

## EXTENSIONS OF REMARKS

THE CONSTITUTIONALITY OF THE  
INDEPENDENT COUNSEL STATUTE

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. DELAY. Mr. Speaker, on June 17 of this year the Republican study committee held a hearing on the independent counsel statute. I would like to enter for the record the invaluable testimony of Terrence O'Donnell. Mr. O'Donnell is a partner in the law firm of Williams and Connolly. Previously, he served at the appointment of the President of the United States as General Counsel of the Defense Department. He has also served two Presidents as special assistant.

From June 1966 to May 1972 he served as an officer in the Air Force. In 1977 President Ford appointed Mr. O'Donnell as the U.S. representative to the United Nations' program for the prevention of crime and the treatment of offenders. He is a graduate of the Air Force Academy and Georgetown Law School.

Mr. O'Donnell was part of the defense team who represented Lt. Colonel Oliver North.

The testimony follows:

Mr. O'DONNELL. Yes. Thank you for inviting me. A good deal has been said about the wisdom and the constitutionality of the Independent Counsel statute. What I want to do today is take you to the battlefield. I want to share with you what really goes on in the trenches and I want to tell you about some of the abuses that we've seen up close, and I want to base that on my observations as a member of the team that defended Ollie North.

And to refresh your recollection, Colonel North was compelled to testify on the Hill, was then indicted on sixteen counts. Four were thrown out before trial; twelve were tried. The jury acquitted him on nine, found him guilty on three. Those three were reversed on appeal. And I'm going to march through these points very quickly because of time.

Point one, ready, fire, aim: The IC, the Independent Counsel, is actually a corps of vigilante prosecutors formed after the targets are identified. Once the targets are identified, the search for a crime begins. This is fundamental distortion of the normal prosecution process. It turns things upside down to the great prejudice of the targets.

Point two, cost is no limit: The Walsh team is the largest prosecutorial force ever assembled in our Nation's history. It has, in essence, unlimited funds readily supplied by a contended Democrat-controlled Congress which is politically aroused by visiting this plague on Republican administrations, one after another. Essentially is it unaccountable to anyone, and it possesses a blank check. I don't know anywhere else in our Constitutional Government, that we issue a blank check to any agency.

We've spoken about the \$30 million. I would suggest it is greatly in excess of that,

and I would join Ted Olson and others who have called upon Congress to really get to the bottom of what it has cost the taxpayers. Most of the costs, I would suggest, are hidden. I know it's going to be well above \$50 million, but God only knows where it will finally come in.

I say they are hidden because massive teams were constituted at CIA, NSA, DOD, and State merely to respond to the insatiable appetite for documents of the Independent Counsel. Consider as well, our Defense team: \$1 million a year to supply a vault in which the Defense team could work, \$500,000 in rent, and \$250,000 times 2 for security contracts, armed guards and double-padded doors. This to pursue one Marine Lieutenant Colonel.

The National Security Agency was worried about the concentration of secrets in that one vault. The Government takes effort to keep secrets apart but many were concentrated in that vault. What kind of judgment is this, that brings such a case to court?

Department of Justice support for the IC—such as the DOJ management division and others—all of these costs should be compiled as part of your congressional investigation before you go forward with this statute. Find out what it really costs; don't believe the \$30 million. I think it's going to be well over twice that; it could be \$100 million.

There is no incentive to finish: The bureaucratic tendency, as mentioned here, to prolong and expand is given full flower by the Independent Counsel statute. Walsh long ago took on the tendencies of an independent and permanent agency. By May, 1990 he spent more than any of the 93 U.S. Attorneys Offices around the country spent in 1989, except Washington, D.C., and you all know about the enormous responsibilities of the U.S. Attorneys Offices. And, while the average cost per criminal defendant in U.S. Attorneys' offices is \$9,000, the Walsh team is averaging about \$3 million per defendant!

Congressman DORNAN. Terry, just one second, that's so important. Are you taking the 94th one, say the New York Office or somebody out of that?

Mr. O'DONNELL. Every office other than the District of Columbia spent less in '89 than Walsh had spent by '90.

Congressman DORNAN. If you take out D.C., he spent more than each of the other U.S. Attorneys in all the 50 states.

Mr. O'DONNELL. Yes.

Congressman DORNAN. Well since D.C. is not a State, and that's another good way to state it.

Mr. O'DONNELL. D.C. has certainly local responsibilities that other U.S. Attorneys Office do not have.

Congressman DORNAN. Because it's Federal property, they do everything down to the last rape or murder in this community.

Mr. O'DONNELL. That's right.

Congressman DORNAN. So you can effectively restate it and say all 50 states' U.S. Attorneys did not spend as much money in '89 as Lawrence Walsh. By what margin?

Mr. O'DONNELL. I don't have that margin, but I have figures. The figures have been published and they're most revealing.

Congressman DORNAN. Thank you.

Mr. O'DONNELL. Point three, the army assemblies: By our count 70 lawyers have served in the Walsh Independent Counsel Office since he began 5½ years ago. On the North case alone, over 40 lawyers appeared on the pleadings—40 lawyers. More than 50 agents were massed and sent scurrying around the country, the world, for leads, including FBI, IRS, and Customs agents.

All of this heavy-handed firepower focused on a handful of people. Note that the average Assistant U.S. Attorney handles about 117 cases a year, picking his other cases with discretion; 117 cases a year for the average Assistant U.S. Attorney. This massive IC force is focused on a handful of people.

This army was and is out of control, with enormous political pressure to get their man. If the army isn't enough, they call up the reserves. Time and again they've called on former Federal judges and law professors from Harvard, Virginia, and Columbia to come in and help them because cost is not an issue, "so why not get the best."

Congressman COX. Who sets the pay scale for these people, this army reserves?

Mr. O'DONNELL. Ted Olson can address this better than I. In essence, it is indeed a blank check because Congress has provided an open appropriation.

Congressman DORNAN. And any of these Federal judges who come in, if they serve 10 years they're retired on full pay anyway. So they come in and this augments their full pay if they're retired?

Mr. O'DONNELL. A retired federal judge came in to augment the IC force and played a very significant role in the Walsh prosecution of Colonel North—a former Federal judge. In sum, enormous power with no accountability, no checks and balances equals abuse, plain and simple.

Point four, birds of a feather—and I'm going to be very blunt about this—birds of a feather flock together. The make-up of the prosecution team is very suspect. You've got an 80 year old retired lawyer surrounded by the workers. Who are the workers? They tend to be bright, liberal Democrats, with few exceptions strongly anti-Reagan, with few exceptions quite inexperienced, with few exceptions strongly anti-Reagan Central American policy. Many of them were on a crusade. The Tubin book noted that it was viewed as a crusade by these young lawyers.

Consider John Kecker, who was the prosecutor of North. He solicited the job through connections—strong anti-Reagan sentiments, extreme liberal Democrat, strong opponent of President Reagan's Central American policy. He was even so bold that his law partner said his firm would not undertake the defense of the likes of North at any time on general principles.

What happened to the notion of prosecutorial fairness? What happened to the professional prosecutors who are available to pursue these cases? They're out the window because under the statute, first, you name the target and then you form the team to prosecute the target.

Point five, salaries galore: Youngsters out of law school, who have been alluded to before, paid at the very top of the Government

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

scale. I just left the Department of Defense. We have hundreds of outstanding civilian lawyers who have devoted their career to the Department of Defense who will never reach these salary levels unless they get a particular break, maybe in their 20th year of service. This is a real distortion of the Government compensation standards.

Point six, don't forget the press; At the high-water point, the Walsh team had three full-time press aides. They helped to shape the story in the halls during the breaks with the press, putting a spin on the testimony and the trial.

Congressman DORNAN. Mr. O'Donnell, if you could just pause for one second here because of a reflection here. Actually, your facts and figures are stunning, all of this. I observed Kecker firsthand in those halls because I went over there for a lot of these key moments when these people came out of the courtroom. As I recall, Kecker personalized this to the point—because he was a Vietnam vet—of saying that he was personally dishonored by Colonel North.

He made it a personal cause, a vendetta, a one on one. And I watched these press people coming out to manipulate a hungry national media for every little detail, and I had no idea that there were three of them. They almost gave the impression that they were trying to stay up with events and were struggling to get the word out, and now I'm finding out this was all a very complicated and pre-arranged massive effort to discredit the Central American policy that I ran on in '84 to come back to Congress, that President Reagan ran on.

No matter how many protestations there are in mass media to the contrary, the American voters were smart enough to know that if they voted for Ronald Reagan, that there was a policy for freedom in Nicaragua that was going to be pursued. And one bottom line that just rings with clarion loud sound through all this is we won, no matter how unstable things are in Nicaragua now.

I went down to the inauguration of Violeta Chamorro, and the policy of all of these young lawyers who feverishly supported the Sandinistas as though they were God's calling to freedom, these thugs that were torturing people to death, running 16 concentration camps, the Ortega thugs that ran the whole thing—we won. That's so ironic to everything you're telling us now.

Mr. O'DONNELL. Well I think that we have to ask why the taxpayers are paying for press aides for an Independent Counsel Office and why a press aide was present all the way through the Classified Information Procedure Act hearings when the judge was trying to determine what classified information was relevant to the trial. What does that do to the time-honored principle of "need to know"?

Point seven, microscopic exam: With no limit on funds and personnel, nothing escaped the x-ray examination of the Independent Counsel. No detail was too trivial. Like the cat scan of a human body, every word, personal document, financial document, and personal and medical record, was scrutinized and analyzed by this IC.

A few examples to give the flavor: Colonel North's wife was called to the Grand Jury. Colonel North's wife's sister was called to ask how much it cost to feed his daughter's horse. A babysitter was interrogated about how much she earned babysitting for the North family. The same was true for a teenager who cut the lawn.

Colonel North's minister was asked about how much he contributed to the Church. The

minister said, "don't you have something in this country called pastoral privilege;" he rejected this abusive tactic. School officials were interviewed, tuition records were collected, and even the veterinarian's records were examined to find out how Ollie's dog Chewie had died.

This is ridiculous. And it has not been publicized, but even the lead counsel, Brendan Sullivan, was subpoenaed to appear before the Grand Jury.

Point eight, find a crime to fit the target: The results of all this momentum and bias, and unlimited resources are inevitable; there are going to be indictments. This environment leads to novel theories of prosecution.

For example, most people think Colonel North was indicted for lying in his sworn testimony under oath before Congress—not so. He was charged with lying at a meeting when he was not under oath and where there was no transcript. If this theory of prosecution spreads, you won't be able to build jails large enough. And then who testified against him at trial? The Democrats who opposed the policy, came in to testify against him.

Two individuals pled guilty to a conspiracy to defraud the IRS pursuant to facts that an Assistant Attorney General found to be highly questionable, if not inappropriate grounds for prosecution. These individuals testified at trial that they still thought, even after pleading guilty, that they did not commit a crime at the time. And of course, because of the pressures placed on them, they named Colonel North as a co-conspirator in this novel theory of crime.

Others pled guilty because they couldn't afford to do otherwise. And when you talk about novel theories, what about compelling Colonel North to testify before the world and then prosecuting him based on the very same matters about which he testified. We told the IC 5 years ago that this could not be pursued in court; no one listened, millions were spent, all of it was dismissed, and the case is over. What great waste of money and resources.

Point nine, unjustified targeting: An IC force of this size reflects bad judgment or no judgment at all. Prosecutorial discretion is out the window, it's ignored. Look at a fellow like Joe Fernandez: a former policeman, 20 years at the CIA, in the secret world in jungles and other tough assignments, seven children. Then he gets thrown out of his job at CIA in the so-called "house cleaning"; then he's indicted.

Next, the prosecutors deviate from the normal procedures of the Department of Justice by not properly balancing the classified information issues before going forward with an indictment. The classified information could never be used and the indictment was dismissed. It cost \$1.5 million to defend him. But for a gifted attorney Tom Wilson and a courageous law firm that backed him up, Joe Fernandez would have never been able to defend himself.

Why are the Joe Fernandez's of the world, the Dewey Claridges, and Clair Georges, and other career servants who have spent their life doing what they think is right and serving this country, being indicted. This really needs to be examined.

And my last point, Point ten is "further abuse", and I'm going to just touch this briefly because of time. But the Walsh final report has yet to come. It will be a mammoth document, assessing and allocating blame across Government. No one knows where it will begin or end.

Like the McKay report mentioned previously, where former Attorney General

Meese was charged with a crime in the report but was not prosecuted, there is no way of defending against these reports. Who can amass the funds to rebut such reports? What about grand jury secrecy? It's all out the window in these reports. This report is kind of a "final shot" for an Independent Counsel—where he can level accusations and make charges that he couldn't make in court.

I cannot finish without mentioning the IC's cavalier disregard for executive decisions regarding classified data. Walsh called them fictional secrets. He looked upon them with scorn. The institutional role of the Executive Branch in prosecuting cases and weighting national security ridiculed.

This institution, the IC, only had the role of prosecuting, and it did not care and it was not its constitutional role to worry about the secrets. And we saw this up close throughout, a mocking view of the Executive Branch secrecy and classification procedures.

So those are my thoughts on these matters and I'm happy to have an opportunity to share them with you.

Congressman Cox. Thank you very much, Mr. O'Donnell.

#### COMMENDING THE AID ASSOCIATION FOR LUTHERANS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ROTH. Mr. Speaker, Aid Association for Lutherans is a nationwide fraternal organization headquartered in my district in Appleton, WI. For over 90 years, Aid Association for Lutherans has been helping local communities across America and I would like to commend them for their excellent work.

Each year, their community service expands, reaching more and more people. During 1991, the members of Aid Association for Lutherans and their friends raised over \$23 million for their Helping Hands Program. Last year alone, the Helping Hands Program included: 125,393 health, educational, social benevolence and service project events; 166,152 individual acts of fraternal service; 3,090,657 hours volunteered by members and friends; 8,759,132 total attendees at branch events; 360,386 participants in 4,866 "Wise Waste" recycling activities; 2,137 scholarship recipients; 226,895 participants in 731 health fairs; 90,092 participants in 1,131 "Drug Awareness Activities"; and 2,481,473 participants in 18,034 "Helping Hands Projects."

All these programs and activities are run by volunteers, with money raised by Aid Association for Lutherans at no expense to our Federal, State, or local governments.

I commend Aid Association for Lutherans for their outstanding service to our communities. It is my hope that other fraternal organizations, businesses, and corporations will follow their sterling example. Northeast Wisconsin is proud and fortunate to be the home to Aid Association for Lutherans.

A TRIBUTE TO DR. "BARNEY"  
CRILE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Ms. OAKAR. Mr. Speaker, I want to take this occasion to call attention to the passing of a wonderful human being and friend who was a gifted pioneer in the humane treatment of breast cancer patients. Dr. George "Barney" Crile, Jr., retired chief of surgery and consultant emeritus of the Cleveland Clinic Foundation, passed away September 10, 1992, at the age of 84. But what a wonderful life he had, what happiness he gave to others and what dignity and respect he returned to countless women who became victims of breast cancer.

Dr. Crile, son of one of the founders of the internationally renowned Cleveland Clinic, was the world's first physician to criticize the once common practice of routine radical mastectomy for women diagnosed with breast cancer. Years ahead of his time, Dr. Crile, in keeping with his true character, happily and aggressively, took on the entire medical establishment in the 1950s, urging doctors to consider less radical surgery and chemotherapy for some breast cancer patients—a more humane, case-by-case approach that finally became standard practice in the late 1970's.

Dr. Crile was also an outspoken proponent of informing breast cancer patients of their treatment options prior to surgery, thus allowing women to participate in decisions about their own care. Dr. Crile's 1973 book, "What Women Should Know About the Breast Cancer Controversy," inspired thousands of women to ask questions of their physicians, including another pioneer in breast cancer activism, the late Rose Kushner.

Indeed, Dr. Barney Crile was a great inspiration to me personally and professionally. In 1984, at my urging, Dr. Crile appeared before the House Select Committee on Aging to deliver a powerful statement in support of extending mammography screening coverage to Medicare patients. This benefit was finally added to Medicare coverage in 1990, and is now standard coverage under FEHBP and CHAMPUS as well.

This is how we should remember Barney Crile. No one enjoyed life more than he. His parties were legend. His prose and poetry, his films and compositions all served to capture the wit, the wisdom, the passion of a human being who believed in living life to the fullest every single minute.

And that, I believe, Mr. Speaker, is the legacy of Barney Crile. Especially for the women who feel they are alone as they struggle with the personal agony of breast cancer. Grab hold of life and shake it for everything it is worth. Get a laugh out of the time we have and leave a little something for those who will follow.

