

first country which the applicant arrives in outside his country of origin.

In July of 1993, Germany overhauled their asylum law, effectively reducing their monthly asylum application load from 37,000, after an explosion of asylum applications that increased from 20,000 in 1983 to 438,000 a decade later. Germany's asylum laws also include a "country of safe haven" provision making certain asylum applicants ineligible.

It's time the United States follow the lead of the European Community and adopt the "first safe haven" approach. By doing so, we would eliminate the incentive for aliens to "nation shop," looking around for the country they believe offers them the best opportunity for economic prosperity, not political freedom.

In order to ensure that those with legitimate claims for asylum are protected and find a safe haven, my bill provides added protection for legitimate asylum seekers. Under special circumstances, it allows them to stay in the United States awaiting a hearing. An alien who returned to the first country they passed through which could offer a safe haven, but was denied entry, would be allowed to remain in the United States pending a hearing. In addition, if an individual can demonstrate that being returned to the first country of safe haven could subject him to further persecution, he too would be allowed to stay. But the bill attaches a significant condition to asylum-seekers who are returned to the United States—one that further discourages abuse of the system. While they are in the United States awaiting a hearing on whether they can stay here legally, they must be held in a detention facility.

This fall Congress is expected to take up the issue of immigration reform. In the coming weeks, I will work to make sure this new approach to granting political asylum is included in the immigration reform package to be considered by the House.

The United States is a Nation of immigrants. We should continue to embrace people of different races and cultures who want to make America their new home. Their presence enriches our culture and makes our nation a very special place.

America should continue to be the land of opportunity for legal immigrants but not for those who take advantage of our generosity and our compassion to enter the country illegally. I urge my colleagues to cosponsor my legislation.

THE CONGRESSIONAL ASSAULT ON TRIBAL SOVEREIGNTY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. RICHARDSON. Mr. Speaker, I share the grave concerns of my colleagues and the more than 550 American Indian and Alaska Native tribes of this Nation regarding the unprecedented budgetary cuts and assaults on tribal sovereignty currently underway in the 104th Congress. As the former chairman of the House Subcommittee on Native American Affairs, I find it especially difficult to watch as this body attempts to undermine the hard fought victories that Indian tribes have won in the past 30 years.

It is hard to understate the enormity of the cuts in this year's appropriations bills. For instance, the House Interior appropriations bill cuts BIA and Department of Education funding for Indian education by \$61 million, eliminates important scholarships and adult education, and restricts funding of self-determination contracts and self-governance compacts. The Interior bill fails to include enough funding for the Indian Health Service to maintain its current level of services. And, the House Interior report penalizes tribal self-determination and economic growth by requiring the Secretary of the Interior to prepare a means testing report on Indian tribes who conduct gaming operations.

The Commerce, Justice appropriations bill eliminates the line-item for Indian legal services. The Agriculture appropriations bill calls for the termination of the commodities program. The VA-HUD appropriations bill cuts funding for new Indian housing by two-thirds. The Labor-HHS appropriations bill eliminates additional Indian education funding, funding for the protection of tribal elders, reduces meals for tribal elders by \$845,000, and eliminates the low-income heating assistance program. In addition, the Labor-HHS bill would put sharp curbs on the amount of political or legal advocacy that tribal governments or organizations could undertake at the Federal level.

The tribal outcry that has arisen because of these actions and others should tell us that we need to seriously examine and rethink our relationship with Indian country. In order to do so, we must:

Recognize that tribes are sovereign entities and not merely another set of minority or special interest groups.

Acknowledge our moral and legal responsibility to protect and aid Indian tribes.

Adhere to a set of principles that will enable us to deal fairly and honestly with Indian tribes.

From the founding of this Nation, Indian tribes have been recognized as distinct independent, political communities exercising the powers of self-government, not by virtue of any delegation of powers from the Federal Government, but rather by virtue of their own inherent sovereignty. The tribes' sovereignty pre-dates the Constitution and forms the backdrop against which the United States has entered into relations with the Indian tribes.

The United States also has a moral and legal trust responsibility to Indian tribes. Since the founding of the country, the U.S. has promised to uphold the rights of Indian tribes, and serve as the trustee of Indian lands and resources. The U.S. has vowed, through treaties such as the 1868 Navajo treaty, that Indians would be housed, educated, and afforded decent health care. We have failed on nearly every count.

