Although we have persevered for this half millennium, Indian people in 1992 face new challenges and demands for change that threaten our unity and our existence as tribes. If we as tribal societies are to move culturally intact into and through the next half millennium, I am convinced that we must renew our spirit and fully reclaim our rich spiritual inheritance. Our forbearers respected visionaries, and their reality incorporated the vision as readily as we accommodate the tangible of the present.

When I speak of vision for tribal communities, I am not merely talking about better planning for the future, although that is a part of it. The vision I am talking about is a reaching, a passion, something that arises from the tribal instinct within all of us to accomplish a destiny that grows from a single-minded determination to make both dreams and desires happen.

The futurist Joel Barker has said, "Nations with visions are powerfully enabled; nations without visions are at risk." For Indian people, those words are not a new message, but ancient wisdom. It is a wisdom we carry in our souls, but a wisdom that we infrequently put into action.

History is replete with greatness that was built on dreams and desires, the handmaidens to inspiration. They are fuel to our minds, the fire of our souls, the first glimmer of the future.

During the Bicentennial observance in Washington in 1976, a friend drove into the city on the night of the Fourth of July to watch that historic celebration. Along the George Washington Parkway, he passed a family with a large, hand-painted sign. "We're not perfect," it read, "but we're not finished yet." I think of that sign often. It is a summary that guides our stewardship—it acknowledges at once both the past and the future, and reminds us that in a democracy, good work is never finished.

If there is a key to all of this, it is the education of Indian young people. Indian education now has a commitment not only from the Bush administration, but from the tribes as well.

For the first time in more than seven years, our Office of Indian Education Programs has a permanent director, and a set of specific goals and objectives designed to move Indian students up to or above the national average in achievement test scores by the year 2000. Already we have seen a rise in test scores. Nearly half of our schools are included in the new Bureau Effective Schools Program, building close involvement of parents and local communities; ten schools participated in a pilot Exemplary/Recognition Program in 1988-89 which will provide direction for other Indian schools. A new Early Childhood Program, designed to ensure every three to five year old child enters school ready to learn, is being implemented at the tribal level. BIA schools have funding for a Gifted and Talented Program. The list goes on.

We have the dreams, the desires, the vision, the greatness and the inspiration—an unbeatable combination.

Along with President Bush, I want to see tribal governments take their rightful place as nations that sit in positions of dependent sovereignty with all the other governments that compose the family that is America. All of us must co-exist on an equal level.

I harbor no illusions about the nature of the work that lies ahead. I do know that for every complicated issue, there is a solution that is neat, simple—and probably wrong. There will be no rush to judgement.

We have begun to fashion the answers. Real reforms have been put in place and we must give them time to work. I'm confident they will.

There is a final component to all of this—a thing called hope. Indian people abound in it. That hope can be a vision that will bring us to our rightful seat among governmental entities, united with all the others as part of the union that is America.

We are honored that the nation has designated 1992 as the Year of the American Indian. May we, as Indians, honor ourselves by expanding on that to make 1992 the Year of the American Indian Vision.

RICHARD SCHIFTER LEAVES AN HONORABLE LEGACY IN THE FIELD OF HUMAN RIGHTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. BEREUTER. Mr. Speaker, after 6 years of distinguished service, Ambassador Richard Schifter is retiring from his position as Assistant Secretary of State for Human Rights and Humanitarian Affairs. For the last 3 of those years, this Member worked closely with Ambassador Schifter in my capacity as ranking member of the Human Rights and International Organizations Subcommittee. Having worked so closely with Ambassador Schifter, this Member can testify to his positive impact on U.S. human rights policy.

During his tenure as the point man for human rights, Ambassador Schifter has been in the center of one of history's greatest shifts in democratic values. When he assumed your position as Assistant Secretary, there were dictatorships throughout South America, civil war in Central America, communist repression in Central and Eastern Europe, and a near-absence of democracy on the African continent. Now, 6 years later, many totalitarian regimes have been toppled, and the few remaining dictatorships are under siege.

Ambassador Schifter's efforts have borne remarkable results. This body can only hope his successor meets with similar success.

And yet, Mr. Speaker, the world faces real problems, and this body must think about how best to respond to these challenges. If we are unable to come up with effective responses to these challenges, the successes of recent years will surely be short lived.

In a recent speech before the U.N. Human Rights Commission, Ambassador Schifter discussed the successes of the past, and the challenges of the future. I insert this important message into the CONGRESSIONAL RECORD, and commend it to his colleagues:

STATEMENT BY RICHARD SCHIFTER, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

When the General Assembly voted on the Universal Declaration of Human Rights on December 10, 1948, six of the abstentions came from countries espousing Marxism-Leninism as their official ideology. In the decades that followed, these countries opposed many efforts by the international community to translate the principles of the Declaration into a consistent program of meaningful activity in support of the cause of human rights.

This was still the case six years ago, when I last addressed this Commission. None of us then anticipated the radical changes that would come about in the period immediately ahead, directly affect the essence of the work of this Commission. We most assuredly live in a different world today, a world in which the standards set by the Declaration are more highly respected around the globe than they have been at any time in the forty-three years since its approval by the United Nations General Assembly.

As we all know, the progress which we have witnessed in recent years in the field of human rights does not mean that this Commission should consider its task concluded.

There are a great many problems which continue to face the world stemming from the abuse of human rights. These include problems posed by countries which imported Marxist-Leninist philosophy from abroad and which seek to preserve this import in spite of the fact that it has been totally abandoned in the place of its origin.

But even in those countries, the rhetoric has changed from what it used to be. They see the need to justify their actions in terms of the basic ground rules of human rights. Last November one of the countries which still espouses Marxism-Leninism issued a comprehensive document, a White Paper, on the subject of human rights. That document spoke affirmatively of the Universal Declaration. But it set forth a number of propositions and made certain allegations, which we need to discuss and in some instances seriously challenge. By submitting these propositions and allegations to thoughtful analysis, we can indeed make a useful contribution to the cause of human rights.

Let us begin by focusing on the argument that the right to subsistence is the foremost human rights. It is an argument which has often been advanced in this Commission. No one can quarrel with the proposition that a person who has starved to death will not be able to make use of the right to freedom of expression. But where does this proposition and similar contentions concerning economic and social issues lead us in the context of a human rights debate?

We all, I am sure, agree that one of the major responsibilities of a government is to help provide a sound foundation for a prospering economy and social progress. In the democratic world many contests for public office turn on the economic and social programs offered by competing candidates. They are the very essence of the political debate, leading to the election of those candidates viewed best able to effect economic improvement. By contrast, where a government and a political party maintain a monopoly, where alternative approaches to economic and social policy may not be debated, the political competition that assures progress is suppressed. What recent history has so clearly demonstrated is that open, rather than close, societies have proved consistently best able to raise standards of living.

We are, therefore, ready to subscribe enthusiastically to the proposition that respect for civil and political rights, for free speech and free elections, goes hand in hand with economic progress. We would not shy away from going further in this discussion, but ask whether that should be doing under the rubric of human rights. Some years ago, on the floor of this Commission, I pointed out that Stalinist agricultural practices of collective farming retard food production and thus endanger subsistence. The command economy and its inefficient industrial complexes, which produce shoddy goods, have held back economic development in many parts of the world. By contrast, where a government discards command economic practices, we have seen that a people's natural entrepreneurial spirit blooms and everyone benefits. But is the Commission the place in which these questions can be constructively debated? Should the issues of economic management not be referred to appropriate expert bodies, while we discuss the way of laying a foundation for economic development, namely, the creation of a free society?

Let me now turn to another contention in the White Paper, that a country's human rights situation should not be judged in total

disregard of its history and national conditions and that it cannot be evaluated according to a preconceived model or the conditions of another country. We agree. A good many of you may be familiar with the United States Supreme Court's Miranda decision, which requires policemen, when they arrest a person, to inform him of his right to remain silent. We do not believe that the Miranda rule must be observed universally. It does not reflect an international standard. Other countries, too, have special rules protecting human rights, which similarly do not reflect international standards.

But Article 5 of the Universal Declaration, for example, says that "no one shall be subject to torture or to cruel, degrading or inhuman treatment or punishment." Compliance with this highly important article should surely not depend on a country's history and national conditions. Every country has a moral tradition which echoes this commitment and every government has a duty to stamp out such treatment. A mere declaration that torture is not official policy does not constitute compliance if a blind eye is turned toward officials engaged in that egregious practice.

Article 20 of the Declaration provides for freedom of peaceful assembly. It does not condition that freedom to assemble on the uttering of politically correct thought or cheering the current ideological line. The use of violent force to disperse a peaceful assembly cannot be justified on the basis of history and national conditions.

Article 19 assures everyone of the right to freedom of opinion and expression and to seek, receive and impart information. That Article is not complied with by contending that in a given country "ideas alone do not constitute a crime." Article 19 does not protect only the right to hold opinions. It protects the right to express them, to impart information. Article 19 is violated if one can receive long prison terms for putting up a poster on democracy or sharing one's ideas about freedom. History and national conditions should not prevent a person from giving full peaceful expression to his or her beliefs.

There are real dangers when freedom of expression can be restricted by law. These restrictions are brought into play by making it a crime to express so-called counter-revolutionary ideas, thus allowing a government to label a political dissident a criminal. What makes an idea counter-revolutionary? Is it telling truths about what some people may view as a government's findings? Should people be jailed who ask the government to change its policies, to end corruption, for example? Why should criticism of governmental wrongdoing be seen as counter-revolutionary activity, leading to long prison terms? Isn't that approach precisely what leads to stagnation, as the experience of many countries has vividly demonstrated?

I have dwelled a great deal on the right to freedom of expression because of the fact that many other rights flow from it. Let me deal briefly with a few other issues raised by the Leninist approach to human rights. We are told that human rights are being respected when a country prohibits taking people into custody illegally or searching a person's body or house illegally. That sounds fine until we ask what the law allows in that regard. We discover that the public security organs have unbridled discretion to detain and to search. And they can hold a person in detention for many months before taking the next step of issuing a formal arrest order. Do these practices meet the standards of Arti-

cles 9, 11, and 12 of the Universal Declaration. We do not believe they do.