Dr. George "Barney" Crile, Jr., was a genius. Yes; that is true. But he was also a compassionate and loving human being. He was a devoted and loving husband and father to a wife and family that adored him. And that, I think, is how he would wish us to remember him. I know that I will.

A TRIBUTE TO THE COL. CHARLES  
YOUNG POST NO. 16

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to honor an organization which has distinguished itself through decades of commitment to country and community. In 1930, some of the courageous men and women of Germantown who had fought in the First World War banded together to form a post for local veterans. Since then, the Col. Charles Young Post, United American War Veterans, has been a pillar of the Germantown and Mount Airy neighborhoods and a model of service for us all.

When he passed away in 1922, Col. Charles Young was the highest ranking and one of the most decorated African-American soldiers in the U.S. military. His precedent setting achievements paved the way for successful African-Americans for generations to come, and his name was a natural choice for a post which would dedicate itself to the betterment of the local Afro-American community.

In the 63 years since its founding, the Col. Charles Young Post has grown both in membership and in popularity. Unwavering and devoted members kept the post afloat during the difficult times of the Vietnam and Korean conflicts, and have worked to make it thrive in more recent times. Today, the post boasts one of the finest offices in the area, a drum and bugle corps which has earned the State's top honors, and a championship softball team. More importantly, however, are its contributions to the people of Philadelphia. Many community ventures are sponsored by the post—most significantly, a scholarship fund which allows many high school graduates the opportunity to continue their education.

Mr. Speaker, the men and women of the Col. Charles Young Post No. 628 were once willing to die to preserve our Nation. Today, they live to uplift our Nation through their community spirit and their proud dedication to the people of our city. I ask my colleagues to join me in honoring the members of the Col. Charles Young Post, United American War Veterans.

PROTECT SMALL BUSINESSES  
FROM FEDERAL OVER-REGULATION

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. EWING. Mr. Speaker, today I am introducing legislation to amend the Regulatory Flexibility Act [RFA], which was passed in 1980 (Pub. L. 96-354). My legislation is designed to help minimize the burden of government regulation on small businesses.

One of the most consistent concerns of small businessmen throughout the country is the crippling costs which have resulted from overzealous regulation by the Federal Govern-

ment. I encourage my colleagues to cosponsor the Regulatory Flexibility Amendments Act of 1992. In doing so, my colleagues can help to provide a powerful tool in the effort to control and minimize the impact of Federal regulation on small employers.

WHAT IS THE REGULATORY FLEXIBILITY ACT?

The Regulatory Flexibility Act [RFA] was enacted in 1980 to force Federal agencies to take into consideration the costs their regulations will have on small businesses before they go into effect, and to minimize those costs.

As stated in the text of the act, "It is the purpose of this Act . . . that agencies shall endeavor . . . to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration."

Under the RFA, for proposed rules which are subject to publication in the Federal Register and public comment under the Administrative Procedure Act [APA], the rule-writing agency must also prepare an initial regulatory flexibility analysis describing the impact the rule may have on small businesses. The analysis must also outline alternatives to the proposed rule which would accomplish the same objectives at a lower economic impact on small businesses.

At the time of publication of the final rule, the RFA requires agencies to publish a final regulatory flexibility analysis, which summarizes public comments on the initial analysis, the agency response, and changes made to the rule as a result. If the agency did not adopt these less costly alternatives, an explanation must be published.

Proposed or final rules are not subject to these analyses if the head of the agency certifies that the rule will not have a significant economic impact on small business. This certification must be published in the Federal Register and include an explanation of the reasons for the certification.

In addition to these provisions, which function as part of the regular rulemaking process, the RFA requires agencies to publish regulatory flexibility agendas twice each year, outlining rules which the agency believes it may propose in the future that would significantly affect small business. The RFA requires agencies to take certain steps to afford small business the opportunity to participate in the rulemaking process. Finally, the RFA provides for the review of rules with a significant effect on small business 10 years after they have gone into effect.

The RFA charges the chief counsel for advocacy with the responsibility of monitoring agency compliance with the act.

WHY SHOULD THE REGULATORY FLEXIBILITY ACT BE AMENDED?

Section 611 of the RFA states in part " . . . any determination by an agency concerning the applicability of any of the provisions of this chapter to any action of the agency shall not be subject to judicial review."

The RFA allows agencies to certify that their rules do not have significant effects on small

business, and therefore avoid conducting regulatory flexibility analyses. The prohibition of judicial review allows no legal challenge to such a determination. The result is that compliance is voluntary and Federal regulators do not face court action for failure to comply.

Removal of section 611 is the single most important step which can be taken to force agencies to fully consider the impact of their rules on small business. Unless regulators face the possibility of court challenge to their actions they may not fully comply with the RFA.

The RFA currently does not make clear whether agencies must consider the indirect effects as well as the direct effects of their rules when preparing regulatory flexibility analyses. The Ewing legislation would require consideration of the indirect effects of rules on small business.

The RFA directs the chief counsel for advocacy of the Small Business Administration to monitor RFA compliance. However, his ability to do so has been limited. The Ewing legislation would force agencies to work more closely with the chief counsel during the rulemaking process. Agencies would be required to provide the chief counsel with copies of rules 30 days before they are proposed, and he would have the opportunity to present the concerns or opposition of small businesses to the proposed rule. The agency would then be required to respond to these concerns. This proposal would give more encouragement to regulators to minimize the impact of their rules on small businesses before the rules are proposed.

Finally, the RFA as passed in 1980 grants the chief counsel the authority to appear as *amicus curiae* in court cases which involve the review of Federal rules. However, when the chief counsel filed an *amicus* brief in 1986, the Justice Department challenged the constitutionality of this authority. After much discussion the brief was withdrawn and this question has never been resolved. The ability of the chief counsel to represent small-business views in court is critical. The Ewing legislation contains a sense of the Congress provision reaffirming the position Congress took in passing the original RFA: that the chief counsel does have the authority to file *amicus* briefs in court cases which involve the review of Federal rules.

#### THE REGULATORY FLEXIBILITY AMENDMENTS ACT OF 1992

##### SECTION-BY-SECTION ANALYSIS

###### SEC. 1. Short Title.

SEC. 2. Judicial Review. Section Two would repeal section 611 of the Regulatory Flexibility Act (RFA) which prohibits judicial review of agency compliance with the RFA. Section 611 implicitly prohibits court challenge of an agency determination of the applicability of the RFA, and prohibits court review of any regulatory flexibility analysis prepared under the Act. In practice, the prohibition on judicial challenges has allowed agencies to ignore the spirit of the RFA. Removing the barrier to judicial challenge will force agencies to comply with the RFA.

SEC. 3. Consideration of Direct and Indirect Effects of Rules. Under current practice, it is not clear whether agencies must consider the indirect effects as well as the direct effects of their rules when they are preparing Regulatory Flexibility Analyses. Section 3 would

require agencies to consider the indirect effects as well as the direct effects of their rules on small businesses in their Regulatory Flexibility Analyses.

SEC. 4. Rules Opposed by SBA Chief Counsel for Advocacy. It is the intention of the authors of this legislation to strengthen agency compliance with the RFA. It is also the intention of the authors to require agencies to work more closely with the SBA Chief Counsel, who is charged with monitoring RFA compliance, during the drafting of new rules.

Section 4 would amend Section 612 of the RFA to require that when an agency is drafting a new rule, the agency must provide the SBA Chief Counsel with an advance copy of the rule 30 days before publishing a general notice of proposed rulemaking in the Federal Register. (General Notices of Proposed Rulemaking are required under the APA, 5 USC 553(b).) At that time the agency must also provide the SBA Chief Counsel with a draft of the initial regulatory flexibility analysis for the rule or, if the agency determines that a regulatory flexibility analysis will not be necessary, the agency must provide an explanation for that determination.

Following receipt of the above information, the SBA Chief Counsel may review the proposed rule and regulatory flexibility analysis. The Chief Counsel will have 15 days to transmit, in writing, to the agency, any opposition or comments on the proposed rule or regulatory flexibility analysis.

If the SBA Chief Counsel submits such a statement, the agency shall publish that statement, together with the response of the agency, in the Federal Register at the same time the general notice of proposed rulemaking for the rule is published.

SEC. 5. The RFA currently gives the Chief Counsel authority to file *amicus* briefs in litigation involving federal rules, which only allows him to express the views of the Chief Counsel with respect to the effect of the rule on small business. In the history of the RFA this has only been done once, in the 1986 case of Lehigh Valley Farms. At that time the Justice Department indicated that this was unconstitutional because it would impair the ability of the Executive branch to fulfill its constitutional functions. The SBA Chief Counsel countered this argument with legal arguments of his own. The DOJ also argued that Executive Order 12146, section 1-402, prevents the Chief Counsel from filing such briefs. Section 1-402 of Executive Order 12146 requires that when such a legal dispute exists between two agency heads which serve at the President's direction, such dispute shall be submitted to the Attorney General for resolution. The SBA Chief Counsel countered with case law supporting the principle that an Executive Order cannot supersede a statute, and therefore Executive Order 12146 cannot prohibit the SBA Chief Counsel from appearing as *amicus curiae*.

After a great deal of wrangling between the DOJ and the Chief Counsel, the Chief Counsel eventually withdrew the *amicus* brief filed in the Lehigh Valley Farms case. To the best of our understanding, the Chief Counsel has never attempted to file another *amicus* brief.

The ability to appear as *amicus curiae* is important to the ability of the SBA Chief Counsel to represent the interests of small businesses in the rulemaking process. Furthermore, if this bill should become law, with its provision to permit judicial review of agency compliance with the Regulatory Flexibility Act, the importance of the SBA Chief Counsel's ability to file *amicus* briefs will be magnified.

Section 5 of this Act is a "sense of the Congress" resolution reaffirming what the Congress has already passed into law: that the SBA Chief Counsel should be permitted to appear as *amicus curiae* in cases brought for the purpose of reviewing a rule. 5 U.S.C. 612(b).

Again, I urge my colleagues to cosponsor this important legislation to amend and improve the Regulatory Flexibility Act. My office can provide further information on the RFA as well as my legislation to amend the RFA.

#### THE 205TH ANNIVERSARY OF THE U.S. CONSTITUTION

##### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ROTH. Mr. Speaker, today, we are celebrating the 205th anniversary of the Constitution of the United States. This occasion has long been honored on September 17 as Citizenship Day. More recently, the event has been expanded to Constitution Week, from September 17 to September 23.

From 1987 through 1991, this country honored the bicentennial of the writing, signing, and ratification of this historic document. Over 50 million copies of the Constitution were made available to students, civic and private organizations, Federal, State, and local governments, and various religious groups.

The bicentennial celebration spanned 5 years of scholastic and commemorative events. The 200th anniversary of drafting of our Nation's most influential document, and the subsequent birth of our legislative, executive and judicial branches, deserved no less.

Nor was the commemoration limited to the United States. Citizens in Eastern Europe, revelling in their newly found freedoms, begged to receive copies of this influential document. They desperately wanted to learn more about our wonderful system of government—how it works, why it works, and how it could work for them.

I find it tremendously impressive that our Constitution is still working for us after 205 years. Its provisions and its guarantees are as relevant today as they were when our Founding Fathers first drafted them.

Nevertheless, one of the most important provisions in our Constitution is the one which allows the document to be amended. Our forefathers did make it difficult for the Constitution to be changed, so that it would not be amended on a whim. In over 200 years, we have had but 27 amendments, including those first 10 known as the Bill of Rights.

The newest amendment was only added this year, despite the fact that James Madison first proposed it on September 25, 1789.

The 27th amendment reads as follows:

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Mr. Madison's efforts to bring runaway congressional payraises under control finally paid off when the final certifications from the requisite number of States needed to ratify it were obtained on May 18, 1992.

I salute you, Mr. Madison, and your colleagues on this anniversary.

Happy 205th birthday to the U.S. Constitution.

#### A TRIBUTE TO BETTY COPE

### HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Ms. OAKAR. Mr. Speaker, I want to take this opportunity to pay tribute to a woman from my hometown of Cleveland, OH whose name has become synonymous with public television and all of the good this wonderful, educational medium offers to us all. Betty Cope announced recently that, after 27 years as the first and only general manager of WVIZ Channel 25, she is going to search for a new challenge.

By fortune and hard work and, yes, a smattering of luck, Betty Cope can be truly called a pioneer and we are all the better for it. In 1962, Betty was approached by then-mayor Anthony Celebrezze to bring public television to Cleveland. Betty was WVIZ's first paid staff member and was director of local programming when the station took to the air on February 7, 1965 as the Nation's 100th public station. Betty was named general manager just 8 months later, the first woman in the Nation to hold such a position.

Betty Cope, during her stewardship, has kept WVIZ debt-free and has embodied the credo of public television to provide innovative instructional programming. Because of her dedication, Betty Cope and WVIZ are regarded by staff and viewers to be one and the same. It is an astonishing accomplishment and a deserved compliment.

Betty Cope intends to keep busy in her new career away from WVIZ, but she will never be far from the station on Brookpark Road. Betty plans to continue her work for Project Equity, which she created to provide all Ohio schools, through technology, with equal access to information and as a board member of the Ohio Educational Broadcasting Commission.

Betty Cope has said she may seek political office and I can think of no finer addition to public life and the benefits she could bring to the people.

Betty Cope's leaving may be the end of an era at WVIZ, but really, knowing her, it is just a fresh page of a new chapter of contribution to the education and advancement of all those with whom she comes in touch. Her accomplishments are many. Our memories of Betty Cope are many and happy. It has been wonderful and productive partnership.

#### A TRIBUTE TO ERNIE DAVIS

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to a man whose efforts in Amtrak's Capitol office for the last 6 years have

been unparalleled. As Ernie S. Davis retires after 43 years of service, I would like to take a moment to reflect on the career of this outstanding American.

Born on October 7, 1930, in Masury, OH, Ernie is the oldest of seven siblings. Ernie learned the value of hard work at an early age, serving as a newsboy for 12 years. Ernie would later hold employment at a steel mill in Sharon, PA. On September 23, 1949, Ernie moved to Washington and began his exceptional tenure of employment with the Washington Terminal Company. In September 1986, Ernie moved to Amtrak's Capitol ticket office where he oversaw day-to-day operations.

Mr. Speaker, I am also happy to report to you that Ernie has also served his Nation with a remarkable 39 years of service in the U.S. Army, including 2 years of active duty during the Korean conflict.

Ernie's presence in the Capitol will be sorely missed by everyone who has had the pleasure of getting to know him. He conducted his business with the utmost seriousness, yet he was always helpful, and eager to please. It is rare to find people like Ernie these days, who recognize the true meaning of hard work. It is a fact that Ernie is widely respected by all of the Members in this legislative body, on both sides of the aisle.

I would like to wish Ernie and his wife Bernice much happiness in their retirement. Ernie's plans for the future include trips to Alaska and maybe China. Ernie looks forward to learning how to fish, and watching the Redskins press on toward another Superbowl. At any rate, we all know that Ernie will enjoy himself in whatever he does.

Mr. Speaker, I would like to ask my colleagues to rise and join me in paying our greatest tribute to Ernie S. Davis. Goodbye, God bless you, and happy retirement.

#### BREAST CANCER AWARENESS MONTH

### HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mr. DOWNEY. Mr. Speaker, I would like to commend my colleague, Representative CARDISS COLLINS for her leadership in the fight against breast cancer in America. Her introduction of House Joint Resolution 393, a resolution to designate October 1992 as "Breast Cancer Awareness Month" further portrays the commitment she has made, and that I share, to combat this tragic and often fatal disease.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I held a hearing last October in my congressional district of Suffolk County, NY, entitled, "Breast Cancer on Long Island: An Avoidable Tragedy." While the title of the hearing was self-explanatory, the truth of the matter is that in many cases, breast cancer is not avoidable. More research and more outreach is needed before the scourge of breast cancer can be totally avoided. We must focus on the methods that are available to us to aid in detecting this tragedy. Our hearing enabled the subcommittee to hear the growing and

desperate concerns of Long Islanders about how breast cancer has affected their lives and that of their families, and it made me more committed to join the battle against it. In addition, key testimony was received from professionals in the community who are working hard to help the women of Long Island become more aware of this devastating disease.

Breast cancer is an epidemic in the United States. In 1966, 1 in 14 women were expected to develop breast cancer in their lifetime. In 1984, 1 in 11 American women could expect to develop breast cancer, and today, 1 in 9 women are expected to develop breast cancer.

Two years ago, of the nearly 150,000 women in this country projected to get breast cancer, close to 44,500 were expected to die. Breast cancer incidence rates have increased approximately 3 percent a year since 1990.

