

EXTENSIONS OF REMARKS

THE OSHA PLAGUE

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. HEFLEY. Mr. Speaker, here is the lead from an article in *The Chieftain*, the leading newspaper in Pueblo, CO:

Pueblo's construction boom came to a halt this week but not because of the weather, economic, or labor problems. What shut down many of the new home-building projects in the city and county was word that the Occupational Safety and Health Administration was in town * * *. One stucco contractor said he visited a number of sites in the city and in Pueblo West and found no one working. "It was like a plague," he said, "really spooky."

The OSHA plague. Employers across the country are protesting the activities of the Occupational Safety and Health Administration. They believe OSHA's increased activity is driven by revenues rather than safety and they are asking Congress to review the administration.

Last spring, the House Labor Committee moved in the opposite direction and adopted a bill seeking to dramatically expand the jurisdiction of OSHA at a price tag to the American economy of \$20 to \$60 billion dollars.

Fortunately for the economy, the Ford bill is dead. The House is unlikely to bring it up before we adjourn and similar legislation is stalled in the Senate. Unfortunately, the Labor Department has elected to move forward with the more costly items in the bill.

Before the President does administratively what couldn't be accomplished democratically, I believe it's time Congress had a real debate on OSHA. Does OSHA promote worker safety, or does it just raise money for Uncle Sam?

With that in mind, I am introducing legislation which would provide the first real reform of OSHA in 24 years. This bill would promote worker safety by emphasizing cooperation and education between OSHA and employers.

My bill, No. 1, repeals OSHA's authority to inspect, investigate, and issue citations regarding workplace safety. No. 2, require OSHA's health and safety standards to consider economic effects; No. 3, creates a small business consulting program; and No. 4, clarifies that employee participation committees are not labor organizations under the National Labor Relations Act or the Railway Labor Act.

The debate surrounding OSHA has been misdirected. Instead of debating how to expand OSHA's mission, we should debate the mission itself. After 24 years and billions of dollars invested, it's time to ask OSHA for an honest accounting.

IMPERIAL FOOD

Let me give you an example of what is wrong. We have all heard about the fire at the

Imperial Food Products chicken processing plant in Hamlet, NC, that killed 25 employees and injured an additional 55.

The owner of Imperial Food is currently serving a 20-year sentence for manslaughter. He's bankrupt and is facing millions in corporate lawsuits. Meanwhile, \$16 million in worker's compensation has been distributed to the victims and their survivors.

In trying the owner, the prosecutor chose not to use OSHA's criminal penalties because they were too "weak." The State manslaughter was chosen instead.

And OSHA itself is being sued by the survivors under North Carolina law. Before the fire, OSHA ignored a series of red flags raised by previous contacts with the owners of the Imperial Food plant and allowed the dangerous conditions at the plant to continue.

According to the Education and Labor Committee, "Those who administer the Occupational Safety and Health Act of 1970 share the blame; they failed utterly to protect the workers at Imperial Food." The Federal government set itself up as the big "Safety Sheriff" in town, and now it's being sued for talking too loud.

On top of this landslide, OSHA has imposed \$800,000 in fines which it will never collect.

The Imperial Food tragedy is a perfect illustration of the fallacy of OSHA. OSHA failed to take action at a time when it might have done some good, and it piled on when its actions had little impact.

As an OSHA official from North Carolina pointed out, the whole purpose of OSHA is to prevent this type of tragedy from happening. But somewhere along the way, OSHA's mission of prevention took a backseat to its enforcement activities. In the process, safety has suffered.

OSHA'S SAFETY RECORD

The first thing I noticed regarding OSHA's safety record is that nobody defends it. There's lots of lip-service to the concept of OSHA, to the good intentions of its authors and the number of inspections and fines it imposes on employers. But I have yet to hear anyone say "OSHA works."

To the contrary, trashing OSHA's record is not just the sport of the construction industry of my district. Even OSHA supporters recognize the prudence of distancing themselves from the agency's record.

During markup of his very pro-OSHA reform legislation, WILLIAM FORD, chairman of the House Education and Labor Committee, scoffed that the average business could expect a visit from OSHA "once every 87 years."

Earlier in the meeting, he listed the growth of workplace injuries and continued presence of workplace deaths and stated, "More than 20 years after OSHA, these figures are totally unacceptable."

The AFL-CIO complains that "The Occupational Safety and Health Act has not lived up to its promise of a safe job for every American

worker." While Al Gore's "Reinventing Government" report recommends that OSHA privatize its inspection duties to increase efficiency.

Even pro-OSHA rhetoric is strained. Labor Secretary Robert Reich recently patted the agency on the head by saying, "According to the Bureau of Labor Statistics, fatality rates have declined since 1971."

Talk about damning somebody with faint praise. Yes, death rates have been falling since 1971—they've been falling since 1934—and they fell faster before OSHA than they did after. That's not a recommendation, though, and Mr. Reich didn't mention it.

As this dearth of praise indicates, there is no way to measure OSHA success in saving worker's lives. Nevertheless, a little common sense will show that even if OSHA were effective in preventing deaths, its prospects are limited.

WHAT'S THE FRONTIER?

Let's say that OSHA was 100 percent effective at ending preventable workplace deaths. How many lives could it save?

According to the Department of Labor's Census of Fatal Occupational Injuries, there were 6,083 workplace deaths in 1992.

Of those deaths, 2,441 were caused by transportation accidents, including highway, farm, aircraft, and other transportation deaths. Another 1,216 deaths were the result of homicides and suicides. Finally, 76 workers died by drowning. Unless OSHA teaches employees how to drive, fly, swim, and cope better, it's not going to have any impact on these deaths.

Then there is the presence of drug and alcohol abuse. Random drug testing has proven to reduce drug-related deaths, but OSHA doesn't supervise these programs.

Employee recklessness is another hurdle. You can train some people all you want, they are still going to go out and endanger themselves and others.

Finally, you have the self-employed. OSHA rules may apply to a self-employed person, but if they are not willing to protect their own health, why would they respond to OSHA?

That leaves a generous guess of 1,500 deaths each year that OSHA could prevent, if it worked perfectly. To put that in perspective, Congress could prevent more deaths each year just by abandoning current CAFE standards.

As Imperial Chicken demonstrates, OSHA isn't anywhere near 100 percent effective.

INJURY RATES

The other measure of OSHA's effectiveness is workplace injury rates. Again, there's no credible measure of how effective OSHA has been at making the workplace injury free. Injury rates fluctuate with innumerable variables, and it is impossible to isolate the impact of OSHA. So instead of citing success, OSHA proponent instead emphasize the problem. As you might expect, it's getting worse.

● 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.

In the markup of his reform legislation, WILLIAM FORD noted that American workers suffer 3.3 million injuries every year. Not 10 minutes later, Representative MATTHEW MARTINEZ claimed that 6.3 million workplace injuries occurred every year. Meanwhile, the AFL-CIO claims that 7 million workers are killed, injured, or made sick on the job each year.

In Secretary Reich's earlier testimony before the same committee, he pointed out that injury rates have risen in the last 20 years, from 3.5 per 100 workers in 1974 to 3.9 today. Reich revealed that repetitive motion disorder cases, the "occupational disease of the information age," rose from 27,000 recorded cases in 1983 to 224,000 in 1991. From Secretary Reich's perspective, OSHA is facing new workplace risks that require new laws and regulations to combat.

From my way of looking at it, we've had 20 years of OSHA and injury rates are exploding. Labor statistics like these remind me of our success with government-sponsored birth control and low-income housing. Inevitably, the more time and money we invest in the solution, the bigger the problem becomes.

A closer examination of the workplace injury problem reveals that it's over-stated. Not only are most workplace injuries minor in nature, the Bureau of Labor Statistics reports that two-thirds of them don't result in any lost time at all.

Other more serious injuries are not work related, but are reported as such so that the employee can take advantage of worker's compensation and other employer-provided benefits.

That's not to say that workers don't get seriously hurt at the job. It's just that, as Secretary Reich admits, most workplace risk aren't addressed by OSHA.

WHAT OSHA DOES BEST

OK, so OSHA is ineffective at saving lives, and its impact on injuries is suspect. What does it do well?

Raise money. OSHA is so proficient at levying fines that employers in my district are convinced that the OSHA gets to keep all the money it raises. They can't believe a Federal agency could be so energetic without a direct incentive.

While this fear is unfounded, unless Chairman FORD's reform bill becomes law, the reality is not much better. Congress, under the guise of public safety, is using OSHA to balance the budget.

In the 1990 Budget Reconciliation Act, Congress Explicitly called on OSHA to increase its collections by \$900 million over 5 years. To help it accomplish that goal, OSHA fines were increased seven-fold and mandatory minimums are established for serious violations.

The conference report to the reconciliation act gives lip-service to increasing safety, but the true motion is transparent enough: changes in OSHA Act civil penalties will produce nearly \$900 million in new Federal revenues over 5 years. The conferees expect OSHA to assess significantly higher penalty across-the-board given the seven-fold increase in the maximum allowable penalty. All revenues collected will be deposited in the U.S. treasury for purposes of Federal deficit reduction.

OSHA responded to Congress' mandate with gusto. In October 1992, Builder magazine noted:

OSHA's 1,200 inspectors are making fewer visits to housing sites than they did during the last housing boom, but their inspections are more thorough and more likely to result in fines. OSHA fines against builders have soared from \$29,000 a month in fiscal year 1987 to \$114,163 a month in fiscal year 1991. Since fiscal year 1992 began on October 1, 1991, OSHA has been handing out fines to builders at the rate of \$117,750.

In my State of Colorado, OSHA penalties have risen from \$298,000 in 1990 to \$803,093 in 1992, an increase of 170 percent in 2 years.

I think it's obvious that Colorado's workplaces aren't three times as dangerous today as they were in 1990. But then, it is also evident that the increased number of fines have little to do with safety.

According to the Association of General Contractors, of the top 20 most frequently cited violations, paperwork violations make up the top 7, followed by positions 9, 11, 12, and 16. Almost 70 percent of OSHA citations are paperwork violations.

So instead of working to ensure the safety of their employees, employers are forced to spend their time filling out forms and posting signs. I'm tempted to say that's what happens when you put bureaucrats in charge of safety. You get safety on paper.

LET THE MARKET WORK

While OSHA is busy collecting fines for missing files and warning labels, the market is busy making the workplace safer. Remember what happened to owners of Imperial Food? Imprisoned for 20 years, sued, and fined into bankruptcy. OSHA had nothing to do with those penalties.

Market economics and criminal laws work to punish employers who recklessly endanger the lives of their employees. Once again, let's listen to Secretary Reich:

In addition to human suffering, accidents, and illnesses on the job also exact a substantial economic toll on society. Employees are directly saddled with much of this bill, as exemplified by workers' compensation payments of \$52 billion in 1992, the last year for which such data are available. Total employee benefits paid on an annual basis, such as wage replacement and medical costs, increased from \$3 billion in 1970 to \$38 billion in 1990. Compensation per covered employee increased from \$51 to \$402 during that period.

Chairman FORD sounds the same refrain when he points out that all those injuries result in 1.5 million lost workdays or \$116 billion per year in lost productivity. Add those two numbers up and you get \$198 billion lost by employers every year due to workplace deaths and injuries.

Do you think America's employers have noticed?

What Secretary Reich and Chairman FORD are telling us, apparently without being aware of it, is that the market of economics and existing labor laws—exclusive of OSHA—already work to protect employees.

To make the point clearer, in 1990, the market fined employers \$198 billion for the injuries and illnesses of their employees. That same year, OSHA proposed \$72 million in penalties.

Which has a bigger impact?

OSHA'S COSTS

On the other hand, OSHA's costs are much greater than just adding the cost of operating the administration with the amount of penalties it assesses.

First, there's the compliance cost to employers. How many millions of hours do American employers spend researching OSHA's requirements and filling out OSHA paperwork?

Second, and perhaps more importantly, is the loss in productivity that regulatory agencies like OSHA cause. OSHA regulations have resulted in a significantly reduced productivity growth in the United States. This lower productivity has resulted in billions in lost income per year.

These numbers are peanuts compared to the costs of OSHA if the Ford OSHA bill becomes law. The nonpartisan Employment Policy Foundation estimates that the compliance costs alone of the Ford bill will be \$58 billion per year. Lost productivity will add billions more.

Obviously, the costs of these OSHA regulations can't be ignored. The paperwork, the surprise inspections, the excessive penalties all combine to force employers to jump through federally-mandated hoops and hurdles when they could be concentrating on their jobs.

CONCLUSION

WILLIAM FORD is right; we need to reform OSHA. Not expand it, mind you, but refocus its efforts into more profitable channels. If OSHA is supposed to prevent accidents from occurring, then let's allow OSHA officials to concentrate their efforts on prevention.

That means taking away OSHA's enforcement powers and expanding its consulting responsibilities. If Congress thinks it's necessary for the Federal government to preach safety to employers, we can do it without the bully-boy mentality.

Once again, the bottom line was summed up nicely, if unconsciously, by Secretary Reich when he noted that "work accidents make up only 20 percent of all accidents." All things being equal, you're safer on the job.

HONORING THE RECIPIENTS OF THE ITALIAN TRIBUNE'S COLUMBUS DAY AWARDS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Dr. James M. Orsini, Nat Rosasco, Sr., Anita Roselle, Joseph Buttafuoco, Nancy Emiliani, and Mary Iarossi. All of these people have been chosen to receive awards by the Italian Tribune at their Columbus Day Awards Banquet on October 2. All of the recipients are hardworking individuals who deserve to be recognized for their efforts to help their fellow man.

Dr. Orsini, who will be receiving the Man of the Year Award, is a medical oncologist who specializes in the treatment of cancer. Dr. Orsini has had a distinguished career. In addition to maintaining a private practice, he is a

staff physician at a number of hospitals and serves as a clinical instructor at Mount Sinai Hospital's Department of Neoplastic Disease and at the University of Medicine and Dentistry in Newark. Due to his outstanding record, former Governor Jim Florio appointed him to the Commission of Cancer Research, where he and other oncologists devote countless hours to fighting the war against cancer.

Nat Rosasco will be receiving the Italian Heritage Award. Mr. Rosasco is chairman of the board of Northwestern Golf, a family-owned business based in Chicago. Northwestern is one of the most widely recognized names in the golf industry. Mr. Rosasco took over the company after his father's death. Under his direction, Northwestern has flourished.

Anita Roselle has been named Humanitarian of the Year for her work in the community. Mrs. Roselle is the first woman to receive this prestigious award in the 24-year history of the Italian Tribune's Columbus Day celebration. Mrs. Roselle works hard to raise money for the Association for Retarded Citizens, and also helps raise funds for the Muscular Dystrophy Association. In addition, she is a member of the Board of Directors and the Board of Governors of the Jersey Shore Medical Center. Mrs. Roselle has clearly dedicated herself to a variety of social causes.

Joseph Buttafuoco is the recipient of the Christopher Columbus Achievement Award. Mr. Buttafuoco, has had a long and distinguished career. After receiving his law degree from Notre Dame in 1953, he volunteered for the military service. He served in the European Command as a special agent for the U.S. Counterintelligence Corps. During his service, he was assigned to the most sensitive projects in the area of security and counter espionage. In 1970, Mr. Buttafuoco began his own practice and still practices law today.

Nancy Emiliani has been named Queen of the 1994 Columbus Day Parade. She is a graduate of Fairleigh Dickinson University, where she received a degree in marketing. She has played an active role in Emiliani Beauty Supply Co., Inc., a family-owned business throughout her life. Currently, she is the sales manager for the company.

Mary Iarossi is the recipient of the Woman of the Year Award. When Ms. Iarossi was 16 years old, she joined the Sons of Italy and took senior citizens on trips. She has been the coordinator of the senior citizens program at Sacred Heart Church in Newark for over 10 years. Ms. Iarossi is the founder and president of the Damiano Nittoli Association, a group well-known in the State for their community service.

All of the award recipients are truly deserving of the honor being bestowed upon them. They have done so much for their fellow human beings; more than I can, and have, mentioned today. Please join me in paying tribute to these award recipients for their outstanding work in their community.

TRIBUTE TO COL. THOMAS F. ELLZEY, JR., COMMANDING OFFICER, FORT ORD, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to Col. Thomas F. Ellzey, Jr., one of the finest officers serving the U.S. Army, and our Nation, on his extraordinary achievement of receiving the Distinguished Service Medal.