As to freedom of conscience and religion, assured by Article 18 of the Universal Declaration, we are told in the White Paper that domestic religious believers oppose any outside control or interference in their internal affairs. But freedom of conscience means the government does not legislate on behalf of the religious believers or make decisions on their behalf. If members of the Catholic faith, for instance, which to retain spiritual ties to a religious leader in Rome, the government has no right to deny it. No government has the right to imprison members of the clergy who refuse to abide by laws restricting their freedom of worship or their freedom of conscience by restricting contacts which transcend geographic boundaries. Such interference contravenes not only the Universal Declaration but also the Declaration against Religious Intolerance adopted by the United Nations General Assembly in 1981 after many years of preparatory work by this Commission.

Thus, when we deal with countries which at this late date still adhere to Leninist doctrine, we are dealing with a broad pattern of contravention of internationally recognized human rights, rights clearly spelled out in the Universal Declaration of Human Rights. The need to subsist and to develop economically reinforces the importance of respect for fundamental freedoms. It most certainly does not offer an excuse for their violation.

Let me now deal with a final point, the contention that discussion of a country's failure to abide by international human rights standards constitutes improper interference in the internal affairs of a member of the United Nations, in contravention of Article II, Section 7, of the United States Charter.

The argument is one which we have heard frequently in this Commission. But it comes forty years too late. The argument was initially advanced by South Africa when the United Nations system began to concern itself with the issue of apartheid. But as long ago as 1952 the United Nations decided, nevertheless, to focus attention on apartheid, maintaining such attention across the decades and with the support of the Leninist countries which were quick to criticize others' interest in their own approach to human rights.

Article II, Section 7, provides for non-interference only in matters which are "essentially within the domestic jurisdiction" of member nations. The United Nations Charter, whose authors were highly aware of the tragic human rights violations perpetrated during World War II, pledged the organization in Article I to the promotion and encouragement of respect for human rights and fundamental freedoms. The text made it clear that human rights problems would no longer be considered as essentially within domestic jurisdiction. Human rights violations are of concern to the international community whether they cause a person to be barred from a public accommodation because of the color of his skin or whether they cause a person to be incarcerated for organizing religious observance or for putting up a big character poster extolling democracy.



PENNSYLVANIA NATIVE NAMED  
TO COLLEGE FOOTBALL HALL  
OF FAME

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a sports legend from my district. This year, Lou Michaels will be inducted into the College Football Hall of Fame at a ceremony on April 29 in New York City.

Lou distinguished himself early at Swoyersville High School where he played football in his freshman and sophomore years. He then attended Staunton Academy in Virginia where he played varsity football for the remainder of his high school career.

He enrolled in the University of Kentucky and impatiently waited out his freshman year ineligibility and then started as an offensive tackle, defensive tackle, linebacker, punter, and kickoff man for 3 years. Lou still remembers fondly the Kentucky-Tennessee game in his senior year, when he was credited with single-handedly winning the game with 95 percent of the tackles. He earned All-America recognition for all 3 years. Although, Lou made the Seven-Up All-America First Team in his sophomore year and was a consensus All-American as a junior; he feels his greatest collegiate honor was being named Southeastern Conference Player of the Year in 1957 when he beat out LSU's Jimmy Taylor for the top honor.

Michaels was the Los Angeles Rams' No. 1 draft choice in 1958 and played defensive end for three seasons. In 1961, he was traded to the Pittsburgh Steelers and the next season, he broke Lou Groza's field goal record by kicking 26 field goals in one season. Among the many honors bestowed upon Lou during this period was the prestigious Dapper Dan Award, which is awarded to the outstanding athlete of the year.

In 1964, Lou went to play for the championship team of the Baltimore Colts until 1970. He played for a season with the Green Bay Packers until his retirement in 1972. Besides having his number 79 retired by the University of Kentucky coach Blanton Collier, Lou was honored by the Baltimore Colts by being named to the 25th anniversary team in 1977, the Pennsylvania Sports Hall of Fame in 1989, and most recently to the College Football Hall of Fame who will formally induct him this coming December.

Mr. Speaker, on April 29, Lou Michael will be honored by his friends, family, and colleagues for his outstanding athletic career. I am pleased to have this opportunity to join them in recognizing his accomplishments.

THE RHODE ISLAND STATE SENATE  
SALUTES THE MILKEN FAMILY  
FOUNDATION FOR ITS SUPPORT  
OF EDUCATION IN RHODE  
ISLAND

**HON. JACK REED**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. REED. Mr. Speaker, I rise to join the members of the Rhode Island State Senate in recognizing the Milken Family Foundation's support of innovative Rhode Island educators.

The Milken Family Foundation is dedicated to seeking out, supporting, funding, and recognizing educational professionals and programs. It also works to increase interest in careers in education and assist those who want to become educators.

In 1987, the foundation instituted an award program for California educators. Today, this program now recognizes teachers, principals, and administrators who represent the best and brightest in 12 States, including Rhode Island.

The foundation has also assisted the Todd Morsilli Fund of Warwick, RI. This fund was created after young Todd Morsilli was killed by a drunk driver. The foundation's support allows Todd's parents to visit area schools to discuss the tragic consequences of drinking and driving.

I urge my colleagues to join me in saluting the Milken Family Foundation and its unflagging support of educational excellence in America.

SALUTING THE TRIO PROGRAM IN  
INDIANA

**HON. TIMOTHY J. ROEMER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. ROEMER. Mr. Speaker, I rise today to recognize the success of the TRIO programs in Indiana colleges and universities. I am a strong supporter of the TRIO programs and their early intervention efforts designed to help more young people from disadvantaged backgrounds, or first-generation college students, pursue postsecondary education opportunities.

Last year, the Subcommittee on Postsecondary Education, of which I am a member, conducted 45 days of hearings on the reauthorization of the Higher Education Act of 1965, which includes the TRIO programs. I was pleased that representatives from the University of Notre Dame and others were able to participate in several of the hearings which focused on the effectiveness of the TRIO programs. Without exception, all of the witnesses testified in support of the TRIO programs, and the importance of informing students and their families about the availability of financial assistance for postsecondary education early in their school years.

In July 1990, the General Accounting Office issued a report entitled, "Gaps in Parents' and Students' Knowledge of School Costs and Federal Aid" which pointed out that only 12 percent of all high school sophomores knew

about the existence of Pell grants, and only 8 percent were aware of Stafford loans. I believe that this report points out the critical need for information, counseling, and early outreach activities to ensure equal educational opportunities for all students. Since the early days of the program, TRIO has been effective in identifying eligible students and providing the necessary support services which promote access to college.

The success of the TRIO programs, which include talent search, upward bound, special services for disadvantaged students, educational opportunity centers, the Ronald E. McNair Post-Baccalaureate Achievement Program, and staff training and program evaluation, is attested to by the broad bipartisan support the programs receive in Congress. In fact, the 1992 higher education amendments, which recently passed the House of Representatives, significantly strengthen the TRIO programs. These programs are viewed as integrally related to financial aid programs, and have enabled students throughout the Nation to achieve their goal of equal access to higher education.

There are currently 26 TRIO programs in Indiana, consisting of 11 student supportive services programs, 7 talent search programs, 6 upward bound programs, 1 educational opportunity program, and 1 Ronald E. McNair achievement program. These programs have been proven time and again to assist economically disadvantaged students attain their goal of attending and graduating from an Indiana college or university.

Mr. Speaker, in closing I would like to commend the University of Notre Dame for hosting the fifth annual National TRIO day recognition program on February 29 of this year. I appreciate the opportunity to recognize and support the TRIO programs, which assist young people in Indiana and all across the country in pursuing academic goals that lead to successful postsecondary education opportunities.

UNITED STATES' ENTRY INTO  
WORLD WAR I

**HON. NICHOLAS MAVROULES**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. MAVROULES. Mr. Speaker, 75 years ago the United States was plunged into one of the bloodiest wars in modern history. On April 6, 1917, following months of unrestricted submarine attacks on neutral shipping, Congress voted to enter World War I on the side of Britain, France, and other allies. With a 3 a.m. vote to support President Woodrow Wilson's request, America was thrust into the war to end all wars.

To the tune of "Over There," millions of Americans marched to battle, endeavoring to protect American lives and pursuing a rapid end to the devastating carnage that afflicted the globe. America's Armed Forces totaled 4,800,000 men, and over 2 million served as members of the American Expeditionary Force under Gen. John J. "Blackjack" Pershing.

Additionally, more than 116,500 American soldiers were killed, and more than 200,000

suffered injuries. Thousands more were never found. Casualties resulted from bombardments, minefields, sunk shipping, and the agony of gas attacks. Today, we pause to commemorate those who fought and died upon the seas and on the fields of Argonne, St. Mihiel, Belleau Woods, and other battlefields across Europe. We must never forget the ultimate sacrifice that these Americans paid for their nation. We also honor those who survived the ordeal of battle, from the early aircraft pilots to the men who suffered the burden of trench warfare. Even today these veterans stand as proud reminders of the bravery exhibited by our Armed Forces during this difficult time. We pray fervently that the world learn the lessons of this and every war, and act to prevent such devastating bloodshed from further tormenting mankind.

THE OCCASION OF JOE SESTO'S  
80TH BIRTHDAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Mr. Joe Sesto, who turns 80 years old today. Joe was born Easter morn in Omaha, NE on Apr. 7, 1912. He graduated from Creighton University Preparatory School and attended Iowa State University at Ames, IA, majoring in general engineering. He later attended Purdue University to study industrial psychology, and subsequently qualified as a psychological employment placement counselor.

