

petition was drawn up, which twenty-three men signed, asking the Charlton Superior Court for permission to incorporate.

Eight days later, on April 3rd, 1895, probably as the first order of business of Superior Court Judge, J.W. Sweat at the April term of court of Traders Hill. I was born. The order creating me as the Town of Folkston was scratched with quill pen and ink on this yellowed sheet of ruled paper and signed by Judge Sweat.

So that's who I am—just a folded paper document—an object that means home and life-long friends to those who once lived within my borders . . . but to those fortunate ones who enjoy the privilege of strolling my sidewalks, or talking daily with friends made fifty years or more ago, or the unexcelled pleasure of standing on the depot porch hearing and watching a mile-long train roar through Love, Main and Martin Streets all at once. I'm a sacred piece of paper. . . . I'm the best!

In fact, right now I'm the center of the universe!

DR. L.D. BRITT, 1995 RECIPIENT OF THE GREAT AMERICAN TRADITIONS AWARD

### HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 6, 1995*

Mr. SCOTT. Mr. Speaker, on behalf of the B'nai B'rith Foundation of the United States, I am pleased to announce that Dr. L.D. Britt is a 1995 recipient of the Great American Traditions Award.

Dr. Britt, a renown surgeon and educator, serves as Professor, Chairman of General Surgery, and Chief of Trauma and Critical Care at Eastern Virginia Medical School. He is also Medical Director for the Shock Trauma Center at Sentara Norfolk General Hospital, is a general surgeon in the Norfolk and Suffolk Virginia area and serves on the boards of Norfolk State University and the University of Virginia.

He received a B.A. from the University of Virginia, a M.P.H. from the Harvard School of Public Health and a M.D. from the Harvard Medical School.

But as great as they are, Dr. Britt's professional accomplishments are not the reason he was chosen for this award. What distinguishes Dr. Britt from other accomplished men and women is his tireless service to the Tidewater Virginia community.

He has given freely of his time, talents, and resources to others. From church, to Boy Scouts, to cultural institutions, Dr. Britt has worked to bring all elements of the Tidewater community together regardless of race, ethnicity, or religion. It is in that tradition that the proceeds from his award dinner will go to the Dr. L.D. Britt Young Leaders Scholarship Fund.

Dr. Britt finds the time to give so freely of himself to others because he believes that we should reach out to those around us. It is for this spirit of giving to others that Dr. L.D. Britt is presented with the Great American Traditions Award.

### THE OSHA CONSULTATION AUTHORIZATION ACT OF 1995

### HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 6, 1995*

Mr. HAYES. Mr. Speaker, the Occupational Safety and Health Administration's [OSHA] Consultation Services [OSHCON] currently derive their authority from a shaky regulatory framework. OSHCON programs compete for very limited dollars with other OSHA education and training compliance assistance programs. Therefore, in an effort to enhance the Federal Government's responsiveness to the business community and to provide more effective solutions to the problems impacting safety and health in the workplace, I, along with my colleague Congressman CASS BALLENGER, am introducing the Occupational Safety and Health Administration Consultation Authorization Act of 1995.

Our bill would, simply put, statutorily codify the authority of the Department of Labor to establish the current scheme of cooperative agreements with States. There is overwhelming and widespread support for our language amongst representatives of both large industry and small business, officials from the Occupational Safety and Health Consultation Programs, and the Administration.

Businesses in Louisiana and throughout the country convey to me horror stories about the burdens that OSHA standards and paperwork requirements impose upon their fiscal stability without producing discernable corresponding benefits to safety and health. They would welcome initiatives that seek to distribute information on safety and health in a more timely and efficient manner. Businessmen realize that safe employment practices enable them to compete for and retain the most qualified employees.

State run consultation offices are overworked and understaffed. OSHA has consistently failed to allocate adequate resources to OSHCON programs. With the proposed fiscal year 1996 budget request, we are again faced with a budget recommendation heavily slanted toward enforcement rather than compliance assistance. We owe businesses and employees alike the opportunity to work in a safe environment. We can and should redirect our priorities toward productive and pro-active strategies, such as consultation assistance, and away from the reactive and cumbersome overregulatory approaches of the past.