His additional military awards and decorations include the Legion of Merit, Distinguished Flying Cross, Bronze Star, Meritorious Service Medal, Air Medal, Purple Heart, Combat Infantryman's Badge, and Senior Aviator Badge.

Colonel Ellzey began his Army career as a draftee inducted into the Army during the Vietnam conflict in 1967, and was commissioned an infantry officer upon graduating from Officer Candidate School in February 1969. As a lieutenant, he served as a platoon leader and executive officer of a training company at Fort Jackson, SC. Upon arrival in Vietnam in June 1970, he served with the 101st Airborne Division as a UH-1 section leader and later as an infantry platoon leader. Subsequently he moved up to become a company commander and a battalion executive officer of various training units at Fort Jackson. While with the 82d Airborne Division, Fort Bragg, NC his service included time as a flight standardization officer, division aviation officer and battalion executive officer. While with the 269th Combat Aviation Regiment, he commanded the battalion's 18th Aviation Company. In addition to his tour of Vietnam, Colonel Ellzey's overseas duty include time serving as the liaison officer to the Japanese Military Academy while stationed at Camp Zama, Japan, and as the Army Forces Commander for Operation Sea Angel in Bangladesh.

In August 1993, Colonel Ellzey became the U.S. Army garrison commander at Fort Ord, and later that year was designated as the commanding officer of the base, upon the inactivation of the legendary 7th Light Infantry Division, whose battalions relocated to Fort Lewis, WA.

Perhaps one of the most diverse assignments of his career. Commander Ellzey quickly demonstrated his strong and innovative Army leadership by providing stability to the soldiers and their families, along with the civilian workers of Fort Ord during the base closure process. At the same time he provided support and assistance to the fragmented local community which was devastated by the closure of the largest military installation in the country. His open communication policy with community officials contributed significantly to the success of a new era at Fort Ord for civilian reuse. His extraordinary leadership enabled both the Army and the Fort Ord community to overcome some of the most difficult obstacles which threatened the initial phases of civilian reuse, which resulted among other things as the historic transfer of Army property to the State of California for the purposes of developing a California State university at the site of Fort Ord and a University of California

Science, Technology, Research and Policy Center which will be the centerpiece to the economic revitalization to the California central coast economy.

Colonel Ellzey's commitment to excellence is exemplified through his innovative leadership and work to enrich the quality of life in the Fort Ord community during a turbulent transition from military to civilian use of a historic institution. His dedicated service to our country, the soldiers under his command and their families, as well as to the civilian employees of Fort Ord, have earned him tremendous respect and admiration by the community, and reflect great credit on him and the U.S. Army.

I commend him on his extraordinary career, and on behalf of the Monterey-Fort Ord community I convey our deepest appreciation for a job well done on the historic occasion of the closing of Fort Ord.

HUMAN RIGHTS ABUSES IN IRAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. BURTON of Indiana. Mr. Speaker, the government of Iran continues to grossly violate human rights and to promote terrorism around the world. Their reprehensible conduct is a perversion of the noble ideals of Islam.

Last week, several of my colleagues held a press conference to call upon the State Department to hold a dialog with the People's Mujahedin of Iran. Such a dialog very clearly represents the will of the Congress. It makes no sense at all to ignore a very important opposition movement in Iran which is fighting against a tyrannical, evil regime.

I commend to my colleagues this excellent editorial from the New York Times of September 26, 1994, which expresses the views of many Members of Congress on this important matter.

[From the New York Times, Sept. 26, 1994]

LISTEN TO ALL IRANIAN VOICES

In dealing with a dictatorship, it is simple prudence to listen to its critics. This has not been U.S. policy in dealing with Iran's clerical tyranny. The State Department has shunned all contact with a key opposition group, the People's Mujahedeen, which also happens to be the group most loudly denounced by Iran. Bothered by this boycott, Congress last year instructed the Administration to prepare an objective written report on all the Iranian opposition groups.

Yet the State Department still refuses any contact with the People's Mujahedeen, a stance protested the other day by a flock of U.S. senators and nearly a hundred representatives. Indeed, it is hard to see how any study can be complete as long as the State Department studiously ignores one important component of the Iranian opposition.

More specifically, the State Department should at least give the group a chance to answer the charges that have made it so controversial and, apparently, so unpopular among U.S. foreign policymakers. Among these charges are that, in years past, the group was responsible for killing Americans, and that today it obtains help and protection from Saddam Hussein's Iraqi dictatorship.

Some facts are not in dispute. The People's Majahedeen and its leader, Massoud Rajavi,

were part of the radical coalition that ousted the Shah of Iran in 1979; only later did these generally secular revolutionaries break with the ayatollahs. It is also a fact that this group has resorted to armed rebellion; its insurgents have struck across frontiers from bases in northern Iraq. But its ubiquitous representatives claim their movement is democratic, that it long ago shed its anti-Americanism and that it has helped to galvanize a global campaign against human rights offenses within Iran.

One can doubt any or all of these claims and still be troubled by the State Department's closed ears. It is especially distasteful that this boycott is treated as a victory by Iranian mullahs, who urge other states to have no contacts with Mr. Rajavi's "terrorists." This comes with special impudence from clergymen who clamor for the death of the novelist Salman Rushdie, who are plausibly linked with the murder of Iranian dissidents in France, Switzerland, Turkey and elsewhere, and whose agents are believed to have assailed Mr. Rushdie's translators and publishers in Japan, Italy and Norway.

Speaking in Chicago last month to the annual convention of B'nai B'rith, President Clinton called the Iranian regime "the world's leading sponsor of state-sponsored terrorism." So long as Teheran continues to export death squads, and exhorts its followers to kill a foreigner for writing a book, it cannot in decency ask Washington to avoid contacts with "terrorists." Iran's own record needs to be taken into account if the Administration is to be truly objective in judging the Iranian opposition.

TRIBUTE TO CARL W. RICHTER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Carl W. Richter who is being honored by the Macomb Oakland Chapter of the Coalition of Labor Union Women on Wednesday, October 12.

I have known Carl for many years and have had the fortunate opportunity to work with him on numerous occasions. Carl worked for Ameritech for 25 years and is currently serving as president of the Communications Workers of America Local 4008 where he represents 900 members.

Carl has devoted his time and talents to serving the needs of the membership for many years. His work to ensure that working men and women in the communications industry are treated fairly so that they might provide for their family has rightly earned Carl recognition from his peers.

I applaud the Coalition of Labor Union Women for recognizing Carl. He has provided outstanding leadership to the CWA and I know he is proud to be honored by the Coalition.

On behalf of the Coalition of Labor Union Women, I urge my colleagues to join me in saluting Carl Richter for his commitment to working men and women everywhere.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE COMMONWEALTH OPTION PRESENTED IN THE PUERTO RICAN PLEBISCITE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. YOUNG of Alaska. Mr. Speaker, the Legislative Assembly of Puerto Rico enacted a concurrent resolution asking the United States Congress to respond regarding the viability of the commonwealth option of the November 14, 1993 political status plebiscite, which received a slim plurality of the votes cast. I am pleased to join Senator PAUL SIMON in a bipartisan and bicameral response to the legislature's request, which is appropriate given the Congress' constitutional responsibilities for matters affecting the territories.

We are introducing a concurrent resolution of the United States Congress regarding the commonwealth option presented in the plebiscite with utmost respect of the people of Puerto Rico, their elected leaders, and the self-determination process. The resolution is made in good faith and with the best of intentions for the people of Puerto Rico, who have been staunch loyal United States citizens for over three-fourths of this century. Any proposed change to the existing fundamental relationship with our fellow United States citizens in Puerto Rico is very important and is not to be treated lightly.

Of the total votes cast in the plebiscite, 48.6 percent voted for the commonwealth option, 46.3 percent voted for statehood, and 4.4 percent voted for independence. While a plurality of the voters supported commonwealth as defined on the ballot, the majority voted for other status options. Consistent with the plebiscite law, the Legislative Assembly of Puerto Rico petitioned the Congress to express itself concerning the principles of the commonwealth formula.

In analyzing the substance of the commonwealth option it is necessary to also consider the process which led to the November 14, 1993 plebiscite. In the interest of political comity, the Legislative Assembly of Puerto Rico permitted each of the three political parties advocating one of the three status options of statehood, commonwealth, and independence to provide the status definitions to appear on the plebiscite ballot. The plebiscite law also provided each option equal public education funding, a mutually agreed limitation on total media expenditures by each party, a freeze on government-agency media expenditures 60 days prior to the plebiscite, and independent oversight of the voting process. However, the law's genuine intent to be fair unintentionally fostered a weakness by permitting historically unprecedented hypothetical status definitions on the ballot.

The people were presented a mythical commonwealth option which proposed significant changes to the current relationship between Puerto Rico and the United States, including the execution of a bilateral pact between Puerto Rico and the United States that would be unalterable except by mutual consent, perma-

nent union, the extension of Supplemental Security Income, and equality of food stamps equal to the States without equal fiscal responsibilities. Furthermore, the commonwealth status would guarantee irrevocable United States citizenship, Puerto Rican fiscal autonomy, and a common market, currency, and defense with the United States.

It should not be surprising, given human nature, that a plurality of the people voted for a guarantee of virtually all of the benefits and assistance of U.S. citizenship without the corresponding duties and obligations. Notwithstanding the option of "all-the-goodies-without-the-price," and to the grand credit of the people of Puerto Rico, a combined majority chose status options offering additional rights and responsibilities. A near plurality of voters chose statehood with the same rights, benefits, and responsibilities of the 50 States; a small fraction voted for independence with the inherent rights, powers, and obligations of separate sovereignty.

It is essential to a meaningful self-determination process for the United States House and Senate to provide the people of Puerto Rico a sense of the Congress concerning the viability of the elements of the commonwealth formula proposed in the November 14, 1993 plebiscite. Therefore, after extensive examinations and scrutiny and based on bipartisan and bicameral deliberations considering the U.S. Constitution and Federal laws as they relate to the commonwealth formula, a concurrent resolution of the United States' House and Senate is being introduced. The commonwealth formula is clearly not an economically or politically viable alternative to the current self-governing, unincorporated territorial status of the Commonwealth of Puerto Rico; and the unalterable bilateral pact that such commonwealth formula proposes as the vehicle for permanent union of Puerto Rico with the United States is not a constitutionally viable alternative to the current self-governing, unincorporated territorial status of the Commonwealth of Puerto Rico.

It is unfortunate that the voters have faced unrealistic and inflated expectations of a supposed commonwealth relationship with the United States. However, this has become an opportunity to set the record straight; to quell the commonwealth fantasy status which continues to be promoted to the detriment of the society it is purported to help. While it is true that the United States-Puerto Rico relationship shares many things in common, no permanent union secured by an unalterable bilateral pact with irrevocable American citizenship is possible under any variation of the proposed commonwealth formula. Our U.S. Constitution provides the only avenue for irrevocable U.S. citizenship, total equality, and permanent union.

I want to commend the people of Puerto Rico for their steadfast faith in our constitutional democracy and for adhering to local and Federal laws during the plebiscite process. Last year's act of self-determination is a model for other communities, as it was peaceful while appropriately exuberant. In contrast to the political and civil turmoil in other areas, Puerto Rico truly merits the motto of "The Shining Star of the Caribbean."

Although the plebiscite has not resolved Puerto Rico's status, hopefully the achievement is real progress in self-determination toward realistic and substantiated status options. I will continue to monitor the self-determination aspirations of our fellow citizens in Puerto Rico, as well as the other United States territories, as a solemn obligation of the Congress.

Following is the full text of the concurrent resolution responding to the Puerto Rico political status plebiscite of November 14, 1993:

H. CON RES. 300

Whereas the Government of the Commonwealth of Puerto Rico enacted legislation to allow the people of Puerto Rico to express, through a plebiscite, their preference regarding the nature of the future relationship between Puerto Rico and the United States;

Whereas the plebiscite ballot contained the status options of statehood, commonwealth, and independence, as defined by the three principal political parties of Puerto Rico;

Whereas, in the plebiscite of November 14, 1993, 48.6 percent of the people of Puerto Rico voted for commonwealth status, 46.3 percent voted for statehood status, and 4.4 percent voted for independence;

Whereas the commonwealth status option presented to the Puerto Rican electorate on November 14, 1993, proposed significant changes to the current relationship between Puerto Rico and the United States, including—

(1) the execution of a bilateral pact between Puerto Rico and the United States that would be unalterable, except by mutual consent;

(2) permanent union between Puerto Rico and the United States;

(3) the extension of supplemental security income (SSI) under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) to citizens of Puerto Rico; and

(4) equality between Puerto Rico and the States regarding food stamp allocations under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

Whereas the commonwealth status option presented to the Puerto Rican electorate on November 14, 1993, stated that commonwealth status would guarantee—

(1) irrevocable United States citizenship;

(2) Puerto Rican fiscal autonomy; and

(3) a common market, common currency, and common defense with the United States;

Whereas the legislature of Puerto Rico passed a concurrent resolution asking that the Congress make a statement concerning the viability of the commonwealth ballot formula presented to the people of Puerto Rico in the plebiscite of November 14, 1993;

Whereas the Congress holds great respect for Puerto Ricans as citizens of the United States; and

Whereas it is incumbent upon the Congress to express the sense of the Congress concerning the viability of the elements of the commonwealth formula proposed in the November 14, 1993, plebiscite: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the changes to the political relationship between Puerto Rico and the United States that are described in the option of the Puerto Rico plebiscite of November 14, 1993, known as the commonwealth option would provide to United States citizens who are residents of Puerto Rico the Federal benefits of United States citizens living in the States without the concomitant responsibilities;

(2) the commonwealth formula presented in the Puerto Rican plebiscite of November

14, 1993, is not an economically or politically viable alternative to the current self-governing, unincorporated territorial status of the Commonwealth of Puerto Rico; and

(3) the unalterable bilateral pact that such commonwealth formula proposes as the vehicle for the permanent union of Puerto Rico with the United States is not a constitutionally viable alternative to the current self-governing, unincorporated territorial status of the Commonwealth of Puerto Rico.

TRIBUTE TO REV. D. KEITH OWENS, PASTOR OF THE SALEM BAPTIST CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today before the House of Representatives to pay tribute to Rev. D. Keith Owens, Salem Baptist Church of Jersey City's new pastor.

The Salem Baptist Church was founded in 1870 and was born the Second Baptist Mission, when the congregation worshiped in the home of Joseph and Mary Bailey. In 1871, Reverend Hutchingson, the mission's second leader, secured the larger Carr's Hall for worship. In 1875 the mission was organized as the Salem Baptist Church and Reverend Hutchingson was ordained pastor. In 1877 Rev. Richard A. Motley accepted the pastorate and served until 1904. During this time a building was purchased and Joseph Bailey and Matthew Brown were ordained Salem's first deacons. From 1929 to 1934 the church was under the leadership of Rev. Furman W. Means. During these 14 years the Sunday school flourished, the auxiliaries expanded, and the church gained the national recognition of Baptists. The years to follow saw the church negotiate and pay for the present site of Salem at the corner of Clinton and Madison Avenues.

Rev. D. Keith Owens, born in Dillon, SC and raised in Newark, NJ, comes to Salem by way of Kaighn Avenue Baptist Church in Camden, NJ, where he was senior pastor for 5 years. Emphasizing the importance of youth and education, Reverend Owens established a scholarship and endowment fund to help students in poor communities in Camden to afford college educations.

Living by the creeds of the greats who preceded him, including his parents, and other family members who were ministers, Reverend Owens' own achievements speak for themselves. At 32 years of age, he has written a weekly column on religion and current events for a local Camden area newspaper, taught speaking and English at a county college, directed public relations for the National Ministries, lectured throughout the United States and Africa, and made numerous television appearances in addition to pastoring. The list of accolades, memberships, and activities is endless.

I'm proud to have the opportunity to recognize Rev. D. Keith Owens and the Salem Baptist Church before the House, and I ask my colleagues to join me in thanking them for their service to the community and commend their achievements.

ENTITLEMENT DAY

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. ORTON. Mr. Speaker, today I am introducing a concurrent resolution expressing the sense of the Congress that we should take action to rein in entitlement growth and to ensure that the burden of such spending does not fall disproportionately on future generations. This resolution is being offered as the base text for consideration of entitlement day, scheduled for House consideration next week.

Entitlement day is another in a series of promises fulfilled by House leadership pursuant to my A to Z agreement with Majority Leader GEPHARDT announced in June. I believe it has become very clear that this agreement has achieved far more than A to Z could ever have hoped to achieve, with respect to legislative actions to reduce the deficit.

