

colleagues. I expect to offer this legislation at the beginning of the next Congress and hope to hear meaningful debate.

### CROOKED PENSION RETRIEVAL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 28, 1996*

Mr. GEKAS. Mr. Speaker, I wish to applaud the House of Representatives for its 391 to 32 vote on Thursday, September 26, 1996, on H.R. 4011, the Congressional Pension Forfeiture Act. This measure would prohibit a Member of Congress from collecting Federal retirement benefits if they are convicted of a felony. My vote on this much needed proposal was "aye."

My support of this measure was, of course, a given. Why? Well, H.R. 4011 was a descendant of my own proposal—H.R. 3342, the Anti-Bribery Act of 1991—from the 102d Congress. H.R. 3342 had its beginnings in the State of Pennsylvania, where public corruption linked with huge pension payouts led to my successful efforts there as a State senator to reform the system in the same way we are doing now. Public trust in public officials means just that: If you violate it, you should not be rewarded in any fashion for that violation.

I submit for the RECORD a press release from September 9, 1991—nearly 5 years ago to the day—regarding my early involvement in the issue of restoring public trust in public officials, and punishing those who violate that trust.

#### RESTORING THE PUBLIC TRUST

(By Congressman George Gekas)

Many of us can remember the images across our television scenes in the 1980's: Members of Congress videotaped accepting bribes as part of the "Abscam" investigation. These images burned in the minds of Americans and further deepened their suspicions about public officials in general.

Indeed, there have been too many instances over the past few decades where Members of Congress and other elected or appointed officials have betrayed the trust the public has placed in them by engaging in bribes or in conspiracies to defraud the government. We recently have seen some convictions from the so-called "Ill Wind" scandal that involved defense contractors bribing some Defense Department officials.

I believe that we need to send a clear signal that this type of activity cannot be tolerated among any public servant who works for the federal government. I have introduced legislation, "The Anti-Bribery Act," that would prove to be a strong deterrent to anyone considering engaging in an act of bribery. Under current law, if a Member of Congress, for instance, was convicted of bribery, he would be subjected to a prison sentence or a severe fine. He would, however, after going to jail, come out and continue to receive his federal pension. My legislation would prevent that from ever taking place, because that individual's pension or retirement benefit would be forfeited by reason of the bribery conviction.

When I was in the Senate of Pennsylvania, and there had been a spate of convictions of public officials, it did not take too long before the General Assembly acted on this type of legislation. I supported a bill, authored by Senator John Hopper of Camp Hill, that did

precisely the same thing—cut off the pension benefits from a convicted public official.

"The Anti-Bribery Act of 1991" would make sure that there would be no existing loopholes in federal statutes that would allow Members of Congress and other officials to receive any benefits after betraying the public trust. The public has a right to expect that all public servants—especially Members of Congress—have the highest degree of integrity in performing their duties. Those individuals who would stoop so low as to accept a bribe do not deserve to be the beneficiary of any retirement pay from the federal government. This legislation, in my estimation would send a clear message to all that any type of payoff to anyone working for our nation's taxpayers will not be tolerated or rewarded in any way, shape or form.

We in Congress must take the lead in restoring the public's faith in government. As I have said, there is a perception out there that we in Congress are unethical and corrupt. I believe that the majority of public officials are faithful public servants, but we must take a stronger stand against those who go about destroying what little faith the American people have left in their government.

I believe that my legislation is a major step forward in preventing corruption from taking place within the ranks of the federal government. It is my hope that my colleagues will come up to the plate and join me.

### TRIBUTE TO LEROY F. SMITH, JR., A REAL HERO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 28, 1996*

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to take this opportunity to pay tribute to one of this Nation's heroes—Mr. LeRoy F. Smith, Jr. Professionally, LeRoy Smith is assistant director of emergency medical services for the University of Medicine and Dentistry of New Jersey in Newark, NJ. Like most of us, LeRoy loves his career and uses his professional skills for the betterment of our world. What is extraordinary about LeRoy is that he always goes beyond the call of duty.

LeRoy began his emergency medical service career in 1969 as an ambulance driver. While in that position he became a New Jersey State Certified Emergency Medical Technician. That was the beginning of a sterling career of service to humanity. Over the years, LeRoy, a nearly lifelong resident of Newark, NJ, has shown his love, respect and caring for the city, its institutions and its people. He has volunteered his services and time to more than 30 programs and organizations. Presently, he is active with more than half of these groups. He has worked extensively with the youth of our community.

While there are many examples of LeRoy's valor, I would like to share one experience with my colleagues. Last year, LeRoy underwent successful heart surgery. Because of his caring, there was a deserved outpouring of prayers and support by the residents of Newark. Last month, LeRoy became a hero again when he rescued a drowning child. Never thinking about his own safety or survival, LeRoy saved another life, one of many saved throughout his career.