Perhaps we need to look to the past in order for us to understand our proper relationship with Indian tribes. More than two centuries ago, Congress set forth what should be our guiding principles. In 1789, Congress passed the Northwest Ordinance, a set of seven articles intended to govern the addition of new States to the Union. These articles served as a compact between the people and the States, and were to forever remain unalterable, unless by common consent. Article three set forth the Nation's policy towards Indian tribes:

The utmost good faith shall always be observed towards the Indians; their land and

property shall never be taken away from them without their consent * * * but laws founded in justice and humanity shall from time to time be made, for preventing wrongs to them * * * ."

Each of us should memorize these words. Our forefathers carefully and wisely chose these principles to govern the conduct of Congress in its dealing with American Indian tribes. Over the years, but especially in this Congress, we have strayed from these principles—the principles of good faith, consent, justice and humanity. It is time for us to return to and remain faithful to these principles.

U.S.S. INDIANAPOLIS MEMORIAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. JACOBS. Mr. Speaker, all Americans will be grateful to the Congress and to the President for adopting last year the following resolution commanding the noble service to our country rendered by the U.S.S. *Indianapolis* and its crew. The death of the *Indianapolis* and very many of its hands represents one of the more poignant tragedies of World War II inasmuch as it all happened shortly before the end of hostilities with Japan.

At long last a suitable monument has been erected in the city of Indianapolis. The monument was dedicated on the second day of August of this year. In addition to the resolution itself which follows, I insert a story from the *Indianapolis News* and a story from the *Indianapolis Star* about this touching occasion.

Special tribute should be paid to Patrick J. Finneran, Capt. James Holds, USN retired, Dr. Giles G. McCoy and Robert H. McKinney, who together with other pillars in the Indianapolis community, worked tirelessly and lovingly to bring all of this well deserved remembrance about.

THE CONGRESS OF THE UNITED STATES OF AMERICA, THE 103d CONGRESS ASSEMBLED, LAW No. 103-337

SEC. 1052 U.S.S. *Indianapolis* (CA-35) For gallantry, sacrifice and a decisive mission to end world war II.

1. The U.S.S. *Indianapolis* served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from 7 December 1941 to 29 July 1945.

2. The fast and powerful heavy cruiser with its courageous and capable crew, compiled an impressive combat record during her victorious forays across the battle-torn reaches of the Pacific, receiving in the process ten hard-earned Battle Stars from the Aleutians to Okinawa.

3. This mighty ship repeatedly proved herself a swift hard-hitting weapon of our Pacific Fleet, rendering invaluable service in anti-shipping, shore bombardments, anti-air and invasion support roles, and serving with honor and great distinction as Fifth Fleet Flagship under Admiral Raymond Spruance, USN, and Third Fleet Flagship under Admiral William F. Halsey, USN.

4. This gallant ship, owing to her superior speed and record of accomplishment, transported the world's first operational atomic bomb to the Island of Tinian, accomplishing her mission at a record average speed of 29 knots.

5. Following the accomplishment of her mission, the *Indianapolis* departed Tinian for

Guam and, thereafter, embarked from Guam for the Leyte Gulf where she was to join with the fleet assembling for the invasion of Japan.

6. At 0014 hours on 30 July 1945, the U.S.S. *Indianapolis* was sunk by enemy torpedo action.

7. Of the approximately 900 members of her crew of 1,198 officers and men who survived the initial torpedo attack, only 319 were eventually rescued because, as a result of the ship's communication ability having been destroyed in the attack, the sinking of the U.S.S. *Indianapolis* was not discovered for five fateful days, during which the survivors suffered incessant shark attacks, starvation, desperate thirst, and exposure.

8. From her participation in the earliest offensive actions in the Pacific in World War II to becoming the last capital ship lost in that conflict, the U.S.S. *Indianapolis* and her crew left an indelible imprint on our nation's struggle to eventual victory.

9. This selfless and outstanding performance of duty reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

RECOMMENDATION AND COMMENDATION

Congress, acting on behalf of the grateful people of the United States, hereby—Recognizes the invaluable contributions of the U.S.S. *Indianapolis* to the ending of World War II; and, On the occasion of the 50th Anniversary of her tragic sinking, and the dedication of her National Memorial in Indianapolis on August 2nd, 1995, commends this gallant ship and her crew for selfless and heroic service to the United States of America.

CREWMEN APPLAUD U.S.S. "INDIANAPOLIS" MEMORIAL—107 SURVIVORS ATTEND CEREMONY DOWNTOWN

(By Welton W. Harris II)

As the sun beat down on today's dedication of the USS *Indianapolis* national memorial, 3,500 onlookers stood and applauded 107 crewmen who survived the sinking 50 years ago.

For those who didn't make it, like Adrian Marks of Frankfort, Dr. Giles G. McCoy, chairman of the survivors' group, said it all: "He was there when we needed him, and that was the important thing."