As a result of open rules on appropriations bills this summer, the House had the opportunity to vote on 74 amendments to cut spending, many of which passed. The House has brought to the floor and passed four major budget process reforms, including line-item rescission authority, reform of emergency spending, reform of baseline budgeting, and entitlement controls.

As significant as these actions were, we still face the greatest challenge of all—dealing with the tremendous growth of entitlement spending. Proof of the enormity of this challenge can be found everywhere. In July, I joined a number of Members in offering an amendment to provide for a reasonable growth ceiling for entitlements. It allowed for increases in inflation, plus population, plus an additional 1 percent growth over a 3-year period. This amendment lost by a substantial margin.

Over the last several months, the bipartisan Commission on Entitlement and Tax Reform has held hearings and issued preliminary findings on the growth of entitlements. This process has been tremendously contentious. Finding a consensus on actions needed to control entitlement spending will not be an easy task for the commission.

Entitlement day is a further effort to continue this critical public dialog. The base text of the resolution I am introducing today contains the following language: "Resolved, That it is the sense of the Congress that current trends in entitlement spending are not sustainable and Congress must act to resolve the long-term imbalance of the entitlement promises and available funds to ensure that today's debt does not fall unfairly on America's children."

I hope that the debate over this resolution will address the need of Congress to actively confront the tremendous growth of entitlement spending, the effect it has on our budget deficit, and the deleterious effect this continued growth has on future generations. In the short run, continued deficits caused by exploding entitlement costs raise interest rates, crowd out private borrowing, and become a drag on the economy. In the long run, unchecked by action now, entitlement spending will overwhelm our budget, causing either severe cutbacks in important Federal programs or massive tax increases.

I believe and hope that we can reach consensus on this resolution. However, the next question is how to address this problem. Debate this Congress over health care reform gives little comfort that health care reform will be the answer. This year's debate has generally demonstrated that even if we can enact health care reform, we will probably be lucky to even keep it revenue neutral.

For this reason, when I pushed for entitlement day, I asked for public debate on the three entitlement reform measures which would generate the greatest savings, according to CBO's recent publication "Spending and Revenue Options." These are means testing, raising the retirement age, and limitations on COLA's. I recognize that these are controversial, that they affect popular programs. But, as virtually every budget expert acknowledges, we have no chance of significantly reducing entitlement spending without making tough choices, without dealing with popular programs.

Therefore, my understanding is that at least three amendments will be offered to the base text of my resolution. The first, dealing with means testing, states: "that it is the sense of the Congress that payments through Federal Government entitlement programs, except for benefits from programs into which an individual contribution has been made by the recipient, should be means tested so that benefits would be reduced or eliminated dependent upon the income of the recipient."

Quite simply, this resolution raises the policy question of whether currently non-means-tested Federal entitlements should be means-tested—that is, be reduced for individuals with higher levels of income. It excludes from means-testing consideration "benefits from programs into which an individual contribution has been made by the recipient"—that is, Social Security and Civil Service retirement benefits. A vote in favor of this resolution affirms the principle that we should means-test the remaining non-means-tested programs at some income level. A vote against this resolution means that no matter how high one's income is, that individual should be entitled to unlimited Federal entitlement benefits.

The second amendment is a resolution dealing with the qualification age for entitlement benefits. It states: "that it is the sense of Congress that the age of qualification for age-dependent Federal benefits should be increased." This resolution would apply to all age-dependent retirement benefits, including potentially Civil Service retirement benefits, Social Security, and Medicare. A vote for this resolution is a vote that Congress should consider an increase in the age of qualification of one or all of these programs. In all likelihood, any such changes would be phased in over an appropriate period of time, so that those who are approaching this age in the next few years would not be unnecessarily affected. A vote against this resolution is a vote that we should not even consider changing the age qualification for these programs, even into the next century.

The third amendment is a resolution dealing with automatic cost-of-living increases, or COLA's. The resolution states: "that it is the sense of the Congress that payments of annual cost-of-living adjustments [COLA's]

should be reduced or deferred, except for beneficiaries with annual income below 200 percent of the poverty level." A vote for this resolution is a vote to revise the formula for determining COLA's or to limit automatic COLA's in some fashion, except for those individuals falling below 200 percent of the poverty level. A vote against this resolution is a vote not to consider this source of automatic entitlement growth as a possible area of deficit reduction.

I recognize that these are tough, emotional issues. However, I believe it is imperative that we debate them. The simple truth is that we cannot realistically balance the budget—or even keep it from growing dramatically in the next few years—without making tough decisions on these issues. The American public deserves no less than a thorough public debate.

REMARKS ON THE CLOSING OF FORT ORD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. FARR of California. Mr. Speaker, there are perhaps few events in my district's history as momentous as the passing of Fort Ord. Not only does its closure today represent the end of a proud military era, but more importantly, it demonstrates a major economic shift on the central coast of California. From a military-based economy, this area is now well on its way to becoming an economy with education as its central theme.

Of course, for many, this change has not come easy. And while there has been tremendous hardship, I am convinced that this hardship will yield tremendous opportunity. Already, we have seen the signs. The new California State University, Monterey Bay, for example, will usher in a major economic revival with hundreds of new jobs as well as heavy student and faculty spending. I am also confident that surrounding development will provide an enormous boost to the entire area.

In fact, I am more certain than ever that upcoming activity at the Fort Ord site will quickly return our area to the prosperity it once knew. In so doing, it will also set the national standard for other communities around the country suffering a base closure.

Already, many have taken notice. In Washington, the Federal Government has quickly seen that the changes at Fort Ord just make good fiscal sense. Designating the base as a national model for conversion, it has also shown its higher regard by committing \$29 million to CSU's efforts in converting former barracks into dormitories and classrooms.

I know this commitment will continue. It has been and will continue to be my pleasure to see that it does.

TRIBUTE TO BARBARA BERGER- HILL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Barbara Berger-Hill who is being honored by the Macomb Oakland Chapter of the Coalition of Labor Union Women on Wednesday, October 12.

Barbara was a founding member of the Coalition of Labor Union Women and remains active in the Michigan Macomb Oakland Chapter as an alternate delegate to the United Automobile Workers.

For years, Barbara Berger-Hill has devoted her expertise to serving the members of the UAW, the CLUW, and the NAACP. She has continuously worked on the behalf of those who punch a clock and pack a lunch. In addition to her many responsibilities as a union representative, she has served as a labor liaison to Middlesex and Essex Community College.

I applaud the Coalition of Labor Union Women for recognizing one of their own founding members. She continues to serve the working men and women she represents with respect and dignity and I am sure she is proud to be honored by the Coalition.

On behalf of the Coalition of Labor Union Women, I urge my colleagues to join me in saluting Barbara Berger-Hill for her commitment to working men and women everywhere.

MOST FAVORED NATION TRADE STATUS FOR RUSSIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. HOYER. Mr. Speaker, President Clinton has announced that Russia is in compliance with pertinent sections of the Trade Act of 1974, and that the United States will extend most-favored-nation [MFN] trade status to Russia without the previously required annual review. As required by title IV of the Trade Act, however, the President will continue to provide Congress with periodic reports regarding Russia's compliance with the emigration standards envisioned in the Trade Act.

Mr. Speaker, I view this change in United States trade policy with Russia as a positive step, one that recognizes the progress that Russia has made in allowing its citizens to emigrate and travel abroad.

In June 1993, I testified before the Ways and Means Committee on behalf of myself and Senator DECONCINI as cochairman of the Commission on Security and Cooperation in Europe that with respect to Russia, the United States should grant MFN with a yearly renewable waiver, which up until now has been the policy. Since that time, the mechanism established by the Russian Government to resolve secrecy denials, adjudication by the Lavrov Committee of the Foreign Ministry, has been working well. Over 100 refusals have been overturned by the Lavrov Committee.

Meanwhile, Russian courts are beginning to hear the so-called poor relatives cases, in which a potential emigrant is prevented from leaving by financial claims of a relative.

Altogether, approximately 100,000 Soviet Jews and others are leaving Russia yearly, most for Israel, but also to the United States and other countries.

Mr. Speaker, I do not want to conclude my remarks by giving the impression that emigration from Russia is totally unhindered. This is still not the case, unfortunately. While I was in St. Petersburg last spring with the majority leader, I had several meetings with human rights activists. I met Mrs. Evgeniya Kunina, who had been told that she would not be able to leave Russia to join her son in New York until 1999 because of her previous employment at a classified facility. The Lavrov Committee recently ruled that she would have to wait until 1996, the 5 years required by Russian law after leaving her job in 1991. While this is a step forward—insofar as the law is being followed—the fact is that free emigration does not yet exist. And this is why the Congress will be closely examining the President's periodic reports on Russia's compliance with the Trade Act.

TRIBUTE TO ALBERT BLAUSTEIN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. BURTON of Indiana. Mr. Speaker, on August 22, 1994, America lost one of its foremost constitutional scholars, Prof. Albert Blaustein of Rutgers's University School of Law. Al Blaustein was a scholar of international repute, editor of the well-known "Compendium of World Constitutions," and author of numerous books and scholarly articles. He was famous for his authorship and contribution to national constitutions all over the world, including Russia, Fiji, and Liberia.

His monumental role in the legal evolution of mankind will long be recognized. To his last day, he was working hard on promoting democracy and the rule of law around the world. His friends will sorely miss his delightful personality and I am sure they all send their sincerest condolences to Al's wife Phyllis and their children.

I commend to the attention of my colleagues the New York Times and Philadelphia Inquirer obituaries of Albert Blaustein.

[From the Philadelphia Inquirer, Aug. 22, 1994]

ALBERT BLAUSTEIN, CONSTITUTION EXPERT
(By Reid Kanaley)

Albert Paul Blaustein, 72, one of a handful of U.S. legal scholars who have helped rewrite the national constitutions of Eastern Europe since the fall of communism, died of a heart attack yesterday.

Mr. Blaustein lived in Cherry Hill. He was professor emeritus at Rutgers University School of Law, Camden, where he had taught the Constitution since 1954. At the time of his death, he was in Durham, N.C., nearing the end of a three-week vacation of exercise, rest and dieting.

The scholar and human-rights advocate had traveled the globe since the 1960s, advis-

ing dozens of countries—from Brazil to Fiji to Poland to Russia to South Vietnam and Zimbabwe—on how to write new constitutions.

"My son calls me a Jewish James Madison," Mr. Blaustein said in a 1991 interview in Moscow, where he had been summoned to help draft the constitution for the new Russian Republic.

"His knowledge of the constitutions of the world was the most significant thing about him, but he was also a great teacher," said Roy Mersky, a professor of law at the University of Texas-Austin and a frequent collaborator of Mr. Blaustein's.

The two men were in the process of revising a book of biographical sketches and statistics on the 108 justices to sit on the U.S. Supreme Court.

A son, Eric Blaustein of Cary, N.C., said Mr. Blaustein had appointments today in Washington, D.C., where he had hoped to press government officials to support human-rights issues in Haiti and Latin America, and was due in Tokyo on Oct. 2 to lecture on constitutional law.

But, perhaps sensing that his life's work was nearing its end, Mr. Blaustein told his son on Wednesday evening, "Eric, I have no regrets," the younger Blaustein said yesterday.

"He was not afraid to die," said his son. "He said nobody lived a better life than he did. He'd traveled. The work he did made a difference. He leaves a legacy both in print and in family."

As a constitution writer-for-hire, whose workload grew immense with the fall of communism and the breakup of the Soviet Union, Mr. Blaustein had said the job title he preferred was "custom framer."

In 28 years of helping countries draft new constitutions, Mr. Blaustein consistently refrained from imposing the United States' legal system on other nations. His tact was seen as particularly useful in a nation such as Russia, where many leaders are sensitive to accusations of aping the West.

"A constitution has to spring from native soil, to meet the basic needs and wants of a given people," Mr. Blaustein had said in the Moscow interview. "I am not here to tell them what to do. These people need a Russian constitution. I am basically here to answer questions."

He was born in Brooklyn Oct. 12, 1921. He received his undergraduate degree from the University of Michigan in 1941.

A one-time Chicago police reporter, he relished the murder stories of 50 years past and was noted for wearing gangland-era leather braces. The GI Bill enabled him to attend Columbia University's law school after World War II, and he developed an interest in constitutions while working as a law librarian, first at New York Law School and then at Rutgers.

His first overseas assignment was to help write a constitution for South Vietnam in 1966. Since then he had traveled to more than 80 countries to help draft blueprints for governing.

He personally wrote the constitutions of Bangladesh, Liberia, Zimbabwe and Fiji. He had drafted the latter on the same computer he played video games on during brief moments of leisure at his Rutgers office.

For Mr. Blaustein, the hallmarks of a good constitution were clauses protecting the rights of minority groups and ensuring separation of powers, freedom of speech and a multiparty system. He disliked constitutions that imposed an overly centralized bureaucracy and those that confused fundamental

rights—such as freedom of speech—with policy (a guaranteed job for example).

While working that first job in South Vietnam, he found there was no easy reference work and decided to put one together himself. The result was "Constitutions of the Countries of the World," which was first published in 1971. Updated regularly, the collection has grown to 22 volumes. It includes every nation's constitution and critical essays on the history of each.

Mr. Blaustein was a nearly compulsive collector. Several years ago, his collection of more than 2,500 bars of soap from every hotel in which he had ever stayed, all labeled, dated and indexed, was purchased for a figure placed by the family yesterday at about \$1,500 by Ripley's Believe It or Not Museum in Irving, Texas.

A year later, Eric Blaustein said, his father sent him back to the museum with a large sachel of new soaps. The collection was piled in a large antique bathtub, with a picture of Mr. Blaustein on a nearby tripod.

Mr. Blaustein also had collected more than 500 ballpoint pens from around the world and he had thousands of airline luggage tags stacked on an antique grocer's scale in his cluttered corner office at Rutgers.

At the time of his death, he was under contract with Princeton Press to write his autobiography. "I don't know that he even started it," Eric Blaustein said yesterday.

In addition to his son Eric Mr. Blaustein is survived by his wife, Phyllis; son, Mark of Fort Lee, N.J.; a daughter Dana Litke of Northfield, N.J.; a sister, Marjorie Simon of Purchase, N.Y.; and four grandchildren.

Funeral services will be held tomorrow at noon at Platt Memorial Chapels, 2001 Berlin Rd., Cherry Hill. Interment will be at Crescent Burial Park, Pennsauken.

[From the New York Times, Aug. 23, 1994]

ALBERT P. BLAUSTEIN, A DRAFTER OF
CONSTITUTIONS, DIES AT 72
(By Richard Perez-Pena)

Albert Blaustein, a law professor who dedicated nearly three decades of his life to drafting constitutions for national transition, died on Sunday at Duke University Hospital in Durham N.C. after suffering a heart attack. He was 72.

A fervent believer that a constitution could help a nation define its legal, political and moral identity, Mr. Blaustein wrote the constitutions now in use in Liberia and Fiji, contributed large parts of the constitutions of Zimbabwe, Bangladesh and Peru and had a hand in the drafting of about 40 others, including those of Nicaragua, Romania and post-Soviet Russia.

From his home in Cherry Hill N.J., Mr. Blaustein, who taught at the Rutgers University School of Law in Camden, was frequently summoned by dissident groups as disparate as the Inkatha Freedom Party in South Africa and a coalition of lawyers in Nepal to help them stake out their positions in drafting new constitutions. Those calls became frequent in recent years as areas of the world, from Central America to Eastern Europe underwent wrenching change.

In a 1983 interview, Mr. Blaustein said: "A constitution is more than a structure and framework for government. It is in many senses a nation's frontispiece. It should be used as a rallying point for the people's ideals and aspirations, as well as a message to the outside world as to what the country stands for."

Mr. Blaustein would try to interject Western liberal notions into the constitutions he drafted; in the 1970's he tried, unsuccessfully,

to persuade the leaders of the new majority-rule government of Zimbabwe to grant equal rights to women. But he acknowledged that for a constitution to work, it must reflect a country's culture and history. "We cannot put constitutions together like prefabricated henhouses," he said in the 1983 interview.

While he praised the United States Constitution as a document that had worked well, even in crisis—he noted that "when Mr. Nixon left power, the only person with a gun was a policeman directing traffic"—he said that if he were asked to revise it, he would make the right to privacy and freedom of travel explicit provisions.