After several years as an active community member in Omaha and Chicago where he worked in the insurance industry, Joe packed up his family and moved to Santa Maria in my congressional district in 1950. Since that time, Joe Sesto's footprints have been all over the area. His honors and accomplishments have been manifold, from serving the Mission Boy Scouts Council to being the chairman of the local American Heart Association, for which he received the Gold Medallion Award. In 1954, Joe was president of the Santa Maria Valley Chamber of Commerce. He was the founding president of the economic development association in 1960. He was chairman of the Ways and Means Committee for the construction of the Marian Medical Center. As chairman, Mr. Sesto has been acknowledged as the prime mover in the designing, financing, and construction of the center. Joe has served on the county grand jury, the county arts commission, the county health commission, the city of Santa Maria Planning Commission, as chairman for the development of the cultural facilities, chairman for the bond drive to build Hancock College Performing Arts Theatre, and past president of the Robert Goddard chapter of the Air Force Association. Joe at the ripe young age of 80 continues to serve on nine community boards.

In 1957, he met Gen. Bernard Schriever at Camp Cooke, who announced the base was to be taken over by the Air Force and named Vandenberg Air Force Base. Since then, Joe, as chairman of the military affairs committee,

has been liaison to the base. His Air Force commitments have brought him commendations and recognition; he has received national, State, and local awards for his Air Force Association activities. Vandenberg's legendary friend has received the Exceptional Service Award, the highest civilian award given by the Air Force. Lt. Gen. Donald Alldridge named Joe honorary missileer at the 1990 Missile Competition. Joe's greatest honor occurred on April 25, 1986, at a quarterly awards function held in the base auditorium when Gen. Jack L. Watkins rededicated the building as "Sesto Auditorium."

Mr. Speaker, I urge my colleagues to join with me today in wishing my long-time constituent, and very good friend, Joe Sesto, a very happy 80th birthday, with many more to come. I wish him and his wife, Philomene, all the best.

A CONGRESSIONAL SALUTE TO  
WAYNE BETTIS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a remarkable man, Mr. Wayne Bettis, a long-time friend to the greater Los Angeles area. In recognition of his enormous contributions to our community, Mr. Bettis will be honored by the Boy Scouts of America as the 1992 recipient of the Harbor Distinguished Citizen Award. This occasion affords me the opportunity to express my sincere gratitude for the work and services he has so graciously provided.

Born in Santa Ana, CA, Wayne and his family moved to San Pedro in 1942. He attended the Seventh Street School, Dana Junior High School, and San Pedro High School where he displayed his athletic prowess as a member of the swimming, tennis, and football teams. Upon graduation, Wayne entered Harbor College, where he served as a member of the student council, president of his fraternity, and chairman of the interfraternity council. Upon receiving his AA degree, Wayne attended Long Beach State College until he was drafted into the U.S. Army in 1956. Stationed in Fort Carson, CO, Wayne was the NCO in charge of officers records for the 9th Infantry Division. It was while serving his country, that Wayne married, in August 1957, the light of his life, Barbara Hall.

Following his service experience, Wayne joined his father and brother, Jim, in the auto repair business, "101 Bear Service". He remained with the auto repair business until 1967 when he left to become an insurance agent with State Farm Insurance Cos. After taking over as agency manager in Culver City, Wayne moved this agency to his home in San Pedro.

In addition to his commitment and service to State Farm, Wayne has been active in community service as well. He joined the 20-30 Club in San Pedro in 1959 serving as president, district lieutenant governor, and district governor. He joined the San Pedro Optimist Club in 1971 and was its president from 1973

to 1974. Wayne also became a member of the San Pedro Lions Club in 1979, where he has chaired many committees and served as president from 1986 to 1987. He has been a member of the board of directors and chairman of booth operations for the Fisherman's Fiesta. Currently, Mr. Bettis is vice president of the board of directors for the Salvation Army.

My wife, Lee, joins me in extending our thanks to Mr. Wayne Bettis for his many contributions to our community. We wish Wayne, his wife, Barbara, their three children, Gary, Kristy, and John, and their respective spouses Lori, Dan, and Dianne, and his grandchildren, Melissa, Jacob, Erik, and Jeffrey all the best in the years to come.

IMPORTANT REFORMS NEEDED IN  
HOUSE

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. CAMPBELL of California. Mr. Speaker, we all acknowledge that the House of Representatives faces a major crisis. At this time, I believe that we should restore the fundamental purpose of this body. The name itself, "House of Representatives," indicates that this body was meant to represent the people. The Founders did not envision a detached institution. We must ask, I believe, the following question: How can we make this House a truly representative body once again? I believe that we can do so by enacting important reforms, especially term limitations.

Mr. Speaker, the House leadership has paid significant attention to the resignations of certain House employees. However, it has not yet recognized that other employees—the Members themselves—should have finite terms of employment. As I have already noted, the Congress needs to eliminate its institutional isolation. Is this possible if Members can spend decade after decade within the confines of the beltway? I certainly do not think so.

We can solve the inherent problems of an entrenched elected bureaucracy by eliminating the entrenchment. The term limit would emphasize that we are here for one purpose—to represent our constituents—and that we should make the most of the time we have because it will not last forever. This is not a radical theory, just simple common sense. I propose 4-year terms for Representatives, with a maximum of three terms. That will also have the benefit of cutting the cost of campaigns in half—they will come less frequently by half.

Of course, there are other necessary reforms. And we should not ignore past progress. When Congress eliminated honoraria, we took an important step to curb abuses of power. We should proceed from here to eliminate other special privileges held by House Members. If Members of Congress continue to have privileges that our constituents do not, it will be impossible to restore the people's confidence in the people's House. We need to pass legislation like H.R. 3555, which presently has over 40 cosponsors and which I was proud to cosponsor last Novem-



ber. By eliminating special privileges, the House can enact a key part of comprehensive congressional reform.

Mr. Speaker, let's move ahead. Let's enact term limitations and recognize that we need to restore the faith in this institution. Let us, above all else, recognize that the only worthwhile privilege we have is the privilege to represent our constituents.

#### TRIBUTE TO DR. ISAAC ASIMOV

##### HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GREEN. Mr. Speaker, I rise today to pay tribute to the memory of my constituent, Dr. Isaac Asimov, whose career as an author and biochemist has distinguished him as one of the great intellects of our age. Dr. Asimov passed away in New York City yesterday.

In 1938, when Dr. Asimov wrote his first story, he began a career which has since produced almost 500 books and many times more short essays and articles. His books have dabbled in subjects of the most astonishing diversity, ranging from science fiction to Biblical interpretation to historical documentary.

As an author of science fact, Dr. Asimov could explain the most abstruse of scientific mysteries even to the neophyte. His role as the plain clothes professor introduced to many the complexities of mathematics and the wonder of the genetic code.

Dr. Asimov was conscious of technology's effect on mankind. The science of robotics, a term which he coined, was deeply intertwined with many of his writings.

I should like to offer my respect and admiration to Dr. Asimov and encourage all my colleagues to recognize him for enlightening the minds of so many readers with his wisdom. My condolences to the Asimov family.

#### TRIBUTE TO THE BLOOMINGTON HIGH SCHOOL MARCHING RAIDERS

##### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. EWING. Mr. Speaker, I wish to congratulate the Bloomington High School Marching Raiders from Bloomington, IL. They have traveled to Washington, DC, to participate in the 1992 National Cherry Blossom Festival Parade on April 11, 1992. They will be representing our great State of Illinois, and those of us from central Illinois and throughout the State are very proud of their accomplishments.

Under the leadership of Ms. Ann Gore, the Marching Raiders have worked long and hard to be selected to represent Illinois in the annual Cherry Blossom Parade. Their determination and dedication to excellence have paid off. As they march through our Nation's Capital this weekend I know that all the long hours of practice and rehearsal will have been worth it to the Marching Raiders. Their friends and

families back home will surely be proud of them.

I am honored to recognize the members of the BHS Marching Raiders and commend them for their talent and determination.

#### IN RECOGNITION OF CROATIAN, SLOVENIAN, AND BOSNIAN INDEPENDENCE

##### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. LIPINSKI. Mr. Speaker, I was pleased to hear this morning that the administration has recognized the independence of Croatia, Slovenia, and Bosnia. I had been waiting almost a year for this to happen. Considering the death and destruction of the Yugoslavian civil war, I'm sure the wait seemed even longer for the citizens of these young states. I congratulate President Bush and Secretary Baker for finally taking this important step.

The United States was the last of the major Western powers to recognize these nations. The European Community recognized Croatia and Slovenia in January, and Bosnia just yesterday. The long wait for American recognition was frustrating, but I am gratified the administration now understands that freedom for these states is inevitable. American recognition will have a major impact in the effort to gain a lasting peace in the region.

The good news of United States recognition was, however, tempered by the latest actions of Serbian forces. Serbs in northwestern Bosnia have declared their independence from Bosnia and have vowed to join Serbia in a new Yugoslavian state. This tiny nation is divided equally by Muslims, Serbs, and Croats, and a Bosnian civil war would be devastating. This uprising closely mirrors the Serb uprising in Croatia, which has left more than 10,000 dead and hundreds of thousands homeless. I am afraid the devastation will spread to Bosnia if the Serbs are not stopped.

Despite the continuing conflict in Bosnia and Croatia, there is reason for optimism because we have seen real progress in the peace process. The United Nations has begun to deploy 14,000 peacekeeping troops into Croatia. The cease-fire of January 3 has stopped much of the bloodshed. And the size and scope of the fighting has decreased. What we have now are small skirmishes instead of full-scale war.

So, Mr. Speaker, there is a lot of work to be done in the former Yugoslavia. American recognition of Croatia, Slovenia, and Bosnia is an important step, but only the beginning of a long process. I call on the administration to more forcefully join with the European Community in negotiating a permanent peace treaty and again offer my congratulations for this morning's announcement.

#### RICHWOODS KNIGHTS: AN IMPRESSIVE TEAM

##### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues the outstanding basketball playing of the Richwoods Knights from Peoria, IL, in the AA boys State championship and during their entire season.

Although some thought they would not make it to the State championship level, the Knights made it to the championship game. They showed a high level of energy, enthusiasm, and good sportsmanship. This is a team all of Peoria can be very proud of.