Mr. Speaker, I am sure my colleagues will want to join me as I thank and commend

LeRoy F. Smith, Jr. for his heroism and humanitarianism. LeRoy has been recognized more than 400 times for his service. This year he received an honorary doctorate of humanities degree from Essex County College and the baseball season in Guaynabo, PR was dedicated in his name. It is fitting that his record of service be noted in the annals of American history. I also want to thank his family—his wife, Maria, and his two children, Michael Jason and Lee Ann, for sharing LeRoy with us.

### COMMENDING PACIFIC GAS & ELECTRIC CO. AND THE MONTE- REY BAY FUTURES NETWORK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 28, 1996*

Mr. FARR of California. Mr. Speaker, Monterey County and many northern California areas have been challenged by military base closings and resulting job loss. In Monterey County, local government and business leaders have worked together to develop economic plans for base conversion and the future. A key participant was Pacific Gas and Electric Co. [PG&E], which for its role was honored with the Edison Electric Institute's Common Goals Award for customer satisfaction.

Tapan Munroe, PG&E's chief economist and manager of community economic vitality initiatives, came to Washington to receive the award from EEI President Thomas R. Kuhn in a Capitol Hill Ceremony.

PG&E's local manager chaired the effort that founded the Monterey Bay region Futures Network, called FUTURES, a nonprofit organization dedicated to improving the economic vitality of our region while maintaining environmental quality and the social quality of life.

Bruce R. Gritton, of the Monterey Bay Aquarium Research Institute, who is president of FUTURES, says a PG&E-sponsored study "Vision and Strategies for Shaping the Monterey Region's Economic Future," provides FUTURES' conceptual anchor. Rob Stump, of PG&E's Monterey Division, continues to serve as a FUTURES officer. After the study, the University of California at Santa Cruz, opened the Monterey Bay Science and Technology Center at Fort Ord, the first reuse of the former military base.

I commend everyone involved in FUTURES Network for all of their good work for Monterey County. Congratulations to PG&E on winning the EEI Common Goals Award.

### THE UPDATED UNITED STATES- PUERTO RICO POLITICAL STA- TUS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 28, 1996*

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the updated United States-Puerto Rico Political Status Act, H.R. 4281, which contains provisions regarding the role of

language in Federal and local law as developed in consultation with the Republican Policy Committee during our deliberations on H.R. 3024 regarding English.

I want to thank Members of the House Leadership, including key chairmen from various committees, for contributing their time and energy at this hectic point of the Congress in forging a consensus regarding the need for the Congress to consider this important measure affecting the people of Puerto Rico. I particularly want to commend Mr. CHRISTOPHER COX, Chairman of that Committee, for bringing to bear his considerable expertise and providing intellectual leadership in seeking the kind of compromise that could and should have been reached.

It was just yesterday, on Friday, September 27, that I introduced H.R. 4228, a version of the United States-Puerto Rico Political Status Act with proposed revisions we had hoped would provide a basis for final agreement on this legislation. It was expected that we then would take the revised bill to the floor of the House for a vote in the form of an amended H.R. 3024: the original bill providing for resolution of Puerto Rico's status through a Congressionally prescribed process of self-determination.

Although overwhelming approval of H.R. 3024 by the House was at hand, key sponsors of H.R. 3024 were not willing to go to the floor and ask for its approval without making a one-word change that would have brought the proposed revisions within the boundaries of limited government, rule of law and constitutionality. I had agreed to include the amendments as proposed in H.R. 4228 in order to move the process forward and try to resolve differences about the bill, and I stood by that commitment. But it became clear that unless there was a correction of one word the bill would not meet the most minimal test of constitutionality, and many of the bill's strongest supporters felt that was an unacceptable way to proceed.

To be specific, Section 4(b)(C)(7) of the amendments as proposed would impose a requirement that English be the exclusive language of instruction in public schools in Puerto Rico should it become a state. Although the Congressional Research Service had provided a written legal opinion to the author of this provision on July 31, 1996, concluding on the basis of *Coyle v. Smith* (221 U.S. 559) that this provision would not withstand even the lowest standard of constitutional scrutiny, its inclusion was insisted upon.

The commitment of the 104th Congress to English as our national language could have been carried out in the context of self-determination for Puerto Rico by simply changing the word "the" in the last sentence of Section 4(a)(C)(7) to the word "a," which would have been consistent with the use of the word "an" instead of "the" in the preceding sentence. This imprecision and inconsistency, coupled with the failure to address a valid constitutional question, led to inability of several Members to concur in the process that would have been required to bring the matter before the House.