The ceremonies today at the headwaters of the Downtown Canal concluded a 30-year effort to raise a memorial to the ship and its crew, especially the 880 who didn't survive.

The *Indianapolis* was en route from Guam to Leyte on July 30, 1945, when it was torpedoed and sunk by a Japanese submarine.

Because of wartime conditions, and partly through negligence, the loss of the heavy cruiser went undetected for four days.

Survivors were left in the Pacific Ocean, where many drowned or became victims of shark attacks.

While flying patrol on Aug. 2, Lt. Wilbur C. Gwinn detected an oil slick. When he flew lower, he saw the survivors. He radioed for assistance, which came in the form of Lt. Marks and the crew of his PBY flying boat.

Gwinn, who died two years ago, was represented at today's ceremonies by his widow, Norma.

Marks, whose health prevented him from attending, picked up 56 survivors and broke radio silence with his distress signal. Five rescue ships responded.

Of the crew, only 317 survived.

Today, there are 127 living, and 107 came to see the granite and limestone memorial.

Louis P. Bitoni of Warren, Mich., was a seaman first class gunners mate 50 years ago.

Today, he brought 22 members of his family to the ceremonies, including his wife, brothers and their wives, his children and grandchildren.

After the unveiling he said: "It's great. It's everything I hoped it would be."

Dr. Lewis Haynes of Naples, Fla., the ship's doctor, and Harold Schechterle of Shelburn Falls, Mass., recounted their experience 50 years ago.

Haynes had removed the appendix of the ship's radar operator eight days before the sinking.

"It would be harder today," the doctor told his former patient, pointing at Schechterle's midsection, which Haynes said had grown over the years.

McCoy, part of the U.S. Marine detachment on the *Indianapolis*, brought his wife, three children and four grandchildren.

He has been chairman of the survivors association since it formed in 1960 and held it first gathering in Indianapolis.

Accepting the memorial today on behalf of the association, McCoy cut short his remarks.

"This heat reminds me of what it was like out there in that sea 50 years ago," he said.

Despite the heat and humidity, crowds lined both sides of the canal and the memorial plaza for the 50-minute ceremony, led by Marine Sgt. Maj. Mac Magana of Indianapolis.

When the canvas fell away from the memorial the crowd again stood and applauded.

Within minutes, two old warbirds, replicas of the aircraft that found the survivors—a PBY and a PV2 Harpoon—lumbered over the site as the participants again applauded.

Tuesday night, more than 2,000 people—including "lost-at-sea family members"—attended a "Banquet of Thanksgiving" at the Hyatt Regency.

McCoy's son, Craig, 43, of Abilene, Texas, said now that the survivors' numbers are dwindling, their children have formed the group "Second Watch" to carry on the tradition.

MEMORIAL TO THE U.S.S. "INDIANAPOLIS" HELPS THE SURVIVORS PUT THE TRAGEDY BEHIND THEM

(By R. Joseph Gelarden)

As the chilling echoes of taps cut through a blistering summer sun, Eleanor Sforzo stood quietly. Her son, Joe Musarra Jr., reached out his burly arm and pulled her to his side.

Both had tears in their eyes—the smallish, white-haired woman remembering a young sailor who never came home, and her son, a Cleveland police sergeant, whispering a prayer for the dad he never knew.

The two were among the thousands gathered Wednesday at the Downtown Canal to dedicate a national memorial to the USS *Indianapolis*, the last U.S. ship lost in World War II.

Hundreds of old sailors, their once-dark military haircuts replaced with gray, joined with the wives and families of their shipmates in Downtown Indianapolis for a final salute to the fallen ship and the hundreds of crewmen who perished in the Pacific after the ship was torpedoed by a Japanese submarine.

"It's a very special day," Sforzo said.

It was a different world when Eleanor married Joe Musarra. The world was at war, and the rules seemed simple: Men went into the service, women stayed home.

Joe Musarra was assigned to the USS *Indianapolis*, one of the Navy's fastest and most powerful floating weapons. She was a veteran of 10 battles and served as a flagship for fleet admirals. She carried President Franklin D. Roosevelt on so many trips that he called her his "ship of state."

HELPED END THE WAR

Joe and Eleanor had only a few days together before he was ordered back to San

Francisco to rejoin the Indianapolis for another mission. The ship had been ordered to speed to a tiny Pacific island to deliver a top-secret cargo, critical parts for the atomic bomb that was dropped on Hiroshima, Japan, in an act that ended the war.

"The ship was sunk in July. I was born in January," the son explained.