I welcome my colleagues to join Mr. BALLENGER and I in our fight to ensure the successful continuation of a health and safety program that works.

### BELÉN JESUIT SCHOOL KEY CLUB

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 6, 1995*

Mr. DIAZ-BALART. Mr. Speaker, I rise today to pay special tribute to the Belén Jesuit School Key Club and their continuing meritorious service and assistance in providing relief to refugees from tyranny.

As my colleagues are aware, the massive Cuban exodus that occurred last summer has

been just the latest sad chapter of a 36-year saga. The suffering faced by those brave rafters did not end when they were rescued from their rafts or when the television crews went home. Because of circumstances beyond their control, many are still suffering today from privations and indefinite detention.

From the onset of this latest crisis, the young men of the Belén Jesuit Key Club have been sacrificing and working to help alleviate the many hardships faced by these brave Cubans. Among other things, these selfless high school students have bottled water to be dropped to rafters while they were still at sea, collected donations for pillows, pencils, and paper for those in the camps, and traveled themselves to the camps to help distribute aid.

Most importantly Mr. Speaker, it should be noted that these young men continue to demonstrate time and time again their concern and humanity towards those who are suffering. They truly exemplify the Jesuit ideal and can be called "men for others". We as a country must be proud to have such men in our society. I for one am privileged that they reside in my community.

### METRO ARBITRATION RELIEF ACT

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 6, 1995*

Mr. WOLF. Mr. Speaker, today I am introducing legislation for myself and Mr. DAVIS of Virginia, to provide financial relief to the Washington Metropolitan Area Transit Authority [WMATA] and to the citizens of the Washington metropolitan area by allowing for more flexibility in resolving labor disputes. Under the interstate compact establishing Metro, WMATA must have a balanced budget and Metro cannot provide service unless there are funds to pay for it. These funds are becoming more and more pinched by rising labor costs that threaten the affordability of the Metro system for the ridership.

Labor costs at Metro are among the highest in the Nation in terms of operator salaries and benefits. For example, starting operator wages for bus drivers in New York City are \$12.35 per hour compared to \$13.76 in the District. The average annual wage for a Metrobus operator is currently \$45,683. This is higher than the average wage for teachers in our area and is more than a GS-12 starting salary for many professionals in the Government. With overtime, Metrobus operator salaries can approach \$60,000 to \$70,000 per year, the equivalent salary of a GS-14 or GS-15 or an assistant school principal.

In addition, Metro salaries and benefits are far higher than other transit operators in the region when compared with bus operators such as Montgomery County Ride-On or Fairfax Connector and Dash. The average annual wage for Ride-On, DASH, and Connector operators is \$27,148, \$25,459, and \$23,400 respectively. These high comparative costs have made it very expensive for local governments to continue to contract with Metro bus service. As a result, local governments are increasingly choosing to provide their own service leaving Metro with fixed overhead costs to distribute among shrinking bus services.

This bill will allow arbitrators to take these local factors into consideration when evaluating wage scales. As a result, we will be simultaneously maintaining an affordable transit system, reducing the risk of massive job losses, and introducing more competition into area transit. This is a workable, practical and fair solution as we address the budget problems facing both the District and public transit in our area.

As fares increase, ridership dwindles and a downward spiral continues. Metro management has testified before the Transportation Appropriations Subcommittee that it is close to the point where higher rates will mean more Metro riders will return to their cars. For example, a single mother traveling from Vienna, VA, to downtown will spend approximately \$8.50 per day in parking and Metro fares—nearly \$200 per month. For a GS-7 earning some \$24,000, and netting perhaps \$1600-\$1700 per month, this cost amounts to one-eighth of take home pay.

Affordable public transportation is essential to the economic vitality of the Washington metropolitan area and to reviving the sagging economic fortunes of our Nation's Capital. Many low income and working individuals and families depend upon public transportation as their primary means of travel. However, use of mass transit is substantially affected by the fares charged for such mass transit services.