In New York State, of the 30,000 people expected to die in 1990 from all types of cancer, 3,800 were expected to die due to breast cancer alone. Suffolk County, as well as neighboring Nassau County, NY, have unusually high incidences of breast cancer. During the time period from 1983 to 1987, Suffolk County's breast cancer rate was 8.6 percent higher than the State average and Nassau County's was 18.9 percent higher. Currently, there is no known explanation of why these rates are so much higher than the rest of the State as well as the entire country. I am pleased that Centers for Disease Control [CDC] has commissioned a panel of experts to carefully scrutinize this troubling phenomenon. This panel, which met for the first time this week, may be able to provide us with some answers to why our communities seemed to be prime targets for this disease.

In the meantime, more Federal involvement is needed if we are to succeed in erasing breast cancer. By the end of fiscal year 1992, the National Cancer Institute will have spent approximately \$133 million on research targeted to breast cancer. For fiscal year 1993, we may see an increase of close to \$220 million for breast cancer research, once the appropriations legislation for the Department of Health and Human Services is completed. I am also pleased that the National Institutes on Health has been allocated a 30-percent increase over this year's level in research funding specifically earmarked for breast cancer. This would mean an increase of \$44.2 million. In addition, more attention needs to be applied to detection methods, including removing the barriers that prevent women from seeking mammography. We need to improve Medicare coverage to allow for annual rather than biannual screening. We must also ensure that the mammograms that women receive are the highest quality that current technology allows. That is why I cosponsored H.R. 3462, the Breast Cancer Screening Safety Act introduced by my colleagues, Representative MARILYN LLOYD and Representative PATRICIA SCHROEDER which would establish needed Federal standards for the technology and medical care which are available to women.

Early detection is imperative if we are to save women's lives. Until a cure is found for breast cancer, we must exhaust all resources available to us in confronting it. I am optimistic that one day we will have a cure. Until that

day, early detection and regular medical checkups are essential. Because October has been designated as "Breast Cancer Awareness Month," it is our responsibility to promote detection and prevention programs throughout the month. We cannot, however, forget that breast cancer follows no calendar, and we must be watchful every day of the year.

### CATERPILLAR STRIKERS FACE THE BITTER TRUTH

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. MICHEL. Mr. Speaker, today I'd like to enter the fourth in a series of articles appearing in the Chicago Tribune recently. These articles profile the strike and negotiation process that Caterpillar, Inc., based in Peoria recently underwent.

[From the Chicago Tribune, Sept. 9, 1992]

#### CATERPILLAR STRIKERS FACE THE BITTER TRUTH

(Peoria takes sides over Caterpillar's threat to hire replacement workers. Fourth in a series on the economic forces that pit U.S. employers, unions and workers against one another. Reported and written by Stephen Franklin, Peter Kendall and Colin McMahon.)

Dick Owens put on his New York Yankees cap and a pair of sunglasses. It was a sunny April morning, but he wasn't seeking shade so much as anonymity—protection from the glares of fellow UAW members whose picket line he was about to cross.

He got into his 1977 Ford LTD wagon and made the 25-minute drive from his home in Pekin to the Caterpillar transmission plant in East Peoria.

Hundreds of men and women were gathered outside Building KK and the other plants that make up the sprawling Cat complex. They toted picket signs and chanted slogans, cheered on by leaders with bullhorns.

Owens had been on that line only a week before.

As he approached, Owens was frightened. But he also felt something of a grudge welling up inside. He knew what he was doing was right. He knew from talking to other union members that many more would eventually cross the line. He knew the line was not that strong, that somebody had to be the first.

"I'm doing all the hard work," he thought. Owens drove right past the pickets and into the company lot. On that first day, April 6, he caught his fellow strikers by surprise. It would not happen again.

Five days earlier, Caterpillar had delivered its threat to Owens and to the 12,600 other United Auto Workers striking against the earthmoving-machinery company: Come back or be replaced.

Caterpillar had pulled out a weapon that few people thought they would ever see. Other companies had brought in replacement workers in recent years, perhaps emboldened by President Ronald Reagan's firing of striking air-traffic controllers in 1981. But no major U.S. manufacturer had ever threatened to do it. Not until now.

Caterpillar Inc., the pride of Peoria, the largest manufacturer in Illinois, an American success story, was telling workers who

had toiled there an average of 22 years to move it or lose it.

The threat raised feelings of betrayal, fears of financial ruin and questions about how much loyalty the workers owned their union.

After all, they had a world to lose. Over the last several decades their union had won from Caterpillar an impressive menu of wages and benefits. The \$17-an-hour factory workers had become solidly middle-class, with good homes in good neighborhoods.

Now they were forced to make a choice that could determine whether they would maintain those lifestyles or become outsiders, condemned to look in on a way of life that no longer had room for them or their families.

It was painful, too, that many in the community did not sympathize with the union.

When they looked around Peoria for moral support, Caterpillar workers more often found jealousy. Many people making the minimum \$4.25-an-hour, or even \$8 to \$10 an hour on non-union construction or assembly jobs, were reviling the strikers, not the company.

On radio call-in shows and in letters to newspapers, the same themes were repeated.

How dare they walk away from \$17-an-hour jobs when so many other people worked for so much less? How dare they balk at paying an insurance deductible if they used a doctor outside the company plan, when so many in Peoria had no health insurance at all? How dare they turn up their noses at lifelong pensions and at a furlough system that paid them 95 percent of their regular wages during layoffs, even as 15,000 Peoria-area residents were looking for work?

In the last decade, Peoria had gone from a blue-collar Caterpillar town to a white-collar Caterpillar town. Deep cuts into the hourly work force—deeper than those made to the salaried managers at headquarters—had eliminated the majority status that factory workers had held for decades around Peoria.

Voices rose on radio talk shows. WMBD's top-rated morning jock, John Williams, so infuriated union leaders that they called for boycott of his station.

Williams fielded calls from both sides. Most non-union callers took the company's side. Many union callers said, anonymously, that they wanted to return to work. Nearly all were bitter, angry, or just sad.

"People would try to explain how they feel and just break down in tears," Williams would later say.

The letters pages of the Peoria Journal-Star and other local newspapers were filled with attacks and counterattacks.

"The union proclaims loudly that it cares about the worker," one writer said. "They target every employer, whether good or bad. No wonder we have teen gangs."

Caterpillar workers should not have been surprised at the public's mood, considering what went on inside the Peoria labor market during the 1980's.

There were fewer jobs, and good-paying manufacturing jobs were scarce. Some of the city's largest employers had vanished. Household income had not kept up with inflation, even though more families had two people working.

The makeup of Peoria's work force was changing as was America's. And those changes were sweeping away expectations of a brighter future for the blue-collar worker.

As soon as he heard Caterpillar was out to hire replacements, Dennis Shaw picked up the phone.

Shaw, 37, was working at National Wheel-O-Vator Co. in Roanoke, Ill., about 25 miles

northeast of Peoria. He was making \$6 an hour and waiting for his six-month anniversary and the 50-cent raise that went with it.

Caterpillar newspaper ads, run in cities where the company has plants, were offering jobs to replacement workers paying from \$16.12 to \$17.85 an hour.

Shaw's wife, Amanda, had a grandfather who retired as a UAW worker at Cat. Shaw knew how good a Caterpillar job could be.

Ironically, Shaw had also seen what happens when a company hires replacement workers. He had been one of 45 strikers replaced by Hagerty Bros. Co. of Peoria, a Caterpillar supplier.

When Shaw and his Teamsters Local 927 struck Hagerty in 1990, the company retaliated instantly by hiring replacements, making good on a threat that more and more companies have made during the last decade. About 15 of the 60 Hagerty strikers scrambled across the lines to take back their jobs.

Shaw didn't cross. Hagerty Bros. held fast. It was a hard lesson.

The job loss sent him into a 2-year spiral of part-time and temporary jobs, from mowing grass to working in an auto-parts store. His hopes of buying a home were dashed.

"We are just getting back on our feet," Amanda Shaw said. "Last year, he had eight W-2 forms when he filled out his taxes. Eight jobs in one year."

Just before Shaw's scheduled interview with Cat, he landed a job with CDO, a company that sorts out shipped material for Caterpillar. The pay was \$7 an hour, soon to be \$7.50, and the benefits were better than at National Wheel-O-Vator.

He is not in a union. "I could care less about unions," Shaw said. "If the Teamsters cared about us, they would have been helping us get jobs, instead of us finding them ourselves."

To the dismay of the UAW, there were thousands of Dennis Shaws.

The workers called April 6 "D-Day." As it neared, they sifted through their loyalties—to their union, their company, their families. Should they cross the line to keep replacement workers from taking their jobs?

As the day approached, Jim Mangan realized he didn't want to go through his time of testing alone.

"I felt physically ill all weekend, trying to decide," said Mangan, a quality analyst at Caterpillar's showcase assembly plant in East Peoria. "I'm a former union official. I know what unions have done in the past for the working man."

He had talked about the issue with his family. He had faithfully read news accounts of negotiations, attended union meetings, manned the picket lines, even talked with a high-ranking Caterpillar official, trying to get a feel for what was the truth, for what he should do.

Mangan held a meeting at his home in Pekin. More than 25 fellow workers showed up—men and women, good friends and mere acquaintances. No union officials were invited, "just regular guys and gals from the shop," Mangan said.

They gathered in the family room of Mangan's home, a typical suburban ranch with a lush front lawn, an expansive back yard and two automobiles in the garage. Sitting in a circle, drinking coffee, the workers talked about their feelings, their fears, the pressures and what they might do come Monday.

On the wood-paneled walls hung photographs of Mangan's wife and children, sharing space with a picture of Jesus Christ and the inspirational tale called "Footprints":

"During your time of trial and suffering, when you see only one set of footprints," the Lord says, "it was then that I carried you."

"Everyone pretty much understood that whoever didn't go back in a relatively short time stood a pretty good chance of being replaced and not being called back for a long, long time," Mangan said. "About half the people in that room ended up crossing."

Mangan stayed home that Monday, honoring the wishes of family members who feared he might get hurt if he crossed that first day. He was waiting for a break that would end the standoff, but he would not wait much longer.

Meanwhile, Chuck Lovingood talked with most anyone he could about what he would do.

He was only a year from retiring to Mississippi, where he hoped to open a saddle shop with his wife, Joyce. If he lost his job, those dreams would end, and the \$1,800 monthly pension he was to start collecting in 1993 would not start coming in until 2004.

He sat Joyce down at her chair at the oak kitchen table, trying to decide what he should do. He told her he didn't think he could cross the line. She told him he should do what he thought best.

"What if I lose my job?" he asked her.

"Then we'll start over again," she said.

He was 50 years old and chilled at the thought of finding a new job at his age. "I don't want to start over again," he told her.

Lovingood did not know what he was going to do even as he drove to his Caterpillar plant that Monday morning. Until the last instant, at the crossroads, when Lovingood chose the union and joined the pickets, he still had not known. But once he had done so, he could not imagine having gone the other way.

As April 6 approached, Jan Firmand was thinking long and hard about what it would be like to lose her Caterpillar job, again.

Firmand had been laid off from Cat for more than six years during the 1980s, so she knew how good a Cat wage was and how hard it was on the outside. She knew that Caterpillar was serious about hiring replacements. But she also knew she could never cross the picket line.

To her, the company's threat meant the end of something. "I guess I'm no longer at Cat," she said.

Still, she talked it over time and again with friends and family.

"You're not going to cross," her son told her. She knew he was right, but she needed to hear someone else say it.

And for Jimmie Toothman, economic troubles were adding pressure some of the other strikers weren't feeling.

He had been among the first to strike on Nov. 4, 1991. His wife, Joyce, had done a remarkable job since then juggling bills and negotiating with creditors, but the \$100-a-week strike pay was barely enough to feed their four kids.

When Joyce heard Caterpillar's plan to hire replacement workers, her stomach sank. Jimmie stood firm by his UAW. "If the company had its way, we'd be making \$5 an hour," said Toothman, who earns \$17.84. "That's what the union has done for us."

Schools near Caterpillar plants opened an hour late on April 6. Officials wanted to keep the kids away from any violence that might occur at the beginning of the first shift.

A local court ordered that the union could post only 10 pickets at each gate, but hundreds of workers showed up just after dawn to protest on the periphery.

Police and sheriff's deputies cruised up and down the lines. Caterpillar's hired guards

from Vance International Protection Services were out in force, ready to videotape any violence by the workers.

Nobody knew what to expect that first morning. As it turned out, no violence occurred.

The company expected hundreds of workers to cross. The union expected a handful. The real number was somewhere in between. The union screamed victory. The company said, give it time.

The following morning, tension replaced bravado on the picket line, and Dick Owens' 1977 LTD wagon caught no one by surprise.

As Owens neared Building KK, his stomach knotted. Union members pulled their cars out in front of his, slowing him down. Pickets wandered into the street, blocking him. Someone was waving a sign with his name on it.

"Dick Owens," it said. "Scab."

Then someone began pounding on the back window and a beer can was thrown at him. He looked for police but saw none. His anger rising, he kept moving, slowly now. Toward the gate, then finally inside.

At home that afternoon, Owens parked his wife's car in the garage instead of the driveway. Then he put one of his boys' baseball bats near the back door.

All that day, the phone did not stop ringing at Caterpillar. Seventeen dollars an hour, and that much again in benefits, the help-wanted advertisements had said.

From the Peoria area, from Chicago, from southern Illinois, from Missouri and Iowa and beyond, people called to set up interviews, to try to take the jobs of workers who, it seemed, must not have known a good thing when they had it.

Thousands were calling the phone bank each hour, according to the telephone company. Cat officials said they had set up interviews with 8,400 applicants.

Publicly the union said the numbers were inflated, that hiring and training so many workers would be a logistical nightmare, that people off the street would not be able to do the highly skilled work required to keep the quality in Caterpillar machines.

Privately, the union was stunned. Management and office personnel were already working in the factories, learning the jobs. And with so many people out of work, union officials began to realize the company could find enough workers to come in and keep the factories running.

The yellow bulldozers would be built.

"I had to learn my job," is how one union member put it. "And if I could learn it, somebody on the street can learn it."

With thousands of people signing up, the number of strikers crossing had grown by Wednesday into the hundreds.

Jim Mangan, the former union steward who had stayed home Monday and Tuesday in deference to his family, was among them.

Mangan entered his assembly plant through a gate he normally does not use, away from the angry strikers who would recognize him.

It was easier that way, but it wasn't easy.

"It was a gut-wrenching decision, but I could not find any reason to give my continued allegiance to mass confusion," Mangan said.

"When I hired on at Caterpillar, I applied to them, not to the UAW," he reasoned at the time. "I know who the boss is, and they've got the hammer. I felt they were going to use the hammer."

The union did get an emotional boost that Wednesday when Arkansas Gov. Bill Clinton, then the front-runner for the Democratic

presidential nomination he eventually won, visited the picket lines with Illinois Sen. Paul Simon.

Clinton voiced support for legislation to ban the hiring of replacement workers, legislation that would ultimately die in the U.S. Senate.

The pledge was just what union leaders wanted to hear, though they could hardly wait for the November election.

That same day, 700 miles away beneath the ornate chandeliers of a Hotel du Pont ballroom in Wilmington, Del., Chairman and CEO Don Fites told shareholders at the company's annual meeting that on Tuesday alone Caterpillar had logged 47,000 calls for replacement jobs. Hiring was to begin May 1.

Peoria had been watching the gathering ugliness with one eye covered and the other open wide.

Prayers for a peaceful resolution were offered at churches. Local leaders pleaded for a settlement. Law officers negotiated with both sides to keep order on the picket lines.

This is going to be a very tense weekend for many families in Peoria," said U.S. Rep. Bob Michel, the longtime Republican representative from the area. "This is a time of testing for the entire community."

Civic leaders feared that violence on the picket lines would kill outside investment for the next decade, or more.

The city had struggled back to economic health after the devastation of the nationwide recession and Caterpillar layoffs of the early 1980s. Now people feared that a decade's gains were being chipped away by daily images of strikers and guards on television news programs, and by published reports in newspapers across the nation.

It had become a national story, with out-of-town commentators making much of Peoria's historic role as touchstone for the nation. For the most part, they were not exaggerating.

Within its 43½ square miles of urban grit, suburban sprawl and open prairie, the City of Peoria contains virtually all that is grand and all that is ignoble about America in the '90s.

It has beautiful rolling parks and blighted public housing developments, glistening malls and boarded-up storefronts, a history of neighbor helping neighbor and a lingering tradition of racial intolerance.

The expression "Will it play in Peoria?" started in vaudeville days. But it still has been a valid test for politicians, marketing executives and anyone else looking for the national pulse.