At this point I would like to insert into the RECORD an article by Bob Leavitt of the Peoria Journal Star, "Knights Stall Out in Final," and congratulate the Knights and coach Hammerton for a job well done.

[From the Peoria Journal Star]

#### KNIGHTS STALL OUT IN FINAL

(By Bob Leavitt)

CHAMPAIGN.—The colors of the Peoria team in the Class AA boys state basketball championship game may change like the seasons.

But Saturday night in Assembly Hall, for the fourth time in the last decade, the color of Peoria's trophy remained the same—second-place silver.

That's because the other school in the 21st large-school title game remained the same.

Maywood Proviso East (33-0) made Richwoods (30-3) its 57th consecutive victim, 42-31.

Added to last year's title win over Manual, this one made Proviso East only the second back-to-back title winner in AA history.

East St. Louis Lincoln owns the state-record run with a threepeat, going triple-overtime for the third title in 1989 against yet another Peoria team, Central.

"Just like last year, the longer Proviso played down here the better they got," Richwoods coach Wayne Hammerton said.

Richwoods tried to shorten the title game, especially after Knights all-stater Troy Taylor picked up three fouls the first 5:16.

"The spread has been our best offense all year," Hammerton said of a 30-3 season. "But Proviso is just so strong inside, even after you get it there."

Proviso took away Richwoods three-point threat Frank MacIntosh after he made his second trey for a 9-6 lead.

Fouls took away Taylor. And Pirates all-state center Jamal Robinson took away Richwoods forward Sean Kimble (11 points on 5-for-15 shooting).

"I feel like I could go out and play another game right now," said Robinson, who blocked three of Kimble's layups and terminally terrified five others.

"If it's possible for an undefeated team to be underrated," Hammerton said, "I think it's them."

Richwoods started in a four-corner offense, which turned into a flat-out stall with Taylor's early exit.

But patient Proviso scored 17 of the next 22 points to lead 29-18 after three quarters.

"They're so good in their spread I didn't want to risk going out after them," said Proviso coach Bill Hitt.

"As long as we were ahead, we were going to stay back. As long as they could stay

close with Taylor on the bench, they had to hold it. Those early fouls really hurt them."

MacIntosh took game scoring honors with 15 points, 11 by the time the score was tied at 16.

Robinson topped the Pirates with 12. With Taylor in foul trouble, only the stall could guard him. And nothing could keep the 6-4½ jumping jack from 12 rebounds.

Hammerton had picked up his 500th coaching victory in the semifinals Saturday afternoon, but he hardly had time to savor it.

He viewed the milestone merely as a stepping stone. Hammerton had already tried the third-place game and found it lacking.

"I remember finishing fourth in 1975," Hammerton said of the Knights' only other final-four trophy.

"In almost four months, we'd lost only one game. Then we lost two of them in about six hours."

There were no double knockouts Saturday. A moment or two after the final buzzer, Richwoods center Greg Clore told the story of the title game.

He picked up the ball and flipped it at the basket. Like the seven shots the classic over-achiever took in the game, this one also refused to cooperate.

"After a couple games this season, I thought we could get this far," Clore said.

MacIntosh wound up with the new IHSA award for individual sportsmanship, if only for shaking hands with every player who knocked him down this weekend.

"Not too bad for a team some people didn't think should be down here," MacIntosh said of a squad not picked to win its own conference.

## INSIGHT INTO NATION'S HEALTH CARE PROBLEMS

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. ANDREWS of New Jersey. Mr. Speaker, recently I had the good fortune of meeting with Mr. Jeffrey Moll, the president of Beth Israel Hospital in Passaic, NJ. Mr. Moll has great insight into our Nation's health care problems, and the role of hospitals in an efficient health care system. For the RECORD, I would like to submit an editorial by Mr. Moll which recently appeared in the Bergen County Record.

(By Jeffrey Moll)

Traditionally, the strength of New Jersey hospitals has been measured in terms of the number of inpatients compared with the number of beds.

This view has been a standard for many hospital administrators, managers, and board members, as well as market analysts. It is on this perception that the usual course of market growth has been based—typically, the expansion of the hospital campus itself.

Interestingly enough, many analysts and state officials continue to define a hospital's primary assets in terms of its physical plant and bed capacity. However, most managers have begun to realize that this standard no longer applies—that "the bed is dead" within the health-care market.

Lately, the primary growth in hospital activity nationwide has been in outpatient services.

Although 90 percent of a hospital's business may have been inpatients 15 years ago,

that figure is declining. According to statistics released by the New Jersey Hospital Association, the length of inpatient stays has decreased 16.5 percent since 1980, while outpatient visits have increased 63 percent.

In fact, gross outpatient revenue at New Jersey hospitals has increased approximately 232 percent in 10 years, compared with a 99 percent increase in inpatient revenues.

This change within the market has forced administrators to revise their health-care concepts and explore the potential for expanding beyond their traditional four walls.

Although health care is a necessary community service, it is also a business, and basic business practice dictates that services be tailored to meet market demand.

The market is now requiring medical facilities to reach out to the community. No longer does strategic planning simply translate into physical expansion, with the intent of accommodating larger inpatient populations. Those who wish to survive in the struggling New Jersey economy must re-evaluate their strategies and adopt new policies that meet the growing realities of the health-care market.

Many hospitals have already begun to respond to these demands. In fact, the surge in programs conducted off hospital grounds illustrates industry efforts to adjust to the market. For instance, although house calls are a thing of the past for lots of doctors, many New Jersey hospitals have resuscitated similar services to accommodate changing needs.

Home health care in this state has undergone overwhelming growth, with nurses, dietitians, and other practitioners visiting patients.

Beth Israel alone had a 30 percent increase in such visits in 1990 compared with 1989, which was already up 20 percent from the year before. In the first eight months of this year, the hospital has been responsible for 80,000 visits to patients' homes—a 35 percent increase over last year.

Many hospitals are also starting to develop other forms of community programs. For example, some send medical vans directly to high-density neighborhoods that are often low-income as well. Immunization, screenings, physical exams, and health education will soon be conducted on location, often at a work site.

In addition to conducting extensive education programs at the workplace, many hospitals conduct screenings for cancer, substance abuse, high cholesterol, and other disorders.

Many hospitals have begun to establish satellite offices. Off-site medical centers are becoming the norm rather than the exception, gaining significant popularity and credibility with patients.

The rise in "urgent care" facilities showed the industry that such programs were not only possible but necessary. Convenience is an important priority in today's society so alternative medical care is welcome.

The perception of quality care no longer centers on a hospital bed. Patients who once used emergency rooms (sometimes inappropriately) are now using off-site facilities. People have even grown accustomed to seeking treatment at facilities within shopping centers.

Experiences within our own cancer unit are an example of the trend for off-site care.

Although cancer treatment may have once been considered an inpatient procedure, Beth Israel has witnessed a major move to outpatient services. Outpatient chemotherapy

has skyrocketed about 300 percent over the last decade, and about 90 percent of radiation therapy is done on an outpatient basis.

Indeed, Beth Israel's recent plans for physical expansion have emphasized outpatient cancer treatment and same-day surgery.

To remain competitive, administrators must reconfigure their four walls to allow for new technology; they must redesign them to accommodate growing outpatient services.

In the future, patients may not even realize they are going to the hospital.

## THE CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

**HON. MARTIN FROST**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. FROST. Mr. Speaker, I rise in opposition to the conference report on campaign finance reform because of the destructive effect the conference report will have on State political parties. Under the terms of this agreement, it will be extremely difficult for State parties to conduct any of the activities they normally carry out on a combined basis on behalf of candidates for State and Federal office, thus further debilitating an already weak system of State political parties in this country.

These activities include efforts to register voters, efforts to identify supporters and to turn them out for the candidates of a particular party, and joint advertising for candidates such as slate cards, newspaper ads and other printed materials. Curtailing these activities will make it easier for wealthy individuals to attempt to buy an election for statewide office by financing their campaigns largely from their own pockets as Clayton Williams attempted to do in the 1990 Texas Governor's race.

Under current law, State parties maintain two political accounts—a Federal account (hard money) and a non-Federal account (soft money). There are strict limits on the amount individuals and PACs can contribute to a State party's hard money Federal account and more liberal limitations—if any—on what individuals and PACs can contribute to a State party's soft money account.

When a State party wants to conduct party-building activities such as voter registration drives and telephone bank turn-out efforts on behalf of all its candidates (both State and Federal), the State party is free to fund these efforts partially from its hard money (Federal) account and partially from its soft money (non-Federal) account. The same is true for candidate specific joint activities such as the printing of slate cards and mailings featuring both State and Federal candidates. There are specific State-Federal dollar allocations required for some of these joint activities under current law, and the Federal Election Commission [FEC] by regulation has been requiring specific percentage allocations for other activities in recent years.

The bill, as passed by the House, would reform the current system by requiring a specific percentage allocation between State party Federal and non-Federal accounts for all such combined activities, with the amount depend-



ing upon whether or not the expenditures were made in a Presidential year such as 1988 or 1992 or in a non-Presidential year such as 1990. The Federal share of the allocation would be greater in Presidential years than in non-Presidential years. This is a reasonable compromise to the current statutory system that doesn't require specific percentage allocations between Federal and non-Federal dollars for many joint activities. The bill also would place a dollar ceiling on how much State parties could spend on these combined activities—varying from State-to-State, depending on the voting age population.

The conference version of the bill adopts the Senate passed provisions which virtually eliminate all combined campaign activity by State parties by requiring that anything a State party does which could in any way affect a Federal election must be financed solely with Federal account dollars. The reasoning behind this provision is that, even in non-Presidential years, candidates for the U.S. House and the U.S. Senate will benefit from State party generic efforts like voter registration and turn-out campaigns and thus a State party cannot conduct these, or any other activities, using any non-Federal (soft) dollars. This virtually puts State parties out of business.

