

needed today more than ever before. There are still a large number of African-Americans and people of color who are not getting access to all the opportunities of our technological world. We need to push for new activities that foster racial inclusion". This is the history and legacy of the Bay Area Urban League as it celebrates its 50 years.

TRIBUTE TO HAROLD JAMES
BALLARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. FILNER. Mr. Speaker, I rise today to honor a great friend and community leader who passed away this week: Harold James Ballard.

Those of us in the educational community know that Harold always worked to make life better for everyone, especially our children. He lived the belief that activism was better than lipservice, progress better than the status quo.

In 1952, a young Harold Ballard decided to serve his country, joining the U.S. Army. He received the Army Occupation Medal while in Germany. For his service in Korea, he was awarded the National Defense Service Medal, Korean Service Medal, and the United Nations Medal. Following his discharge from the Army in 1955, he served for 30 years in the Army Reserve.

Those of us who care about the students in San Diego have all benefited from his many years of service. Harold started working with schools when his children were in grammar school. His concern was not limited to his own four sons, he was involved in parent groups throughout San Diego for over 30 years. He was awarded a lifetime membership in the PTA for services rendered to students and parents.

Harold supported the Encanto Little League and was honored with the Silver Beaver Award for leadership in Boy Scouts. Any child could go to him for help.

Also known as Jimmy, he volunteered as a member of the district advisory council [DAC], the school site council/school advisory council. Over the years, he served as the DAC representative for Johnson Elementary, Crawford High School, and Gompers Secondary School. His service on the DAC was recognized by his selection as its chairman. His leadership was rewarded with the Citizen of the Year for 1994-95 Award by Phi Delta Kappa, and his nomination for the J.C. Penney Golden Rule Award. I came to call him "Mr. Title I" for his commitment and service to our poorest and most disadvantaged students.

In this lifetime, we all come across a small number of special people, those who touch our minds, hearts, and souls with their activism, optimism, and dedication to making everyone's life richer. Harold was one of those chosen few. My thoughts and prayers go out to his wife, Jean, and his family, friends, and the community. This world needs more people like Harold Ballard. He will be sorely missed.

SALUTATIONS TO A LOCAL HERO

HON. STEVE C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. LATOURETTE. Mr. Speaker, the U.S. Coast Guard earlier this year presented its highest lifesaving honor, the Gold Lifesaving Medal, to Kenneth M. Bauer of Mentor, OH.

On the afternoon of June 21, 1995, Bauer was mowing the backyard of his father's home on Thunderbird Drive in Mentor-on-the-Lake when he heard cries for help coming from Lake Erie. He could see two men about 200 yards offshore, both struggling to retrieve an inflatable raft. With no thought to his own safety, Bauer grabbed two flotation devices and ventured into the 65-degree waters, battling the merciless, 5-foot Lake Erie waves.

I would like to think if we were faced with the same circumstances as Bauer—two men pleading for help in the choppy waters of Lake Erie, unable to reach their raft, we would react in the same manner and place the lives and safety of others above our own. However, I think we know that would not be the case. Some would react with cowardice, indifference, paralyzing fear or panic. Fortunately, Bauer did not.

He swam out into the lake, gave one of the personal flotation devices to the nearest victim, Tim Novak, and continued farther out to reach the second victim, Christopher Arhar. By the time Bauer reached Arhar, he had slipped under the water. Bauer didn't give up. Instead, he continued to dive under the waves until he reached Arhar, dragging him to the surface by his arm. For 15 minutes, without any flotation device of his own, Bauer held onto Arhar, keeping his head above water.

Tragically, a wave crashed down and Arhar was ripped from Bauer's grasp. Again, he searched for Arhar, but could not find him. Exhausted, Bauer returned to shore.

What Ken Bauer attempted to do that afternoon was not only heroic, but miraculous. One man, Novak, owes his life to Bauer. Another, Arhar, sadly lost his, withering in the icy grip of the lake that has claimed so many over the years.

Shortly after the heroic rescue, Bauer spoke to reporters about the last words he heard from Arhar before his struggle ended: "Please help me."

I would imagine Bauer has relived this scene in his mind countless times, and maybe even second-guessed himself. "Please help me" are words that would haunt anyone. However, this extraordinary man should know that he did all within his power to save these two men, far more than most would do. At that moment in life when Bauer faced a true gut-check, he showed a valiant, selfless side we all must admire.

Bauer possesses the proudest of legacies of what it means to be an American—about our absolute necessity to help others in times of dire crisis. He restores our faith that good deeds indeed happen. This is one that will not go unnoticed.

There are times in life when we need affirmation that ours is a Nation made up of compassionate, thoughtful people. Sometimes we need to be reminded that Americans do extraordinary deeds for others every day, not because they seek recognition, but because everyday life requires it.

What Ken Bauer did last June 21 was, by definition, an extraordinary deed. On behalf of the residents of the 19th District of Ohio, he deserves our highest praise and thanks.

