

Marchese also lectured at the Executive Development Centers of both the University of Illinois at Chicago and Northwestern University. He also is credited with writing several books and articles related to his legal work and experience.

Mr. Marchese was a member of the Chicago Bar Association, the American Trial Lawyers Association, and the legal section of the American Society of Association Executives. He received his law degree from the DePaul University School of Law in Chicago and was an Army veteran of the Korean war.

His son, Steven, is my talented and effective legislative assistant.

Besides Steven, Mr. Marchese is survived by his wife, Margaret; son, John; daughters, Mary Ellen Baker, Ann Griffin, and Meg Marchese; his mother, Anna; brother, Jerry; and five grandchildren.

#### A TRIBUTE TO GWENDOLYN BROOKS, A LEADING VOICE IN AMERICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 1997*

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to Ms. Gwendolyn Brooks, who is being honored for her distinguished career on February 14, 1997, by the Department of English and the Moorland Spingarn Research Center of Howard University. I ask my colleagues to join me in paying tribute to a special person who has touched millions of people throughout the world with her words.

Gwendolyn Brooks was born in Topeka, KS, in 1917 and then moved to Chicago early in her life. She has long been recognized as a leading voice in modern American letters. For more than 50 years, she has undertaken as her life's work a composite portrait of African-Americans acknowledging within the universe of her poems their nobility and enduring spirit. For five decades, she has interpreted their stories within the context of America, commemorating in works such as "A Street in Bronzeville," "Annie Allen," "The Bean Eaters," "In the Mecca," "Family Pictures," "Riot," "Aloneness," "Beckonings," "To Disembark," "Maud Martha," and "Blacks," those of us adjudged the leastwise of the land. With prophetic insight, eloquence, and passion she has written of her people's joys; their triumphs, their follies, and their despair. But through the sustaining power of her love and the depth of her commitment, her people live and may yet prevail.

Gwendolyn Brooks, distinguished poet of our time, distinguished poet laureate of Illinois, distinguished consultant-in-poetry to the Library of Congress, distinguished Pulitzer Prize winner, teacher, mentor, true lover of the poor, poet of the people, we honor and salute you.

#### TRIBUTE TO THOMAS ALVA EDISON

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 1997*

Mr. ROGAN. Mr. Speaker, I ask my colleagues to join me in paying tribute to Thomas

Alva Edison, the greatest inventor, whose 150th birthday was February 11. He was a man whose vision transformed America from an agrarian nation into an urban-industrial power. He almost single-handedly ushered the world from the age of steam into the age of electricity. Thomas Edison embodies everything noble about our great country.

He was born to Canadian immigrants Samuel and Nancy Edison in Milan, OH, on February 11, 1847. As a young, inquisitive boy he was actually expelled from elementary school for asking too many questions. Instead, he was taught at home by his mother and by his own intellect and curiosity. Despite these difficulties, he became one of the most prolific inventors in history.

There are few Americans who can claim that their vision, their creativity, their hard work and their entrepreneurial imagination have positively benefited the lives of virtually every human being on the planet for the last century.

Thomas Edison is one such person. He received a record 1,093 patents. These were for inventions such as the electric light bulb, the phonograph, and the motion picture camera. He also revolutionized the electric power generation and distribution systems, marking the true beginnings of the world's electric utility industry.

California has particularly benefited from this great man's genius. He created our film and recording industries which now employ over half-a-million people and exceed more than \$40 billion in annual worldwide revenues. Even today, one of the world's largest energy companies based in California, still bears his name: Edison International.

Perhaps Edison's greatest contribution to the science community was establishing the world's first research laboratory. His lab in West Orange, NJ, is now designated as the Edison National Historic Site.

I ask my colleagues to join me in recognizing Thomas Alva Edison for his contributions to all mankind. He is an American we can proudly point to as a role model for our youth and as an inspiration to our future.

#### REGARDING CONGRESSIONAL REVIEW OF THE ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PROGRAM REVISIONS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 1997*

Mr. SHUSTER. Mr. Speaker, I rise today to call the attention of the House to an issue which has recently arisen regarding the implementation of the Congressional Review Act [CRA], Public Law No. 104-121, subtitle E, title II, 110 Stat. 847, 868-74 (1996). I particularly want to thank the Honorable H. Martin Lancaster, Assistant Secretary of the Army for Civil Works, and Maj. Gen. Russell Fuhrman, Director of Civil Works, for the spirit of bipartisan cooperation with which they and their staff worked with the Transportation and Infrastructure Reform and Oversight Committee. Because, however, the issue is one which is likely to recur, I bring it to the attention of my colleagues for their consideration.