Mr. Blaustein's contributions to nation-building began in 1966, when, at the request of the United States Government, he traveled to South Vietnam to advise that country in drafting a constitution.

By that time, he had established a formidable reputation as a legal scholar and as the author and editor of many books. "Desegregation and the Law," (Rutgers University Press, 1957), of which he was co-author with Clarence Clyde Ferguson Jr., was a critical and commercial success. His other works include "The American Lawyer: A Summary of the Survey of the Legal Profession," (University of Chicago, 1954), which he wrote with Charles O. Porter.

He taught at New York Law School in the mid-1950's and at Rutgers from 1955 until his retirement in 1992.

Born on Oct. 12, 1921, in Brooklyn, Mr. Blaustein graduated from Boys High School at age 16. He graduated from the University of Michigan at 19 and became a reporter with The Chicago Tribune.

He served in the Army during World War II and again in the Korean War, attaining the rank of major. Between the wars, he went to law school at Columbia University and practiced law in Manhattan at his father's firm.

He is survived by his wife, the former Phyllis Migden; a daughter, Dana Litke of Northfield, N.J.; two sons, Mark Blaustein of Fort Lee, N.J., and Eric Blaustein of Cary, N.C.; a sister, Marjory Simon of Purchase, N.Y., and four grandchildren.

NATIONAL MAMMOGRAPHY DAY

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mrs. LLOYD. Mr. Speaker, I rise today to introduce legislation that designates October 19, 1994, as "National Mammography Day." Last year the President signed this measure into law.

While efforts to enact a comprehensive health care reform have fallen by the wayside, there are still legislative initiatives, such as National Mammography Day, that address important steps toward reform. For example, early detection and treatment are critical steps in holding down medical costs and saving lives—particularly with breast cancer.

According to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1994, and 46,000 women will die from the disease. This disease affects 80 percent of women that have no prior family history of breast cancer. There is no known cure for breast cancer. Until we find a cure, early detection and treatment are the best chances that we have against its early stages.

Mammograms can reveal the presence of small cancer up to 2 years before regular clinical breast examinations, or breast self-examinations [BSE]—saving as many as a third more lives.

No women can be considered immune from this disease. As a breast cancer survivor myself, I realize the importance of mammography detection. Greater awareness of this technology is a key element in combating breast cancer.

Mr. Speaker, every year for the past 5 years, National Mammography Day has received greater participation and interest. Mammography screening awareness is one of many fundamental steps in educating the public about the importance of early detection and treatment of disease.

I am pleased to introduce this resolution and I hope that my colleagues will join me in the fight against breast cancer.

NORTHERN FOREST LANDS COUNCIL

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to the work of the Northern Forest Lands Council [NFLC], which ceases to exist today after completing its 4-year effort to develop long-term conservation recommendations for the Northern Forest.

The Northern Forest is a 26-million-acre expanse of forest which extends from New York to Maine. This vast area, which is mostly privately owned, is home to more than 1 million people, along with moose, osprey, bear, loon, and hundreds of other species of wildlife.

The Northern Forest provides the Northeast and the Nation with forest products, opportunities for outdoor recreation and tourism, and billions of dollars of direct and secondary economic benefits. As a recreational destination, the Northern Forest hosts millions of visitors annually—offering some of the most spectacular scenery in America. The region is characterized by clear mountain rivers and lakes, magnificent mountain peaks, and peaceful New England villages.

The Northern Forest region is currently facing strong forces for change. Intensified forest practices, land speculation, and subdivision threaten to permanently damage the character of the region.

The NFLC was created in 1990 in response to these threats. Through 4 years of effort, the NFLC developed a series of recommendations to help preserve the Northern Forest.

One of the most remarkable things about the work of the NFLC has been the process. The consensus recommendations were developed after countless hours of discussions, with input from all concerned parties.

Unlike forest communities in other parts of the country which have been plagued by polarization, Northern Forest communities have shown that opposing interests can find common ground and work together in developing conservation strategies.

Continuing with this spirit of constructive cooperation, I look forward to working with the

rest of the Northern Forest delegation to implement the recommendations of the Northern Forest Lands Council.

LOWRY AIR FORCE BASE: CURTAIN DOWN, CURTAIN UP

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mrs. SCHROEDER. Mr. Speaker, today is an historic day in Denver, CO, one that I wish to reflect upon for a moment.

Lowry Air Force Base, first opened in the 1930's, closes today. A victim of the 1991 base closure cycle, Lowry's technical training missions have already relocated to other bases. But today is the day when the flag comes down for the last time.

Today is a day to reflect on the contribution Lowry has made to our national security. Training is always of highest military priority and Lowry shined in its ability to produce ready and reliable munitions loaders, mechanics, photographers, and a host of other specialties. I wish to extend a national thank you for that service.

Today is also a day to encourage and commend the redevelopment effort underway to turn Lowry into a residential, commercial, and recreational asset for the community. Two cities overcame past differences to organize a neighborhood-based planning and now implementation authority to fill up the vacated base.

There's great success already. A community college is moving into classroom and dormitory space. The President's new National Community Conservation Corps has set up a regional campus there. The Air Force museum has become a civilian-run Wings Over The Rockies Museum, the Defense Finance and Accounting center maintains a large presence and has space to grow. And the delicate and contentious issue of providing available housing to the homeless has been settled.

I met today with Air Force Assistant Secretary Rodney Coleman to review the redevelopment's progress. He said that Lowry has been one of the Air Force's success stories because of the community's ability to move forward. He pledged continued support and assistance to keep that momentum up. I'll hold him to that.

I, too, pledge my continued assistance to this effort. When Lowry's fate was first sealed, I quickly convened a local forum to plan the way. I scouted for Federal opportunities, resources, and obstacles. I troubleshoot when potential conflicts with the Air Force arose and I carefully listened to the concerns of the neighbors and blended them into the redevelopment planning mix.

Mr. Speaker, the conversion of closed military bases is not an easy trick but with the right resources, talent, and attitude, it can be done. Lowry Air Force Base is living proof.

TRIBUTE TO DADE COUNTY
COMMISSIONER ALEX PENELAS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mrs. MEEK of Florida. Mr. Speaker, for the past 14 years, South Florida Food Recovery has been providing food to the poor, the needy, and the homeless in the State of Florida.

Created through the loving commitment and tireless efforts of my good friend Jule Littman, vice mayor of the city of North Miami Beach, South Florida Food Recovery has become the largest food distribution program in the State of Florida and one of the largest in the United States. It takes food declared surplus from farmers, food brokers, and distributors and provides it to some 273 service organizations with 2,600 volunteers in five Florida counties. Altogether, South Florida Food Recovery distributes enough food for 188,000 supplemental meals a week.

On October 7, South Florida Food Recovery will host its Homeless Holiday Luncheon to benefit 50,000 needy persons during the upcoming holiday season. Dade County Commissioner Alex Penelas will be honored at this event for his dedication and leadership in providing alternatives to homeless persons in Dade County.

Mr. Speaker, this recognition is well-deserved. Alex Penelas is the youngest person ever elected to the Dade County Commission, and he is one of the most active and effective.

Commissioner Penelas has become a true champion of the homeless and needy in our community. The Dade County community homeless plan, which Commissioner Penelas coauthored, has attracted national recognition as a model for other communities. Under his leadership, Dade County has put new emphasis on housing for low-income persons. In addition, Commissioner Penelas is also chairman of the Dade County Homeless Trust.

Mr. Speaker, it is my honor to join with South Florida Food Recovery and the rest of our community in honoring Alex Penelas for a job well done.

TRIBUTE TO I.A. BASSETT, JR.

HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mrs. BYRNE. Mr. Speaker, it is my privilege to bring to the attention of the House of Representatives one of my constituents, I.A. Bassett, Jr., the deputy inspector general for the Department of Labor. Mr. Bassett is retiring after dedicating more than 28 years to public service. As the deputy inspector general, Mr. Bassett has been responsible for the nationwide operations of the Office of Inspector General in its role as the independent investigative and audit function for the Department of Labor.

Just prior to his current appointment, Mr. Bassett served 3 years as the assistant in-

spector general for investigations for the DOL where he was in charge of investigations involving employee and program integrity.

Following 4½ years as a commissioned officer in the Marine Corps, including decorated service as a combat aviator in Vietnam, Mr. Bassett's law enforcement career began in 1970 with the Federal Bureau of Investigation [FBI] in Kansas City, MO, where he worked fighting organized crime. He transferred to the Detroit Office of the FBI in 1972 where he worked on a variety of matters, including bank and government fraud, bank robberies, kidnappings, and extortions. During his last 2 years in Detroit, Mr. Bassett supervised the labor racketeering and public corruption squad.

Mr. Bassett's final transfer for the FBI was in 1979 when he was assigned to FBI Headquarters with supervisory responsibilities in the Congressional Affairs Unit. Subsequent assignments included 4 years on the Director's staff, 2 years as the program manager for background investigations of nominees for Presidential appointments and time as an inspector's aide. Prior to accepting the position with DOL, Mr. Bassett was an Assistant Section Chief in the Identification Division.

Public service has long been a tradition in Mr. Bassett's family. His great-great-great grandfather Isaac Bassett served in the Revolutionary War. His great-great-great grandfather Simeon Bassett worked as a stone mason to help repair the U.S. Capitol Building following the War of 1812 and was later hired as the U.S. Senate messenger. Mr. Bassett's great-great grandfather Isaac Bassett was appointed by Senator Daniel Webster as the second page of the U.S. Senate. He worked his way to messenger and later became assistant doorkeeper, earning the reputation as an indispensable Senate employee. Mr. Bassett's great grandfather Isaac Albertson was a life-long employee of the post office. His grandfather Isaac Albertson also served as U.S. Senate page followed by a 46-year career as a private investigator for the Navy Yard. Mr. Bassett's father served with the U.S. Army during World War II, and Mr. Bassett's brother has recently retired after a distinguished 26-year career in the U.S. Navy; 2 years ago, Mr. Bassett's daughter followed the family tradition of service to their country when she became an auditor with DOL.

I am extremely pleased to recognize the contributions I.A. Bassett, Jr., has made to our country and to the Federal law enforcement community. I offer my best wishes to Al Bassett as his career in public service comes to an end.

HONORING CARMEN MESSANO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to one of the finest law enforcement officers in the country, Carmen Messano, the prosecutor for Hudson County, NJ.

This Saturday, Mr. Messano will be honored by the Dante Aligheri Society, a charitable or-

ganization made up of professionals and business owners who make donations to meritorious community programs. It is most fitting that the society has chosen to honor the prosecutor, because he too has generously donated his time and efforts to a wide range of community activities.

As a prosecutor he has been a tireless crime fighter and an outstanding role model for our community. I live in Hudson County, so I can personally attest to his fine efforts on behalf of our residents. Through his office, the second largest in the State, Mr. Messano has worked with seniors to ensure their safety in their golden years. He has worked with juveniles to guide them away from crime and encourage them to lead productive lives. He has worked with local community watch groups striving to make their neighborhoods a safer place.

Throughout his life, Mr. Messano has consistently distinguished himself. He graduated magna cum laude from Lafayette College in 1974. Three years later he received a juris doctor degree from Boston College Law School. The prosecutor has worked as an adjunct professor at St. Peter's College in Jersey City.

In the past, Mr. Messano has served on numerous nonprofit agencies, including the Jersey City Museum and at the St. Joseph's Home. He currently serves on the board of directors of D.A.R.E. New Jersey. He resides in Jersey City with his wife, Maria Maiomessano, deputy director of the Housing Authority of Jersey City.

Given his accomplishments, I think it is very appropriate that we take a few moments today to honor Mr. Messano, a model of public service and a fine law enforcement official.

THE EDWARDS-BONILLA ESA
MORATORIUM AMENDMENTS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. BONILLA. Mr. Speaker, today, Congressman CHET EDWARDS and I are introducing the Endangered Species Act Moratorium Amendments. This bi-partisan legislation will help put a stop to the current abuses of the Endangered Species Act [ESA]. In its current form the Endangered Species Act—though well intentioned—works contrary to, and often against, one particular species—the human being.

Many hardworking ranchers, farmers, and homeowners in Texas have a greater fear of the golden cheeked warbler than they do of tax hikes and tornadoes. In my own hometown of San Antonio, TX, the entire source of water has been held hostage by Federal agencies and courts over a small fish called the fountain darter. This bill is an important first step to allay some of those fears and bring common sense to the ESA process. We in Congress must act and insure that human beings no longer play second fiddle to spiders and snakes.

Specifically, this legislation will suspend the future listing of endangered or threatened species and the designation of new critical habitat

until the Endangered Species Act is reauthorized by Congress. The ESA's authorization expired in 1992. This bill is a realistic vehicle toward reforming the ESA. Passage of this bill compels Congress to consider human factors and bring balance of the ESA when it considers the reauthorization. ESA must be reconstructed with amendments which not only protect the environment, but respect property rights.

Protecting property rights does not mean that threatened species cannot be protected. It simply means that human costs should be considered when the ESA is imposed. It also means that Government agencies, such as the Fish and Wildlife Service, should be creative in finding ways to balance these goals, rather than slamming the heavy fist of the Federal bureaucracy down on landowners. The Federal Government should work in concert with the true stewards of the land, instead of threatening them with fines without warning.

Please join me in cosponsoring this important legislation. It is long since past the time that we brought sanity and common sense to the ESA process. This legislation will stop current abuses and make possible real reform of the ESA. Thank you.

HOUSE RESOLUTION COMMENDING THE POLICE ATHLETIC LEAGUE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. MILLER of California. Mr. Speaker, it is with great pleasure that I introduce today, on behalf of myself and Representatives MARTINEZ, SCHUMER, STEARNS, and WASHINGTON, a House Resolution commending all the Police Athletic Leagues—otherwise known as PAL—across America for their excellent work on behalf of our Nation's youth.

PAL was created over 50 years ago in New York City by Lt. Ed Flynn, who, faced with persistent gang violence, organized a baseball league to give kids an alternative to crime. PAL now has 246 local chapters in cities nationwide, including Jacksonville, De Moines, New York, Denver, Houston, San Francisco, and Seattle. Three million kids participate in PAL's recreational and educational programs, such as athletic tournaments, police cadet clubs, and computer training. Fifty years after its inception, the principal mission of PAL remains the same: police officers volunteer their free time to work with youths in promoting trust and understanding in an atmosphere of cooperation. The kids benefit by receiving positive role models and learning life skills. The officers benefit by getting an opportunity to make a real, positive difference in kids' lives.

The story of Ben Hansberger, the 1993 PAL Boy of the Year Award recipient in California, is a shining example of the effectiveness of PAL. Ben thanked PAL in a letter. I quote:

DEAR CALIFORNIA PAL: I thank you for picking me as "Boy of The Year." It really means a lot to me to go to college. I'm the first Hansberger in 3 generations to make something of themselves.

It was not me who won the award alone. If it weren't for a lot of help from Rozee Bird, Joe Bird, Glen Gregory, Greg Atherton and all the little "Mighty-Mites" (the Tae Kwon Do peewees, ages 5-8) for giving me someone to touch and to teach, I would have been into drugs or probably fighting for money which, as you know if you have seen my record at tournaments, I am very good at.

I really appreciate how you took the time to come up with such a great awards dinner. The hotel was the most beautiful hotel I have ever seen and the hot tub was nice too. I truly thank you with all of my heart for the money for college. I am going to repay you by making somebody out of myself. Thank you for caring!

Mr. Speaker, in my own district, the effects of PAL's programs are clear. Julie Roberts of Vallejo, CA, was named the 1993 PAL Girl of the Year for all of California for her efforts as a volunteer in PAL and at her school. Julie has been a member of PAL since 1983, when she was 8 years old. Through PAL, Julie learned team work, discipline, and diligence—the hallmarks of a productive future. Indeed, Julie maintains a 3.65 grade point average while working at a day car center. Across this country, there are many more kids like Julie who are being helped by PAL.

As we all know, juvenile crime in America is on the rise. While PAL is no substitute for tough crime fighting strategies and policies, Police Athletic Leagues, acting in concert with these policies, are out in the field everyday attempting to turn back the rising tide of crime by providing constructive activities for kids. PAL's police officers deserve our support. I urge my colleagues to join me in supporting this resolution.

ST. PAUL'S EVANGELICAL LUTHERAN CHURCH CELEBRATES 100 YEARS IN SARATOGA SPRINGS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. SOLOMON. Mr. Speaker, it was first known as the German Evangelical Church, and it met in various locations until buying its first house of worship in 1900.