Currently more than two-thirds of the cost of the Metro system is attributable to labor costs. Metro labor costs have increased at an alarming rate and are among the highest in the Nation. Salaries for Metro have gotten out of line with many other occupations in the area and with local bus systems. When evaluating and balancing competing needs, there has to be more flexibility in this area. That is what this legislation will do. It will provide for more consideration to be given to the impact that wage increases have on the ability of transit patrons and taxpayers to fund the increases through subsidies or at the fare box. This act will adopt standards governing the arbitration process when resolving disputes involving Metro labor issues.

Over the past 5 years, Metro has reduced staff by more than 500 positions—almost 10 percent of the workforce. In the past year alone, it has cut over 250 positions, bringing the current personnel level to that in 1988, even though Metro has increased rail service by 64 percent since that time. But labor costs still are the major driver of increasing fares. If fares continue to increase, ridership will decline and other competitive systems will enter the system further driving down Metro ridership.

At a time when we are facing severe budget limitations, we must think more creatively about how transit agencies can manage scarce Federal dollars. We must also face budgetary realities before they reach the crisis point. The current labor costs put the future of the Metro system on a collision course with the Metro ridership public. Already we have strongly competitive bus service in the area resulting in decreased bus ridership of Metro buses. When ridership goes down, jobs are lost and those in the areas with the least alternatives for transportation suffer the most. These areas usually serve the most economically disadvantaged neighborhoods.

The financial difficulties faced by the District of Columbia threaten the ability to make oper-

ating subsidy payments that could result in further bus service reductions or route terminations on a very broad scale. Metro bus service has already been reduced by \$5 million to meet current budget needs.

As Metro general manager Lawrence Reuter recently testified before the Transportation Appropriations Subcommittee on which I serve, Metro is working closely with Maryland, Virginia, the District of Columbia, and Members of Congress from this region to minimize the impacts of the District's financial crisis on Metro's ability to provide transit service throughout the region. As we work to find better solutions for the District of Columbia, providing more flexibility to Metro in labor disputes will assist in the bigger financial picture for the District.

H.R. —

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Capital Area Interest Arbitration Standards Act of 1995".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than 2/3 of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—It is therefore the purpose of this Act to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

#### SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "arbitration" means—

(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;

(2) the term "arbitrator" refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;

(3) an interstate compact agency's "funding ability" is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;

(4) the term "interstate compact agency operating in the national capital area" means any interstate compact agency which provides public transit services;

(5) the term "interstate compact agency" means any agency established by an interstate compact to which the District of Columbia is a signatory; and

(6) the term "public welfare" includes, with respect to arbitration under an interstate compact—

(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

#### SEC. 4. STANDARDS FOR ARBITRATORS.

(a) FACTORS IN MAKING ARBITRARY AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for

time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) **COMPACT AGENCY'S FUNDING ABILITY.**—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) **REQUIREMENTS FOR FINAL AWARD.**—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

#### SEC. 5. PROCEDURES FOR ENFORCEMENT OF AWARDS.

(a) **MODIFICATIONS AND FINALITY OF AWARD.**—In the case of an arbitration award to which section 4 applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award within 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) **IMPLEMENTATION.**—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) **JUDICIAL REVIEW.**—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this Act or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 4.

#### HONORING THE CESAR CHAVEZ WRITING CONTEST AWARD WINNERS OF THE EAST SIDE UNION HIGH SCHOOL DISTRICT

#### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to recognize the remaining winners of the first annual Cesar Chavez writing contest held by the East Side Union High School District in San Jose, CA. I had the great privilege of attending the award ceremony honoring the student winners on March 31, 1995, and would like to continue sharing the essays and poems written by the student award winners with my colleagues.

On April 4, 1994 I began by sharing the essays and poems of the grand prize winners and three of the first place winners. Yesterday, I shared the five remaining first prize entries, and the first three of eight second place winning entries. Today, I will share the remaining five essays and poems of the second place winners.