SOUTHERN ILLINOIS UNIVERSITY
DEBATE TEAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. COSTELLO. Mr. Speaker, I rise today to congratulate the debate team at Southern Illinois University at Carbondale, located in my congressional district. This team of outstanding young students has distinguished itself yet again by winning the National Championship Tournament of the National Cross-Examination Debate Association.

The contest was held March 29 through April 1, 1996, at California State University at Long Beach, with each of the teams arguing the benefits and detractions of the U.S. foreign policy in Mexico. For the first time in the championship's 11-year history, judges handed SIU the tournament victory after the final debate between SIU and Fort Hays University of Fort Hays, KS.

The SIU debate team has an excellent history in debate competitions, winning the national championship from 1986 to 1989. This year's victory shows the team's ability to put together a winning performance with a talented group of individuals.

Their championship victory is a testament to the outstanding scholarship and dedication by the SIU debate team. I want to congratulate the member of the SIU debate team, including Zachery J. Anderson; Sean M. Featherstun; Jason E. Griffith; Melissa D. Horn; Glenn P. Frappier; Matthew M. Moore; Zachary A. Sapienza; Bill M. Shinn; Joseph M. Vulgia; Jeremy J. West; and Wendy D. Woolery. I also want to congratulate Faculty Director Gregory D. Simerly, Assistant Coaches Stephen K. Hunt, Edwin D. Phillips and Yuri V. Kostun, as well as Dean John Jackson of the College of Liberal Arts. I ask my colleagues to join me in offering congratulations on a job well done in this prestigious academic competition.

KRISTINA WONG, CALIFORNIA WINNER OF SCRIPTWRITING CONTEST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. LANTOS. Mr. Speaker, I rise today to recognize Kristina Wong, the California winner of the 1995-96 Veterans of Foreign Wars Voice of Democracy Broadcast Scriptwriting Contest. More than 116,000 students participated in the competition for 54 national scholarships. I am proud to include the text of her award-winning script in the CONGRESSIONAL RECORD.

ANSWERING AMERICA'S CALL

(By Kristina Wong)

"Hello . . . Oh, America! How are you! . . . Great. I'm sure you're still as generous as always . . . What's

that? . . . Sure. . . . Of course I will. Of course! If you are kind enough to create such opportunities, I should be gracious enough to offer you what I can in return . . . No, no, no. . . . Don't be silly, we depend on each other. Without you I couldn't be here. . . . And you couldn't be where you are. . . . Alright, thanks for calling. Bye."

That was America calling. She calls on me as she does all of us to take advantage of her innumerable opportunities. Now, more than ever, the chance for America to answer her call is marvelous. These opportunities are practically flung at America, so how could anyone resist-answering America's call?

America was founded over 200 years ago on the principle of life, liberty, and freedom, and she calls on us to take advantage of these principles. In regards to life, the chance is ours to live where we want, how we like, and with as much education as we would like to receive. Of course in doing this we must also respect other Americans' rights to live as they choose. We are offered excellent free public education. We are offered financial assistance when we stumble. The life America offers is unique from that of all other countries. Nowhere else in the world is there such a diversity of talent, culture, and experience.

We are granted liberty—the opportunity for us to live with rights not granted by other countries. We may speak freely as long as we do not take license which injures others in doing so. America welcomes refugees whether that are political prisoners, prisoners of war, or those who are oppressed by the economic shackles that have bound them in their native lands. In America, we can speak out to government about issues that concern us.

Along with liberty, we are granted freedom—freedom to exercise our rights to pursue the religion of our choice, to elect the candidate we support, and to assemble at will. We have the right to publish our ideas and share them with other Americans, no matter how orthodox or unorthodox they may be. We can also create groups to reform government or educate the community on the issues of concern.

It can clearly be seen that America's opportunities are hard to turn down! But America doesn't just call on us to take advantage of her bounty, she also asks us to help sustain her services by giving back to her something in return. By doing this we keep America in balance. Without contributions from America, she is incapable of fulfilling the promise of life, liberty, and freedom. She needs our help.

One way we help is through the financial contributions we make each April—those infamous taxes which fund the services America offers. Another way we contribute is in the form of direct service. Some of us are called to serve in the military to fight to defend America, while others of us are asked to serve in the community by volunteering our time and skills to assist those in need.

And America, most of all, requests the moral support of her citizens. We sing the National Anthem before sporting events to remember the efforts of those who defended our country. We also build national spirit by observing holidays such as Veterans Day, Independence Day, and Presidents Day. We display our national pride by hanging our American Flag as a symbol of unity and spirit.

I, too, have answered America's call. I have taken a citizen's role in government through my work canvassing for the Sierra Club on environmental protection issues. I have also served America by giving my time at a convalescent home where I assisted the elderly with their art activities. I have donated time at a local soup kitchen, serving meals to the homeless. I have further involved myself in working for the environment by being on my

school's Green Team, which collects recyclable in the school. My team's efforts enabled us to earn a can crusher this year to further our recycling activities. This work led me to volunteer at a local recycling center where I have spoken to the community about keeping open recycling centers which were scheduled to close.