Eleanor remarried and had nine kids. She loved her new husband; but deep in her heart, she remembered her Joe.

"I hurt for a long time. But now the time for hurt is past. This (monument) is so nice. It is like a final memorial service," she said.

"Tell the people (the survivors) that they (the sailors that perished) are now with God and He takes special care of His own," she said.

For Charles B. McVay IV, the service was a fine tribute. But for his family, the story didn't end Wednesday. It won't be closed until the Navy wipes the court-martial off his father's record.

The sinking of the USS *Indianapolis* was the Navy's greatest sea disaster. About 880 of the nearly 1,200 crewmen were able to escape the sinking ship, which went down in only 12 minutes. Of the 880, only 317 were rescued days later.

For Capt. McVay, survival meant humiliation. The Navy brass, looking for a scapegoat, court-martialed him for failing to take a zig-zag course—one in which the ship might have avoided an attack.

Years later, his career ruined and still haunted by the military action, McVay committed suicide.

McVay's son, now 70, and many of the survivors who gathered for the memorial believe it's only right that the Navy admit it was wrong and take steps to erase that black mark from history. But until now, their requests have been rejected by presidents, Navy secretaries and admirals.

"Last night, at the survivor's dinner, Admiral Quast (Vice Admiral Philip M. Quast, the official Navy representative at the ceremony) and the Navy legal man (Joseph G. Lynch, assistant general counsel for the Navy Department), admitted to me that the court-martial was wrong. . . . It should never have happened," said McVay.

"It is the first time the Navy has ever admitted the truth. Maybe there is now a chance to clear his name."

SHIP'S BELL RINGS AGAIN

Mike G. Obledo, 70, Houston, was one of McVay's sailors on the *Indianapolis*. But he didn't know the skipper. He was just another seaman on a great ship.

Wednesday, he and the other sailors marched into the ceremony as boatswain's pipes sang out and the old ship's bell tolled. The bell was removed from the ship when she went into wartime service. It is now kept at the Hessler Naval Armory in Indianapolis.

Obledo and his shipmate, Gus Kay, now a deputy sheriff in Illinois, were self-styled "young punks" when they were dumped into the milk-warm waters of the Pacific after the incident.

"I was on a net raft. The sharks took 63 of our guys, but I don't know how I survived," said Kay.

But Obledo thinks he knows the secret.

"It was prayer. That was about the size of it. You prayed. If you didn't know how to pray, you learned real quick."

On Aug. 2, 1945, the crewmen of the *Indianapolis* were rescued.

Fifty years later, under a similarly searing sun, they finally were able to pay tribute to the ship, their lost shipmates and their families, and to each other.

"It's over," said retired Indianapolis firefighter Jim O'Donnell, the only local survivor.

"It's finally over."

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF
HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. FAZIO of California. Mr. Chairman, this bill is an outrage, and it deserves to be repudiated and rejected by every member of this body.

This bill is unfair to the people who depend most on our government; our children and the elderly. This bill is shortsighted. It does not provide for investment in students and workers—the very people who will grow our economy.

This bill cuts \$6.3 billion from programs that average working families depend on.

Why? The unvarnished truth is that my Republican colleagues feel the need to finance a tax break that goes largely for wealthy Americans. Don't buy the argument that this is just for deficit reduction.

Every Democrat in this House is prepared and committed to bring our budget into balance, and provide a solvent, secure future for our children.

Yet, one-half of the cuts in this bill are stolen directly from the single best investment we can make in our future: Education.

Overall spending on education has been slashed by nearly \$4 billion. Few children have been spared. Some of the most significant and effective programs for kids—including title 1, School-to-Work, and safe and Drug-free Schools—are subject to potentially crippling cuts.

It's an exhaustive list, and frankly, to reduce this bill to a series of programmatic cuts, masks the underlying meanness of this bill. In its breadth and scope, this bill is simply a monster of inequity. If you're the principal wage earner in a hard-working family, or you've found yourself among the growing ranks of the working poor, and you desire to provide a brighter future for our children, this bill is a declaration of war.

In fact this bill declares war on opportunity. This bill puts politics ahead of principle. This bill values pay-offs ahead of the needs of people.

This much is certain. The Republicans don't discriminate. That is, if you're not on the receiving end of the Republican tax bail-out—if you're elderly, poor, young, unemployed, or just struggling to get by—you suffer in equal measure.

Seniors fare no better than our children. This bill sends a strong message to our senior citizens that their past efforts are no longer acknowledged, and that their current contributions are no longer appreciated.