The statistics that once made Peoria "average" have changed, but it's not just numbers that make it a model of the country. It's the attitudes of the people, the way they think and vote. It's the way they work and play and pray.

Driving into Peoria from the east on Interstate Highway 74, a traveler sees the city suddenly and fully through the yawning gap in the Illinois River bluffs.

From this distance, the city evokes images of churning factories and workers toting lunch buckets, of church picnics and union barbecues, of bowling leagues and high school football.

The 30-story Twin Towers residential complex is flanked by descending lines of office buildings. The Caterpillar headquarters crouches low near the river's edge.

But, up close, Peoria's blue-collar dignity quickly gives way to drabness and desperation. Many of the warehouses and factory spaces that line the river are, on closer inspection, empty.

Gone is the Palace Theater, the vaudeville house where national acts would try out new material on Peoria audiences. In its place stands the Twin Towers, whole floors vacant.

By 5:30 p.m., downtown Peoria begins losing life. By 8 p.m. it is dead.

Even during business hours there are never any true traffic jams, at least none of the head-in-hands, curse-a-lane-changer variety. Not downtown. Not by the malls. Not at the morning rush. Not at the evening rush. Never.

North of downtown are the "suburbs within the city" that blossomed as the middle class fled downtown in the 1960s and 1970s.

One is Edgewild, where one Caterpillar executive after another lives along curving streets, Peoria's version of Detroit's Grosse Pointe. Caterpillar chairman and CEO Don Fites lives there, a golf shot away from the home of retired chairman Lee Morgan.

But the analogy to Grosse Pointe and its seven-figure mansions doesn't hold up. Edgewild homes sell for \$100,000 to \$250,000—well above Peoria's \$60,000 median, but still in a range that fits Caterpillar's low-key sensibility.

Fancier homes can be found up on a wooded bluff, where doctors, lawyers and other professionals live along Grand View Drive, a street that Theodore Roosevelt once called "the world's most beautiful drive."

But the splendor of Grand View, where houses sell for \$300,000 to \$600,000, is the exception. Growing more prevalent are streets like Jefferson and Adams, two main north-south thoroughfares that long ago lost their battles with weeds. Store after store is empty or boarded up. Fallen tree limbs and other debris are left on the sidewalks and in the street for weeks at a time. Working-age men, white and black, pass their weekdays sitting on front porches.

Their prospects of getting a good-paying job are few, and getting fewer. Peoria is changing, and the changes are not working in their favor.

For most of its history, Peoria had been a churning industrial town, the kind of place where people set their watches by the noon factory whistles.

Early this century it was a whiskey distiller and a transportation hub, with a hundred trains a day making the stop. It continued to develop as a hard-working, hard-living town—central Illinois' capital of industry and vice.

Until 15 years ago it was a self-assured factory town where wages went up every year, housing prices boomed, and good jobs could be had with a high school diploma and the right attitude.

"If it wasn't at Caterpillar, and it usually was, then it was at Keystone or Hiram Walker or Pabst," said Peoria native Rebekah Bourland. A good paying blue-collar job was practically a birthright for white Peoria men.

During the 1980s, all that changed. The headquarters of the Bergner department stores left for Milwaukee. Hiram Walker followed cheap labor, cheap land and tax breaks to Arkansas. Pabst Brewery closed shop to consolidate in Milwaukee. Keystone Steel and Wire laid off hundreds.

Worst of all, Caterpillar laid the town low with a combination of blue-collar and white-collar layoffs that began in 1982, the first year since the Depression that the company lost money.

More than 15,000 Caterpillar workers in the Peoria area lost their jobs from 1980 to 1984. Only a small percentage of those workers would ever be called back. Many others left the area.

From 1980 to 1983 alone, the number of manufacturing jobs in the Peoria area fell 40 percent, leaving it by far the hardest hit blue-collar town in the Midwest, according to one study.

What happened to Peoria in the 1980s also happened to Kankakee, Gary, Youngstown, Akron, Detroit, Flint and Pittsburgh: Blue-collar bases were shriveling. Then, in the 1990s, white-collar workers began losing jobs in the high-tech communities of New England and the Silicon Valley, and in the defense industry towns of Texas and California.

In Peoria, just as in other northern industrial cities, the decline in blue-collar employment has been harshest for the city's African-Americans.

"This whole decline in manufacturing in our society generally . . . has disproportionately impacted minorities," said Bashir Ali, director of the Central Illinois Private Industry Council. "That led to the phenomenon we have now of massive numbers of African-American males being unemployed and giving up hope."

Like many U.S. companies, Caterpillar hired few minorities until the mid-1960s, when the federal government began encouraging, and in some cases pressuring, them to do so.

In 1962, Caterpillar employed only about 650 minorities nationwide out of a total work force of 31,505. Under the government's Plan for Progress, the minority presence doubled by 1965 as the total work force grew to 44,000, and minority hirings continued to grow through the decade and into the 1970s.

But when Caterpillar and Keystone and other union employers laid off workers at the beginning of the last decade, a disproportionate number of those let go were minorities—simply because hiring discrimination in the past had left them with the least seniority.

Unemployment in 1983 and 1984 flirted with 20 percent in the city; bankruptcies soared, hitting a high of 2,300 in 1984; and the bottom fell out of the housing market. According to the Peoria Area Association of Realtors, the average selling price for a home dipped more than 15 percent from 1982 to 1987, dropping to \$52,135 from \$61,500. Some people turned in their keys to helpless real estate agents with a plea for anything they could get. Some just walked away.

Peoria's population fell during the 1980s from 126,000 to 113,500; in the metropolitan area, which comprises Peoria, Tazewell and Woodford Counties, the drop was from 366,000 to 340,000.

Gradually the city tried to fight back, working to attract new business.

Voters in 1985 elected a cheer-leading, feel good, singing mayor who promised to put the citizens back in government and Peoria back on track.

Mayor James Maloof and Peoria's other leaders began weaning the community from Caterpillar by enticing small businesses to locate there. To an extent, they were successful.

The U.S. government's agricultural sciences lab has expanded to hundreds of employees. The city has become the medical center of central Illinois, nearly doubling the number of jobs in the industry. And numerous small enterprises, from computer graphic firms to telecommunications companies, have been added in the last few years.

When the state legalized riverboat gambling in 1991, Peoria leaped at the opportunity, even though city fathers worried it would revive old images of call girls, crooked cops and con artists.

The \$15 million Par-A-Dice river-boat casino opened last November and has exceeded all expectations, bringing with it some 700 jobs that average about \$23,500 a year. Attendance fell off this summer after a big start, but through August the boat had pumped more than \$3 million into the tax coffers of Peoria and East Peoria, not counting parking fees at the city-owned lot.

Next the city is considering expanding its convention center and even setting up a national Comedy Hall of Fame. After all, Richard Pryor is from Peoria. So were Fibber McGee and Molly.

So some of the boosterism has worked: Prior to 1991's downturn, the area had recouped 25,000 jobs lost in the 1982-83 wipeout. Bank account openings have risen dramatically. And housing prices, which headed south in the early '80s, have rebounded.

But the new jobs aren't like the old jobs. On paper they almost offset those lost of the factory closings, but the new positions tend to be lower-paying ones in the service and medical industries.

In 1979, 34 percent of all jobs in the Peoria metropolitan area were in manufacturing; by 1991, that number had sunk to 22 percent, a loss of 22,000 blue-collar jobs.

Due largely to that shift, household income dropped significantly, and for the first time in decades Peoria fell below the national average. The median for Peoria was \$18,193 in 1979. To keep pace with inflation it should have risen to \$31,073 by 1989. In fact, the median rose to just \$26,074 by 1989, a decrease of 19 percent.

Nationally, median household income rose 6.5 percent.

Across the metropolitan area, the decrease in median income was more than 10 percent, meaning thousands of families slipped out of the middle class and into the ranks of the working poor. From 1979 to 1989, the percentage of Peoria residents living below the poverty level rose to 18.9 percent from 12.3 percent.

During the 1980s, the world was shifting. Like continental plates moving over the economic globe, vast classes were pushed into new territory.

High-paying manufacturing jobs were disappearing from the United States and reappearing as low-paying jobs in cheap labor markets overseas. Old economic borders were disappearing, pitting workers in Michigan in direct competition with workers in Mexico.

Peoria was deindustrializing right along with the rest of America. And life in the nation's quintessential blue-collar town would never be the same.

At about 11:20 Thursday night, Dick Owens was in bed, trying to sleep after putting in his fourth shift since crossing the picket line on April 6. His five children were asleep. His wife, Nancy, was in the basement doing laundry.

When she slammed the dryer door, it made a thud. That was immediately followed by another thud from upstairs. She heard glass shatter.

She ran upstairs, yelling. "They're hitting the house?" Dick came out of the bedroom. Nancy was in a panic. Glass covered the living room floor.

"Call 911," Dick yelled at her. She talked to a police dispatcher, repeating her address, staying on the line. As she spoke, she saw a figure moving outside. "There's a big guy on the back porch," she said.

Dick was behind her, wielding a baseball bat. She stood between him and the big guy on the porch.

Nancy ran down the basement stairs as Dick threw open the door. There, on the back porch, was their next-door neighbor. He had heard two crashes and had looked out his window to see three men with baseball bats walking down the alley.

They had broken out the rear window of the Owens' station wagon and broken a living-room window.

It wasn't until later that Nancy began shaking.

At about 2:30 a.m., the phone rang. A man asked Dick if he had gotten a message.

Owens wanted to say something smart, wanted to show this guy something.

"Watch for me in the morning," Owens said to the man. It didn't sound as biting as he had hoped.

"Next time," the man on the other end said, "it will be more than a window."

The next evening, Jan Firmand was watching the news and there, suddenly, was Owens' face. She had worked with him at Building KK, had stood with him on the picket lines, warming her hands over the fire barrels and talking with him about the future of Caterpillar.

Owens was telling the TV reporter about the vandalism at his house, the price some union brothers had made him pay for crossing the picket line.

Even though Firmand had always respected him, she felt a little disgusted when she saw his face. She called her son into the room.

"There he is," she told her son. "He's the one I work with."

On TV, Owens was describing the attack. "What did he expect?" her son said.

That weekend, after several bleak weeks, there was some hope of a break in the standoff.

Caterpillar Chairman Don Fites and UAW President Owen Bieber had met in Chicago with federal mediator Bernard DeLury and agreed to send negotiating teams to the mediator's offices in the Chicago suburb of Hinsdale on Monday.

Members of the rank and file, hoping for an agreement that would let them go back to work without crossing their union, were cheered. Maybe this time the two sides could work something out. A contract extension, maybe, anything to take them back from the edge.

On the picket line, firebrand Ron Logue kept up the spirits of those who stayed and turned up the pressure on those who crossed. To him, the scabs were hurting not only the union but themselves as well.

The only chance the worker has was solidarity, Logue insisted. The only chance the country has is fostering strong unions that promote high wages and a good standard of living.

"We're trying to help everyone—farmers, minorities, not just union people," Logue said. "Our members get paid more, so they pay higher taxes. That leads to better schools, better communities."

At the Local 974 hall, officials disputed Caterpillar's claims that several hundred workers had crossed the picket lines by Friday. They insisted that Caterpillar's efforts to hire replacements would fail. They talked defiantly about Monday's session with the federal mediator.

The company had better back down, they said, because we won't.

The first day of talks in Hinsdale proved uneventful. Back in Peoria, Caterpillar began screening and testing would-be replacement workers. The number of people crossing the picket line rose.

By noon Tuesday, April 14, the talks in Hinsdale appeared to be going nowhere.

Back on the picket line, workers were getting antsy. Older strikers, who fretted about not qualifying for a pension if their jobs were wiped away, became more outspoken.

Word had it that if the talks with the mediator broke down, people would start crossing in droves.

"Don't be the first to cross," the advice had gone, "but don't be the last, either."

By late afternoon, there were hints of movement out of Hinsdale. The talks would continue beyond the original closing time.

DeLury offered both sides a deal: The union would go back to work immediately; the company would stop its efforts to hire replacements; and both sides would withdraw their latest contract offers and resume negotiations fresh for 90 days.

The two sides went to different rooms to consider the deal.

A few union committee members felt that Caterpillar's production was so low the company could not hold out much longer. Others expressed fear that by the end of the week, Good Friday, thousands of workers would cross the line and the strike would be broken.

In the end, union negotiators say, their decision to go back to work was unanimous.

Caterpillar negotiators were the first to give their decision to DeLury. They said the company would not withdraw its final contract offer. If workers came back, they would do so under the terms of that proposal.

Then the union team came into the room, and Casstevens said DeLury's deal was acceptable. The union would withdraw its offer, send its workers back to the factories and bargain for 90 more days.

When Casstevens was told that Caterpillar was, in effect, refusing DeLury's deal and sticking with its last offer, he became agitated.

"Well then," someone would later remember him saying, "we are unconditionally returning to work."

The words came as such a bolt out of the blue that somebody in the room asked him to repeat them. He did. Then he stood up and walked out.

The company was stunned. So were the workers.

In bars, at home, in the pickets' shelters thrown up in front of Caterpillar buildings, at the union hall, Caterpillar strikers listened to the radio or watched television or got on the phone of friends, trying to figure out what had happened.

At first, many believed Casstevens had a plan.

Jan Firmand, working at the nursing home where her father lived, heard the news on television and literally jumped for joy. She thought the union must have won something. Later, she realized that there was no victory at all.

At Marty's Center Tap, a hangout across the street from Caterpillar's Building JJ in East Peoria, the mood ran from defeat to betrayal.

Some rank-and-file members felt their interests had been superseded by larger union issues, and they wondered whether the agreement to end the strike had been worked out secretly the week before by Fites and Bieber.

Many workers had lost up to \$20,000 in wages, and they all had watched as friends turned their backs on them and crossed the picket line. They had been forced to struggle with issues of loyalty and principle, and for what?

They were going back clear losers, and no matter how many times they tried to tell

themselves that the fight was not over, they kept returning to the idea that all that time out of work, 163 days, got them nothing.

At the end of a long day at Marty's Tap, union member Dave Krueger watched the news as he finished his last beer. He looked up at the screen, then down at his drink, then muttered, "We're going back with our tails between our legs."

#### KILDEE URGES PEACEFUL SETTLEMENT OF CONFLICT IN BOSNIA-HERCEGOVINA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues a resolution adopted by the General Assembly of the 29th annual convention of Islamic Society of North America which met on September 6, 1992, in Kansas City, MO. The resolution expresses the fear and anguish of the people of Bosnia-Herzegovina and the dire need for immediate action to end the bloodshed and suffering in the region. The resolution is as follows:

We feel that it is our duty and right as citizens and human beings to raise our united voice and express our deepest concerns about the genocide in Bosnia-Herzegovina which is manifesting itself through the brutal killing of innocent civilians, raping of women, forceful displacement, "ethnic cleansing" of citizens, establishment of concentration death camps, destruction of properties and centuries-old cultural monuments, with the ultimate goal of annihilation of the nation, Muslims in particular. To date, as a result of the continuing criminal and terrorist activities of the aggressors, over sixty thousand innocent people have been killed with tens of thousands unaccounted for, one hundred thousand are starving in concentration camps and over two million people have become refugees and displaced persons. In addition, countless villages have been leveled to the ground and many cities are reduced to rubble.

These barbaric and sadistic atrocities deeply move all of us who love and cherish freedom, democracy and human rights to demand that our political leaders, in particular, and the leaders of the world community in general fulfill their moral responsibilities and act immediately to establish peace, security, justice and freedom for the people of the region.

In order to achieve these goals, we demand the following measures be enacted:

1. An immediate and lasting cease-fire.
2. Unconditional withdrawal of aggressors, from all the territory of the Republic of Bosnia and Herzegovina, including former JNA forces.
3. The establishment of a war-crimes tribunal to prosecute and punish the organizers and perpetrators of these crimes against humanity.
4. Ensure the secure and safe return of the refugees and displaced persons to their homes.
5. Effective enforcements of the sanctions against Serbia and Montenegro enacted by the United Nations Security Council Resolution 757.
6. The legitimate rights of the Republic of Bosnia and Herzegovina to self-defense

should be recognized through the following measures: a. Exempting Bosnia-Herzegovina from the arms embargo. b. Elimination of the aggressor's heavy weaponry and armaments.

7. Compensation for war damages and the return of stolen properties by the aggressors.

8. The establishment of a controlled area along the entire border of Bosnia and Herzegovina, in particular Serbia and Montenegro, in order to prevent the flow of new arms supplies and troop reinforcements for future aggression.