The sponsors of this bill had wanted to see it approved by the House prior to the adjournment of the 104th Congress because we felt that we had a commitment to do all within our means to implement the principles set forth in a February 29, 1996, response to Legislature of Puerto Rico Resolution 62 of November 14,

1994, asking the 104th Congress to establish constitutionally valid political status definitions for Puerto Rico. However, the desire to get our work done in a timely way, out of respect for the elected legislature in Puerto Rico and commitment to resolution of the status of 3.7 million U.S. citizens, was not seen by key Members as sufficient cause to ignore a constitutional flaw in the language, especially one that so easily and reasonably could have been corrected.

I believe in limits on Federal power, and I believe in the 10th Amendment reservation of rights to the States and to the people. I took an oath of office to uphold the Constitution, to protect and defend it, and while I was willing to introduce H.R. 4228 as I agreed to do in order to move this bill forward through the process, it was not acceptable to the sponsors of the bill to knowingly ignore a constitutional infirmity.

I am as ready as anyone to vote for a law that I believe to be constitutional even though I know it will be tested and may be struck down as a result of judicial review. That is how our constitutional system works. But that is not what this problem was all about. Here we were faced with a proposal to impose of the U.S. citizens of Puerto Rico, should they choose and should Congress grant admission to the union, a requirement that Congress has never imposed on any other State.

Making clear the determination and commitment of Congress regarding English as the official language of the Federal government in Puerto Rico should it become a State, and regarding continuation of the current law in Puerto Rico making English an official language, is something we could have worked out as the legislation moved forward. Those provisions were acceptable at this stage and could have been refined. But the imposition of a Federal requirement that violates the 10th Amendment and would discriminate against U.S. citizens in a future State of Puerto Rico has an almost coercive or even punitive dimension that should not be part of a democratic self-determination process.

It is bad enough that U.S. citizens residing in Puerto Rico do not have equal rights under the current territorial clause status. To suggest that inequality would continue if Congress admits Puerto Rico as a State is something to which the sponsors of this legislation would not be a party. With statehood comes equal protection and due process rights which Congress cannot take away, and the proposal to deny a future State of those rights knowing that such denial is constitutionally impermissible can only have the effect of confusing rather than clarifying the choices before Congress and the voters in the territory.

Ironically, the provision imposing English language as the exclusive language of public instruction would be constitutionally plausible if it were imposed on the Commonwealth of Puerto Rico in an exercise of the territorial clause of Congress at the present time. Only as a State or a separate nation will Puerto Rico be constitutionally protected from the degree of Congressional discretion that exists under our Constitution with respect to unincorporated territories such as Puerto Rico. A constitutionally guaranteed status subject to the same limitations on Federal powers as other States enjoy, or a status governed by the law of nations and treaties between sovereign countries, are the options that would enable

the people of Puerto Rico to protect and preserve their language and their culture.

Only the current status leaves the residents of Puerto Rico, with their current less than equal statutory citizenship rights and impermanent political status, vulnerable to the broad discretion of a future Congress, which will not be bound legally or politically by whatever status arrangement may exist today. These are the realities that need to be understood so that informed self-determination can take place.

Misinforming the people in Puerto Rico that, in the event of statehood, Congress could do something that we know it cannot do in a State would impede rather than advance the goal of free and informed self-determination. That is why one word, not even a noun or verb, was too important for the sponsors of this bill to ignore.

The bill I am introducing today, H.R. 4281, contains a new Section 3(b), a new Section (4)(a)(C)(7), and a new Section 4(b)(1)(C) that will be the referred to as we develop legislation to be introduced in the 105th Congress which will address the issue of English as an official language in a manner that supports rather than undermines the process for free and informed self-determination under the United States-Puerto Rico Political Status Act when it becomes law.

#### COMMENTS ON EPA CLUSTER RULE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 28, 1996*

Mr. GOODLATTE. Mr. Speaker, I am pleased to join with a number of my fellow colleagues in commenting on the EPA Cluster Rule for the pulp and paper industry. Specifically, I wish to comment on EPA's July 15 Federal Register notice as it relates to the two technology options for final guidelines for bleached papergrade kraft and soda mills based on best available technology [BAT].

First, I want to note that this industry is extremely important to the economy of my Congressional District and to much of the Commonwealth of Virginia. Many of my constituents are employed in a paper mill located in the district. This particular facility employs approximately 1,900 men and women and contributes nearly \$400 million annually to the economy of western Virginia in payroll, taxes and purchases of raw materials and services. Included in this figure is an expenditure of \$30 million for the annual operating expense of the mill's various environmental systems.

Since this rule is so important to a major industry in my district, I have closely monitored EPA's progress on its development. On several occasions, I have urged the Agency to seek creative ways to provide the fullest possible protection to the environment while at the same time ensuring that the final rule will not place an unreasonable cost burden on this industry.

I am therefore pleased with the direction that EPA has taken and commend them for the work that has been accomplished to present a more balanced approach to the Cluster Rule.

In their July 15 notice, EPA notes that their data supports complete substitution of chlorine