

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 11, 1995.

Hon. NEWT GINGRICH,  
Speaker of the House,  
U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I write to notify you formally pursuant to rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the District Court of the State of Texas. After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

FRANK TEJEDA,  
Member of Congress.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

[Mr. GRAHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

[Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

[Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

#### TRIBUTE TO PETER AVILLANOZA— VICTIM OF OKLAHOMA CITY BOMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, today I want to remember a native son of Hawaii, Peter Avillanoza, who recently went to Oklahoma City to begin a new mission, as director of equal opportunity for the Department of Housing and Urban Development. He moved to Oklahoma City only a few months ago. He was 56 years old when he died in the senseless bombing of the Oklahoma City Federal Building.

Peter Avillanoza cared passionately about the people he served. He was a pioneer. Peter was assigned by HUD to work in Honolulu to help people comply with fair housing laws. He had been working in HUD's Orange County, CA office. He didn't come in with a big regulatory stick and levy penalties. Instead, he prevented violations from occurring in the first place. For 2 years, he reached out into the community to encourage consumers and industry to buy into the concept of equal housing opportunity for all. He made sure everyone—residents, landlords, realtors, financiers and public officials—knew their rights and their responsibilities, before the law was implemented. Today, as just one measure of his success, real estate industry in Hawaii requires all its professionals to be instructed about fair housing law before granting them certificates to practice.

Peter Avillanoza was born and educated in Hawaii. After graduating from Kaimuki High School in 1956, Peter Avillanoza joined the Army, got married and, after finishing his tour, used the GI bill to get master's degrees in business and criminology. While going to school, he worked as a Honolulu police officer and in the fire department.

Peter Avillanoza loved music, played several instruments and composed songs, Hawaiian music being one of his favorites. Friends and family recall the day he began singing gospel music. That happened just last August, when, at an outdoor religious revival, Peter walked up to the stage and made his peace with God.

Peter Avillanoza leaves behind a great legacy: his wife Darlene Dohi-Avillanoza, 10 children, 14 grandchildren, and 10 brothers and sisters. He raised his children with discipline, fairness, and love. And he stayed connected to them. No matter where he was, he called his children every week, thereby becoming the keeper of family news.

After the bombing, relatives rushed to Oklahoma City, struggling to find out any details they could. After 10 days of heartbreaking uncertainty, rescuers found his body on Saturday, April 29.

Yesterday in Honolulu, hundreds of friends, family and colleagues gathered to lay him to rest. Their memories of Peter Avillanoza, his love and his dedication will give them the strength to endure his loss.

And on behalf of the people of Hawaii, I wish to acknowledge the precious life of Peter Avillanoza and note the deep personal loss suffered by his family.

There will be no consolation for this family. The sadness they feel must be felt by all Americans. Only then, can we take the necessary steps to make sure that his life was not taken in vain. Hate and violence must be expunged from our culture, and replaced with the love and compassion exemplified in the life of Peter Avillanoza.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

#### REPATRIATION OF CUBAN REFUGEES TO CASTRO'S CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I rise today to express condemnation of the secret meetings that were held between the Department of State and the Castro dictatorship, and specifically between Under Secretary of State for Political Affairs, Peter Tarnoff and Communist Cuban official Ricardo Alarcon, which resulted today, a dark day in American history, in 18 Cuban refugees forcibly being repatriated to the Castro dictatorship.

Mr. Speaker, I want the Committee on International Relations, of which I am a member, to hold hearings and receive a full accounting of who specifically authorized such a process, and all details relevant to that process. During March I was assured by senior administration officials that no other options prior to those that had been publicly debated and discussed had been presented to the administration. And we had the head of the Cuban desk appear in my district talking to people from within the community, and yet, despite all of those statements made in public and private, this type of clandestine action occurred, and it belies private and public assurances made to me and others and therefore betrays trust.

I would like to know what was the specific role of the State Department in this latest process which was concluded in the joint statement of May 2 with the Castro dictatorship. What was the specific role of the National Security Council, and what individuals from the National Security Council were involved? I would also like to know if there are any other actual, understood, or implied agreements with the Castro dictatorship that have been made or are in the process of being made.

No doubt our Government should be keenly aware of the physical and psychiatric abuse and attacks and other forms of harassment and intimidation on dissidents to this day by Castro security forces. The State Department has documented it over the years in the "Country Reports on Human

Rights Practices," including the report for 1994, and the United Nations Human Rights Commission in Geneva, Switzerland, has annually condemned Cuba for its gross violations of human rights. We salute such condemnation.

We also are aware of the deliberate sinking of the tugboat *13th of March* which this House of Representatives unanimously condemned which resulted in the deaths of 40 people, that incident, including over 20 children. In congressional testimony the Secretary of State has stated that the sinking demonstrated the brutal nature of the Castro regime. How does the U.S. Government intend to ensure the rights of individual dissidents, of human rights activists, of former political prisoners, and other objectors to the Castro dictatorship with legitimate claims to political asylum if they are picked up at sea and returned automatically to Cuban officials? Will there be any form of INS personnel on board, or where will they be taken to process their political asylum cases? Those questions remain unanswered.