We propose these measures in the belief that, through their adoption, the world will put an end to these shameful atrocities and prevent them from being repeated in other parts of the world, in particular the areas of Sandzak and Kosovo, where the Serbs have similar designs. Therefore, all necessary measures should be taken to prevent the genocide that is currently taking place in Bosnia-Herzegovina from being repeated again in Sandzak and Kosovo.

Mr. Speaker, the situation in Bosnia-Herzegovina crystallizes the sentiment expressed in a quote by the great philosopher and legislator, Edmund Burke, who stated, "The only thing necessary for the triumph of evil is for good men to do nothing." We can no longer bear idle witness to the terrible fighting and oppression that has left tens of thousands of people dead and over 2 million people homeless. As a superpower, our Nation must be an active participant in bringing together the various parties in this tragic conflict. A just and comprehensive solution to this conflict can and must be found. But our silence will not contribute to that goal.

**LOUISE M. LOCARIO RETIRES  
AFTER 26 YEARS OF SERVICE**

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mr. NEAL of Massachusetts. Mr. Speaker, it is with pleasure that I pay tribute to a fine lady from the beautiful community of Longmeadow, MA, who has retired from the human services field after more than a quarter-century of working to enhance the lives of the physically and mentally challenged.

Louise M. Locario was born on February 14, 1922, and was raised and educated in Enfield, CT, where she met and married her high school sweetheart, Marshall Gebeau. They had two children, Reggie and Carl. When his country needed him, Marshall was quick to join the Marine Corps during World War II, and sadly, he lost his life defending his country at Iwo Jima.

Six years later, Louise met George Locario. They were married and became the proud parents of five more children, George, Philip, Nina, Louise, and Liz. Her husband became very ill and passed away in 1961, leaving Louise with seven children, one of whom was handicapped shortly after birth.

Louise began her career in human services as a volunteer, and later took a position as an aide with the Community Nursing School in 1969. In 1974, she became an employee of the Commonwealth of Massachusetts in early childhood service. In the same year she went

back to school and earned an associates degree in early childhood mental health from Springfield Technical Community College. During this period of time, she worked as a developmental specialist teacher, and three times per week as a group leader for special-needs children, all the while caring for her own family. In 1985, Louise went to work with the Valley Infant Development Early Intervention Program, where she retired in July of 1992 after a total of 26 years providing vital services to those in need and their families.

In addition to all she accomplished professionally, Louise was associated with the Girl Scouts for 37 years, 33 of those as a leader, 12 as a member of the board of directors, and 6 years on the nominating committee. She has received some of the highest awards given in Scouting, the Thanks Badge I and II, as well as the Outstanding Girl Scout Leader Award. She was a member of Operation Snowflake for 11 years, and has guided many Girl Scouts to earn their Silver and Gold Awards, the highest awards a Girl Scout can receive.

Her contributions to her family, her community, and to those whose lives she has touched over the years are truly remarkable. In recognition of her legacy of caring and commitment, United Cerebral Palsy-Valley Infant Development Early Intervention Program has named an award for her, the Louise Locario Award, in recognition of and appreciation for her countless contributions.

Mr. Speaker, please join with me and the family and friends of Louise Locario in wishing her a long, happy, and healthy retirement. She certainly deserves it.

**ELEANOR HOLMES NORTON PAYS  
TRIBUTE TO CWO CLAYTON L.  
BUTLER (USA-RET)**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Ms. NORTON. Mr. Speaker, on October 5, Clayton L. Butler will, once again, be retiring. His first retirement, almost 15 years ago, concluded an Army career that spanned three decades and saw him serve his country in three different conflicts. Today, however, I rise to offer a tribute to this man who has served his country long and faithfully during not one but two distinguished careers. Early next month, Mr. Butler will retire from his post as administrative assistant to the director of Government relations for the Retired Officers Association.

It is often said that the measure of accomplishment is not limited to an individual's singular deeds but extends more broadly to the impact the individual has on the environment in which he works and on those around him.

For the past 15 years, as the administrative assistant to the director of Government relations, Mr. Butler has been the steady hand on the tiller and the institutional memory for a growing association with a diversity of military retiree needs and concerns. His capacity for recalling the essence of a legislative issue and the methodology used to resolve it is unsurpassed. Numbered among his accomplish-

ments are his efforts to secure improvements in such critical legislation as the Survivor Benefits Plan for military retirees and their surviving spouses; his efforts to preserve cost of living adjustments for military and Federal civilian retirees; and his yeoman like work in helping the Retired Officers Association and the Coalition for Affordable Health Care to gain the repeal of the Medicare Catastrophic Coverage Act with its senior-citizen-only surtax.

But, Mr. Speaker, his accomplishments at the Retired Officers Association do not fully tell the story of Mr. Butler's efforts on behalf of others. First and foremost, Mr. Butler is a citizen of his city, where he was born and raised and to which he returned upon his retirement from the U.S. Army.

As a former secretary, vice president, and then president of Washington's Lamond-Riggs Citizens Association and the recipient of a 1988 NAACP trophy for his human relations endeavors, he has been a community leader in efforts to combat crime and drug abuse. As a leader in the 19th Street Baptist Church of Washington, on a weekly basis, he records and edits, for later airing on Washington radio station WYCB, the Sunday services for those parishioners too ill to attend in person.

And, Mr. Speaker, as if his work in support of military retirees and the members of his church and those who live in his community were not enough, Mr. Butler is also active in community civic and political activities in Washington's fourth and fifth wards. He has led voter registration drives and has volunteered to work in election campaigns.

Mr. Speaker, I therefore wish to pay tribute today to an extraordinary man; a man who has devoted over 45 years of his life to the service of the county; a man who spent 30 years overseas; a man who devoted another 15 years of his life in service to his fellow military retirees and their families and survivors; and last, a man who, to this day, goes quietly about his efforts to improve his community and the human condition of those people living in his city. That man, Mr. Speaker, is CWO Clayton L. Butler, U.S. Army, retired.

**THE VETERANS' JOB TRAINING  
ACT OF 1992**

**HON. CARL C. PERKINS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mr. PERKINS. Mr. Speaker, I rise today to introduce the Veterans' Job Training Act of 1992, which amends the Job Training Partnership Act to expand services to our Nation's veterans. Today's veterans need increased job skills, whether reentering the job market from active service or as a result of job change due to layoffs. Unemployment among some sectors of the veteran community runs 2 percent above the rate for the non-veteran population. Yet veterans have proven themselves to be highly trainable, adaptable, and willing to take on responsibilities in the work force. At the same time, American businesses are looking for ways to compete against foreign rivals. The Veterans' Job Training Act would benefit both communities.

The bill requires a minimum of \$75 million to be used by the Department of Labor to establish a veterans' job training program. All honorably discharged veterans of the Korean war or later would be eligible to participate in the program. Employers are strongly encouraged to establish training programs in high-skill occupations through tax incentives and wage subsidies of up to \$15,000 per year for each veteran. The legislation contains language to protect existing workers from displacement by trainees.

The measure takes a long-term approach by requiring employers to provide employment to veterans who complete training if such employment is expected to be stable and permanent. Further, the bill offers the option to re-enroll to those who become unemployed following training and requires the Secretary of Labor to approve training programs only where jobs are available.

Another advantage to the legislation is that it encourages coordination with other Federal programs and agencies, particularly the Department of Veterans Affairs. This continues the emphasis on coordination of services that was central to H.R. 3033, the Job Training Reform amendments, which strengthens programs under the Job Training Partnership Act and which was recently signed into law.

The Veterans' Job Training Act of 1992 is a straightforward bill that utilizes a system already in place to bring much-needed job training assistance to our veterans and to businesses. I urge my colleagues to give the bill their close attention and to sign on as cosponsors.

#### SECTION-BY-SECTION ANALYSIS OF THE VETERANS' JOB TRAINING ACT OF 1992

Sec. 1—Short Title.

Sec. 2—Purposes.

Sec. 3—Establishment of Veterans' Job Training Program and Employer Job Training Programs.

The bill amends the Job Training Partnership Act to require the Department of Labor and encourage interested businesses to assist qualified, unemployed veterans in obtaining long-term employment and significant training, particularly in high skill occupations. Employers would be encouraged to establish training programs for veterans through tax incentives and wage subsidies.

A newly created section 442 establishes the program within the Department of Labor and sets out eligibility requirements and the responsibilities of the Department of Labor towards veterans. Eligible participants are all honorably discharged service members who served in the Korean War or later. Interested veterans would submit applications to the Secretary of Labor (hereafter referred to as the Secretary) for participation in the veterans employment program. Upon establishing eligibility, the Secretary would issue a certificate of eligibility to the veteran to present to participating businesses. Eligibility certificates would expire either 90 or 180 days after the date of issuance but could be renewed upon re-application to the Secretary.

Under a new section 443, employers would establish programs for up to 24 months for 30 percent disabled veterans, 18 months for 10 to 20 percent disabled veterans and 12 months for all other veterans. Training programs is a growth industry, that require the use of new technological skills, or in which demand for labor exceeds supply must be at least 6 months long.

In their applications, employers must certify to the Secretary the following:

That wages and benefits for veterans will not be less than those provided to other employees participating in a comparable job training program.

That the employment of the veteran will not result in the displacement of currently employed workers or their benefits.

That the veteran will not fill a position equivalent to one held by any individual on layoff.

That the training program will provide the veteran with new skills of the opportunity to maintain old skills.

That each veteran will be employed full time in the program.

That the training program will be of sufficient duration for the job for which the veteran is in training, and

That the employer will hire the veteran upon completion of the program for a position for which the veteran has been trained and which the employer expects to be available on a stable and permanent basis.

In addition, the employer shall include in the application to the Secretary specific information about a proposed training program, such as the number of hours to be worked, the length of the program, the starting wages, the content of the program, linkages with educational institutions, and any other information the Secretary may require.

Upon approving an employer's application, the Secretary shall issue to the employer a certificate of eligibility. Programs involving employment that is seasonal, intermittent, or temporary; commissions as a primary source of income; political or religious activities; or employment with any agency of the Federal government shall be automatically disqualified.

The bill requires employers to notify the Secretary when a veteran has been accepted into a training program. The Secretary shall pay to the employer 50 percent of a veteran's wages and benefits, not to exceed \$15,000 per year, throughout the training program.

The bill requires the Secretary to provide for inspections, investigations, and monitoring to guard against fraud. The measure also requires the Secretary to coordinate with similar Federal programs, to provide counseling services to veterans, and to establish an information and outreach program to veterans, private industry, public agencies, educational institutions, and labor unions.

The bill includes veterans who participate in training programs created under this bill as members of a targeted group for purposes of section 51 of the Internal Revenue Code of 1986 (the targeted jobs tax credit).

Sec. 4—Authorization of Appropriations.

The bill authorizes \$75,000,000 for fiscal year 1993, and such sums as may be necessary thereafter.

Sec. 5—Technical Amendments.

Sec. 6—Effective Date.

The effective date is either the date of enactment or October 1, 1992, whichever occurs later.

#### AN EXEMPLARY RESPONSE TO A TERRIBLE TRAGEDY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. SOLARZ. Mr. Speaker, early on the morning of September 6, a terrible tragedy oc-

curred in Brooklyn, NY, when a tow truck driver without a valid operator's license recklessly struck another car, killing a young Ecuadorian woman, Alicia Sanmartin, seriously injuring her husband Luis, and less severely injuring their two children.

This chilling incident has spurred serious public discussion on abuses by the tow truck industry in New York, and it is my hope that one positive result of this horrible accident will be enhanced regulation of this industry.

I wish to direct my remarks today, however, to the personal circumstances of the Sanmartin family, and especially to praise both the U.S. Government and American Airlines for their prompt efforts to provide the Sanmartins with assistance in their hour of great need.

Shortly after the accident, I learned that Dora and Vicente Sanmartin, the parents of Luis, hoped to travel to New York to be with their injured son and to care for their grandchildren, and was asked to assist in securing the visas. I was concerned that the U.S. Consulate General in Guayaquil, Ecuador, appreciate the importance of issuing visas to the Sanmartins on an urgent basis. I was also worried because I understand that applicants from developing countries are often denied visitor visas because it is assumed many intend to stay in the United States permanently.

I thus notified the State Department's Operations Center on Memorial Day, faxed a letter to the U.S. Consulate General in Guayaquil, and contacted the office of Bernard Aronson, Assistant Secretary of State for Inter-American Affairs. The response was extremely gratifying, as the Consulate General assured me that the Sanmartins' visa request would be given urgent and sympathetic consideration. I am pleased to say that the visas were in fact issued and Dora and Vicente have arrived in New York.

I was also concerned about the expense to the family of flying Alicia's body to Guayaquil, as well as the round-trip travel expense for Dora and Vicente. I therefore contacted American Airlines to inquire about the possibility of defraying these travel costs, as well as the round-trip travel costs of Carlos Cartejena, a family member who planned to accompany Alicia's body back to Ecuador. I am pleased to say that American Airlines, immediately recognizing the humanitarian urgency of this situation, promptly agreed to defray such costs. I was surprised and delighted by the company's willingness to cut through the red tape that might have delayed consideration of this matter.

In conclusion, Mr. Speaker, I would like to offer my heartfelt thanks, as well as the thanks of the Sanmartin family to American Airlines, the U.S. Consulate General in Guayaquil, and the U.S. State Department.

TED BROHL HONORED AS POET

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, I am submitting for the RECORD two articles

about Ted Brohl, the best known poet from New Jersey's First Congressional District since Walt Whitman. As one of the articles reports, his poem "The Old Wheelchair" was recently honored at the second annual International Society of Poets Symposium.

The articles follow:

BROHL'S WORK SELECTED BY SOCIETY OF POETS

WASHINGTON TOWNSHIP.—Ted Brohl, honorary Poet Laureate of Washington Township and Gloucester County, returned home with his wife, Ellie, after attending the International Society of Poets second annual Symposium in Washington, D.C.

Over 550 poets from 29 countries submitted their poems for judging, and Brohl's "The Old Wheelchair" was one of ten chosen to be read before the poets and their 250 guests. Brohl received an 'International Poet of Merit' award as well as a check.

Following a performance after the banquet, the Brohls were invited to a VIP reception for Joan Rivers, at which time Brohl presented Rivers with his new book of poetry, "In A Fine Frenzy Rolling," in which the prize-winning poem appears.

Brohl said she responded with two four-letter words, "Very nice," which he said were "about the only four-letter words she used that could be printed in a family newspaper!"

The inspiration for Brohl's award-winning poem was a visit the Brohls made to the Vietnam Veterans War Memorial last year in Washington.

He said that when he touched the impressive Memorial, he could feel the mortar shells exploding and the cries from the wounded, and he wrote the poem the same day when they returned to their hotel.

Brohl's book is in stock at Walden books, Deptford Mall, and Borders Book Shop, Route 73, Marlton.

The following is the poem written by Brohl after visiting the Memorial:

THE OLD WHEELCHAIR

The wheelchair has been put away now  
For the man who used it is gone  
But the memories that he left for us  
Are sweet, for courage was this man's song.  
I saw him last in a plaid bathrobe  
And his face was wrinkled and gray;  
His baritone voice was faded and  
His life was ebbing away.  
The aide had pushed the wheelchair  
Into the corner of the room,  
And the nursing home was a joyless place  
For the patients were all wrapped in gloom.  
But my friend still managed a smile for me  
And I sat in a chair next to him;  
I covered his shaking hands with my own  
And noted that my eyes were dim.  
This once towering man with the strength of  
a bull  
Now weighed only one twenty-five,  
And we each remembered the peak of our  
youth  
And our struggle to stay alive;  
For the Cong were hidden all over the place  
And the jungles were full of rot,  
And if we survived the hazards of war  
Agent Orange was still there like as not.  
Some of us escaped from death  
And a war that was not a war,  
And we married, had children, even had fun,  
Agent Orange hung around like a whore  
Waiting for payment, and some of us paid,  
And my friend was paying the price,  
For instead of tilling his Kansas wheat  
He had waded in paddies of rice.

He volunteered, as a patriot would,  
And the medals he got he still keeps,  
And he'd do it again if his country called,  
But for now he just breaks down and weeps.  
It's over now and the past is the past,  
And we are pushing seventy years,  
And I bid goodbye to this man so proud  
And we both shed the unwanted tears.

TRAVELING SALESMAN TURNS TO POETRY  
AFTER RETIREMENT

(By Carol Leach)

For years, Ted Brohl, traveling salesman, was up at 4:30 a.m., ready to hit the road and make another sale. Now, Ted Brohl, Gloucester County poet laureate, is often still wide awake at 4:30 a.m., busily penning another verse.

"If an idea is percolating inside of me, I'll usually get up at 3 a.m. and sit at the dining room table working on it," explains the 68-year-old Washington Township resident, who has been retired for more than four years. "If it isn't written by 6 a.m., it usually won't get written that day."