If this conference report had been law in 1990, Clayton Williams, the Republican nominee, probably would be Governor of Texas today rather than Ann Richards, the Democratic nominee. Mr. Williams spent \$20 million in his campaign, much from his own pocket. Governor Richards was able to offset this big personal money advantage by working with the State Democratic Party to conduct a combined registration and turn-out campaign even though she spent only about half what Mr. Williams did. Very little of this would have been possible under the conference version of this bill.

If this conference report had been law, the Texas Democratic Party could have conducted statewide voter registration and turnout efforts only to the extent that it could have raised hard-to-come-by federally qualifying funds, even though there was no Presidential race in 1990.

I cite the example of the Richards-Williams race because it is one I am personally familiar with. The inequity contained in this conference report, however, could apply with equal force to a State party, Democratic or Republican anywhere in this country.

Common Cause and other reformers are seeking to correct inequities in Presidential campaigns. Their approach is so sweeping that it reaches far beyond the Presidential level and threatens to destroy what remains of the American political party system on the State and local level.

The original House-passed provisions make good sense. The approach by the conferees makes no sense at all.

## ECONOMIC CONVERSION IS IMPORTANT ISSUE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ASPIN. Mr. Speaker, one of the most important issues to face us in this time of great change is that of economic conversion or reinvestment. This entails taking resources that are no longer needed in defense and reinvesting them in useful economic endeavors.

Economic conversion is not a new concept. Following World War II, economic conversion was a fact of life. A product of a depression and pent-up demand, economic conversion just happened. Soldiers came home and the economy converted.

More recently, we talked about reinvestment of a peace dividend was during the war in Vietnam. Then, economic conversion was a by-product of the end of the war. Defense spending would come down after the war and conversion or reinvestment would take place. There were an awful lot of programs available to absorb that money because the Great Society was starting up and the bill for that was getting bigger and bigger.

We next heard about economic conversion in the 1980's when it had a little different twist to it. By the 1980's it was evident that one of the reasons it was so difficult to cut defense was that it would cause people to be thrown out of work. People who were interested in reducing defense expenditures thought they needed an economic conversion plan in order to find something else for people to do, a precondition to lessen the resistance to defense cuts.

This 1980's version of the conversion debate was really promoted from the more liberal end of the political spectrum. They reasoned that conversion or reinvestment has got to be part of the package or we would never, never cut defense spending.

Here we are in 1990 and economic reinvestment is back up on the screen again but the focus is different. Now reinvestment is an absolute necessity. Defense spending is coming down and it is coming down for a very fundamental reason—a large defense budget is no longer needed. And it is going to come down in spite of the fact that the economy is weakening and therefore not able to take up the slack. These stark facts drive the need for economic conversion.

Let me give you some idea of the magnitude of the problems. The Congressional Budget Office has estimated that the President's defense proposal, that is the 25 percent draw down over 5 years, would cost 800,000 jobs. That's 330,000 out of the private sector, 350,000 military personnel lost and 130,000 Pentagon civilian employees. This is a conservative estimate. Congress is likely to cut more from the defense budget over the same period. You can be sure that we are looking at a million jobs over the next 5 years. That drives home the point about economic conversion being an absolute necessity.

The money likely to be available in fiscal year 1993 to start this process of reinvestment is uncertain. The House Budget Committee

set aside \$1 billion from the defense budget. In any event, we're talking about major problems but not major money.

Now, Mr. Speaker, let us be frank. Some of our colleagues are disadvantaged when it comes to dealing with these major problems. Those of us on this side of the aisle are willing to provide assistance for displaced workers, but our colleagues on the other side have an administration that favors no such relief. The administration is wrapped around the axle on theological arguments. Anything other than the market is anathema to the administration and so they're stuck without any kind of conversion policy for theological reasons.

This is not to say our task is easy. Let me also be frank about something else. In this area of economic conversion it is possible to waste money, a great deal of money. We must develop a program that works and, unfortunately, past experience has not been very good in this business.

Past attempts at conversion were, at best, marginally successful. Conversion didn't work well in the past because we weren't clear about what we wanted. There was no consensus about what groups were supposed to be assisted and about what programs would work. But now, we have an opportunity to put together a program that is focused and that works.

We're basically at a crossroads. We can sign up to a bunch of feel-good conversion programs or we can be careful. We can analyze the proposals with specific objectives in mind and have some assurance that the reinvestment will help this country next year and do something in the long run.

The first thing we have to be clear about is what we are targeting. Do you look at the problem either from the standpoint of the people losing their jobs, the companies that are losing their business, or the communities impacted by the cuts? We can have a program that either goes after the problem by helping the people, or have a program helping the companies, or have a program that helps the communities to diversify. It's very important to think through all the proposals and decide just who is it that we're trying to help.

History shows that of the three, the hardest to help are the companies. I have been a student of the defense business for some time, and it has been my experience that there is a profound difference between companies that do defense work and companies that do commercial work. It is a cultural difference. People who do defense work are used to reams of paperwork and extraordinarily centralized command systems. They are used to giving performance, as much, if not more, emphasis than cost.

It is a certain culture, and those of you who have had companies in your district attempt to get into the defense business, you know how shocked they are to find how regulation- and redtape-intensive a process it is. And let me tell you, going the other way, they don't know how to do it either. The people that are in defense who want to shift to the commercial world also find that it is a different world all together. History is filled with a lot of little disasters—where Grumman tried to make buses, where Boeing tried to make mono-rails.

The second thing we have to be clear about is the underlying philosophy that animates our

efforts. Why are we acting in the area of reinvestment? Are we trying to offset a Government action? In other words, Government used to provide good jobs to these people or this company and now it's not. Are we trying to stimulate economic growth? Are we trying to offset some unfairness associated with the change in spending priorities? We should have some idea of the philosophy that provides the foundation for our actions.

So, how do we answer these questions? We have been working on a set of criteria with which to assess proposals for economic reinvestment. It is still tentative. If we come up with a set of criteria that makes sense, that gives us the right answers about reinvestment, then we can do some good.

We will be able to answer those who say we shouldn't be in the reinvestment business and we will be able to answer those who are reluctant to fund the effort for fear that its prescriptions will not help.

We now have five working criteria. I personally believe that our most pressing need is for economic growth. From growth will come the jobs we need for those no longer employed one way or another in defending our Nation. So, the first criterion is that anything we do should be likely to promote economic growth.

The second criterion is that the proposal should have as its immediate goal real, concrete results. Mr. Speaker, we have a tendency to make proposals to set up committees, to get people to meetings. We need results, not meetings. We don't want to fund meetings, we want to finance results. So any program should be result-oriented, that's number two.

The third criterion is a seemingly obvious one, but it apparently hasn't been obvious in practice. It is simply that we consider demand when we attempt to re-shape supply through reinvestment. In other words, if we promote a program to retrain workers, we'd better be sure that there's a demand for the kind of work they're being trained for. Not much point to retraining defense workers if their new skills aren't any more marketable than their old ones.

The fourth criterion is that the program should, to the maximum extent possible, take advantage of existing, successful programs. This will help us guard against waste and futility. If it's working, if it's producing real results, we don't have to re-invent it under reinvestment.

As we see things now, the final criterion is that any program should be highly leveraged. That's a fancy way of saying we should make the dollars go as far as they can. In the military, it's called a force multiplier effect. In other words, does the expenditure of this money draw out other funds, bring other efforts to bear on the problem? If it does, that's a big plus.

To recap, then, we will have about a billion from the defense budget to reinvest in our economic future. I think of it as seed money for new economic growth. Let me have your ideas for programs to promote that growth and any ideas you have on how we ought to judge which programs have the most merit.

Mr. Speaker, the two chief national security problems we face today are first, the proliferation of nuclear weapons and second, the recapturing of our international economic com-

petitiveness. Today, I am asking the help of my colleagues on the second. We've won the cold war. Now let's turn sufficient attention and resources to the race for a better economic future.

## THE UNITED STATES RECOGNIZES CROATIA—AT LAST

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. LANTOS. Mr. Speaker, I am delighted that at long last the President has agreed to recognize the independence of the Republic of Croatia, as well as the independence of the Republics of Slovenia and Bosnia-Herzegovina.

My only regret and disappointment, Mr. Speaker, is that this did not happen considerably earlier. Our bold foreign policy lagged substantially behind the action of our allies in the European Community. Unfortunately, we were the 53d country to recognize the Republic of Croatia. In this case, greater leadership and initiative was shown by Liechtenstein and San Marino, which recognized Croatia before our President did. I am pleased, nevertheless, that U.S. recognition has finally come.

I extend my congratulations and best wishes to the people of Croatia and to the Croatian Government. The road away from the repressive Communist government of Yugoslavia has been a long and tragic road for the Croatian people. Despite the violent and forceful opposition of the Communist government of what is left of Yugoslavia and the devastating loss of life, the Croatian people have shown their commitment to freedom and democracy, to social reform and the establishment of a market-oriented economy.

Mr. Speaker, I wish the people of Croatia success and happiness as they become a full-fledged member of the international community.

## NEW HAMPSHIRE PAYS TRIBUTE TO LEONARD C. WOOD FOR HIS RECEIPT OF THE PRISONER OF WAR MEDAL

**HON. DICK SWETT**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Bow, NH, resident Leonard C. Wood for his receipt of the Prisoner of War Medal.

Leonard Wood served his country proudly as a member of the U.S. Army in World War II, fighting bravely to protect Europe from the scourge of Adolf Hitler and the Nazi party.

Mr. Speaker, Leonard Wood served in the infantry for over 2 years, and spent 6 months in a German prisoner of war camp.

I am proud to be able to present Leonard Wood with the Prisoner of War Medal in tribute to his courage, dedication to country, and willingness to put his life on the line for the cause of democracy.

Mr. Speaker, after returning from Germany, Leonard Wood attended the University of New Hampshire, where he graduated in 1948 with a bachelor of science degree in hotel administration.

He then went on to faithfully serve the people of New Hampshire by working in State government for 32 years.

Leonard Wood finally retired from State government on June 30, 1988, where he had been serving as the assistant commissioner of the department of health and human services.