As many of you are aware, in December 1996, the Army Corps of Engineers issued its "Final Notice of Issuance, Reissuance and Modification of Nationwide Permits," (61 Fed. Reg. 65874 (Dec. 13, 1996)), which will significantly alter wetlands permitting in the United States. That regulation took effect yesterday, February 11, 1997.

Initially, the corps refused to submit the nationwide permit final rule to Congress because the agency maintained that the CRA did not apply. The corps argued that the nationwide permit regulations were not a rule within the meaning of the act for various reasons relating to, among other things, the permit-like nature of the regulations and their optional—rather than mandatory—use by permittees.

I disagree with that view. In my judgment, the corps' nationwide permit regulation was a rule within the meaning of the CRA and section 551 of the Administrative Procedure Act. My view was supported by an earlier opinion of the general counsel of the General Accounting Office who reached a similar conclusion on analogous facts last year. The general counsel considered the Secretary of Agriculture's issuance of an agency memorandum concerning the implementation of the Emergency Salvage Timer Sale Program. See B-274505, Letter from Robert Murphy, General Counsel, to Senator Larry E. Craig (Sept. 16, 1996). Even though that implementing memorandum was not a formal notice and comment rule, GAO nonetheless concluded that the memorandum met the much broader definition of a "rule" used in the CRA and was required by that act to be submitted to Congress for review. Given the nature of the Corps' Nationwide Permit Program proposal, I concluded that failure to submit the proposal to Congress would also violate the CRA, in light of the analysis and criteria used by GAO.

I was even more concerned with the potential that failure to submit the nationwide permit proposal for review could have rendered the entire, reissued program invalid based solely on procedural grounds. The CRA, 5 U.S.C. 801(a)(1), provides that before a rule may become effective, the agency promulgating the rule must submit it to each House of Congress for review. The corps' initial inclination not to submit the nationwide permit final notice to Congress ran the risk that a Federal court might subsequently determine that the failure to do so violated the requirements of §801(a)(1). Were that determination to be made, the nationwide permit rule might be deemed without effect and all permits issued thereunder subsequent to February 11, 1997, deemed null and void ab initio.

In light of this uncertainty, I urged the corps to rethink its position and accept the congressional review process adopted in the 104th Congress. To its credit, the corps did so—although with reluctance. Though the corps continues to believe that submission of the nationwide permit rule was unnecessary, the corps agreed to submit the rule for review under the congressional review process and did so yesterday. We have both agreed that in doing so the corps remains free to argue its position both to Congress in connection with any further submissions under the CRA and in the Federal courts.

While the corps submitted the rule in the interest of comity, I remain concerned about the agency's determination that the rule is not a major rule triggering the special moratorium

and review provisions of §801. I am also concerned that the level of consultation with, and analysis by, the Office of Management and Budget—as required by CRA—was minimal. Even so, I appreciate the corps' willingness to work with us in the spirit of bipartisan cooperation so as to move beyond the initial issue of submission to Congress under the CRA.

With this procedural issue set aside, we can now focus on the substance of these significant changes to the Nationwide Permit Program. The leadership of the Transportation and Infrastructure Committee and its Water Resources and Environment Subcommittee looks forward to reviewing the modifications, particularly to Nationwide Permit No. 26, and the overall impact of the January 23, 1997, Federal court ruling—American Mining Congress versus Army Corps of Engineers—invalidating the corps' so-called excavation rule. Congressional review of these recent developments should help in the overall effort to reauthorize and improve the Clean Water Act, including the wetlands permitting program.

#### HONORING THE NORTH PARK MIDDLE SCHOOL BAND OF PICO RIVERA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 1997*

Mr. TORRES. Mr. Speaker, I rise today to honor the members of Pico Rivera's North Park Middle School marching band. On Wednesday, January 1, 1997, this group of talented young individuals participated in the 108th Annual Tournament of Roses Parade in Pasadena, CA, as the first group of middle school students to perform in this event in over 45 years. As I watched the North Park Middle School band on television, I was filled with pride that this group of talented youth from my congressional district was representing my community. It is through their dedication, hard work, and perseverance that the band members earned this distinct privilege, and they are to be commended.

On Monday, May 24, 1993, I stood before my colleagues in the House and honored this same group of young people for their commitment to excellence. I spoke of the band members and their parents who faced the board of education to demand that North Park Middle School's music program not be abolished. As a result, funding was continued, and the band was bestowed with one of the greatest honors possible: the opportunity to perform before millions of viewers in the 1997 Rose Parade.

The outstanding performance demonstrated by each of the band members is testimony to the leadership and guidance that the band's director, Mr. Ron Wakefield, has provided over the years. Because of Ron's dedication and belief in his young musicians, the band never gave up its dream of one day performing in the Rose Parade. Helping Ron were assistant director, Jose Diaz, parade coordinator, Lou Diaz, and Rhonda Cheat, colorguard adviser. I would also like to recognize North Park Middle School principal, Robert Martinez, vice principal, Dwight Jones, and the parents of the bandmembers for their support of the band's efforts.