And now, Mr. Speaker, Saint Paul's Evangelical Lutheran Church of Saratoga Springs, NY, is getting ready to celebrate 100 years of serving the spiritual needs of its members.

Like many of the fine, old churches in our 22d Congressional District, Saint Paul's Evangelical Lutheran Church has been not only an important center of worship, but a virtual museum of local history.

It moved from its first building to its present location at 149 Lake Avenue in 1960. Today, the church has more than 650 baptized members.

Mr. Speaker, in the last century a Frenchman by the name of Alexis de Toqueville visited the young United States. One of the things that stood out among his impressions was the religious fervor of Americans. He remarked that America would be great as long as she was good, and America's natural goodness he attributed to the numerous churches

that formed the core of the Nation's community life.

I mention this story, Mr. Speaker, because Saint Paul's Evangelical Lutheran church has been exactly the kind of church Mr. de Toqueville had in mind.

From the beginning, the church has been a center of faith and social life for generations of area Evangelical Lutherans, and an enduring monument to the legacy of religious freedom our forefathers fought and died to preserve.

Mr. Speaker, America is still great because she is still good, and she is good because in communities across this Nation, churches like St. Paul's Evangelical Lutheran Church play such important roles.

Mr. Speaker, on October 14, this venerable church will celebrate its 100th anniversary. I ask all members to join me in congratulating Saint Paul's Evangelical Lutheran Church and in recognizing its years of service.

IN RECOGNITION OF THE HARBOR/ UCLA MEDICAL CENTER'S WOMEN'S HEALTH CLINIC

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Ms. HARMAN. Mr. Speaker, I rise today to commend the work of the Harbor/UCLA Medical Center's Women's Health Clinic. This clinic was founded in 1969, and was one of the first outpatient clinics in the Nation dedicated exclusively to the health needs of women. Over the past 25 years the clinic has pioneered the development of innovative models for delivering quality, cost-effective health care to women. Its education programs include the Nation's largest Nurse Practitioner Training Program and an extensive health outreach program which provides classes for all age groups, both onsite and in the community.

This clinic has achieved an exemplary reputation as a competent, compassionate health care provider for low-income and indigent women, serving approximately 15,000 women annually. It is supported by client fees, donations, and Federal, State and local funds, and its staff is constantly striving to find better and more efficient ways to provide services.

Because it is housed on the grounds of the Harbor-UCLA Medical Center, the Women's Health Care Clinic is able to offer comprehensive sequential medical care to its patients, so that testing, referrals and followup can be provided. With a commitment to women of all ages, the clinic is actively involved with outreach to teenage girls, through schools, churches, and other clients. Its teen retention and outreach program targets those at high risk for pregnancy and provides them with an array of services aimed at reducing teen pregnancy. The clinic also provides a critical service to elderly women who have specific health needs not generally addressed by other services.

The clinic has always been poised on the cutting edge of new technology, pharmacology, and other medical innovations, often participating in pilot programs or research projects to test or evaluate emerging medical

theory and methodology. With a focus on keeping people well, it is continually striving to improve the quality of care it provides.

I am proud to be part of changing attitudes toward the importance of women's health issues, and I wish to recognize the significant contribution made to the women of my congressional district by the Women's Health Care Clinic at Harbor-UCLA Medical Center.

THE EQUITY IN REMEDIES ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. GOODLING. Mr. Speaker, the purpose of the bill that I am introducing today, the Equity in Remedies Act, is quite simple. Congress should abide by the same rules and be subject to the same damages as it chooses to impose on private-sector employers. If congressional employers are not subject to punitive damages, private-sector employers should not be subject to punitive damages. The Equity in Remedies Act would achieve that goal.

Under title VII of the 1964 Civil Rights Act and the 1990 Americans with Disabilities Act [ADA], only private-sector employers are subject to awards of punitive damages. Executive branch employers and State and local government employers are not subject to punitive damages. Under the Congressional Accountability Act—H.R. 4822—passed by the House on August 10, 1994, by a vote of 427-4, Members of Congress are also not subject to punitive damages. Some version of congressional coverage legislation may soon be passed by the Senate, but none of those under serious consideration include punitive damages.

The Equity in Remedies Act will subject private-sector employers to the same damages as proposed under H.R. 4822, and those applicable to executive branch and State and local government, by eliminating punitive damages under title VII and the ADA. Unfortunately, the amendment that I submitted to the Rules Committee to provide for punitive damages under H.R. 4822 was not made in order, even though an earlier bill—H.R. 2721—reported by the Education and Labor Committee on congressional coverage allowed for such damages. Since the House was precluded from debating this important issue and the bill excludes punitive damages, it is only appropriate that legislation be introduced to bring private-sector laws concerning punitive damages in line with the bill passed by the House.

Hopefully, this vehicle will engender a useful debate—a debate denied by the Rules Committee—as to the appropriateness of exempting Congress from the same damages as imposed on the private sector.

We take this step with some hesitancy, as we recognize the controversial nature of eliminating punitive damages under title VII and the ADA. However, if the Congress wishes to exempt itself from these damages, it seems only appropriate that it should similarly exempt the private sector.

Mr. Speaker, I realize that time is now short in the session, but I hope we will revisit the issue in the next Congress.

CONGRATULATIONS ON CH2M HILL'S AWARD

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Ms. FURSE. Mr. Speaker, it is my pleasure today to congratulate the international consulting engineering firm of CH2M HILL, whose many offices include long-time presences in Corvallis and Portland, for winning a significant award this year from the American Consulting Engineers Council [ACEC]. CH2M HILL won an ACEC Honor Award for designing a novel solution to a problem at a landfill in McMinnville, OR, a city in my district.

Like many landfills, the Riverbend Landfill had a problem with leachate and dissolved water. The traditional solution involves expensive weekly truck hauling to a wastewater treatment plant, a solution that also contributes further pollution to our air. CH2M HILL's idea was to plant some 40,000 fast-growing poplar trees to convert the leachate into wood fiber. The wood will be harvested at a profit on a renewable 10-year cycle. In addition, the trees will actually reduce air pollution by consuming as much carbon dioxide as is produced by 800 automobiles each year.

CH2M HILL, an employee-owned family of companies involved in the domestic and international consulting engineering business, has nearly 6,000 employees working in more than 70 offices nation- and world-wide. CH2M HILL is a world leader in engineering service that helps clients apply technology, safeguard the environment, and develop infrastructure. Their work involves planning, design, and program management for clients engaged in hazardous waste remediation, water, wastewater and waste management, transportation, and related environmental fields.

I congratulate CH2M HILL for this important award.

IDEA DISCIPLINE POLICIES

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. BALLENGER. Mr. Speaker, I would like to address the agreement that was adopted by the Elementary and Secondary Education Act conference regarding students with disabilities that bring weapons to school or engage in violent behavior.

As everyone in this Congress knows, for effective learning to happen in America's schools, classrooms must be free from violence and the threat of danger to students and their teachers. Unfortunately, in certain circumstances, the Individuals with Disabilities Education Act [IDEA] seems to work at cross-purposes in creating a safe learning environment.

I want to make it clear that I support the important procedural safeguards in the IDEA that protect the educational rights of a disabled student. These safeguards require that each disabled student receive an individualized edu-

cation program that defines the educational setting in which the student will be taught. The law, and its subsequent interpretations, allow a disabled student to be suspended according to regular school discipline policies when the student's behavior is not related to his disability. However, if the student's behavior is not related to his disability, the law provides that he may be removed from the educational setting for a maximum of 10 days. And if the parent objects to the school's proposed permanent change in placement, once the 10 day suspension is completed, the student must be returned to the current educational placement until the completion of due process proceedings.

In general, I believe the so-called stay-put provision correctly protects a disabled student from being randomly removed from the educational setting called for by his individualized education program. However, we must also admit, that when the stay-put provision was written, no one envisioned a disabled student bringing a gun to school or violently attacking another student. Although rare, some disabled students have engaged in this type of behavior. Because of the uncertainty of the law, especially when it is unknown if the student's behavior is related to the disability, school administrators have been forced to keep students in the classroom they fear may be dangerous.

I believe that it is high time to update the stay-put provision.

Of the two provisions in the Senate bill, I generally preferred the Gorton amendment, because it not only dealt with students bringing weapons to school, but also with those students engaging in life threatening behavior.

During Senate floor debate, some Senators argued that the term "life threatening behavior" was unclear and could be easily abused by teachers and school administrators to remove disabled students from the regular classroom. But in my reading of the Gorton amendment, the definition clearly indicates that it means violent, life-endangering attacks by one student against another. There is no way that this carefully written definition could be construed to apply to minor occurrences like hitting or shoving or looking at another student in a threatening manner. Opponents also argued that this term could have been applied to accidental self-inflicted injuries, but a simple change could have clarified that it only means violent behavior against another person.

The Jeffords amendment, which dropped all reference to life threatening behavior, clearly did not go far enough in addressing the issue of violence. Something more than the Jeffords amendment was needed.

The compromise reached is not as decisive as the Gorton amendment, but I believe it moves us in the direction of serious action on this issue. I'd like to review the important elements of the compromise.

First, the compromise requires the Secretary of Education to widely disseminate the IDEA's policy on discipline of students with disabilities. I believe that some of the furor over this issue is the result of the Education Department's unresponsiveness in issuing clear guidance to schools on ways to deal with disabled students who are violent. Lacking concise

rules, school administrators have been reluctant to do anything with a disabled student who is violent, fearing they will violate the IDEA and incur some sort of Federal sanction. Clear communication from the Department of Education will help relieve some of the confusion that has built up.

Next, the Department must issue a report to Congress by January 31, 1995 on the prevalence of students with disabilities engaging in life threatening behavior and bringing weapons to school. The opponents of action on this issue complain that there is no hard evidence substantiating a problem of violence by students who are disabled. Yet, if opponents had their way and Congress had taken no action on the stay-put issue, during next year's reauthorization, Congress would still have no real information about the issue. This report will give Congress vital information it needs to make an informed decision on the issue during next year's reauthorization. It is crucial that the Department move expeditiously on this issue to meet the January 31 deadline.

The compromise also retains the Jeffords language allowing an extended removal from the current educational placement for a student that brings a weapon to school, and cross-references the definition in the Gun Free Schools Act so the term "weapon" means a firearm. There was a concern that the term "weapon" was not well defined, and since this amendment is only a 1-year provision, conferees felt it would be better to narrow the applicability of this provision to firearms. During the reauthorization process, I intend to work toward a workable definition of weapon because we know that a great deal of violence in school has to do with knives and other objects used in a dangerous manner.

The compromise allows, but does not require, up to a 45-day placement in an alternative educational setting for the student, and could extend that alternative placement until the completion of due process proceedings. This ensures that, as long as there is a dispute among the parties about the permanent educational placement for the student, the student will remain in the alternative placement and not be returned to the previous setting, as current law requires. I believe that 45 days, or nine school weeks, provides an adequate time frame for the student's emergency removal from the classroom.

I believe the arguments against the Gorton amendment were overstated and that the Gorton amendment should have been adopted by the conference. Short of that, however, I believe the compromise on this provision addresses the serious problem of a student bringing a gun to school, and also moves us further along to finding the correct approach to deal with disabled students that engage in life threatening behavior and bring other types of weapons to schools.

I would like to thank Congressman CLIFF STEARNS for his active involvement and helpful advice to me on this issue, and I look forward to working with him when Congress reauthorizes the IDEA in 1995. I would also like to commend Senator GORTON for his tireless efforts on this provision, and hope he knows that, because of his work, Congress is dealing with the issue of violence by disabled students in a much more comprehensive fashion than would have otherwise been the case.

EXTENSIONS OF REMARKS

CONGRATULATIONS ON A JOB WELL DONE: TRIBUTE TO THE MAPLE SCHOOL

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. THOMAS of California. Mr. Speaker, in Congress, Members of the House of Representatives talk about 1 million rather casually, but have any of us taken the time to really think about how much 1 million is? Too many Members only see it as a number or word on a page. But I do know of someone, in fact, I know of lots of people who know how much 1 million is—the students of the Maple School in Tulare, CA. As part of both an educational and fundraising project, the students, over a 2-year period, collected 1,000,000 pennies.

Sitting in the principals office are over 40 five-gallon water bottles filled with over 28,000 pennies each. This could be an impressive achievement under any circumstances, but the Maple School's achievement is even more impressive because the neighborhood that surrounds the school is not, as you might expect upon hearing about this achievement, an affluent upper-middle-class community. The parents who send their kids to the Maple School are typical families of modest means who work hard for every dollar they earn.

In addition to the straightforward benefit of knowing what 1 million looks like, the students at the Maple School had to use a great many other skills. Many of the pennies were collected from groups such as the Tulare City Police Department and the city council. Therefore, the kids had to write thank you notes. They also wrote letters to the editor updating the city about their progress. Above all they had to use their math skills to keep track of how many pennies they had collected. And by all accounts they had fun, though the fun has not stopped. The principal will soon pay off a wager she made with her students back in July. Today, September 30, Principal Pam Canby will don a Rudolph the Red Nosed Reindeer costume and spend all day on the roof of the school. The proceeds of their efforts will go to the PTA, library, and the student body.

Mr. Speaker, for their tremendous effort and dedication, I salute the students, teachers, and parents of the Maple School. Their example of hard work is something that we should all aspire to achieve. They should be proud.

JAPAN'S TRADING PRACTICES SHOULD BE SUBJECT TO A SUPER 301 INVESTIGATION

HON. L.F. PAYNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. PAYNE of Virginia. Mr. Speaker, today the President will decide whether or not to initiate a Super 301 Investigation of Japan's trading practices.

Two years ago, the Japanese Government committed to substantially increase market ac-

September 30, 1994

cess for competitive foreign firms. Despite this pledge and ensuing negotiations, figures released last week show the U.S. trade deficit with Japan jumping 20 percent.

Japan's flat glass market, mostly closed to United States manufacturers, provides an ideal case for a Super 301 Investigation. For the last 20 years, a cartel of three Japanese flat glass makers have divided the market between themselves and kept foreign competition out. Even Japan's own fair trade commission recognizes the monopoly created by collusion between these three companies.

American flat glass makers compete successfully in open markets around the world. In 1992, American flat glass makers exported \$722 million in flat glass products. Yet, the United States share of the Japanese market continues to decline.

It is time for Japanese leaders to recognize that trade with the United States must be non-discriminatory and fair. I urge the President to name Japan's practices in the flat glass market as a priority for a Super 301 Investigation.

HISPANIC HERITAGE MONTH AND NATIONAL HISPANIC BUSINESS WEEK

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. KLEIN. Mr. Speaker, I rise today to make special note of Hispanic Heritage Month and National Hispanic Business Week. I am delighted that this Monday, October 3d, I will be hosting a reception in my Paterson district office to pay tribute to these events.

I am a proud cosponsor of legislation honoring the week of September 12, 1994 and National Hispanic Business Week in an effort to increase the awareness and recognition of the remarkable contributions made by Hispanic-owned businesses to the U.S. economy. Let me give you a few statistics: Hispanic-owned businesses in the United States have increased by 150 percent since 1982 and are expected to account for over \$27 billion this year alone. Moreover, Hispanic businesses are reported to employ over 375,000 Americans each year.

Not only have Hispanic-Americans contributed economically, but they have also made significant accomplishments in the fields of culture, sports, entertainment, science, and politics. Therefore, Hispanic Heritage Month is celebrated every year from September 15th through October 15th and is a month-long celebration of these achievements.

I call these events "un gran empuje," or a great push forward for the country and the Hispanic people. My colleagues, I am grateful for this opportunity to honor the wonderful history of Hispanic-Americans.

CONGRATULATIONS TO THE
TANAY CLUB IN AMERICA FOR 70
YEARS OF PRESERVING A
UNIQUE HERITAGE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. STARK. Mr. Speaker, I take pride in offering congratulations to the members of the Tanay Club in America on their 70th anniversary. Since 1924, this group of Filipino-Americans has sought to preserve cultural ties to their native rural town of Tanay in the Province of Rizal in the Philippines. It is the oldest such group from the area.

The Tanay Club in America is relatively small, less than 150 families, but promotes the mutual interest of residents of Tanay and those in America. They maintain a high communal standard of Filipino heritage and culture among members.

Mr. Speaker, the Tanay Club in America represents the best of America as the melting pot of cultures it has always been. Through monthly meetings and close contact, the Tanay Club helps keep alive important elements and traditions of culture that make its members unique.