The second prize winning essays and poems of Marie Aloy of Mount Pleasant High School, Mark Papellero of W.C. Overfelt High School, Raymond Ramirez of Piedmont Hills High School, Ester Martinez Estrada of Santa Teresa High School, and Anthonette Pena of Silver Creek High School follow:

#### UNTITLED

(By Marie Aloy, Mount Pleasant High School)

It was all very irrelevant to me. I'm not a farmer. I didn't live during the Great Depression or the years following. I don't grow fruit or pick it for that matter, and I'm not even of Hispanic descent. The dates and strikes and marches are just another group of history facts that I am asked to know and memorize for one reason or another. So far my life and the life and accomplishments of Cesar Chavez have no relation or commonality to bind him to my memory . . . except for one thing.

Something that I value greatly, that earns my genuine respect and admiration, I found hidden in a comment made about the great and greatly known Cesar Chavez. Actually it was his nephew Rudy Chavez Medina who inadvertently helped me find my way to relate to Cesar Chavez. Rudy came and spoke to us a few days ago about his famous uncle and mentioned offhandedly that his uncle Cesar was never afraid to ask for help. He was not the type to put himself on a pedestal for everyone to worship. When a goal was achieved he didn't credit it to his magnificent leadership. He praised everyone involved, and humbly made himself equal to every individual in the crowd. In a position of such great power I am amazed and in awe that this man could remain so wonderfully humble.

The "equality" of the man staggered me. He had opportunities, as all celebrated leaders do, to leap from poverty into a more comfortable life. But I'm sure he knew that that separation between his life and the lives of the farmers and laborers he inspired would lessen his effectiveness as a leader. So he sacrificed his own comfort for the welfare of the organization, for the thousands who needed his guidance.

They say he is comparable to Gandhi and took his passive resistance techniques from Martin Luther King, Jr. as well. He never put peoples' lives in danger. He wanted only a better world and envisioned achieving that

new existence in a peaceful manner. No riots or destruction, only marches and calm demonstrations. Usually human nature turns people to the dark side of things. It is uplifting to learn about someone who wanted only to help and made sure that he didn't hurt anyone in the process.

No facts or figures, just feelings. That is what binds us together and that is what creates a bond in my mind and heart. I never really knew who he was, and the bits and pieces I had grasped had little to do with my life. Now I know who he was and what he did. I know that he was humble to the core and self-sacrificing in all that he did and a truly great man.

#### THE LIVES OF WORKERS

(By Mark Papellero, W.C. Overfelt High School)

4:00 am

Wake up! Time for work!

Here's a piece of bread and tiny glass of powder milk.

Now go or you'll be late!

5:00 am

Plow. Have to work hard.

Plow. Need to support the family.

Plow. Need to survive.

Plow. Simple.

6:00 am

The sun rises.

Plow. Plant. Need clean water.

Plow. Plant. Pesticides in my lungs.

Plow. Plant. Tired.

7:00 am

The sun grows warm.

Plow. Plant. Lift. Need to rest.

Plow. Plant. Lift. Pesticide grows strong.

Plow. Plant. Lift. Sweat.

8:00 am

The sun is warmer.

The grower comes.

He demands. He orders. He pushes.

He is mad. He gets his way.

9:00 am

The sun gets hot.

Plow. Plant. Lift. Carry. The work is too much.

Plow. Plant. Lift. Carry. I am the pesticide.

Plow. Plant. Lift. Carry. The condition needs to change.

Plow. Plant. Lift. Carry. Sweat and Ache.

This treatment has to stop. We have to overcome.

Plow. Plant. Lift. Carry. Six more hours left.

#### CHAVEZ Y LA CAUSA

(By Raymond Ramirez, Piedmont Hills High School)

Just a man

No more, No less

Victim of intolerance

Who just wanted the best

For his people

The workers of the field

With words of compensation

For the crops that they yield

La Causa or The Cause

A movement without fear

It was forged by its people

And it streamed like a tear

They said it was impossible

Pero si se puede hacer

With hearts filled with determination

Y amor para la mujer

He carried on for years

Giving only of himself

He did it all for love

And cared nothing for wealth

His presents was mighty

His movements was strong

And although he is gone

His glory lives on!