Under Secretary Tarnoff suggests the Cuban dictatorship can be trusted. Yet it is my understanding that a group of 20 Cuban nationals who recently were deported by the Government of Belize to Cuba have been detained in Cuba by Castro's security forces. How can you ensure that Cubans whom the United States repatriates will be treated differently and that they will not suffer retribution? Can you be certain they will be able to keep their jobs, ration cards, apartments, and any personal effects that they put at risk upon leaving? What further ability will U.S. staff have to monitor the increasing flow to the U.S. Interest Section? I do not believe we have that capacity. And what is the State Department's position and this administration's position regarding Cuban law which was reinstated after the September 9, 1994 accords which forbids illegal exit from the country? It is my understanding that under that Cuban law, people who flee the country are considered as having created a crime punishable as treason. If the law is in effect, how is it possible to believe that repatriated Cubans will not suffer under said law?

Finally, we stated, this administration has stated and the Secretary of State has stated, that we want to foster change in Cuba. But if change is ever to come to Cuba, the human rights activists, the dissidents, and political prisoners who are willing to risk their lives under a brutal dictatorship must know that political asylum is available to them in the United States, and I do not believe the State Department has the necessary safeguards to ensure that those who fight for democratic change can acquire political asylum if their lives are in danger.

That is the reality of this policy that is forthcoming. The fact of the matter is that we could have sought the family reunification we seek to do with the people in Guantanamo, saved the tax-

payers a million dollars a year, and not have negotiated with the Castro dictatorship in violating basic tenets of human rights, one, that we are a signatory to, the Universal Declaration of Human Rights, which is to ensure that people have the right to freely leave their country.

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And in our case, in our own immigration law, to ensure that those who truly have a case for political asylum can purport it. The fact of the matter is this policy simply does not create that possibility, and in fact it dooms those who are political dissidents, human rights activists, the people who could make change in Cuba to knowing that the United States has closed their door on them.

It is a sad day in our history.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

[Mr. RAHALL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### THE CLEAN WATER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to discuss the Clean Water Act and the reauthorization that the House will begin to consider tomorrow and for the remainder of this week.

The Clean Water Act, as we know it, in my opinion, and the resources it protects are in jeopardy pursuant to this reauthorization that we are about to consider tomorrow.

In the committee process, waivers and exemptions have been expanded while bill-strengthening amendments repeatedly met with defeat, and the result of this legislation which we begin with tomorrow, H.R. 961, in my opinion, will be deterioration of over 20 years of clean water efforts, efforts that have successfully moved us in the direction of fishable, swimmable waters.

With H.R. 961, esoteric costs and benefits will rule the day at the expense of human health and safety and protection of invaluable natural resources. If H.R. 961, Mr. Speaker, as it now exists, is passed it will be more difficult, in my opinion, to explain to my constituents and others why they cannot fish in local streams, why they are losing business due to beach closings and other reductions in recreation and tourism, and why their property values have decreased or why their drinking water is not usable.

I would hope over the next few days, as the number of amendments are proposed on the House floor that would seek to strengthen the Clean Water Act and reauthorization and bring back, if

not improve, the existing law, that we would see many of our colleagues join in targeting a number of detrimental provisions of H.R. 961, of which I would like to list a few.

One is the existing waivers for combined sewer overflows and industrial pretreatment. Another is ocean discharge in place of full secondary treatment. Another is the loss of wetlands protection, the abolition of the coastal zone nonpoint source program, the erosion of the Great Lakes initiative, the elimination of the EPA from dredged material disposal decisions, insufficient enforcement and lack of citizen rights provisions.

Mr. Speaker, if I could just read some sections of an article that appeared in the New York Times on April 2 which outlines some of the problems with H.R. 961. It says, and I am reading from sections, that the Clean Water Act of 1972, the existing bill, has done much to make America's water fishable and swimmable. Experts in both parties regard it as the most successful of the environmental mandates passed in Congress since Earth Day 1970. However, the new provision we are about to consider tomorrow in H.R. 961 blasts so many holes in this law it is hard to know where to begin. Basically, they would demolish the underlying strategy of the original act. The 1972 law conceded it was impossible to measure the dollar benefits of clean water against the costs of cleaning it up. So, in fact, if industry was instructed to use the best available technology to control pollution, even though that may not be the perfect answer, it has worked.

The new law, by contrast, would postpone any further improvement in water quality unless it could be provided the benefits in health, swimmable, fish stocks are worth the cost. That means monetizing the value of a cleaner environment, a nearly impossible process.

The bill that we are going to consider this week would relax national water quality standards, provide certain industries with further exemptions from whatever laws remain on the books, and make voluntary a program that now requires States and cities to control storm water pollution. Not least, it would reverse a 25-year effort to preserve diminishing wetlands. Scientists now estimate there are 100 million acres of wetlands remaining in the United States, doing what the wetlands do so well, filtering pollutants and nourishing organisms essential to the food chain.

By drastically narrowing the definition of what a wetland is, the bill would make millions of acres available to developers and the oil and gas industry.

In brief, the bill we are about to consider would make it much easier for polluters to pollute.

Mr. Speaker, I have to decry this legislation because I know for the last 7 or