Mr. Speaker, Leonard Wood is also a devoted family man. He and his wife Nancy are the proud parents of a son, Martin, and a daughter, Joyce.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Leonard Wood for his receipt of the Prisoner of War Medal and a lifetime of public service.

## THE POSTAL EMPLOYEES SAFETY AND HEALTH ACT

**HON. CHARLES A. HAYES**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 7, 1992*

Mr. HAYES of Illinois. Mr. Speaker, today I am introducing legislation which will protect the 740,000 U.S. Postal Service employees from workplace hazards.

The Postal Employees Safety and Health Act is the first major overhaul of Postal Service safety and health programs since the Postal Reorganization Act of 1970.

It is estimated that as many as 90 percent of postal employees who operate letter sorting and flat sorting machines suffer from cumulative trauma disorders. Yet, it has taken the U.S. Postal Service more than 6 years and several citations from OSHA to reach an agreement on work-station improvements. Just a few months ago, OSHA cited postal facilities in Peoria, IL and Columbus, OH for ergonomic problems.

My legislation would require the Postal Service to abide by the determinations of the Occupational Safety and Health Administration or face civil and/or criminal penalties.

It is a crime to allow this situation to fester. If, as some speculate, the Postal Service has made a business decision to pay workers compensation claims rather than redesign the work station, that is cruel to employees. It is also a shortsighted, costly decision for rate payers. My bill will give employees and OSHA the teeth needed to avoid more pain and suffering.

Other aspects of the bill include: A sense of Congress that all employees are entitled to a safe and healthy work place with protection for whistle blowing; A process for the Postmaster General to establish ergonomic standards in conjunction with the Secretary of Labor within 1 year of enactment of this bill.

I hope this legislation will greatly improve the working conditions of postal employees in every postal facility in this country and I urge my colleagues to cosponsor it.



CONGRATULATIONS MERCY ACADEMY: KENTUCKY STATE BASKETBALL CHAMPIONS

**HON. ROMANO L. MAZZOLI**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MAZZOLI. Mr. Speaker, on March 21, 1992, the Jaguars of Mercy Academy in Louisville, KY won their first ever girls State basketball championship, beating Clay County 44-38.

Led by coach Leslie Scully, and assistant coach Mark Evans, Mercy steamrolled to the championship game, defeating their first three opponents by an average of 25 points. And, in the championship game, the Jaguars used their speed and quickness to overcome a taller squad from Clay County. The Jaguars were led by point guard Christina Jansen who was named most valuable player for the tournament. Joining Jansen on the all-tournament team were teammates Kristie Stuckenberg and Katie Roalofs.

Jansen also won the J.B. Mansfield Award as the tournament's outstanding student-athlete. She is not, however, the only outstanding student-athlete at Mercy, as most of the squad, including all the seniors, are honor students.

Mercy's achievement is even more remarkable since it is a small girls school with only 300 students. By the team's own admission, they couldn't have done it without the support of parents, faculty and fellow students. The foundations of their victory rest upon the unity of the entire Mercy community, not to mention the talent and the sacrifice that the team made in practice each day. Mercy's victory results from a dedication to hard work, and the devotion of the members of the Mercy community to each other.

Mr. Speaker the team members of the Girls Kentucky State Basketball Champions are: head coach; Leslie Scully, assistant coach; Mark Evans, managers; Suzy Grenough, Katie Wintergerst, Audrey Atkins, players; Michelle Amshoff, Amy Blanton, Sharon Hagan, Christina Jansen, Karmin Kupper, Polly Berth Larimore, Angie Parker, Katie Roalofs, Kristie Schuetter, Brandy Speis, Carrie Smith, Angie Strothman, and Kristie Stuckenberg.

Mr. Speaker, I am proud to be able to represent the fine young women on the team, their families, and all the faculty and students of Mercy Academy. Congratulations to Mercy on a super victory!

THE OLDER VETERANS EQUITY ACT

**HON. LES AU COIN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. AU COIN. Mr. Speaker, today many of our older veterans are victims of a cruel bureaucratic injustice. Over the past several months, I've heard from literally dozens of veterans who are being turned away from the VA medical system. The VA has for years treated

these vets for chronic illnesses, but now they're being told abruptly that, due to budget cuts, they have to get care somewhere else. And, oh yes, they have to pay for it out of their own pockets.

The VA medical system is faced with shrinking budgets and an aging vets population. As a cost-saving measure, the VA recently stopped treating non-service-connected chronic conditions. These are often serious ailments, the treatment for which can be a matter of life and death.

The Reagan and Bush administrations' budgets have continually fallen short of the VA's health care needs. In Oregon, the result is shocking. Since May last year, more than 4,000 veterans—most of them elderly—have been told the VA can no longer treat them.

Veterans like Ken Taylor and Chuck Maddox in my district generally don't have Medicare part B coverage because they thought they didn't need it, that the VA medical system could meet all their needs. They aren't poor enough to be eligible for Medicaid, yet can't afford private insurance. In addition, they've come to depend on the VA medical staff with whom they've built relationships.

As one vet's neighbor put it, with little overstatement, "This policy amounts to a death sentence for my friend." The VA's budget crunch is indeed real, but denying continued care to these older veterans is just plain wrong.

It is also unnecessary. Congress can help these veterans with existing resources. I'm introducing the Older Veterans Equity Act, which would get these veterans the care they need at the VA, reimbursed by other Federal programs such as Medicare.

My bill would permit elderly vets like Mr. Taylor to enroll in Medicare part B immediately—instead of waiting the several months required by current law—and continued treatment at the VA, instead of going elsewhere as the law now requires. This important change would allow VA medical facilities to recover the costs of non-service-connected care from Medicare, Medicaid, and CHAMPUS, similar to current collections from private insurance. And those monies collected will be paid to the VA facility which provided the care.

Most importantly, the Older Veterans Equity Act would right a serious wrong now being perpetrated on veterans, like Ken Taylor and Chuck Maddox, people who've made sacrifices for this country. Thirty-one of my congressional colleagues have joined me in sponsoring this legislation, which we will press to get enacted this year.

TUFTS PRESIDENT HELPS HIS UNIVERSITY STAND TALL AMID GIANTS OF ACADEME

**HON. JOHN JOSEPH MOAKLEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. MOAKLEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the article from the New York Times of April 1, 1992, highlighting the efforts of Dr. Jean Mayer, the president of Tufts University, on behalf of not

only Tufts University, but our entire country. Jean Mayer's leadership and service have been well documented from his early years as a French prisoner of war during World War II to his tireless efforts to improve nutrition for all Americans, as a member of the White House Commission on Hunger in the United States. These efforts and his leadership of one of America's truly outstanding academic institutions deserve our recognition.

TUFTS PRESIDENT HELPS HIS UNIVERSITY STAND TALL AMID GIANTS OF ACADEME

(By Fox Butterfield)

MEDFORD, MASS.—When Jean Mayer became president of Tufts University in 1976 it had never had a capital fund-raising campaign, and university administrators counseled him to limit a drive he was planning to \$14 million. "Nonsense," Dr. Mayer said. "Let's make it \$140 million."

In the end Dr. Mayer, a French-born scientist and expert on nutrition, raised \$145 million. The drive was only one of several important steps Dr. Mayer has taken to help transform Tufts from a small, once-overlooked liberal arts college into a research university with a growing international reputation and a much-improved faculty and student body.

Dr. Mayer, who is 72 years old, has announced that he will resign at the end of the 1993 academic year and be elevated to the new post of chancellor. And there is widespread agreement here that the charming, talkative and often-stubborn Dr. Mayer has helped give Tufts a new sense of identity, bringing it out from under the shadow of neighboring universities like Harvard and the Massachusetts Institute of Technology.

A HIGHER PUBLIC PROFILE

"Jean has made some substantial achievements," said James O. Freedman, the president of Dartmouth College. In addition to helping Tufts raise the academic quality of its incoming freshmen, Mr. Freedman said, Dr. Mayer has used his own "well-established reputation to give Tufts a higher public profile."

Last Friday, for example, Mr. Freedman and Dr. Mayer announced an agreement to establish an innovative program under which students at Tufts' Fletcher School of Law and Diplomacy and Dartmouth's Amos Tuck School of Business Administration can earn a joint degree in international business.

Dr. Allan Callow, a professor of surgery at Washington University in St. Louis who is chairman of the Council of the Boards of Overseers of Tufts, said that one of Dr. Mayer's most important contributions was that he had "convinced the faculty and the administrators that they had the potential for being a world-class university."

"There is a bit of the evangelist about him," Dr. Callow said of Dr. Mayer (pronounced my-YAIR).

LIST OF ACCOMPLISHMENTS

Among Dr. Mayer's most important accomplishments have been the creation of a graduate school of nutrition, the building of New England's only school of veterinary medicine and the establishment of a center for environmental management. Tufts has also become less of a parochial New England institution; the number of foreign students has doubled since 1986 and the university now runs a popular European center in a converted 11th-century monastery at Talloires, France.

The university's financial condition has greatly improved. Dr. Mayer has seen the en-

dowment increase to \$200 million from \$30 million when he arrived. This year Tufts, which has 4,300 undergraduates and 2,200 graduate students, is scheduled to complete a second capital campaign with a goal of \$250 million.

In addition, Tufts has become much more selective in its admissions policy. University officials said that the percentage of incoming freshmen who ranked in the top 10 percent of their high school graduating class rose to 74 percent last year from 38 percent in 1978, and that the Scholastic Aptitude Test scores of students admitted to Tufts had increased, too.

Luck has played a role, too. Medford, where Tufts is situated, is only five miles northwest of Boston, which has become an increasingly popular mecca for college students in recent years and has helped make the university more attractive than other colleges and universities in rural parts of the country.

#### ON PAR WITH NORTHWESTERN

Tufts may not yet have the prestige of the top Ivy League schools. Its yield—the percentage of applicants it admits who actually accept—was 35 percent last year. At Brown and Dartmouth, by comparison, the yield was 52 percent, officials there said.