This bill guts the Older Americans Act, including Green Thumb. It targets other programs which provide preventive health support, pension and Medicare counseling, and home meals to a growing senior population.

This bill undercuts the health and safety of American workers. It undermines the enforcement of hour and wage laws. It makes it more difficult for people who have lost their jobs to find new jobs by slashing job training. Some of the most vulnerable members of our society are subject to the most extreme—the most harmful—and the most mean-spirited provisions in this bill. If this bill is passed, victims of rape and incest will no longer be guaranteed the right to an abortion.

I urge my colleagues to stand up for working families and reject this bill. Don't allow the Gingrich Republicans to sell us down the river so they can reward their wealthy friends.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

SPEECH OF
HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes:

Mr. SERRANO. Mr. Chairman, I rise to express my extreme distress—even disgust—at the way H.R. 2127 provides for the programs of the Department of Health and Human Services. I was privileged to serve on the Labor—HHS—Education Subcommittee in the last Congress, and I was proud of our work under Chairmen Natcher and Smith and ranking Republican PORTER. But this bill is a disgrace, and I am glad I had no hand in writing it.

The bottom line is that this bill does not include enough money to meet the Federal obligation to protect and improve the health and well-being of all of us in the United States, but particularly of the most vulnerable among us. The victims of these cruel HHS spending cuts are many, and include the elderly, children, women, and working people. The few bright spots are not enough to save the bill.

There were modest increases in funding for community and migrant health centers and the maternal and child health block grant, but these came entirely at the expense of title X family planning, which was terminated, and the increases disappeared last night when family planning was restored.

This bill slashes, by more than 50 percent, the Healthy Start Program, which is today successfully reducing infant mortality in the South Bronx and other places.

There is a very small increase in the Ryan White CARE Act, but only for title I. The other titles are flat funded, although the HIV/AIDS epidemic continues to grow. My congressional district in the South Bronx is particularly hard hit by HIV/AIDS, and Ryan White funds from

all titles are crucial to meeting the needs of the growing numbers of affected women, children, and adolescents.

There is a modest increase for the Centers for Disease Control and Prevention. But, while increases in key prevention programs such as sexually transmitted diseases, breast and cervical cancer, chronic and environmental diseases, and infectious diseases are welcome, equally critical prevention programs for HIV/AIDS, tuberculosis, lead poisoning, and injury are flat funded. And the National Institute for Occupational Safety and Health is cut by 25 percent and its training program is eliminated.

The bill quite appropriately increases funding for the National Institutes of Health, where scientists seek new understanding of biological processes and disease mechanisms that will permit us to challenge and defeat threats to our health, improving quality of life and saving lives. But the bill eliminates the separate appropriation for AIDS research, putting execution of the annual plan for NIH AIDS-related research, which Congress mandated, at risk.

The bill cuts nearly \$400 million from the Substance Abuse and Mental Health Administration and totally eliminates the Center for Substance Abuse Prevention at the same time the Republicans' welfare reform proposals will vastly increase the need to prevent and treat mental illness and substance abuse.

The bill slashes the Agency for Health Care Policy and Research, a key player in learning—and disseminating its findings on—how to provide health care that is both high-quality and cost-effective.

There is a modest increase in the Job Opportunities and Basic Schools [JOBS] Program, which helps welfare recipients become self-sufficient.

The bill kills the Low-Income Home Energy Assistance Program [LIHEAP], which is simply immoral. Poor, mostly elderly people have died of the cold last winter and in the nationwide heat wave this summer. Killing LIHEAP assures that more of them will die.

The child care and development block grant is flat funded and obligation of its funds is delayed until the end of fiscal year 1996, at the same time the Republicans' welfare reform will be forcing more mothers of young children into the workplace.

This bill cuts Head Start. Cuts Head Start, Mr. Chairman. Maybe not by much, but Head Start is one of the most popular and successful early childhood programs we have, and, until this year, it has been permitted to expand toward the goal of meeting the needs of all eligible children. Many are still unserved, and more will be dropped from the program with this cut.

The bill cuts funding for temporary childcare/crisis nurseries and for abandoned infants assistance. It cuts child welfare training and research and adoption opportunities. It cuts development disabilities programs, Native American programs, and homeless services grants.

The bill savages the violent crime reduction programs enacted just last year.

The bill slashes Older Americans Act programs, including such services as prevention of elder abuse, preventive health, and the vital nutrition programs.

This bill, Mr. Chairman, even cuts basic functions of the Office of the Secretary, such as civil rights—and even the HHS inspector general.

Mr. Chairman, that's just funding. The riders related to HHS programs are astonishingly