I ask my colleagues to join me in wishing them 70 more years of success in keeping those with ties to Tanay close together.

HONORING PHILIP COHEN

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. MANN. Mr. Speaker, I rise today to join The American Jewish Committee in honoring Philip T. Cohen, a tireless leader in my community.

On October 5, 1994, Philip Cohen will be honored at The American Jewish Committee's 50th Anniversary Jubilee, with the AJC's Community Service Award. A devoted husband, father of three, and grandfather of seven, Mr. Cohen has been a dedicated community servant for nearly half a century.

Philip Cohen is past president of Rockdale Temple, the Jewish Federation, the United Jewish Cemetery, Camp Livingston, and Losantiville Country Club. He has generously served on the Board of Jewish Federation for more than 40 years. He has served on both boards and the campaign cabinet of the United Way and Community Chest, a national, community service organization.

Currently, he is chairman of the board of Beacon Construction Company. He also belongs to the boards of the American Jewish Committee Cincinnati Chapter, Jewish Hospital, and Cedar Village.

I congratulate Philip Cohen on his award, and thank him for his efforts to make the city of Cincinnati a better place to live.

THE FORBES COMMISSION'S REPORT OF MARCH 30, 1930

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. PETRI. Mr. Speaker, nearly 65 years ago, on February 7, 1930, President Hoover named a Commission under the chairmanship of W. Cameron Forbes of Massachusetts, to study and review conditions in Haiti. The Commission reviewed our 15 years of occupation of Haiti, and made a series of recommendations it hoped would contribute towards the Haitianization of Haiti.

I submit the Forbes Commission's report of March 30, 1930, for the RECORD in hopes its greater availability will assist students and policymakers in understanding the history of our involvement in Haiti and in assessing the prospects for the success of our current adventure there.

REPORT OF THE PRESIDENT'S COMMISSION FOR THE STUDY AND REVIEW OF CONDITIONS IN THE REPUBLIC OF HAITI

On February 7, 1930, the President named the following members of the Commission for the Study and Review of Conditions in Haiti:

W. Cameron Forbes, of Massachusetts, Chairman.

Henry P. Fletcher, of Pennsylvania.

Elie Vezina, of Rhode Island.

James Kerney, of New Jersey.

William Allen White, of Kansas.

On February 4 the President had set forth the purpose and powers of this special Commission as follows:

The primary question which is to be investigated is when and how we are to withdraw from Haiti. The second question is what we shall do in the meantime. Certainly we shall withdraw our Marines and officials sometime. There are some people who wish for us to scuttle overnight. I am informed that every group in Haiti considers that such action would result in disaster to the Haitian people. On the other hand, our treaty of 1915, under which our forces are present in that country, in the main expires in 1936, or six years hence. We have no mandate to continue the present relationship after that date.

We have an obligation to the people of Haiti, and we need to plan how we will discharge that obligation. There is need to build up a certainty of efficient and stable government, in order that life and property may be protected after we withdraw. We need to know, therefore, what sequent steps should be taken in cooperation with the Haitian people to bring about this result.

The answers to these questions must be worked out in broad vision after careful investigation of the entire subject by men of unbiased minds. It is for this reason that I have proposed to send a commission to Haiti to determine the facts, to study and survey the whole problem in the light of our experience in the past 15 years and the social and political background of the Haitian people, to confer with all sides, to recommend the sequent and positive steps which will lead to the liquidation of our responsibilities and at the same time assure stable government in Haiti.

As I have stated before, I have no desire for representation of the American Government abroad through our military forces. We en-

tered Haiti in 1915 for reasons arising from chaotic and distressing conditions, the consequence of a long period of civil war and disorganization. We assumed by treaty the obligation to assist the Republic of Haiti in the restoration of order; the organization of an efficient police force; the rehabilitation of its finances; and the development of its natural resources. We have the implied obligation of assisting in building up of a stable self-government. Peace and order have been restored, finances have been largely rehabilitated, a police force is functioning under the leadership of Marine officers. The economic development of Haiti has shown extraordinary improvement under this regime. It is marked by highway systems, vocational schools, and public-health measures. General Russell deserves great credit for these accomplishments.

We need now a new and definite policy looking forward to the expiration of our treaties.

The President announced on February 7 that after consultation with the chairman of the commission, he had requested Dr. R.E. Moton, president of the Tuskegee Institute, on behalf of the Institute and such other educational affiliations as he might suggest, to undertake an exhaustive investigation into the educational system of Haiti with a view to recommendations for the future.²⁴ Doctor Moton selected the following members of his committee:

Dr. Mordecai Johnson, President of Howard University.

Prof. Leo M. Favrot, Field Secretary of the General Education Board.

Prof. Benjamin F. Hubert, President of Georgia State Industrial College.

Dr. W.T.B. Williams, Dean of the College, Tuskegee Institute, and Field Agent of the Jeanes and Slater Funds.

The commission extended an invitation to Doctor Moton to accompany them on the U.S.S. *Rochester*, but in view of the fact that Doctor Moton had not had time to complete his plans, it was announced that he would proceed at a later date. Pending the receipt of Doctor Moton's report the commission has dealt only incidentally with educational matters.

The President's commission assembled at Palm Beach, Fla., February 20-24, 1930, preparatory to its departure for Haiti.

On February 25, 1930, the commission embarked at Key West, Fla., on the U.S.S. *Rochester*, which had been placed at its disposal. It arrived at Port authority Prince on February 28 at 3 o'clock in the afternoon and immediately called upon the American High Commissioner, General John H. Russell, and His Excellency Louis Borno, the President of the Republic. The commission then issued the following statement:

In order to be readily accessible the commission will reside at the Excelsior Hotel, where the offices of the commission are likewise to be located. Beginning tomorrow (Saturday) morning, the commission will hold open sessions every day, except Sunday, from 9 a.m. until 12 o'clock noon, to which all citizens are invited. The offices of the commission will be open daily from 9 a.m. to 5 p.m. for receiving information and for the making of appointments with those who care to appear in person before the commission. It is the desire of the commission that all elements of the Haitian people shall be heard freely and frankly. Citizens who for any reason may desire to have private interviews will be welcome, and their communications will be treated as confidential. Following our meetings in Port au Prince the commission

will visit other important points in the Republic and pursue the same course as to hearings and interviews. The purpose of our mission is to gather as completely as is humanly possible all facts concerning the situation.

The commission took up its residence in the Excelsior Hotel, where it established offices the following day and was in session daily from 9 a. m. to 6 p. m. It gave public or private audience, as desired by those who appeared before it. Briefs were also filed. No one was deprived of the opportunity of presenting his views.

The opposition to the Borno administration had manifested itself in the formation of eight groups or political leagues, the names of which were:

- L'Union Patriotique
- La Ligue des Droits de l'Homme et du Citoyen
- La Ligue d'Action Sociale Haitienne
- La Ligue Nationale d'Action Constitutionnelle
- La Ligue de Defense Nationale
- La Ligue de la Jeunesse Patriote
- Le Parti National Travalliste
- L'Union Nationaliste

The presidents of these leagues had set up a committee which they called "The Federated Committee of the Associated Groups of the Opposition." This committee was the central organization directing the movement against the American Occupation and the Borno administration, and took charge of the presentation of the opposition case before the commission. The Federated Committee had selected George N. Leger, a prominent Haitian, to assist in the presentation of their case. Mr. Leger attended all of the public sessions held by the commission at Port au Prince and acted as counsel for all those who appeared before the commission for the purpose of presenting the claims of the opposition.

Many plans were submitted both verbally and in writing, most of which related to the withdrawal of the American Occupation, the reestablishment of a representative government by the election of the Legislative Assembly and the abolition of the Council of State. Various courses were suggested, some very extreme and one going so far as to advocate that the affairs of the Republic of Haiti should be managed by the President's commission until such time as the legislative body could convene. Another plan would replace the Council of State with a legislative body composed of 51 members, of which 26 members were to be appointed by the President of the Republic.

After holding sessions at Port au Prince from the 1st of March until Saturday evening, the 8th of March, the commission left on March 9, by automobile, for a trip through the northern half of the Republic, stopping at Pont Beudet, Mirebelais, Las Cohobas, and Thomonde and spending that night at Hinche. At each of the towns gatherings of citizens met the commission to present complaints and petitions.

On Monday the 10th the commission proceeded to Cape Haitien by motor, stopping at Maissade, St. Michel, Ennery, Plaisance, and Limbe. Large crowds greeted the commission, and speeches were made by the opposition leaders. At Cape Haitien the town had turned out in very large numbers, and throngs of people lined the road, displaying signs and banners. That night the commission attended a reception given by the members of the Union Club, a Haitian social organization.

The following morning hearings were held by the commission at the American Con-

sulate and briefs were presented. A visit was also made to the sisal plantation of the Haitian Corporation of America.

The commission embarked that night on the Rochester for Gonaives, which they reached the following morning at 8 o'clock. A large crowd with banners met them at the dock and followed them to the Hotel de Ville, where hearings were held.

The commission left Gonaives on the Rochester at noon and arrived at Port au Prince that evening. Hearings were resumed there on the 13th and continued until the evening of Saturday the 15th. The commission sailed on the Rochester the morning of the 16th, arriving at Miami Thursday, March 20.

POLITICAL AGITATION

Announcement that President Hoover had appointed a commission of inquiry and review to proceed to Haiti was enough to excite a volatile population. When President Borno, a few days before the arrival of the commission, removed four members of the Council of State, agitators spread the rumor that this was done to afford President Borno a pliable majority in the council through which he might execute a coup d'etat, electing a new president for a six-year term. The night before the commission arrived in Port au Prince, crowds thronged the streets and masses gathered in the "Champ de Mars," which might easily have become a dangerous mob. The Haitian Garde used their clubs in breaking up the crowd. The entrance of the commissioners to Port au Prince the next day was dramatic. People thronged the streets from the wharf to the hotel and remained cheering while the commission made its ceremonial calls. The crowd paraded before the hotel of the commission and displayed flags and banners calling for legislative elections and the end of the American Occupation. They were variously worded but all of one tenor: Opposition to the Borno government and the Occupation.

These banners and the crowds were clearly the work of organization. In a country with a low rate of literacy the mob is a form of political expression, and revolution, which is the mob in action, seems to be a part of the evolutionary process. Wherever the commission went in Haiti, evidence of this technique was conspicuous. The same banners—scarcely varying a word from Port au Prince to Cape Haitien—waved everywhere. Women, singing the same songs, thronged the rural highways. The same paper flags, darkened with black paper bars to indicate a state of mourning for lost liberties, greeted the commission in a dozen widely separated parts of the Republic. The same agitators were often seen in the crowds in distant parts of the Republic. Having said this, it is only just to say that the politicians of the opposition did their work so thoroughly that no counter demonstration was attempted by citizens favorable to the Borno government. It is fair to assume that public sentiment in Haiti was more responsive to the opposition than to the government.

THE ELECTORAL CRISIS

The commission found the situation in regard to the election of a new president critical. The evidence submitted to it, not only by the witnesses who appeared in the public and private hearings, but also in the reports of American officers charged with the maintenance of order, was so complete that the commission was convinced that the election of a new president by the means practiced in the last two elections, namely, by the Council of State, would not be accepted quietly by the populace. Conditions became so tense

that, after discussing the matter with General Russell, the commission called in the leaders of the opposition, representing the so-called patriotic groups. After persuading these leaders to issue a note asking the public to be calm and await with patience its report, the commission suggested the possibility of the selection of some neutral, non-political candidate for the presidency who would be acceptable both to President Borno and his party and also to the opposition. Serious objection was raised by the opposition leaders to any election by the Council of State which, they declared, would not be acceptable to the people. They finally assented to a compromise by which delegates elected by the patriotic groups should select a neutral candidate who would later be elected President by the Council of State.

After protracted negotiations carried on by members of the commission with the opposition, and, through General Russell, with President Borno, a definite plan was drawn up which was approved by President Hoover.

This plan provided that as soon as possible after assuming office on May 15, the temporary president would call an election of the Legislative Assembly consisting of two chambers which, when convened, would proceed to elect a permanent president of the Republic for a full term of six years, the temporary president having agreed to present his resignation at that time and not to be a candidate for election.

Five names were submitted by the opposition, of which that of Eugene Roy was accepted by President Borno. On the day preceding the departure of the commission from Port au Prince it had the satisfaction of announcing to the public and, by wireless, to Washington, that the plan providing for the election of Mr. Roy as temporary president had been accepted by both sides.

AMERICAN INTERVENTION

The reasons which impelled the United States to enter Haiti in 1915²⁵ are so well known that they need not be set forth in this report.

Conditions were chaotic; means of communication were largely nonexistent; the peasant class was impoverished; disease was general; property was menaced; and the debt of the government, indeterminate in amount, had risen—at least on paper—to staggering proportions.

Having landed a force of Marines, thus restoring public order and protecting the citizens of the United States and other countries from violence, the United States by treaty obtained control of a variety of governmental agencies with a view to assisting in the reestablishment of a stable government. There was not and there never has been on the part of the United States any desire to impair Haitian sovereignty.

There is no room for doubt that Haiti, under the control of the American Occupation, has made great material progress in the past fifteen years.

Indeed, the greater part of what has been done has been accomplished in the past eight years, because it was not until the disastrous and involved financial situation could be straightened out by the flotation of the loan of 1922²⁶ that a constructive policy could be carried out.

Peace and order were restored by the Marines by 1920 and road building was begun under Marine auspices. The essential primary steps for the reform of the administration were taken as soon as peace was restored by the elimination of banditry, but the American officials were working at cross purposes and progress was hampered. It was

therefore decided to entrust General Russell, of the United States Marine Corps, who had served in Haiti almost from the beginning of the Occupation, with the duty of coordinating and directing the efforts of the treaty officials. In order that he might also have the highest civilian rank it was decided not to appoint an American Minister, and he was given the title of High Commissioner.²⁷ As such he is the representative of the United States near the Haitian Government.

The commission desires to record its high praise of General Russell's whole-hearted and single-minded devotion to the interests of Haiti as he conceived them, his unremitting labor, and his patient and painstaking efforts to bring order out of chaos and to reconstruct a governmental machine which had been largely destroyed by years of abuse, incapacity, and anarchy. Since the Occupation the Haitian Government, especially under President Borno, with the guidance and assistance of the American officials in its service, has a fine record of accomplishment. Eight hundred miles of highways have been built. Before the intervention the road between Port au Prince and Cape Haitien, the two principal ports and cities of the Republic, was practically impassable except on horseback. The journey of 180 miles took three days. Now it is done in six hours by automobile. A most involved financial situation has been liquidated and the entire fiscal system renovated and modernized. In a word, order has been created where there was only disorder in the collection and disbursement of the Government funds. An efficient constabulary has been organized and trained and has maintained peace and order. Few are the instances where the assistance of the United States Marines had to be called upon in the past eight years. A Public Health and Sanitary Service, which is a model of devotion and efficiency, has been organized and maintained.

Under the treaty of 1915 the assistance of the United States was not provided for in the matter of education, and it has been only recently and indirectly that the American Occupation has interested itself in this field. Since the Occupation an efficient Coast Guard has been organized, lighthouses have been built and navigation rendered much safer, agriculture has been encouraged, and hospitals, public buildings, and parks have been constructed.

Figures indicative of progress have been submitted showing an increase in the registration of automobiles in seven years from 400 to 2,800. The number of linear feet of bridges built has been multiplied by three. There has been a notable increase in the number of permits issued for private building construction and a wholesome increase in the gross trade as measured by the value of exports and imports. The automatic light-houses have been increased from 4 to 15; telephone subscribers have increased from about 400 to nearly 1,200 and the number of telephone calls a year from about 1,000,000 to over 5,000,000.

There is attached to this report as an appendix, a series of graphs which makes it easy to visualize the notable material progress achieved.²⁸

The commission was disappointed at the evidence it received by the lack of appreciation on the part of the educated and cultured Haitians of the services rendered them by the Occupation and their own Government. Out of many dozen witnesses only one or two made favorable mention of the achievements of their administration.

It is to be hoped that the Haitian people will come in the course of the next six years

to realize that an enlightened self-interest will require that this rate of progress be maintained, particularly in the matter of public health and public works, especially roads.