But that yield puts Tufts on a par with such highly regarded schools as Carleton College in Minnesota or Northwestern University in Illinois, according to several admissions officials at other universities.

Despite his achievements, Dr. Mayer has not escaped criticism. The most persistent complaint is that to attract more money and raise the university's reputation he has favored its graduate schools, slighting the original liberal arts college.

In particular, there is broad resentment among many faculty members over the veterinary school, which is in Grafton, 40 miles west of Medford. Although it is partly financed by the state, the school has run deficits of as much as \$3 million a year, university officials say, and many professors believe the arts and sciences college has had to make up the debt.

#### COVERING THE DEFICIT

In a recent interview Dr. Mayer acknowledged that about half of Tufts' current budget is devoted to the university's health schools, including an expanded medical school in downtown Boston. But he insisted "We have never taken money from another school and put it in the veterinary school."

Instead, said Steve Manos, the executive vice president of Tufts, the deficit has been covered by money from the university's reserves or annual earnings.

Dr. Mayer sees the veterinary school as a major investment that will eventually pay big dividends. When he retires next year and becomes chancellor, he said, he plans to oversee the development of a large industrial park next to the veterinary school for biotechnology companies, a rapidly growing industry in Massachusetts.

Dr. Mayer has also begun work on a \$1 billion project near the railroad yards behind Boston's South Station adjacent to Tufts' medical school, for pharmaceutical research and manufacturing. "This will bring in a replacement industry for defense electronics for Massachusetts," he predicted.

In an effort to redress the balance between the graduate schools and the college, Dr. Mayer has built a series of new facilities for undergraduates in the last few years, including an arts center, a language center, a science center and a dormitory.

But many undergraduates still feel that Dr. Mayer's emphasis on the graduate schools has taken a toll on their education. In a speech last week to the trustees, Alexa Leon-Prado, the president of the student government said students "are made aware of this each time they call a friend at Harvard to borrow a book," because of the lack of an adequate library.

Nevertheless, Ms. Leon-Prado, a senior from Irvine, Calif., credited Dr. Mayer with having done "an amazing job" in building up the university's reputation. "I don't think I would have come to Tufts if he hadn't made it what it is," she said.

#### LYME DISEASE IS A GROWING EPIDEMIC

#### HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. APPLEGATE. Mr. Speaker, I rise today to bring attention to the growing number of men, women, and children within our country suffering from the devastating effects of Lyme disease. An increased public awareness and understanding of the disease is essential to help curb the growing number of cases which are reported each year.

Lyme disease is a complex, multisystem illness caused by a tick-transmitted spirochete. The early stages are marked by skin lesions often accompanied by fever and muscle pain. In its more severe stages Lyme disease leaves its victims with chronic or intermittent arthritis and neurologic or heart abnormalities.

More and more cases of Lyme disease are being identified each year. In 1979, the disease had been reported in only 10 States; it has now been reported in 49 States. Because diagnosis of the disease is difficult and public awareness is limited, it is estimated that thousands of cases have gone unreported and untreated. The ticks that spread the disease live in grassy wooded areas and feed mostly on deer and other forest animals; therefore people who frequent the woods and forest edges such as campers, hikers, and outdoor workers are most likely to come into contact with the tick. However, because new home development has encroached on the woodland, Lyme disease also has become a suburban illness. As there is no vaccine and no proven method of controlling the tick population, it is expected that the number of cases of Lyme disease will continue to rise. If detected early, it may be curable. When the disease progresses to later stages treatment becomes more difficult and less reliable.

Mr. Speaker, the need for increased public awareness cannot be overstated. We must educate the general public, as well as health care professionals, on the means of prevention in order to curtail this growing epidemic.

#### BRONX BOARD OF REALTORS 68TH ANNUAL BANQUET

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. ENGEL. Mr. Speaker, on April 9, 1992, the Bronx Board of Realtors will be holding its 68th annual banquet.

The Bronx Board of Realtors is the professional trade association and official representative of the real estate industry in my county. With some 700 members, the Bronx board is deeply involved with the economic growth and development of the county. It provides leadership and guidance to the general business community.

But, the Bronx Board of Realtors does not limit its activities just to the advancement of its own profession. It is an organization that is committed to the people of the Bronx and to its neighborhoods. The Bronx Board of Realtors provides help to the poor and disabled through its holiday drives. It sponsors much needed educational programs for the young with its essay contest and scholarship award.

I join the people of the Bronx in congratulating the Bronx Board of Realtors for caring about our county.

#### AMERICAN AIRLINES DECLARED TOP DOMESTIC AIRLINE

#### HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. GLICKMAN. Mr. Speaker, 55 years ago, Amelia Earhart set off on a legendary, around-the-world flight. Her en route disappearance sparked one of the greatest mysteries in aviation history, a mystery whose possible resolution received front page coverage in newspapers across the country.

Certainly, Ms. Earhart's spirit and determination earned her a prominent position in the annals of aviation history. Through her efforts, and those of her colleagues, the United States has unquestionably become the world leader in the field of aviation.

The industry, however, is not content to rest on its laurels. Instead, it continues to strive for excellence.

I am extremely proud to say that the National Institute for Aviation Research is integrally involved in this pursuit of excellence. Located in my congressional district at Wichita State University, the Institute's capabilities and state-of-the-art facilities are earning it its own place in aviation history.

One of the Institute's more recent accomplishments is its development of an airline quality rating [AQR], which evaluates the comparative quality of those nine U.S. airlines with annual revenues of \$1 billion or more. Developed by Dr. Brent Bowen and Dr. Dean Headly, the AQR incorporates 19 different weighted measures of airline service, including timeliness, safety, aircraft age, baggage handling, overbooks, and customer complaints. The nine different airlines are then ranked in



accordance with their capabilities in these different areas.

Earlier this month, the Institute released an annual report card of the aviation industry. The Institute gave top honors to American Airlines, dubbing it the industry's No. 1 carrier. Moreover, the Institute applauded American's consistently superior performance, noting that the company achieved the No. 1 ranking in each of the months under consideration.

This is not the first time the Institute has acknowledged American's prominent position in the industry. In a report issued last April, the Institute declared American the top domestic airline as of January 1991.

I would like to commend American Airlines for its extremely admirable performance. I urge them to keep up their tradition of excellence.

#### H.R. 4722 THE MARINE AND COASTAL ENVIRONMENT AND GLOBAL CLIMATE PROTECTION ACT OF 1992

**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1992

Mr. JONES of North Carolina. Mr. Speaker, on April 1, I introduced H.R. 4722, a bill that I hope will become part of the Merchant Marine and Fisheries Committee's contribution to the House national energy bill. It addresses a broad range of issues associated with the development of offshore oil and gas, other coastal-related energy activity, the protection of our coastal environmental, and funding efforts to address the problems related to global climate change.

The legislation reported by the Committee on Energy and Commerce focuses our attention on a comprehensive national energy strategy. It is clear that this strategy can no longer simply call for more oil production as a cure-all for our Nation's energy ills. Its components must balance our need for secure and adequate energy resources to fuel our homes, our cars, and our industries, with our desire to protect and heal our global environment.

The bill reported from the Energy and Commerce Committee, H.R. 776, deals with many of these issues; it restructures the electricity industry, requires greater energy efficiency and the use of alternative fuels, and seeks to lessen U.S. dependence on imported oil. But, because the Energy and Commerce Committee does not have jurisdiction over offshore oil and gas development on our outer Continental Shelf [OCS], the bill is silent on this major component of our energy mix. To fill this void and to provide a House counterpart to the OCS provision in the Senate energy bill, I have introduced the Marine and Coastal Environment and Global Climate Protection Act of 1992.

This bill has five titles, the first of which incorporates a concept that I have introduced on three prior occasions—OCS impact assistance/coastal protection block grants. Each of my three prior bills, introduced in the early years of the Reagan administration, enjoyed great success here in the House. By increas-

ing margins, we passed OCS impact assistance/block grant bills in the House in 1982, 1983, and in 1984 we approved a conference report that has been negotiated with the Senate—S. 2463—by a vote of 312-94 with a majority of Democrats, 230-23, and a majority of Republicans, 82-71, voting to support. Unfortunately, the conference report came up in the Senate just before adjournment, and it was blocked.

Those bills had been carefully balanced between providing money to States for ameliorating the impacts from offshore oil development and other coastal-related energy activity and protecting the marine environment. So, too, is the bill that I just introduced.

It is based on a sound and proven concept of public policy: Specifically, that it is in the long-term interest of the Nation to take a modest portion of the revenues received by the Federal Government from the development of nonrenewable energy resources and invest it in the States for conservation and management of renewal resources; that is, the ocean and coastal environments. H.R. 4722, therefore, rests on a strong and reasonable conceptual foundation which incorporates the ideas of cooperation, mutual benefit, and long-term investment and management.

H.R. 4722 evolved from twin truths. First, the oil and gas resources of the Outer Continental Shelf have been, and continue to be, productive and important sources of domestic energy. Second, offshore drilling has, in many States, become a lightning rod for serious environmental concerns and strong community-based opposition.

With this in mind, my bill has several goals:

To recognize that Federal energy leasing and development decisions have socioeconomic and environmental impacts on those States and communities in which production operations occur or which are adjacent to such operations;

To give States the resources necessary to ameliorate negative impacts by providing a proper share of the revenues the Federal Government realizes from offshore development;

To protect the rights of States which do not want oil and gas drilling along their coastlines;

To require a complete understanding of any environmental problems that may be attached to offshore development before leasing occurs;

To devote a portion of the Federal revenues from offshore development to an international effort to cool down global warming.

My bill recognizes that States with oil and gas production off their shores bear much of the onshore burden of this industry and that they have done so for years with only a very recent and a very modest share in the profits. It also acknowledges that other ocean and Great Lakes States also experience adverse impacts from the siting and operation of coastal-related energy facilities. My bill directs the Federal Government to share a small portion—no more than 4 percent of the \$2.5 to \$3 billion it receives annually from OCS revenues—with Coastal States.