TALENTED TEEN

Brohl doesn't question where his ability to write poetry comes from; it's just something that has always been there.

He first discovered his talent as a teenager in North Jersey. He knew he liked to write poetry and that he was good at it. Yet for over 40 years he wrote only a handful of poems, devoting his time instead to his career and to his family which includes his wife, Ellie, two daughters, one son, and two grandchildren.

As soon as he retired, however, Brohl began writing in earnest.

"I think I was trying to vent all the creative energy bottled up in me for years," he explains.

He also met with extraordinary success extraordinarily quickly. After all, some writers struggle for years just to get one poem published. Brohl's work has not only appeared in 35 poetry anthologies, he also has two volumes of his own poetry in publication.

SURPRISED AT SUCCESS

For Brohl, the writing was part of a calculated plan; the success came as a pleasant surprise.

"I think people plan financially for retirement, but they don't plan what they're going to do with their lives," says Brohl. "I'd heard of too many people dying soon after retirement because they had no plans and no interests. I was darned if that was going to happen to me."

At first, Brohl's primary concern was writing.

"At the beginning I never thought I'd be published, so I wasn't worrying about it," he says simply.

Then, inspired by the gargoyles (those whimsical and/or grotesque carved water-spouts on castles and cathedrals) he saw while on a trip to Europe several years ago, Brohl found gargoyle poems flowing out of him. Suddenly, he knew he had the makings of an anthology.

SENT OUT QUERIES

Armed with a copy of the "Writer's Market," a book that lists book and magazine publishers, Brohl began sending out queries on his own. Vantage Press, Inc., of New York, responded with the covertly accepted letter and "Gargoyles and Other Muses" was published in 1990.

"In A Fine Frenzy Rolling," a line borrowed from Shakespeare's definition of a poet in "A Midsummer Night's Dream," is

the title of Brohl's second anthology, which was published in April. Vantage Press says it "firmly establishes Ted Brohl as a poet and storyteller for the people."

Like "Gargoyles," his new anthology covers a wide range of subjects—from sex and religion to peanut butter and earthworms. It also includes a fair amount of prose.

RECEIVES ATTENTION

And, like his first anthology—which generated acclaim and honors, such as being named Poet of Merit by the International Society of Poets last August—this new volume is already bringing more attention to Brohl.

Perhaps most exciting and flattering was his appearance at a book signing last month at the Borders Book Shop in Marlton.

Brohl's newfound prominence in the literary world has also brought him some requests to speak to schoolchildren.

"Even though I'm not a teacher or a public speaker, my visits to the classroom are fun," says Brohl, "and I consider it important because we need to reawaken an interest in poetry in youngsters."

STUDENTS INVOLVED

Brohl usually reads a few of his poems and answers the students' questions. Guided by the teachers he suggests a topic to the students and asks them to write their own poems. (At a seventh grade class in the Chestnut Ridge Middle School in Washington Township, for instance, he asked the students to write about whales.)

"I emphasize to the kids that they can't do anything without imagination," he says.

After reading the poems and making positive comments on all of them, Brohl selects the four or five that "mesh" with his own imagination and returns to the class at a later date to read them.

"It's been a pleasure to see the interest of the students and it has renewed my faith in the future of our country and its leaders," says Brohl.

REALITY AND FANTASY

As for his own imagination, Brohl says that he grounds his poems in reality—in a person, place, or thing that really exists—and then creates some fantasy to go with it.

"I might look up a word in the dictionary and then let my eyes wander around the page to see if another word will inspire me," he explains.

Or, as recently happened when a rufous-sided towhee flew into his yard, he might encounter something so different that he is inspired to write about it.

"It was a large sparrow with a black cape and a white underbelly. In 30 years of living here I had never seen one," explains Brohl. "I looked it up in a bird book and wrote about it a few days later."

ONE MORE ANTHOLOGY

As for the future, Brohl says he would like to do at least one more poetry anthology. That would complete a trilogy, but the third volume hasn't been kicked off as yet.

"It's all very eclectic," he says. "I write about whatever turns me on. I just ride with the tide and I can't do it unless something draws me out of bed to the dining room table."

"But, I do know," continues Brohl, "that I'll be a poet for the rest of my life, as long as the poems come to me."

THE 354TH CIVIL AFFAIRS BRIGADE: MULTIPLE MISSIONS IN THE PERSIAN GULF WAR

**HON. EDWARD R. ROYBAL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ROYBAL. Mr. Speaker, today, the 354th Civil Affairs Brigade is holding its first formal military "Dining-Out" since returning from Operation Desert Shield, Desert Storm, and Provide Comfort. I bring this event to your attention because this unit is located in the shadow of our Nation's Capitol in Riverdale, MD. Members of the unit come from the surrounding metropolitan area and include our own staffs and the Congressional Research Service.

The outstanding accomplishments of the 354th Civil Affairs Brigade in the gulf war earned them the coveted Joint Meritorious Unit Citation and numerous other commendations.

The brigade had major roles and responsibilities during the defense of Saudi Arabia in Operation Desert Shield and the liberation and restoration of Kuwait during Operation Desert Storm, and in providing humanitarian assistance to Kurdish refugees in Iraq and Turkey during Operation Provide Comfort.

Beginning in December 1, 1990, brigade members began working with Kuwaiti ministry officials in Washington, DC, as part of the Kuwait Task Force in planning for the provision of emergency and restoration services following the liberation Kuwait. On December 11 an advance party was deployed to Riyadh, Saudi Arabia, in support of HQ, Central Command Air Forces. On January 20, 1991 the main body arrived in Dhahran, Saudi Arabia, to support the VII Corps. Within hours of the allied sweep through Kuwait, members of the Kuwait Task Force began arriving with convoys of relief supplies to begin relief and restoration activities. On April 28, 1991 the Brigade began to redeploy to Incirlik, Turkey, in support of the Kurdish refugees in Operation Provide Comfort.

The brigade performed a full range of civil-military operations activities throughout the theater: minimizing civilian interference with military operations; providing host nation support and purchasing of goods and services from the local economy; functioning as local government liaison while negotiating for local water sources; planning for and stockpiling humanitarian relief supplies; planning for and administering dislocated civilian [DC] camps in southern Iraq and Saudi Arabia, including camp construction, food distribution, and medical care of DC's; assisting military police in enemy prisoner of war [EPW] screening, intelligence gathering and analysis; targeting and overlay development; reestablishing security and public services in allied occupied areas; directing port support activities, including coordination of the off-loading of cargo vessels and forwarding of equipment and supplies to the VII Corps beddown location in Dhahran and Al Khobar, Saudi Arabia.

In Turkey and northern Iraq the brigade worked directly with the United Nations High Commissioner for Refugees [UNHCR], USAID Disaster Assistance Response Teams, allied

forces and many private voluntary relief organizations, in bringing refugees out of their high mountain retreats where they could be provided with access to humanitarian relief and security arrangements in temporary camps, and eventually returned to their homes. The brigade engaged in developing an infrastructure for forward bases and distribution of relief supplies and in establishing security arrangements in coordination with local Iraqi and Turkish military commanders and governmental authorities.

The men and women of the 354th Civil Affairs Brigade can justifiably take great pride in their gulf war accomplishments.

SSG Alston, Patricia.  
SPC Andrew, Benita.  
SGT Arroyo, Nancy.  
SPC Baines, Regina.  
SFC Brindza, Robert.  
SSG Burnett, Jay.  
SGT Bryant, Karen.  
SGT Cameron, Bridgett.  
SPC Carey-Vick, Reba.  
SSG Carroll, Gerald.  
SGT Chambers, Irvin.  
SPC Coates, Barbara.  
SGT Cooper, Eleanor.  
SGT Cooper-DeLoatch, Sharon.  
SPC Delgado, Donna.  
SPC Eden, Roxanna.  
SSG Epps, Victor.  
SSG Falby, Sharon.  
SGT Gaisor, Amy.  
SGT Hamilton, Christine.  
PFC Hanna, Willie.  
SPC Harris, Wynora.  
SGT Hartridge, Karen.  
SPC Holman, Keith.  
PFC Hopkins, Vincent.  
PFC Hutcheson, Mark.  
MSG Jackson, Eunice.  
SGT. Kelly, Maureen.  
SGT Kirk, Rose.  
SFC Lane, Robert.  
SGT Lawrence, Francis.  
SFC Leonard, Willie.  
SPC Martinez, Ernesto.  
SGT McCrary, Roxanna.  
SSG McDonald, Walter.  
SGT Meade, Timothy.  
SFC Miles, Ronald.  
SPC Morgan, Jerome.  
SPC Muse, Timothy.  
SPC Mushala-Fields, Jocelyn.  
SFC Owens, Bridget.  
SFC Parker, Lloyd.  
1SG Partlow, Joyce.  
SGT Phillips, Theresa A.  
SPC Pittard, Debbie N.  
SFC Rivera, Alfredo.  
SFC Schulert, Mark.  
SSG Siler, Wade.  
SGT Smith-Wiggins, Constance.  
SGT Snodgrass, Benjamin.  
CSM Staten, Harold.  
SGT Sutton, Darylvin.  
SFC Truxon, William.  
SFC Venson, Sheila.  
SGT Walls, Joseph.  
LTC Agosti, William.  
MAJ Alcan, Bruce.  
LTC Baker, Wilson.  
COL Beahm, Robert.  
MAJ Becker, Howard.  
MAJ Blair, James.  
MAJ Brune, Louie.  
MAJ Burger, Jeffrey.  
MAJ Carney, Richie.  
LTC Carr, James.  
MAJ Castro, Dale.  
LTC Childs, James.

MAJ Clark, Eugene.  
COL Dandar, Edward.  
COL Blount, Lawrence.  
LTC Deegan, Michael.  
LTC Dunn, Richard.  
LTC Fiedler, Robert.  
LTC Flaak, Robert.  
MAJ Gardner, George.  
LTC Gatrell, Jacob.  
LTC George, Edward.  
MAJ Gibmeyer, John.  
LTC Guerrieri, Vincent.  
LTC Halvorsen, John.  
COL Hayuk, Hlib.  
LTC Hoffman, John.  
LTC Jones, Charles.  
COL Jones, George.  
LTC Jordan, Robert.  
CPT Kennedy, Paul.  
MAJ Kessel, Alan.  
LTC Lambrinos, Jorge.  
CW2 Lanier, Gary.  
MAJ Lee, John.  
CPT Maxey, Beatrice.  
LTC McKinney, Donald.  
MAJ McNabb, Kenneth.  
LTC Meyers, John.  
LTC Mitchell, David.  
COL Moran, Clarence.  
LTC Paternoster, Peter.  
MAJ Perry, Sarah.  
MAJ Pettit, Thomas.  
LTC Polk, Artie.  
MAJ Redding, Joseph.  
COL Rostron, Ira.  
MAJ Rowson, David.  
MAJ Salters, Roscoe.  
LTC Sculley, James.  
LTC Setzer, David.  
LTC Saitro, Raymond.  
LTC Schmidt, Douglas.  
LTC Shannon, George.  
LTC Simmons, Michael.  
LTC Spinelli, David.  
1LT Stewart, Stephen.  
MAJ Thomas, Vincent.  
MAJ Thorsen, Robert.  
LTC Vecchiarello, Frank.  
MAJ Warren, Tom.  
LTC Webber, David.  
MAJ Weipert, Dennis.  
LTC Williams, John.  
MAJ Winder, Coulbourne.  
LTC Windmiller, David.  
MAJ Zimmerman, Lawrence.

IT'S TIME TO HELP THE CONSUMER

**HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. ANDERSON. Mr. Speaker, in the 5 years since cable companies were deregulated, they have increased rates over 60 percent, three times the rate of inflation. Despite these increases, service to the consumer has declined. The mood of the American public is very clear. They are fed up with high rates and poor service. The question is, will Congress do something to help?

I do not believe that regulation is the long-term solution to cable companies' abuses. Deregulation has had positive effects on the cable industry by bringing many new programs and channels to our television screen. But, while programs have proliferated, cable rates have skyrocketed. A recent Government Ac-

counting Office [GAO] report found that most rate increases were not economically justifiable and that a minority of cable operators had abused their monopoly position by unreasonably raising prices. This price gouging cannot continue.

Congress passed the 1984 cable deregulation bill with the expectation that increased competition would create an efficient market. Unfortunately, competition has not taken hold in much of the country. Only 3 percent of all communities have access to more than one cable provider. The Justice Department found that recent cable rate increases were 50 percent more than they would have been in a competitive marketplace. Where competition exists, rates are 20 percent lower and service is better. There is no doubt that our first priority should be to increase competition in the marketplace.

The bill we have before us today, S. 12, the Cable Television Consumer Protection Act, reigns in cable's abuses through increased competition. Under current law, a cable company can be guaranteed local monopoly power and exempted from local regulation. Any cable company in this position is immune from competition and can charge more and keep more profits. To foster effective competition, this bill prevents local authorities from unreasonably refusing to award competitive cable franchises.

This bill also promotes new technologies, such as wireless cable or direct satellite broadcasting, to create a more competitive market. Currently, only 5 percent of the American public subscribe to these alternative systems largely because cable companies are actively preventing them from purchasing such popular channels as CNN, TNT, or The Discovery Channel at reasonable rates. The cable bill addresses this problem by prohibiting vertically integrated programmers, companies which own both cable systems and program producers, from discriminating against these new technologies. This measure will level the playing field between cable and its competitors.

While competition is obviously the most efficient method of controlling prices and enhancing service, competition will not materialize overnight. To protect consumers in the meantime, S. 12 re-regulates those cable companies which do not face effective competition. This bill requires the Federal Communication Commission [FCC] to set guidelines for a number of basic services including monthly cable rates, installation costs, and rental charges. These guidelines do not set a maximum price for these services, but only require the FCC to ensure that rates do not exceed what would be charged in a competitive market. For services above these basic levels, including premium channels and pay-per-view, the FCC is allowed to challenge "unreasonable" prices on a case-by-case basis.

A provision was added to S. 12 in conference that requires cable operators to obtain the consent of local broadcasters before carrying their signals. During cable's infancy, Congress forced local broadcasters to give cable companies their signal at no charge under the theory that cable was to be used simply as a better antenna. Since that time cable has grown into a multibillion-dollar industry. Cable

operators now take local signals and sell them to cable subscribers at huge profit. Cable companies either keep these profits or turn around and fund other cable channels. Requiring cable companies to bargain for the right to re-transmit local channels rightfully returns the television business to the free market.

I am sure everyone has seen cable industry's last ditch multimillion-dollar ad campaign to prevent passage of this proconsumer legislation. They have warned that passage of this bill will raise, not lower, monthly rates. In their ads they quote a Department of Commerce estimate of an increase of \$23 to \$51 per year if this bill passes. However, a congressional inquiry found that this estimate came directly out of cable industries' own study. What does an independent group say about the cable bill? The Consumer Federation of America estimates that passage of this bill could result in a savings of up to \$6 billion for cable consumers.

The cable industry has also tried to present this bill as beholden to special interest groups. I have to admit they are right. In fact, here are some of the special interest groups supporting the bill: Consumer Federation of America, National League of Cities, and U.S. Conference of Mayors. And who is opposed to this bill? The National Cable Television Association and the Motion Picture Association. I think it is obvious where the special interests in this bill lie; with the America public.

We have seen the results of 5 years of cable deregulation. The American public has been saddled with huge price increases and deteriorating service. Competition, with responsible regulation, will help the consumer by lowering rates and bringing better service. Ultimately, it will be our constituents at home, and not the special interest groups in Washington, who will benefit if this bill passes.

#### TRIBUTE TO OMEKA REED

#### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. BLACKWELL. Mr. Speaker, I rise to pay tribute to one of my most hard-working and fun-loving interns, Omeka Reed. Throughout her young life, Omeka has worked to uplift the African-American community and has consistently been one of many young black people who give us hope for our culture and our future.

Omeka's efforts on behalf of her community began at the age of 13 when she began volunteering at WDAS AM and FM Radio station for the sales and promotions departments, as well as assisting disc jockeys. More recently, she has been given the unique opportunity to co-host a weekly teen talk show called *The Way It Is*. She has served as a volunteer for the United Negro College Fund Telethon, and she helped recruit high school volunteers for Jesse Jackson's historic Presidential campaign. She also participated in the Urban Journalism Workshop, sponsored by the *Philadelphia Daily News*.

For her efforts, Omeka was one of 100 young people chosen out of 15,000 for the In-

centive Award for outstanding performance in the Mayor's Phil-A-Job program. She also earned first runner up in the 1990 Miss Young America Beauty Pageant for the State of Pennsylvania, and has been nominated for this year's *Ebony* magazine's Young Leaders of America Award.