POLITICAL ASPECTS

Under the American Occupation—and with its consent—the legislative chambers were dissolved in 1981, and by an interpretation of a new constitution, adopted under its egis,²⁹ they have not since been reassembled. The country has been ruled by a President and Council of State exercising, under the direction of American officials, the legislative authority. Local self-government has also largely disappeared. The important municipalities and communes are ruled by commissioners appointed by the President. The members of the Council of State itself have been appointed and removed by him. The Council of State under the legislative authority vested in it by the 1918 constitution has exercised the powers of a National Assembly in electing the President.³⁰

The people of Haiti, since the dissolution of the National Assembly by President Dantignave, have had no popularly elected representatives in control of their Government. The American Occupation has accepted—if not indeed encouraged—this state of affairs. Certainly reforms could be instituted, and governmental measures carried through more easily in these circumstances, and were.

The acts and attitude of the treaty officials gave your commission the impression that they had been based upon the assumption that the Occupation would continue indefinitely. In other words, their plans and projects did not seem to take into account that their work should be completed by 1936, and the commission was disappointed to find that the preparation for the political and administrative training if Haitians for the responsibilities of government had been inadequate.

The commission is under no delusions as to what may happen in Haiti after the convocation of the elected legislative assembly and, to a greater extent, after the complete withdrawal of the United States forces. The Government of Haiti before American intervention was, so far as the commission could learn, more democratic and representative in name than in fact. The Deputies and Senators were, the commission was informed, more often chosen by the President than elected by the people.

The commission is not convinced that the foundations for democratic and representative government are now broad enough in Haiti. The educated public opinion and literate minority are so small that any government formed in these circumstances is liable to become an oligarchy. The literate few too often look to public office as a means of livelihood. Until the basis of political structure is broadened by education—a matter of years—the Government must necessarily be more or less unstable and in constant danger of political upheavals.

TREATY RELATIONS

The commission is of the opinion that the progressive steps looking toward the withdrawal of the assistance now being given by the American Occupation should be taken on the theory and understanding that the present treaty will remain in force until 1936, it being understood that such modifications as circumstances require and the two Governments agree upon may be made at any time. It is too early to suggest in what form the American Occupation should be liquidated

upon the expiration of the treaty or in what form such further aid and assistance as the Haitian Government might desire from the United States should be provided. This can be more wisely decided in the light of the experience of the next few years.

The question of the withdrawal of the marine Brigade which acts as a stabilizing and supporting force in the preservation of order, is one which the commission has carefully considered. Very little complaint was heard of the presence of the Marines except as they formed part of the American Occupation. They are not much in evidence. All except about one hundred and fifty are stationed in Port au Prince; the rest are at Cape Haitien. The commission considered the question of removing the Marines from these two centers and putting them in barracks a short distance from these cities, but concluded that this was impracticable and unwise. The commission recommends the gradual reduction of the Marine Brigade if and as in the judgment of the two Governments, the political situation warrants. No reduction of the Marine Brigade should be made without consultation with the commandant of the Garde. It should also be remembered that in case of riots and uprisings this force might be necessary to protect the lives of American families, both private and official, and of foreigners residing in Port au Prince and other cities.

The money spent in Haiti by the Marine Brigade, consisting, as it now does, of about eight hundred officers and men, is an important factor in the economic life of the country, especially in the present depression of trade. The expense of the Marine Occupation is borne entirely by the United States Government.

LAW AND ORDER

By article 10 of the treaty the Haitian Government is obligated to create a constabulary, composed of native Haitians and organized and offered by Americans, for the preservation of domestic peace, the security of individual rights, and the full observance of the treaty.

It is also further provided that these American officers will be replaced by Haitians as they are found qualified by examination conducted by a board to be selected by the senior American officer of the Constabulary (Garde) and in the presence of a representative of the Haitian Government.

These treaty provisions have been supplemented by agreements between the two Governments (known as the Gardarmerie Agreements) fixing salaries, duties, etc. In addition to their police duties, district and sub-district commanders of the Garde have also been charged with the duty of communal advisers in connection with the collection and disbursing of the communal revenues and have charge of the Coast Guard and lighthouses.

It is obvious that after the withdrawal of the American forces, the orderly functioning of the Haitian Government will depend in large measure upon the efficiency and discipline of the Garde.

The primary and principal duty of the Garde—the maintenance of law and order—has been well and conscientiously performed. The replacement of American officers of the Garde by Haitians, contemplated by the treaty, has not been carried out, however, as rapidly as, in the opinion of the commission, it should have been done. There is not now and there never has been a Haitian officer of the Garde above the grade of captain. There are now but 2 Haitian captains on duty with troops out of a total of 23, 17 Haitian first

lieutenants out of a total of 58, 19 Haitian second lieutenants out of a total of 57, and 28 aspirant officers (cadets), all of whom are Haitians.

At the request of the commission the commandant of the Garde has submitted tables (see Appendix, Tables Nos. 1 and 2) showing the program now proposed by the High Command for the progressive Haitianization of the Garde over the period from 1930 until 1936. It should be noted that these plans have not yet been approved and ordered to be put into operation.

The commission believes that no change in the treaty or the Gendarmerie Agreement nor increase in the funds voted for the Garde, is necessary to effect a more rapid Haitianization. The commandant of the Garde testified that American officers serving with the Garde could be transferred back to the Marine Corps at any time to make room for the promotion of Haitians, and this should be done where vacancies occurring in the ordinary course are not sufficient to give the opportunity for a faster promotion of Haitians.

Notwithstanding the fact that there are a number of American noncommissioned officers serving as company officers in the Garde who have rendered fine service for from eight to fourteen and one-half years, not one of them has ever been promoted above the grade of captain in the Haitian Garde. The commission believes that some of these men are at least as well fitted by training and experience to be promoted to field rank as Marine officers who have not had their experience in Haiti.

The Haitianization program rests with the Navy Department and Marine Corps headquarters in Washington, which can, by recalling the Navy and Marine officers on service with the Haitian Garde, make room for the promotion of Haitians. The selection of the officers recalled and promoted should be left to the commandant of the Garde in Haiti. Even if discipline and efficiency suffer temporarily, the commission feels that they will undoubtedly suffer more by delaying this reform.

The Ecole Militaire, temporarily closed at the end of last year, is an important factor in the training of Haitian officers, and it should be immediately reopened and should receive support from now through the period of American control.

The commission believes that when the Garde is Haitianized it would be advisable that some provision be made for orderly promotion and retirement and for protection against promotion by political influence.

THE FINANCIAL SITUATION

The financial achievement of the American administration is noteworthy. A modern and up-to-date budgetary system has been established with preaudit, which is one of the latest and most effective devices for accurate, economical, and expeditious management of accounts.

Some witnesses who appeared before your commission criticized the financial management of the Government and even went so far as to charge improprieties in connection with it. Many complained that they were kept in ignorance as to how their money was collected and how spent. This shows that they had not read the careful reports issued by the Financial Adviser in both English and French. Nor did any of the witnesses mention the fact that six auditors from the United States Comptroller's Office had made a thorough analysis of all accounts of the Government, which were found correct except for certain very minor errors and adjustments, since rectified.

The revenues and expenses have been carefully balanced with a conservative margin of revenues in excess of expenditures, resulting in a steadily increasing treasury surplus. (See Appendix.)

The Service of the Public Debt has been cared for and several million dollars of the principal thereof paid off out of revenues in excess of the amount called for by the amortization plan. The wisdom of this course is open to question; it might have been better to have reduced the taxation, especially the export tax, and left the debt to work itself out during its normal term, thus keeping more money in the country where experiences has shown it was badly needed.

Little by little the American Occupation has extended its intervention in the financial operation of Haiti, until 50 per cent of the revenues are now expended under American supervision, including the Service of the Public Debt.

The commission believes that the 5 per cent maximum allowed out of the Government revenues to cover the cost of the General Receivership should not be considered a flat allowance, but a limitation within which the receiver must operate. The commission recommends that appropriations disbursed by the twenty services in Haiti should be budgeted with the same detail as are the appropriations for the regular public services of the Haitian Government.

HEALTH AND MEDICAL RELIEF

At the time of the American Occupation in 1915, it has been estimated, fully 70 per cent of the people of Haiti were afflicted with dangerous and incapacitating diseases; yaws and syphilis were prevalent. Except for a little aid in a few of the towns no relief was available. In the country districts the population suffered without knowing that remedies could be had. The doctors of the country showed no willingness to bring relief to remote places. To-day, thanks to an efficient United States [Navy] Medical Service, there are 153 rural clinics to which 1,341,596 visits were made in 1929. The few inefficient hospitals were rebuilt and new ones established so that there are now 11 modern hospitals with a capacity of over a thousand beds, where before there were only a few hundred of the alms-house type.

In Haiti practically the entire burden for medical care falls upon the Government. Private hospitals and volunteer aid are almost entirely lacking.

LACK OF CENSUS

It is greatly to be regretted that no census was available in 1915 which would have made possible an accurate measurement of benefits that have been conferred by the American Occupation. There are, however, census figures for small groups made by the Rockefeller Foundation in 1924 which justify the belief that an unquestioned benefit has resulted to the health and well-being of the people of Haiti.

MALARIA

Malaria has sapped the vitality of the population for several centuries and has had an important influence in retarding agricultural development. With the advent of the American Occupation modern measures for the control of the diseases are being invoked as rapidly as the resources permit. Much progress has resulted. Port au Prince and other large towns are now practically free of the disease, and there is little likelihood of controlling it. In many rural areas malaria is being brought under control, but much remains to be done which will probably have to wait until the economic conditions improve.

OTHER DISEASES

There are not sufficient data to judge of the importance of tuberculosis. The records of the Gendarmerie show that the incidence of the disease is very high. In 700 autopsies at the General Hospital of Port au Prince 26 per cent of the deaths were due to tuberculosis. On the other hand, hospital experience in many places shows a small admission rate.

Typhoid fever, which has a high rate in Port au Prince, has been nearly eliminated by chlorinating the water supply. According to recent records there is a remarkable relative freedom from many diseases. The great waves of dysentery that sweep over tropical countries and are responsible for so many deaths have not occurred in Haiti for many years.

Hookworm causes very little serious disability. Diabetes and stones of the gall bladder, kidney, and urinary bladder are rare. Heart disease and pneumonia are relatively unimportant.

MALNUTRITION

No one need go hungry in Haiti. Mangoes, yams, rice, beans and other products of the soil occur in abundance and can be had with a minimum of effort.

There is a however much reason to believe that the diet is deficient in proteins. In other words there is a great lack of eggs, milk, meat, and other food that contain substances that are essential to a balanced ration.

In the past there have been serious outbreaks of disease due to improper nourishment. Owing to the dense ignorance which prevails, public-health education is difficult.

PROFESSIONAL TRAINING

After the Occupation it soon became obvious that if health and medical effort were to be successfully continued by Haitians, means must be provided for adequate training. A nurses' training school was started at the Port au Prince General Hospital which has produced nearly one hundred graduates, many of whom are already rendering excellent service throughout the country. Practical courses are in operation for training laboratory technicians. Hospital-corps men for the Gendarmerie are trained by its medical officers and the General Hospital.

Upon the recommendation of the Navy Medical Service the antiquated inefficient medical school was transferred to the National Public Health Service and appropriations secured for proper buildings and maintenance of essential services. A philanthropic organization of the United States donated equipment and provided fellowship to train Haitian doctors to become teachers of modern medicine.

In 1929 a modern health center was started in Port au Prince. This not only demonstrates the benefits of health measures but also serves as a training base for health workers. A Haitian graduate nurse is now at Columbia University, N.Y., for special training in public health and is soon to return to open classes for nurses in the same subject at Port au Prince.

The direct and indirect effect of these measures is everywhere apparent. Four of the 10 health districts are now in charge of Haitians, and others are to follow as rapidly as trained personnel becomes available. Briefly, there are 2,225 persons employed in the National Public Health Service, of which 2,120 are Haitians. The balance is made up of 20 Naval medical officers, 14 Navy hospital-corps men whose salaries are paid by the United States, 63 French Nuns, 2 French Priests, 4 American Red Cross Nurses, 1

French librarian, and 1 Jamaican plumber. Of the 159 Haitian doctors in the country 40 percent are employed in the Government service.

GENERAL DEDUCTIONS

There is abundant evidence that great improvement has taken place in the health of the people since the Occupation. The National Public Health Service enjoys the confidence and approval of the public to an unusual degree. The streets of the towns are well swept; garbage and refuse are removed; slaughter houses are inspected; and an earnest effort made to control soil pollution and to provide safe drinking-water. The Gendarmerie has a good medical service. The jails are clean and sanitary, and the average health of the prisoners has been greatly improved. The hospitals are well administered, and high-grade medical and surgical skill is provided. Machinery is available for the control of epidemics and to prevent the introduction of disease from abroad. Medical relief through the vast rural clinic system can be had by everyone, even in the most remote sections of the country. Diagnosis based on laboratory findings is available for all necessary cases. The health and medical work has been directed and largely done by the United States Naval medical officers, ably assisted by Haitians and the French nuns.

Steps have been taken to provide training to enable Haitians to take over the entire National Public Health Service. In view of the importance of building up the disease-weakened Haitian people, it is recommended that it be made possible for the Government of Haiti to avail itself of United States Naval medical officers to serve as advisers after the present treaty expires. It might also be desirable to employ a few American medical men other than naval officers to insure longer tenure and continuity of service. In the meantime the assignments of the United States Naval medical officers and hospital-corps men should be lengthened, so that the experience gained in language, customs and conditions may be available to the people of Haiti for the greatest possible period.

Unless these steps are taken, it is feared that the Medical Service may deteriorate and that ground will be lost which has been won with so much sacrifice and effort.

THE STATE CHURCH IN HAITI

The relations between the Roman Catholic Church and the Government of Haiti since 1860 are governed by a concordat. Two additional conventions entered into respectively in 1861 and 1862 and a statute referred to as the "Loi des Fabriques" provide for the carrying out of its terms.³¹ There is no confusion of civil with ecclesiastical authority; there is no union of church and state, as the term is generally understood. The Government of Haiti, believing that the church and religion are essential to the well-being of the Haitian people, agrees to cooperate with the clergy and makes provisions to subsidize the church; and the church undertakes to establish parishes and missions throughout Haiti and to establish, in the words of the concordat, "those orders and institutions which are approved by the Catholic Church," including schools, hospitals, asylums, orphanages, etc.

The clergy, which came to Haiti in 1864, consisting of an Archbishop, a band of 40 Priests, and a small group of Brothers and Sisters, found religion in a lamentable condition; everything still had to be done. With but one exception, every church building in Haiti has been constructed since 1860.

Now, at the beginning of 1930, the organization of the church is as follows:

There are one archdiocese and four dioceses corresponding to the five departments which constitute the political subdivisions of Haiti. These dioceses with their respective populations as furnished by the church authorities, are as follows:

	population
Archdiocese of Port au Prince	942,700
Diocese of Cape Haiti	453,000
Diocese of Aux Cayes	628,000
Diocese of Gonaives	475,000
Diocese of Port de Paix	153,400

These population statistics are based on the statistics of births covering more than fifty years and are probably the most accurate estimate available.

At the head of each diocese there is either an Archbishop or a Bishop.

There are in all 205 Priests in Haiti; of these 156 are secular Priests engaged in active mission work, and in charge of parishes. All parishes in the diocese of Port de Paix and two in Port au Prince are in charge of regular clergy. The others are doing educational work or are engaged in other special services connected with the dioceses. Eight of the Priests are Haitians.

There are 105 Brothers of Christian instruction (83 French, 10 French-Canadian, 9 Spanish, and 3 Haitian).

There are three congregations of Sisters as follows:

St Joseph de Cluny, with 146 Sisters.
Les Filles de la Sagesse, with 198 Sisters.
Les Filles de Marie, with 22 Sisters.

The Priests, and especially the Brothers and Sisters, have devoted themselves, with such inadequate resources as they have had, not only to the spreading of religion, but to the founding of schools, parish churches, and mission chapels. The Brothers at present conduct seventeen boys' schools in the larger centers and rural districts and the Sisters have an even greater number of girls' schools and primary schools for both boys and girls.

By a law of 1913 the Priests were authorized to establish rural schools usually referred to as "presbyteral schools." The Filles de Marie are especially devoted to vocational and industrial education and to the preparation of teachers for the presbyteral schools.

The church institutions in Haiti are as follows:

112 parishes, usually one in each commune and several in the larger centers.