Mr. Speaker, I stand before you today in recognition of the young members of the North

Park Middle School band for their tireless efforts and outstanding achievements. This talented group of musicians has made the Pico Rivera community proud. I, too, am proud to represent such fine young men and women, and I ask my colleagues to join me in honoring them for their hard work and accomplishments.

THANK YOU, PETER KING

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 1997*

Ms. MCCARTHY of Missouri. Mr. Speaker, I would like to take this opportunity to recognize Congressman PETER KING for his tireless and diligent work on behalf of the Irish people.

Congressman KING, who serves as the chairman of the Congressional Ad Hoc Committee on Irish Affairs, was awarded the Heart of America International Peace Award by the Ancient Order of Hibernians, Padriac Pearse Division I, Jackson County, MO, on February 1, 1997. This honor was for his strong opposition to British oppression of the Irish people. Mr. KING was only the third leader to receive this prestigious honor. Previous winners of this award include Jerry Adams and Bernadette Devlin. All three have distinguished themselves through exemplary leadership in the area of human rights equalization in Northern Ireland. He was recently presented this award by the Ancient Order of Hibernians in my district.

Congressman PETER KING has traveled to the six occupied counties in Northern Ireland on 15 different occasions and is recognized as the leader in Congress on issues facing Ireland. He has been honored by the Ancient Order of Hibernians, the Knights of Columbus, the Irish-American Fenian Society, the Irish National Caucus, and the Irish Northern Aid Committee.

His travels to Northern Ireland enabled him to witness hunger strikes, the Diplock Courts, and other monumental events. He accompanied President Clinton on the President's historic peace mission to Belfast and Derry in 1995.

Thank you, PETER KING, for your outstanding service to the Congress, the Irish-American community throughout our great Nation, and the Irish nationalist community abroad. I applaud your efforts and salute you as the 1997 Heart of America International Peace Award recipient.

HONORING FRANK VISAGGIO

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 1997*

Mr. ROTHMAN. Mr. Speaker, I rise today to honor Frank Visaggio, who was selected to represent the United States in Taekwon Do's 1997 World Championships.

A team of six men and six women will compete against over 30 countries this July in St. Petersburg, Russia. The team competition includes four events: sparring, breaking, patterns, and team patterns.

Mr. Visaggio of Seacaucus, NJ, has been training in Taekwon Do for 15 years. He is the New Jersey State director of the International Taekwon Do Association, and is owner and head instructor of the Meadowlands Academy of Martial Arts.

Mr. Speaker, I urge you and all of our colleagues to join me in commending Frank Visaggio on all of his worthy accomplishments. I wish Frank and his teammates the best of luck in this summer's competition.

THE INDEPENDENT COUNSEL LAW

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 1997*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 5, 1997, into the CONGRESSIONAL RECORD.

REFORMING THE INDEPENDENT COUNSEL LAW

Congress enacted the independent counsel law in 1978 in response to Watergate and the seeming inability of the executive branch to investigate and prosecute crimes by senior administration officials. The independent counsel, appointed by federal judges and working outside the executive branch, was intended to handle such cases in an impartial manner, thus restoring public confidence in the process.

Since the law's enactment there have been 17 independent counsel investigations at an estimated total cost of over \$115 million. Of those 10 ended with no indictments. Four others, including the Whitewater investigation of the President, are ongoing. There were several convictions in the Iran-contra investigation, although some were overturned on appeal.

Even though the law is not up for review until 1999, Congress is already considering proposals to reform the measure. A House subcommittee held hearings on the law last year, and numerous articles have been written on the issue, particularly in light of the ongoing Whitewater investigation. Some argue that the act has worked reasonably well, while others say it has led to costly and unending investigations and should be overhauled or scrapped.

HOW THE LAW WORKS

The independent counsel law generally applies to high ranking officials in the executive branch, including the President, Vice President, senior White House staff, and Cabinet members as well as members of Congress. The Attorney General can seek an independent counsel on her own initiative or on receipt of information alleging a violation of federal criminal law.

The Attorney General conducts an initial review of the matter. If she reasonably believes further investigation is warranted, she applies to a special three-judge panel appointed by the Chief Justice of the Supreme Court, requesting that the panel appoint an independent counsel. The panel selects the independent counsel, and defines the scope of the investigation. The independent counsel has the full range of investigatory and prosecutorial powers and functions of the Attorney General.

There is no specific term of appointment for independent counsels. They have unlimited budgets, serve as long as it takes to complete their duties, and may seek to expand the scope of their investigation. An independent counsel may only be removed by