The legislation I just introduced recognizes that many States, especially those like my own home of North Carolina that has never had any energy development offshore, are wary of, if not outright hostile to, this industry.

It also recognizes that all States have legitimate concerns about the potential for environmental damage from coastal-related energy activity and off-shore oil and gas drilling.

Over 2 years ago, the National Research Council [NRC] issued a report noting that there was insufficient information about the environmental and socioeconomic effects of energy development off the coasts of Florida and California. This finding was somewhat surprising since the coasts of both States had received an enormous amount of attention and environmental study. If this was inadequate, certainly the information about other areas which had undergone significantly less study, must be highly deficient.

On the heels of the NRC report, President Bush, on one of his few environmental President days, announced a 10-year moratorium in the OCS Program off Florida and California as well as New England and the Pacific Northwest. Left in the lurch by the Bush announcement were those States, like North Carolina, that were not included in the moratorium but which had exactly the same concerns as those put off limits. My bill fixes this.

My bill establishes a moratorium that embraces every State that wants one. The North Atlantic planning area. The Mid-Atlantic planning area. The South Atlantic planning area. The Straits of Florida planning area. Most of the eastern Gulf of Mexico planning area. The southern California, central California, and northern California planning areas. The Washington and Oregon planning area. And the North Aleutian planning area in Alaska.

Under the provisions of H.R. 4722, no preleasing or leasing activities can take place in these planning areas before January 1, 2000. However, should a State's Governor wish that State to participate in the OCS Program, my bill includes an "opt-in" provision. A Governor can request a lease sale and set the terms and conditions under which it will be carried out.

In addition to the moratoria, my bill requires that the deficiencies found by the NRC report and similar studies be corrected before any leasing takes place after the year 2000 and further requires a showing that the potential resources warrant the activity and that it can be done in an environmentally safe manner.

This means that no lease sale may take place unless adequate scientific and technical information regarding mineral and biological resource potential is available, the Secretary of the Interior determines that development is needed to meet the energy needs of the Nation, and adequate physical oceanographic, ecological, and socioeconomic information is available.

Importantly for those on all sides—the industry, the Federal Government, the States, and the environmental community—my bill streamlines the lease buyback provisions of the Outer Continental Shelf Lands Act. It expands the allowable compensation for a Federal buyback of a lease to include a credit against rents or royalties owed the Federal Government under the OCSLA or the Mineral Leasing Act. And it sets in motion an expedited process for buying back leases in the ecologically sensitive areas off North Carolina and south Florida and in Bristol Bay, AK.

Finally, but I think significantly, H.R. 4722 also establishes a linkage between the wealth

possible from OCS production and the environmental costs our country and all others now face as a result of our fossil fuel usage. My bill directs that 10 percent of the Federal royalties from the OCS Program be deposited in a fund in the Treasury as the U.S. share of global efforts to address climate change.

The establishment of this fund will demonstrate that the United States is taking concrete steps to address the issue of climate change in spite of the scientific uncertainties and political complexities that stand in the way of collective action. While the press reports on the deliberations of the Intergovernmental Negotiating Committee [INC] on Climate Change have focused on the unwillingness of the Bush administration to agree to specific carbon dioxide targets, I submit that equally important is the more far-reaching question of how to reach agreement with developing countries on curbing the future growth of greenhouse gases.

We all now realize that oil pumped from the ocean floor into our cars and our factories will eventually end up poking a hole in the Earth's atmosphere. Doesn't it make good sense to shear off a tiny bit of the upfront profits from fossil fuel extraction to pay not only for the end result damages but possibly even prevent them?

This is a first, but critically important, step that Congress can take as simple insurance against the prospect of significant change to our planet and way of life. It is appropriate that we look at this issue in the context of our deliberations on a national energy strategy.

Efforts to move toward increased energy efficiency, greater use of alternative fuels, and additional research on renewable sources of energy provides a foundation on the domestic side which makes it easier to promote change in the international arena. The establishment of this fund will help promote such a change.

Mr. Speaker, I urge all Members to support my committee in our efforts to make our OCS Program as productive and responsible as it must be as well prepare for the next century and begin the long process of addressing the financial requirements associated with global climate change issues. I applaud the Committee on Energy and Commerce for its noble work on H.R. 776, and I look forward to strengthening it even further by the addition of the provisions contained in H.R. 4722.

I have attached to this statement a summary of H.R. 4722. Any Member who may want to cosponsor the bill may do so by calling the Committee on Merchant Marine and Fisheries.

SUMMARY OF H.R. 4722, THE MARINE AND COASTAL ENVIRONMENT AND GLOBAL CLIMATE PROTECTION ACT OF 1992

TITLE I—OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANTS

Except for a few technical and other modest changes, title I of the bill is almost identical to the Outer Continental Shelf (OCS) block grant legislation that was reported by the Committee (H.R. 5) and passed by the House on four separate occasions in the 1980's. Specifically, the key provisions are essentially those contained in a 1984 House-passed conference report (S. 2463) and include:

Establishment of a Treasury Department fund for the purpose of depositing an annual

amount equal to 4 percent of the average of all OCS revenues from the three previous fiscal years. Based on present projections, the fund should receive approximately \$100–120 million per year.

Disbursements from the Fund are subject to appropriations and annual increases are limited to 5%.

Each state's annual share of the Fund is determined by a formula which takes into consideration the level of actual OCS leasing activity, offshore oil and gas first landed, proposed lease sales, the presence of energy facilities in the coastal zone, shoreline mileage and coastal population.

No state can receive more than 15% of the total available to the Fund in any given year and no state with an approved coastal zone management program shall receive less than 1.62%.

Block grants from the Fund shall be used by coastal states for the enhancement and management of ocean and coastal resources, and for the amelioration of any adverse impacts that result from the siting, construction, expansion, or operation of coastal-related energy facilities.

Local coastal governments shall receive at least one-third of the total block grant for each state.

TITLE II—GLOBAL CLIMATE CHANGE RESPONSE FUND

Title II establishes a "Global Climate Change Response Fund" in the U.S. Treasury for the purpose of making money available to the President for making contributions to an agreed-upon financial mechanism which may be set up under the United Nations to help countries respond to global climate change. Key features of this title include:

10% of all royalties received from the OCS after enactment of the bill will be deposited into the newly created fund.

Monies from the fund are subject to appropriations and can be used by the President only to make annual contributions to any agreed-upon financial mechanism that results from the current negotiations on a global climate change treaty that are taking place under the auspices of the United Nations.

Nothing in this title will reduce any amounts required to be credited to the Land and Water Conservation Fund or the Historic Preservation Fund.

TITLE III—REVISIONS TO THE OUTER CONTINENTAL SHELF PROGRAM

Title III places many OCS planning areas off-limits to oil and gas preleasing and leasing activities until the year 2000 and makes leasing after that dependent on the Secretary of Interior making certain findings and conducting specified studies. It also authorizes the "buyback" of certain active leases off North Carolina and South Florida and calls for a plan to cancel and buyback leases in Bristol Bay, Alaska. Key provisions of this title include:

No lease sale may be held beyond the year 2000 for those areas placed under moratoria in the bill unless the Secretary of Interior finds that adequate scientific, technical, and environmental information is available and that development of such areas is necessary to meet the energy needs of the Nation taking into account alternative energy sources, including foreign sources.

North Atlantic Planning Area—No prelease activity or lease sale before the year 2000, and thereafter, only if geological studies demonstrate that development is warranted because of resource potential and environmental assessments provide substantial evi-

dence that development can be carried out in an environmentally sound manner.

Mid-Atlantic Planning Area—Some assessment requirement and preleasing and leasing prohibitions before the year 2000 as in the North Atlantic.

Straits of Florida Planning Area—Same assessments requirements and preleasing and leasing prohibitions before the year 2000 as in the North Atlantic.

Eastern Gulf of Mexico Planning Area—For the area south of 26 degrees North Latitude, no prelease activity or lease sale before the year 2000 and thereafter only if the studies mandated by a National Research Council report are completed. The Secretary is authorized and encouraged to buyback active leases in this area on or after October 1, 1992. In the area north of 26 degrees North Latitude and east of the lateral seaward boundary between Alabama and Florida, no prelease activity or lease sale may take place, before the year 2000, within 30 nautical miles of the coast of Florida.

Southern, Central, and Northern California Planning Areas—No prelease activity or lease sale before the year 2000 and no activity beyond that date unless the studies mandated by the National Research Council's report and additional research on oil spills have been completed.

Washington-Oregon Planning Area—No prelease activity or lease sale before the year 2000, and no activity beyond that date unless the studies recommended by the Pacific Northwest OCS Task Force have been completed.

North Aleutian Basin Planning Area—No prelease activity or lease sales shall be conducted and no permits or exploration or development plans shall be approved before October 1, 1995; the Secretary of Interior shall negotiate with the State of Alaska and other appropriate parties to prepare a plan for the cancellation of existing leases in the planning areas.

Notwithstanding the moratoria listed in Title III, the governor of an affected state may request that a lease sale be held off his or her state before 2000 if the governor of any other affected state does not object and the Secretary of Interior agrees to the terms, conditions, and restrictions planned on the sale by the requesting governor.

TITLE IV—ENVIRONMENTAL STUDIES PROGRAM

The environmental studies program established under section 20 of the Outer Continental Shelf Lands Act (OCSLA) is amended to include:

A requirement that studies conducted under section 20 shall include an assessment of the adequacy of the available environmental and socioeconomic information.

A requirement that all studies under this section be subject to peer review and published six months prior to the holding of a lease sale for all planning areas except Alaska and the Central and Western Gulf of Mexico.

TITLE V—MISCELLANEOUS

Title V makes the following amendments to section 5 of the OCSLA:

Authorizes Congress, as well as the Secretary of Interior to suspend leases.

Reduces the mandatory suspension waiting period prior to cancelling a lease from five to two years.

Provides that compensation for a lease cancellation may take the form of cash, credits against OCS royalty or rental obligations, or both.