This fall, Omeka will begin her sophomore year at Spelman College in Atlanta, GA. Though we will miss her hard work and lively spirit in the office, I wish her the best of luck as she pursues her academic career in Georgia. Mr. Speaker, I ask my colleagues to join me in praising this fine young woman, Ms. Omeka Reed.

#### TRIBUTE TO LT. COL. CLYDE CLEVELAND

#### HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. JAMES. Mr. Speaker, America is filled with great people. They range from those who make the national news, who discover new medicines, and who make this world a better place in their own quiet way. Mr. Speaker, the Veterans Service Office in Volusia County, FL is run by a man who quietly makes this world a better place to live. He does what he does not to seek notoriety, praise, or congratulations; he does it because it is right.

Lt. Col. Clyde Cleveland, runs this veterans' office on a shoestring budget. His leadership and dedication is apparent in every aspect of a veteran's life in Volusia County. From early in the morning to late at night, Clyde Cleveland does, to the best of his abilities, what he can for our veterans. As you know Mr. Speaker, getting what is deserved from the Government is not always an easy task.

The bureaucracy is big, the details immense, and most veterans just don't know how to receive their benefits. That's why Clyde Cleveland is there. Not for a paycheck, not for something to do, but because he believes in the United States and he believes in veterans. On Colonel Cleveland's wall is a reprint of General MacArthur's farewell address to the cadets at West Point. It was one of the first things I noticed in his office and it will be one of the lasting memories I take with me as I leave the Congress: There is such a thing as a hero.

Clyde Cleveland, who fought and was wounded in our country's wars, who spearheaded the effort to send gifts to soldiers in Beirut, who raised money for the purchase of a veterans van, who created innovative outreach veteran programs, who helps Vietnam veterans live a normal life, who has received dozens of recognition awards, and who has been a friend to me, is the kind of leader all of us should ascribe to be.

Yes, Mr. Speaker, there is someone in the United States who lives his life through, "duty, honor, country." He is retiring soon, and his name is Lt. Col. Clyde Cleveland.

TRIBUTE TO THE GREATER CHINA-TOWN COMMUNITY ASSOCIATION

**HON. BILL GREEN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mr. GREEN of New York. Mr. Speaker, I rise today to mark the occasion of the 20th anniversary of the Greater Chinatown Community Association, which is to be celebrated at a dinner on Thursday, October 15, 1992, in Manhattan.

The Greater Chinatown Community Association is a nonprofit, community based and directed human services organization committed to improving the quality of life for senior citizens, immigrants, and other people in need in the greater Chinatown area. Without a doubt, that organization has been a pioneer and innovator in the provision of resources and services.

In cooperation with over 4,000 senior citizens who are members of the Lo Wei Club, the Greater Chinatown Community Association's extensive outreach program attempts to solve problems regarding health, housing, Medicare, and SSI. Other benefits offered by the association include escort services, translation services, and recreational services.

At this time, I should like to join my colleagues in commending the Greater Chinatown Community Association for its outstanding work. I hold great admiration for the association and so I should also like to extend my best wishes on its 20th anniversary and for more many more years of success.

THE SEXUAL ASSAULT PREVENTION ACT OF 1992

**HON. JON KYL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mr. KYL. Mr. Speaker, there is a pervasive sense among Americans that criminals are being protected by our criminal justice system at the expense of victims and society in general. It is true that we do protect the rights of the accused. This is so primarily because of the basic tenant of our criminal justice system that all individuals are innocent until proven guilty. We view with abhorrence the prospect of convicting and punishing an individual for a crime he or she did not commit.

But in our zeal to safeguard the rights of the accused, we often ignore and even trample upon the rights of the victim. Nowhere is this more apparent than in cases of sexual violence. In many States, victims of stalkers are forced to wait until they are attacked before they have any recourse. The right of victims of sexual violence to participate in the criminal justice process is often limited, particularly at sentencing and early release proceedings, and when they do participate, they frequently are subject to courtroom intimidation and harassment. This must no longer be tolerated.

The day before yesterday, Congresswoman MOLINARI and I introduced legislation, the Sexual Assault Prevention Act of 1992, which rec-

ognizes that the victim of sexual violence is entitled to respect, protection, and empowerment within our criminal justice system. The bill accomplishes this task by increasing penalties for sex offenses, allowing for pretrial detention in serious sex offense cases, providing for HIV testing of accused sex offenders, strengthening the victim's right to restitution and to address the court at sentencing, broadening the admissibility of evidence in sex offense cases, expanding the rape victim shield law, creating new offenses pertaining to interstate stalking and refusal to comply with child support obligations, and imposing new standards of attorney conduct to protect victims from abuse in legal proceedings.

I urge my colleagues to join Congresswoman MOLINARI and me in our fight to combat sexual and domestic violence and level the playing field for victims of such crimes.

SEND PALAU A POSITIVE SIGNAL

**HON. RON de LUGO**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mr. DE LUGO. Mr. Speaker, the government of the trust territory of Palau has scheduled a referendum in November on eliminating the requirement in its constitution that has prevented the future political status of the islands from being resolved.

The Bush administration should seize the opportunity Palau is creating to try to fulfill our Nation's basic obligation to the territory: developing it into a self-governing status based on the aspirations of its people.

The requirement that the referendum could eliminate is that a proposed free association compact that we have already approved receive 75-percent support in a plebiscite to be approved locally. This requirement has prevented the compact from being approved in seven plebiscites to date.

The call for the referendum also calls for an eighth plebiscite. It could, presumably, finally approve the compact since only a simple majority would be required if the constitution is amended. That final vote would not take place, however, until representatives of the United States indicate a willingness to support modifications to the compact that Palau's leaders have said for over a year now are essential to its approval.

They have not, though, asked the Federal Government to formally approve these modifications before their people approve the compact. Instead, Palau's leaders have asked only that Federal officials agree to recommend approval of the modifications if Palauans finally approve the compact.

The bipartisan leadership of the Interior and Insular Affairs Committee has felt that their proposal is reasonable. But, unfortunately, the administration has failed to respond positively to it.

It has, instead, tried to pressure Palau into accepting the compact as is. Its approach has contradicted our Nation's basic obligation in Palau as well as the administration's own international statements.

This negative position prompted the distinguished chairman of our committee, GEORGE MILLER, and me, as subcommittee chairman, into introducing a bill, H.R. 5583, that would modify the compact as suggested by Palau. We introduced it to send Palau the positive signal that it had asked for . . . if only from this House.

The Delegate from Guam—the closest United States territory to Palau—has since joined Chairman MILLER and me in sponsoring this legislation, further demonstrating bipartisan support. And the Palau law calling the constitutional amendment referendum specifically embraced our bill, demonstrating that the process proposed by Palau's leaders has the potential to finally resolve Palau's status.

Our initiative does not, of course, mean that the administration no longer has a responsibility to take the lead on this matter. After all, it can act more expeditiously than the legislative process enables us to act. Further, since enactment of legislation would constitute formal United States approval of the modifications, enactment should probably come after Palauans approve a modified compact . . . as Palauan leaders have suggested.

So, the administration should respond to Palau's action—as well as to our initiative—by indicating its willingness to recommend compact modifications that will enable the compact to finally be approved as soon as possible if Palau's constitution is amended in November.

WE CANNOT GIVE UP ON OUR POW'S AND MIA'S

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 18, 1992*

Mrs. LOWEY of New York. Mr. Speaker, I rise in commemoration of National POW/MIA Recognition Day. For almost two decades, the cases of thousands of American service personnel listed as missing-in-action or prisoner-of-war have gone unresolved. We should not forget those brave soldiers who served our Nation proudly and whose fate is still unknown. The lack of knowledge over many years has been a source of bitter pain for their families.

No man or woman who served our Nation in war should be forgotten. To do so would be a miscarriage of justice and a cruel slap at all who have served our Nation and the families of those who are missing. It would also understandably raise serious doubts among the men and women currently in our Armed Forces about our commitment to them. These individuals have made tremendous sacrifices to protect our rights and freedoms. We owe them a tremendous debt which we must never forget. We have an obligation to do everything possible to come to a resolution on every case.

We must demonstrate to the government of Vietnam that we have not forgotten the 2,300 soldiers whose fate is still unknown and that we will not write them off. Vietnam should immediately turn over all information that bears on the fate of missing American service personnel and should work with American officials

to bring the cases to a satisfactory resolution. The Vietnamese Government has allowed the United States to open an office to continue the search for information pertaining to these cases, but this is not enough. That office needs the full cooperation of the Government of Vietnam to quickly resolve all of these cases.

Until that cooperation is forthcoming, our pressure on the Vietnamese Government should not let up. Until we are fully satisfied, there should be no action to lift the embargo on Vietnamese-produced goods or to normalize relations with the People's Republic of Vietnam. Until this gross violation of human rights and international decency is ended, Vietnam cannot be accepted into the community of nations.

I know that my colleagues and the people of this country join me in remembering the many Americans who remain listed as missing-in-action or prisoner-of-war on this important day. Their sacrifices will never be forgotten.

HONORING JOSEPH L. RAUH, JR.

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. EDWARDS of California. Mr. Speaker, on Tuesday, September 15 a number of us gathered here in the House Chamber for a special order to honor the life's work of Joseph L. Rauh, Jr. As my colleagues know, Joe Rauh was for 50 years one of the Nation's foremost champions of civil rights, civil liberties and social justice. While we mourn his death, the accomplishments of his lifetime will continue to inspire us.

Mr. Speaker, I thought my colleagues would be interested in the very moving remarks offered by Judge Henry F. Greene of the Superior Court for the District of Columbia, which adjourned on September 8 in honor of Joe Rauh. I would like to insert those remarks at this time:

REMARKS BY JUDGE HENRY F. GREENE

Over the past weekend, after my wife and I had been out of the city for two weeks, I was distressed upon returning to learn of the death of an extraordinarily distinguished member of the Bar, both of the District of Columbia and of the United States, Joseph L. Rauh, Jr.

Mr. Rauh died of a heart attack last Thursday evening at the age of 81. He lived as full and productive a life as any person with whom I have ever had the honor of being acquainted during my life. He was a champion of racial integration, of the rights of minorities and labor unions, union reform, and the interests of citizens of the District of Columbia over many many years.

To meet Mr. Rauh personally was to meet a gentleman who was always optimistic, who always hoped for and expected the best from other human beings, who had a marvelous sense of humor and who believed passionately and fought courageously for the issues in which he was so involved. Joseph Rauh was one of my heroes.

In May 1979, Mr. Rauh lectured at the University of Minnesota Law School on Law Day. I had occasion to refer to his remarks once when I was addressing the Bar, and last

night looked back on the speech he made. I think it reflects the standards to which we should hold our profession and how Mr. Rauh represented the very best in our profession. He thought—and I quote from him—that “the legal profession should be one that places public interest above private gain, that puts the use of legal tools for progress and equality above the defense of the status quo, that treats legal services for the have nots on a par with those for the haves, that utilizes law as an instrument for helping the powerless and not for protecting the powerful, and above all that makes the law a vehicle for righting social wrongs and not perpetuating them.”

He alluded in his remarks to a statement by Mr. Justice Holmes, who said, “I always have thought that not place or power or popularity makes the success that one desires, but a trembling hope that one has come near to an ideal.”

It is ironic, I think, that in quoting Mr. Justice Homes, Mr. Rauh might have well written his own epitaph, for if there is anyone who in my life time has come nearest to the ideal of being what a lawyer in our society should be, it is Joseph Rauh.

During his distinguished legal career, Mr. Rauh was more particular than most of his more financially productive colleagues of the Bar in terms of what he devoted his time and his enormous energy and his very substantial intellect to. As a lawyer, he took only those cases he believed in, and he suggested that no lawyer ever should do otherwise. He thought that our profession stands in a unique position, that it has a special duty to the people of this country, to the interests of the public at large, and ultimately to the preservation of our Democratic system of government based on the law. He suspected, and I think accurately, that the basis of widespread public contempt for the legal profession is based on a widely held belief that lawyers are mercenaries, concerned only with making money and obtaining power, recklessly pleading their clients' cases without sight of the public good. And he observed—again, unfortunately, quite accurately—that the perception too often conforms to the reality.

In a wry but perceptive way, he said a lawyer should not do anything for a client that he would not do in a tennis match, at the bridge table or in any other walk of his own life. He should not do or say anything for a client he knows is wrong any more than he would do or say it on his own behalf. He thought that a lawyer should no more give an opinion which he could not believe to be correct than he would give such an opinion to his bank on his own behalf when seeking a personal loan. A lawyer, he stated, should no more knowingly miscall a legal opinion than a tennis player should deliberately miscall a line decision; a lawyer should no more assist a client in covering up misdeeds than a doubles player should allow his partner to cheat. In short, he asserted that the interests of a client—any client—are not sufficient to justify actions which a lawyer would not take in other walks of life with a clear conscience. A conscientious lawyer does something because it is right, not only because the client wants him or her to do it. In essence, he did not feel that a lawyer should be a hired gun for any cause.

Mr. Rauh exemplified what he believed in by the actions he took. And, indeed, when we talk about a distinguished member of the Bar, if we mean by that a lawyer who over a long period of time acts as he professes to think lawyers should act, and does it with

intellect and ability and energy and dedication and courage, it is fair to say that Joseph Rauh is the most distinguished lawyer that I have ever known.

Among his numerous accomplishments at the Bar, after he clerked for Mr. Justice Cardozo and Mr. Justice Frankfurter, was his representation of artists and government employees accused of being security risks during the red scares of the 1950's, his representation of the Brotherhood of the Sleeping Car Porters, and his founding of the Americans for Democratic Action with Eleanor Roosevelt, Walter Reuther and Reinhold Niebuhr.

In 1947, well before the Civil Rights movement became a national cause or, indeed, a became a national cause or, indeed, a popular cause, Mr. Rauh marched on picket lines outside the National Theatre to protest the exclusion of black persons from the audience, and over the years he became a leading figure in opposition to racial segregation in Washington. In the summer of 1964, he represented the Mississippi Freedom Democratic Party in a challenge to the seating of the all-white Mississippi Democratic Organization at the Democratic National Convention. And as counsel to the NAACP legal defense fund, he instituted a lawsuit in 1972 that during the next ten years brought about a series of federal ultimatums for dismantling racially segregated school systems throughout the southern and border states of the United States.

More recently, Mr. Rauh was eloquent in support of legislation requiring redress for Japanese Americans who had been interned during World War II. And during the relatively short period of his life I had the good fortune to be acquainted with him, I repeatedly was present on occasions in the District of Columbia when he was a forthright and articulate spokesman for the interests of its citizens.

Joseph Rauh stood out because, more than any man I have known, he spoke for things that were right at times that it took courage to do so; I believe that is among the highest tributes one can make to any member of our profession—or, indeed, to any citizen.

This court adjourns today in honor and memory of Joseph L. Rauh, Jr. and expresses on behalf of all of the judges of the Court its deepest condolences to this wife, Mrs. Olie W. Rauh, and his two sons, both themselves among the most distinguished members of our Bar, B. Michael Rauh and Carl S. Rauh.

Mr. Speaker, Washington Post columnist Colman McCarthy authored an article which I think captures very well the qualities that made Joe Rauh such a special person. I think my colleagues will enjoy reading that piece, entitled “Joseph Rauh and the Public Interest.” The article follows:

[From the Washington Post, September 15, 1992]

JOSEPH RAUH AND THE PUBLIC INTEREST  
(By Colman McCarthy)

With George Bush on his hind legs barking at lawyers for wearing tasseled loafers and bringing “crazy lawsuits,” it's worth a moment, in the cause of balance, to think about the life and ideals of Joseph L. Rauh Jr. He died recently at 81, a Washington lawyer with a national caseload over a half-century involving civil rights and civil liberties. Few lawyers had as deep a passion for justice.

Rauh's taste was for representing clients whose claims were legally strong and morally sound, from antiwar Quakers and union

auto workers to minorities kept on the margins because of race. He was among those lawyers—a few in the profession, for sure—who rejected the view that attorneys should be unconcerned about the ethics of those they represent. The public interest came before the private interest. Rauh was the opposite of the kind of hired-gun lawyer once instructed by J.P. Morgan, the buccaneer banker: "Your job is to help me do what I want to do."

In Washington, a city dense with one lawyer per 40 people, Rauh never stitched a loophole for a corporation, fronted for a bank or cut a corner for a trade association. No one bought him, in other words. Instead of billing his time out at \$200 an hour, Rauh believed—with evidence on his side—that the monied clients could well get along without him but that the marginalized citizens could not.