America has kept her promise of life, liberty, and freedom. She gives us the right to voice our opinions on our government. She gives us the freedom to pursue our goals and to reach for excellence. She gives us the opportunity for education and success. She only asks that we answer her call by giving her our time, service, and talents in return. So, the next time America calls, don't hang up.

STRICT LIABILITY/RIGHTS OF WAY LEGISLATION

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. COOLEY of Oregon. Mr. Speaker, today I am introducing the Rural Right-of-Way Fairness Act to make small but necessary adjustments to the way the Government manages right-of-ways [ROW] over Federal land. The provisions of the bill address situations involving right-of-way fees and liability standards affecting rural electric cooperatives and other ROW lessees.

These situations constitute examples of all too typical insensitivity on the part of Federal land regulators—particularly felt in the Western States where high percentages of Federal land ownership require rural citizens to depend on land management agencies to operate as good neighbors. Unfortunately, it appears that with regard to the management of right-of-ways for the transmission and distribution wires needed to bring electricity to the rural West, the Forest Service and the Bureau of Land Management have chosen, in some instances, to make life rough for the private citizens who live next door.

The first section of the bill deals with strict liability standards included in the contracts between the Forest Service and the Bureau of Land Management and ROW lessees. The provisions of those contracts set out the responsibility of each party for things that may go wrong on a Federal right-of-way.

Unfortunately, from time to time, things do go wrong. It would seem to make common sense that the responsibility for picking up the pieces in those instances should lie with those shown to be at fault. However, common sense seems to play little part in the calculation. In fact, as a matter of being able to qualify for use of a Federal right-of-way, rural electric cooperatives and other lessees are currently forced to take responsibility for anything that may happen on those right-of-ways whether they were at fault or not.

The 1976 Federal Land Policy and Management Act provided the Federal agencies with the authority to impose strict liability for costs associated with hazards on Federal lands. Prior to 1976, agencies recovered costs associated with hazards, such as costs required to put out a fire, through normal negligence. The agencies use crossing permits, which are a grant of right-of-way for a certain period of time, as the method for imposing strict liability.

Strict liability means that costs associated with a hazard are recovered from the holder of the rights-of-way without regard to who is re-

sponsible for the hazard or whether or not any negligence was involved. Normal negligence requires that costs associated with a hazard are recovered from whomever is responsible for that hazard.

Mr. Speaker, let me illustrate how this works on the ground by telling a story involving Midstate Electric Cooperative located in LaPine, OR. As a matter of prudent maintenance practice, Midstate Electric trims or removes trees on right-of-ways that pose a risk of falling onto electric lines. On Federal ROW's, the cooperative consults with the appropriate land management agency—who has ultimate authority to approve such actions.

After having proposed the removal of a number of trees on a Forest Service ROW in 1984, Midstate was told by the agency that it could cut some down, but had to leave other specified trees standing. Of course the predictable happened—one of the trees that Midstate had proposed cutting, which the Forest Service had refused to allow removed, fell into a power line and started a fire. It cost over \$350,000 to put that fire out—a bill that was eventually forwarded to Midstate Electric. Knowing that the fire resulted from a management decision of the Forest Service, Midstate was forced to initiate court action to attempt to appropriately assign the financial liability of fighting the fire. It lost that action because of a ruling which interpreted ROW contracts as holding the co-op—and other ROW lessees—to a "strict" liability standard.

The legislation that I am introducing today removes that strict liability standard for a more commonsense one—returning to a normal negligence standard that is routinely used in private ROW contracts. In essence, the new standard will say: if you caused it, you are responsible for it. By enforcing any standard more rigid than that, the Federal Government is purposefully transferring costs to private citizens. The minimum impact of the current strict liability policy is higher electric rates for those rural communities unfortunate enough to live adjacent to public lands. The possibility exists, however, of even more punitive impacts in the form of the loss of insurance coverage for entities with Federal right-of-way liability.

Utilities, telecommunications providers, and others in the West find it impossible to avoid Federal lands in providing area coverage. In some cases, the Federal agencies are the users of the services that require crossing permits across Federal lands.

No other landowner in the United States has the power to impose strict liability for hazard costs for grants of rights-of-ways. The Federal Government can do it because it owns so much land in the West and has the power to pass laws and regulations. Normal negligence is seen as adequate protection for landowners and for holders of non-Federal rights-of-way in the United States. The Federal Government should live by that same standard.

The second section of my bill deals with ROW fees for rural electric and telephone cooperatives. In 1984, Congress passed and President Reagan signed PL 98-300, an act clarifying that rural electric and telephone utilities were to be exempted from Federal ROW fees. The legislation was put forward out of frustration that the Forest Service and BLM were not using existing authority granted to