Few were further on the political fringes than his own fellow District of Columbians. As general counsel for the Leadership Conference on Civil Rights, Rauh came early to the fight for D.C. home rule. In 1982, which was about halfway into the seven years Congress gave as a ratification period for states to approve the constitutional amendment to grant District citizens full voting rights. Rauh argued: "So why don't [we] have the right to vote? . . . Because we might send two black, liberal urban Democrats to the Senate. But that's an immoral argument, and everybody using it knows it is immoral to deny the franchise because of how it might be exercised."

Because of what Rauh called "the combination of racism, reaction and regionalism," the District's citizens have remained unrepresented.

Rauh had a briefcase full of other seemingly lost causes. In August 1980, he was the only major Democrat at the national convention to argue that the renomination of President Jimmy Carter was not worth it. Instead, Rauh, a founder of the liberal Americans for Democratic Action in the late 1940s, endorsed John B. Anderson, the Illinois independent. Rauh explained: "I am 70 years old and I have never voted for anyone but a Democrat in a presidential election. I'm a little tired of Democrats and Republicans. I think Anderson is simply the best candidate. I'd rather support a man who is moving to the left than a man who moves in circles."

Rauh, married for 57 years and the father of two lawyers, lived near a playground in Northwest Washington. For years, he and Alan Barth, a Washington Post editorial writer who died in 1979, presided over springtime Sunday afternoon softball games for neighborhood families. Women and girls were included at Rauh's insistence. Why else, he would ask, did we work so hard to get Title IX—the anti-sex-discrimination law—passed if the playground cannot be opened to all? Teammates of Rauh—male Cabinet secretaries, judges and politicians—often found themselves benched in favor of an 8-year-old girl who could peg it hard from the outfield.

My family and I played in those games for about 10 years. After the final out, it was open house for lemonade, fruit and cookies at the Barths' across the street. Then the children, and a fair number of adults smart enough to listen, could learn something about current events, as well as charm and wit, from the stories and comments of Rauh and Barth. Had C-SPAN been around then, these back patio seminars, led by Rauh the activist and Barth the thinker, would have equaled any offering of public affairs programming.

Was Joe Rauh the last of the liberals, the breed said now to be nearing extinction? Hardly. Ask the clients and groups he served pro bono, or the powerless he stood with. They're firmly on the left, and as patient as Rauh always was in knowing that no liberal cause is lost as long as it is just. Few are not.

#### HOUSE RESOLUTION 572

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. MICHEL. Mr. Speaker, today is a sad day for the House as an institution and for the American people. By a party-line vote of 216-150, the Democratic Members of the House voted to adopt without debate their leadership's stonewalling tactics to prevent any debate on a privileged resolution raising a very serious issue facing the House. That serious issue is the repeated unauthorized disclosure of classified information by a senior Democratic Member, the chairman of the House Banking Committee.

It is a sad thing to have to raise this matter on the House floor. However, the conduct of a Member of this body, who has repeatedly and willfully engaged in the unauthorized disclosure of sensitive classified information in this Chamber and in the CONGRESSIONAL RECORD, is plainly inconsistent with the letter and spirit of the rules of the House. On May 15, 1992, in an effort to keep this above politics, I quietly wrote Speaker FOLEY about my serious concerns over these unauthorized disclosures, urging prompt and decisive action. I got no response. Then, on July 24, 1992, I again wrote to the Speaker. I reemphasized my concerns, and noted that since my previous letter, there had been more unauthorized disclosures, and those were drawn from very sensitive and highly classified CIA documents. Those disclosures prompted letters to House leaders from the Director of Central Intelligence, Robert Gates, and Adm. William Studeman, who was temporarily serving as the Acting Director of Central Intelligence. Again I got no response, and still the Democratic leadership took no apparent action to address this worsening problem. We and the American people have been patient too long. Action on this privileged resolution was regrettably necessary, and I strongly support its sponsor, the gentleman from Texas [Mr. COMBEST] for calling it up on the floor today.

The Banking Committee chairman's actions damage the ability of our Nation to conduct sensitive diplomatic and intelligence activities abroad. The American people understand that, even if the Democratic majority in the House tries silently to ignore that fact. The American people witnessed how, with the aid of sensitive diplomatic and intelligence cooperation between the United States and other countries, an international coalition was built to halt and redress Iraq's naked, armed aggression against Kuwait. Americans also understand how interdependent we are with other nations and the consequent need for secret, cooperative diplomatic and intelligence activities in the fight against the seamless web of international terrorism.

The irresponsible conduct of the chairman of the Banking Committee in unilaterally disclosing classified information on U.S. diplomatic relations and intelligence collection has a dangerously chilling effect on our Government's ability to get other governments to share intelligence information and cooperate in sensitive diplomatic and intelligence activities. It also gives those hostile to U.S. interests candid insights into our sensitive internal counsels and the extent of our knowledge of some of the secrets of those who wish us ill.

When we countenance a Member of this House, time and again, improperly disclosing classified information despite the House rules for handling such information, in executive session, in committee, or in secret session on the House floor, other countries must weigh the risk to their equities of diplomatic and intelligence cooperation with us. If intelligence shared with us may be made available to hundreds of Members of this body, anyone of whom may unilaterally insert it in the CONGRESSIONAL RECORD whenever he pleases, our allies will be forced to conclude that the risks to the lives and safety of their intelligence officers and agents in place are simply too great.

More importantly, this conduct gravely undermines the public reputation and dignity of the House and the integrity of our legislative oversight proceedings. In the wake of the House Bank and Post Office scandals, when public respect for the House as an institution is at an alltime low, the majority's parliamentary shenanigans in tabling this resolution without debate is perhaps the worst example yet of their efforts to cover up their leadership ignoring serious improper conduct in the House.

Debating United States policy on Iraq is perfectly legitimate, but no individual Member has the right to unilaterally disclose classified information in an attempt, and a frankly unconvincing one in this instance, to make his case. If a Member truly needs to draw on classified information for legitimate legislative oversight and debate, there are rules and procedures for doing so while taking into account the important national interest in protecting classified information.

First, a committee of jurisdiction may go into executive session to use classified information for a full and free debate of a policy issue. Based on the outcome of those executive session proceedings, the committee may decide what legislative action, if any, should be taken. The gentleman from Texas apparently either chose not to utilize this procedure in the Banking Committee or was unsatisfied with the outcome.

If a Member believes it important to draw on classified information to debate an issue on the House floor, he can seek declassification of the information by the originating agency. It appears that the gentleman from Texas has rarely made such requests, and on those two or three occasions, has either disclosed the classified information involved almost contemporaneously with the request, or well before declassification occurred. More often than not, classified information was apparently disclosed with no effort having been made to seek its declassification.

Ultimately, if a Member truly believes an issue is important enough that the House

should consider it, and any of the information he deems necessary for debate remains classified, the Member can invoke rule XXIX. The House can then consider the matter, and the classified information involved, fully and freely in a secret session. Pursuant to this rule, the House may vote to make all or part of the transcript of those secret proceedings public.

When a Member willfully takes it upon himself to be the sole arbiter of whether to disclose sensitive classified information provided by various executive branch agencies to a committee of the House in the good faith expectation that it would be protected from unauthorized disclosure, that Member flaunts the rules of the House and undermines the integrity of our legislative oversight functions.

**FRANK MENDEZ RECEIVES COMMISSIONER'S CITATION**

**HON. AL SWIFT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. SWIFT. Mr. Speaker, each day we hear from folks in our districts who have gotten caught up in the redtape of the Federal Government. By the time they call us, they are often quite frustrated and have lost some faith in the government's ability to deal effectively with their problems. I'm here today to tell you about an individual who has done a tremendous job assisting people with some of the challenges they face with the Social Security Administration.

Frank Mendez with the Social Security Administration in Everett, WA, is in Baltimore today to receive the Commissioner's Citation for superior service. Frank has been with the Social Security Administration for 20 years and he still displays enthusiasm, vitality, vigor, and spirit in his approach to public service.

Among his other duties, Frank serves as a liaison to my office in Everett. In addition, Frank spends a good deal of time at the senior centers and human service agencies in my district answering questions and helping folks with their Social Security claims. He also voluntarily serves as a Spanish translator for Social Security in the Puget Sound region. And last year when the office was shorthanded, Frank helped process medical claims to reduce the backlog of 250 cases.

It is fitting that Commissioner King and the Social Security Administration recognize the outstanding service that Frank Mendez has provided these past 20 years. I and my staff very much appreciate all that he has done for us and, most importantly, the people of the Second Congressional District. All too often, we hear what is wrong with government. Mr. Speaker, Frank Mendez is a living example of what is right with government.

**CARDIAC RESEARCH MOVES FORWARD; DR. MARK L. SPANO HONORED**

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mrs. MORELLA. Mr. Speaker, I am proud to salute one of our Government scientists, Dr. Mark L. Spano, from the Naval Surface Warfare Center in Silver Spring, MD, for his contribution toward the treatment of cardiac disorders. Dr. Spano's research, with three other scientists, has produced a major potential breakthrough in the treatment of heart disease by applying the theory of chaos to a medical situation that has baffled the research world for many years.

Science magazine, on August 28, 1992, announced the development of a process called "proportional perturbation feedback" [PPF], by which a piece of an arrhythmic heart is nudged into returning to a regular heartbeat pattern. After using a computer to monitor the heart's dynamics in real time, the scientists then quantified the beats mathematically according to chaos theory. Having accomplished this, they set up a response, at calculated intervals, with stimuli that delivered antichaotic pulses. The result of this experiment in a slice of rabbit's heart tissue was to establish a nearly regular heartbeat. As Time magazine theorized in its September 7, 1992 issue, "smart pacemakers might one day correct cardiac problems that are now largely intractable."

I have recently learned that the work done by Dr. Spano on this project has been selected as the outstanding independent research program of the Department of the Navy for 1992. He and his fellow researchers; Dr. William L. Ditto, formerly a colleague at the White Oak Naval Surface Warfare Center but now at the College of Wooster in Ohio, and Dr. Alan Garfinkel and Dr. James N. Weiss, both at the University of California at Los Angeles, are to be commended for their ingenuity in using chaos to control a system, rather than trying to take the system out of chaos. This approach has much promise for future medical advancement.

**FINANCIAL DISCLOSURE FOR 1991**

**HON. ROMANO L. MAZZOLI**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1992

Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year in which I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial disclosure statements in May of each year, I also continue to file this more detailed family financial report as I have since 1971. In this way, my constituents are kept fully and completely informed concerning my financial status and that of my family.

**ROMANO L. AND HELEN D. MAZZOLI INCOME—CALENDAR YEAR 1991**

Salaries and fees:	Amounts in dollars
U.S. House of Representatives (R. L. Mazzoli) ..	116,588.75
Alexandria Drafting Co. (Helen Mazzoli) .....	28,489.97
Weichert-Mt. Vernon Real Estate Company (spouse referral fees less expenses) .....	1,760.00
Total salaries and fees .....	146,838.72
Interest, dividends, rents and distributions:	
Congressional Federal Credit Union:	
#62976-0 (member/savings) .....	6.06
#62976-1 (member/checking) .....	333.58
#84720-0 (spouse/savings) .....	136.78
#84720-1 (spouse/checking) .....	291.11
Congressional Federal Credit Union certificates of deposit (spouse):	
#21128 .....	195.83
#23973 .....	47.03
#25778 .....	23.47
#25779 .....	38.28
Interest on matured certificates of deposit (spouse):	
#16541 .....	52.60
#20744 .....	170.47
#22956 .....	156.45
The Cumberland Savings Bank #01-000-001-00610155499 (spouse/savings) .....	12.98
First National Bank and Trust Co. #427-5518-4 (joint/checking) .....	75.91
Liberty National Bank and Trust Co. #00922668 (member/checking) .....	26.64
Liberty National Bank and Trust Co. Certificate #010090063046 (spouse) .....	429.50
U.S. Savings Bonds Series E (member) .....	244.51
U.S. Treasury bills (spouse):	
#912794WS9 .....	317.50
#912794WV2 .....	292.70
#912794XM1 .....	283.60
Interest on matured U.S. Treasury bills:	
#912794WF7 .....	362.00
#912794WH3 .....	356.40
#912794VT8 .....	372.60
Liberty National Bank & Trust Co.	
IRA #01527329 (spouse) ....	1,709.23
IRA #2905081232 (member)	1,576.80
Massachusetts Mutual Life Ins. Co. profit sharing plan (spouse) .....	279.76
Federal Employee Thrift Savings Plan (401-k) (member) .....	1,801.03
Rental property (jointly held):	
929 Parkway Drive, Louisville, KY 40217, rent and interest less expenses .....	-386.02

	Amounts in dollars
U.S. Treasury—interest on overpayment of 1991 Federal income taxes .....	20.01
<b>Total: interest, dividends, rents, distributions .....</b>	<b>9,226.81</b>
<b>Total income .....</b>	<b>156,065.53</b>
<b>STATEMENT OF FINANCIAL WORTH DEC. 31, 1991</b>	
Cash, stock, bonds, and certificates of deposit:	
Congressional Federal Credit Union:	
#62976-0 (member/savings) .....	26.74
#62976-1 (member/checking) .....	9,444.39
#84720-0 (spouse/savings) .....	1,564.86
#84720-1 (spouse/checking) .....	7,852.21
Certificates of deposit (spouse):	
#21128 .....	2,555.44
#23973 .....	1,400.80
#25778 .....	2,572.10
#25779 .....	4,194.73
The Cumberland Savings Bank #01-000-001-00610155499 (spouse/savings) .....	272.88
First National Bank and Trust Company #427-5518-4 (joint/checking) .....	1,103.86
Liberty National Bank & Trust Co. #00922668 (member/checking) .....	11,748.39
Liberty National Bank & Trust Co. Certificate #010090063046 (spouse) .....	6,101.72
U.S. Savings Bonds Series E (member) .....	2,828.43
U.S. Treasury bills (spouse):	
#912794WS9 .....	10,000
#912794WV2 .....	10,000
#912794XM1 .....	10,000

Massachusetts Mutual Life Insurance Co. profit sharing plan (spouse) .....	2,700,000
<b>Total cash, stock, bonds, and certificates of deposit .....</b>	<b>84,366.55</b>
Retirement funds/individual retirement accounts:	
Liberty National Bank & Trust Co. IRA #01527329 (spouse) .....	21,302.38
Liberty National Bank & Trust, IRA #2905081232 .....	19,001.56
Civil Service Retirement System Contributions Since 1971 (member) .....	78,424.06
Federal Employee (401-k) Thrift Savings Plan (member) .....	28,801.46
<b>Total retirement/individual retirement accounts .....</b>	<b>147,529.46</b>
Real estate:	
Rental/Investment (jointly held), 929 Parkway Drive, Louisville, KY 40217:	
Assessed value .....	44,660.00
Less mortgage (Mrs. Brad Valla): .....	34,144.57
Net value .....	10,515.43
Personal (jointly held), 939 Ardmore Drive, Louisville, KY 40217:	
Assessed value .....	58,700
Less mortgage .....	2,394.82
Net value .....	56,305.18
1030 Anderson Street, Alexandria, VA 22312 (jointly held):	
Assessed value .....	190,300.00
Less mortgages .....	34,140.75
Net value .....	156,159.25
<b>Total real estate .....</b>	<b>222,979.86</b>
Automobiles:	
1965 Rambler (Assessed value) .....	242.00

1973 Chevrolet (Assessed value) .....	1,049.00
1985 Chevrolet (Assessed value) .....	2,878.00
<b>Total automobiles .....</b>	<b>4,169.00</b>
Household goods and miscellaneous personal property .....	7,000.00
<b>Net assets .....</b>	<b>466,044.87</b>
Transactions:	
Sergeant-At-Arms, House of Representatives: #5384 (Member/checking) Closed 11/91. Ending balance .....	992.00
12/7/90 Loan to R.L. Mazzoli Campaign Fund, Repaid in full 2/1/91 .....	1,900.00
Massachusetts Mutual Life Insurance Company: Spouse paid insurer to re-enter employer (Alexandria Drafting Company) profit sharing plan .....	2,700.00
<b>1991 INCOME TAX RECAPITULATION</b>	
Total income .....	151,587.00
Deductions and exemptions .....	33,470.00
<b>Taxable income .....</b>	<b>118,117.00</b>
Federal:	
Tax withheld .....	33,039.00
Tax due .....	30,009.00
Refund .....	3,030.00
Kentucky:	
Tax withheld .....	5,615.00
Tax due .....	6,196.00
Tax paid .....	581.00
Virginia:	
Tax withheld .....	1,203.00
Tax due .....	953.00
Refund .....	250.00
Occupational tax, Louisville and Jefferson County, Kentucky: Tax paid .....	1,174.00