465 mission chapels

153 presbyteral schools, with 10,623 pupils. These schools are all taught by lay teachers, generally women who receive a salary of about \$6 United States currency per month. They are the foundation of the educational system of Haiti and deserve more generous support.

17 Brothers' schools with 6,731 students; the instructors are about half Brothers and half laymen and receive salaries from the Government averaging considerably less than \$40 per month. The Brother Superintendent, who is responsible for the supervision of these schools, receives a monthly salary of \$100.

4 colleges with a total attendance of about 2,500.

36 Sisters' schools.

1 girls industrial school conducted by the Belgian Sisters and under the Service Technique of the Department of Agriculture.

The Haitian Government subsidizes a seminary in France for the special training of missionaries for Haiti. At Port au Prince there is a seminary for the training of Haitian Priests.

JUDICIAL PROCEDURE

Friction between the Haitian courts and the American treaty officials has arisen at

various times because, on the one hand, the courts have refused to enforce or have obstructed the execution of certain administrative measures and because, on the other, the treaty officials have refused to obey the order of the court on the ground that the treaty is the law of the land and its observance and the agencies set up by it can not be obstructed or interfered with by the judiciary. The question raised is delicate but goes to the heart of our treaty relations with Haiti, and the commission recommends that in case of future conflict of authority on this score the matter be settled by direct and friendly negotiations between the two Governments.

The unsatisfactory administration of Haitian justice and the necessity of reform of the system with more adequate salaries and more modern methods, was pointed out to the commission but as this is a matter for the Haitian people themselves to decide, the commission feels it is without its province to express any opinion. If a stable government is to be assured after the withdrawal of the Occupation, the question of the judiciary should receive careful consideration.

CONSTITUTION

Much complaint was made to the commission of the manner (by plebiscite) in which the present constitution of Haiti was adopted in 1918 and amended in 1928³²—and especially of the manner in which the present Government of Haiti interpreted its provisions relating to the powers of the Council of State.

One accusation persistently brought against the American intervention concerns the inserting in the constitution of 1918 of an article granting to foreigners the right to take title to Haitian land. It is evident that the change has produced much irritation and suspicion. From the inception of the Republic in 1804, the Haitian had consistently excluded foreigners from owning real property, and in the face of such a tradition it was unfortunate to have had the land policy altered under American auspices. The commission recommends, in case the Haitian people desire to amend this provision, that our Government make no objection thereto, merely limiting itself to seeing that rights and titles acquired under the present constitution—which are comparatively few—be respected. The commission found no instance of undue advantage having been taken by Americans of the clause enabling foreigners, under certain restrictions, to acquire real estate.

RACE PREJUDICE

Race antipathies lie behind many of the difficulties which the United States military and civil forces have met in Haiti. The race situation there is unique; the Negro race after more than a century of freedom has developed a highly cultured, highly sophisticated, race-conscious leadership. This group, which is proud to be known as the "Elite," forms the governing class. It is an urban group, comprising a very small proportion of the population, probably less than 5 per cent, generally mulatto but shading from octoroon to black, and because it is educated, comparatively wealthy and highly privileged with leadership, this class is as careful in maintaining its caste distinction as any other ruling class. Their language is French. Their Catholicism is French. The masses of Haiti are poor and ignorant. Generally speaking, they are of pure African descent. Illiteracy keeps the peasant masses politically inarticulate, except in case of mobs or bandit gangs, which formerly infested the

countryside and often furnished the forces of revolution. These bandit gangs have been broken up and have disappeared under American rule, but the social forces that created them still remain—poverty, ignorance, and the lack of a tradition or desire for orderly, free government. It has been the aim of the American Occupation to try to broaden the base of the articulate proletariat and thus make for a sounder democracy and ultimately provide for a more representative government in Haiti. Hence its work in education, in sanitation, in agencies of communication such as roads, telephones, telegraph lines, and regular mail routes. These things naturally are deemed of secondary importance by the Elite, who see in the rise of a middle class a threat to the continuation of their own leadership.

The failure of the Occupation to understand the social problems of Haiti, its brusque attempt to plant democracy there by drill and harrow, its determination to set up a middle class—however wise and necessary it may seem to Americans—all these explain why, in part, the high hopes of our good works in this land have not been realized.

RECOMMENDATIONS

The personnel of some of the services are officers selected from the Navy and the Marine Corps. The commission finds certain inherent difficulties in this connection. Naval officers are detailed for a period of three years; it takes two years to learn the language and to become familiar with conditions, and it is obvious that men subject to such short details could not, in the nature of things, be the most efficient.

The commission recommends:

(1) That the detail of Naval and Marine officers for all Haitian services be made for a minimum of four years and that an effort be made to secure Americans who will agree to continue employment in these services, so that upon the expiration of the treaty a force of American doctors, engineers, and police officers will be available for continued assistance to the Haitian Government, should it then desire it;

(2) That, if possible, some form of continuing appropriation for roads be urged for expenditure by the Haitian Government, with a policy that will provide enough funds to keep all existing roads in suitable repair before any new construction is undertaken; also, in regard to further construction, that only roads most urgently needed to develop regions now settled and under cultivation be undertaken until the present economic depression has passed;

(3) That the United States interpose no objections to a moderate reduction of the customs duties, internal revenue taxes, especially those imposed upon alcohol and tobacco, or to a reduction or elimination of the export tax on coffee, if the condition of the Treasury so warrants;

(4) That it be suggested to the Haitian Government that it employ one American adviser in each administrative department of the Government to perform such work as the respective Cabinet Minister may delegate to him, these officers to give expert advice and assistance to the Haitian Government, similar to that given by American officers in China, Siam, and Nicaragua, for naval matters in Brazil, and for educational matters in Peru;

(5) That, as an act of graciousness on the part of the United States, a moderate appropriation be made available during the continuance of the treaty to defray the cost of American civil officials in the Haitian Government service;

(6) That an appointment of a military attaché be made to the Legation when the time shall arrive for a Minister to replace the High Commissioner, as the question of the preservation of order is of first importance and the Minister should have the advantage of his advice on military and police matters;

(7) That an adequate Legation building be constructed immediately by the Government of the United States in the city of Port-au-Prince to provide a suitable residence for the American Minister and appropriate offices.

SEQUENT STEPS

Complying with your instructions to suggest sequent steps to be taken with respect to the Haitian situation your commission offers the following:

(1) That the President declare that the United States will approve a policy, the details of which all the United States officials in Haiti are directed to assist in working out, providing for an increasingly rapid Haitianization of the services, with the object of having Haitians experienced in every department of the Government ready to take over full responsibility at the expiration of the existing treaty;

(2) That in retaining officers now in the Haitian service, or selecting new Americans for employment therein, the utmost care be taken that only those free from strong racial antipathies should be preferred;

(3) That the United States recognize the temporary President when elected, provided the election is in accordance with the agreement reached by your commission with President Borno and the leaders representing the opposition;

(4) That the United States recognize the President elected by the new legislature, acting as a National Assembly, provided that neither force nor fraud have been used in the elections;

(5) That at the expiration of General Russell's tour of duty in Haiti, and in any such event [not?] before the inauguration of the permanent President, the office of High Commissioner be abolished and a non-military Minister appointed to take over his duties as well as those of diplomatic representative;

(6) That whether or not a certain loss of efficiency is entailed, the new Minister to Haiti be charged with the duty of carrying out the early Haitianization of the services called for in the Declaration of the President of the United States above recommended;

(7) That, as the commission found the immediate withdrawal of the Marines inadvisable, it recommends their gradual withdrawal in accordance with arrangements to be made in future agreement between the two Governments;

(8) That the United States limit its intervention in Haitian affairs definitely to those activities for which provision is made for American assistance by treaty, or by specific agreement between the two Governments;

(9) That the new Minister be charged with the duty of negotiating with the Haitian Government further modifications of the existing treaty and agreements providing for less intervention in Haitian domestic affairs and defining the conditions under which the United States would lend its assistance in the restoration of order or maintenance of credit.

Respectfully submitted,

W. CAMERON FORBES.
HENRY P. FLETCHER.
ELIE VEZINA.
JAMES KERNEY.
W.A. WHITE.

FOOTNOTES

²⁴ See Department of State, Latin American Series No. 5; *Report of the United States Commission on Education in Haiti* (Washington, Government Printing Office, 1931).

²⁵ See *Foreign Relations*, 1915, pp. 461 ff.

²⁶ See *ibid.*, 1922, vol. II, pp. 472, 515.

²⁷ See *ibid.*, pp. 461 ff.

²⁸ For the appendix, see Department of State, Latin American Series No. 2, *Report of the President's Commission for the Study and Review of Conditions in the Republic of Haiti* (Washington, Government Printing Office, 1930).

²⁹ Constitution of 1918, *Foreign Relations*, 1918, p. 487; amendments, *ibid.*, 1927, vol. III, p. 48.

³⁰ See article D of title VIII, transitory provisions, Constitution of 1918, *ibid.*, 1918, p. 502.

³¹ See Hannibal Price, *Dictionnaire de Législation Administrative Haïtienne (deuxième édition)* (Port-au-Prince, Haiti, Imprimerie Chéraquit, 1923), pp. 441-447 and pp. 152-160.

³² See *Foreign Relations*, 1927, vol. III, pp. 48-77, especially footnote 20, p. 77.

USA ANNUAL SHAREHOLDERS' REPORT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. HORN. Mr. Speaker, today the Citizens for Budget Reform, based in Rockville, MD, has released its annual "Shareholders' Report" to all citizens of our country. Some very useful questions have been raised by Dr. Harrison W. Fox, Jr., the president of Citizens for Budget Reform. As with any analysis of our \$1.5 trillion budget, reasonable people—myself included—might disagree with a recommendation here or there. But important questions are raised and should be carefully considered by the relevant authorization and appropriations committees as well as the Committee on Government Operations in the 104th Congress.

Mr. Speaker, I submit an abridged version of the Annual Shareholders' Report prepared by Dr. Fox for the RECORD.

CITIZENS FOR BUDGET REFORM'S USA ANNUAL SHAREHOLDERS' REPORT: ABRIDGED VERSION

As most United States citizens already know, the Federal Government is not well.

The symptoms include an ever increasing national debt, runaway promises (liabilities), unfunded mandates and widespread program failures. Our US debt is increasing at hundreds of billions of dollars per year. Federal promises are increasing ten (10) times faster than the debt—at more than \$3 trillion per year. Citizens are not getting full value for the \$1.5 trillion spent, each year, as hundreds of programs have failed. And Federal mandates are costing State and local governments, individuals, companies over \$600,000,000,000 (\$600 billion) per year. Federal spending and mandates consumed over \$2,000,000,000,000 (\$2 trillion) in 1994—a third of GDP.

The Prescription—Are there solutions? Yes! First, each Federal government program must be reviewed. Those that are not performing well should be abolished or modified. All Federal promises (liabilities) should be reconsidered annually. Many promises will not be met without massive tax increases and/or sale of "excess" Federal assets.

Federal mandates should be evaluated on a cost/benefit basis. Only those improving our quality of life should be maintained. Finally,

the Federal budget and management toolbox must be filled.

This Report is divided into seven parts: the balance sheet, the USA Federal budget, Federal mandates, the Federal \$ Chain, Road Map/Tool Box, Options, and auditor's opinion.

BALANCE SHEET

Balance sheets give snapshots of a person or corporation's financial status. They are expected to show the balance between assets (things of value) and liabilities (promises made).

Federal assets include cash and monetary assets; gold; accounts receivable; inventories; loans receivable; property, plant, and equipment; International organization investments; deferred retirement costs; financial assets; and the largest asset by far—the power to tax.

Federal government liabilities are the national debt and yearly deficit; national debt interest; entitlements; insurance; loan and credit guarantees; Government Sponsored Enterprises; medical programs; needed infrastructure repairs; facilities/resources future costs; Federal bill for environmental clean-up; claims against the Federal government; long-term contracts; and other contingencies.

If the Federal government were a business, it would be bankrupt? Whether it is or not, a change in Federal financial management must begin soon. Corrective legislation must be designed by Congress and signed by the President. Then rules and regulations must be implemented by appointed and career government managers. This will only occur after citizens demand that it happen, removing those that stand in the way.

Assets of the Federal government include hard assets and other assets. The power to tax is the most vital Federal government asset. The power to tax is only as good as citizens' willingness to pay Federal taxes. The Power to Create Dollars value is attributed to seigniorage and US dollars circulating in foreign lands. The Power to Borrow has resulted in a \$4.6 trillion national debt.

Federal governments hard assets plus (+) power to tax plus (+) power to create money plus (+) power to borrow equal (=) Total Assets \$17,429,506,666,667 (\$17.4 trillion).

Federal government liabilities include fourteen categories of promises that must be met by the taxpayers. Since 1991 Federal government recognized liabilities have increased by over one hundred percent (100%). This translates into \$20 trillion in additional Federal "promises" to pay. Total Federal liabilities include \$36,195,322,759,998 (\$36.2 trillion) in promises.

USA FEDERAL BUDGET

Today's Federal budget is created by four (4) processes—the House and Senate budgets, authorizations, appropriations; and the President's budget.

If you are confused how the Federal budget process works, you are not alone, members of Congress and high level executive officials are sometimes confused, too.

Put yourself in a newly elected Congressperson's shoes. You are called on to make hundreds of Federal spending votes each year. Would you be comfortable not knowing: how many programs there are; how each program is performing; the legislative details (most members never have access to or the time to read bills or reports before being asked to vote); the program's mission, goals, and objectives; what the benchmarks for the future are; how the program will increase or decrease promises (liabilities); and

if the program increases individual, corporate, and/or State and local government regulatory costs or creates unfunded mandates.

Of course you would not be very happy having to make spending and income votes not knowing the basic facts and money involved. The complex budget process combined with little systematic information is a sure formula for Federal spending disaster.

The Federal government's has 31 ways to spend money—divided into six major categories.

The President's and Congressional budgets are virtually identical twins—differing by less than a few percent. The differences are a billion here and billion there but pretty soon it adds up to real dollars.

Federal budget expenses (outlays) priorities have changed over the last 14 years. The big gainers have been interest payments, Social Security, and Medicare. The losers are domestic programs, required (mandatory) spending other than Social Security and Medicare, and defense.

Changing budget priorities in the 1980s and 1990s have highlighted increasing medical, Social Security, and interest costs. Other major spending challenges, for the rest of the 1990s, include controlling Medicare and Medicaid while at the same time stabilizing interest costs.

The Federal spending process is like a four color marble cake. The Congressional authorization, appropriations, and budget processes swirl around the President's budget. The complexity and lack of openness make for a barely understandable Federal budget.

Little sunshine penetrates the spending process in the Congress and the Executive branch. Autocratic senior appropriators in the Congress and the historically closed Presidential budget building procedures both mitigate against an open substantive debate.

The President builds his budget within the closed confines of the Office of Management and Budget (OMB). Departments and agencies submit their spending requests to OMB and by January 1 the President's budget is all but complete. The President's budget is released in early February for the fiscal year beginning the next October. The Congress takes over with the Budget Committees developing a Congressional Budget which should be approved by April 15. Throughout the year authorization committees approve legislation establishing spending ceiling for specific programs. By early summer, the 13 Appropriations subcommittees begin developing spending legislation. These spending bills should be approved and signed by the President before October 1. For all appropriations bills not approved by October 1, a continuing resolution must be completed and signed by the President.

Federal programs are the heart of the United States' budget. But no one knows how many programs there really are! Citizens for Budget Reform estimates that there are 2,500 Federal programs including 200 housing programs, 81 means tested welfare programs, over 145 education programs, at least 135 jobs and training programs, dozens of health programs, and many small business, rural, and economic development programs.

For many Federal programs a mission statement, goals, objectives, and benchmarks are nonexistent or ill defined. Few have in place performance and evaluation measures. Just getting information about a program is often a gigantic chore. Those questions go unanswered—how well are the 2,500 Federal program is often a gigantic

chore. These questions go unanswered—how well are the 2,500 Federal programs performing?; where do overlaps occur?; how productive are Federal managers?; and how effectively are taxpayers dollars being spent? The technology—management information systems; performance, evaluation and quality measures; and financial and performance audits—is available to answer these questions.

The system is at fault. The Congress and the Presidency have not sought to use the many new technologies. Well meaning Federal managers, lacking a full tool box, have little hope of running a successful program. What is urgently needed?—the application of modern management, accounting, finance, and economic technologies. The "currency of government"—federal managers and workers—must be given more control of day-to-day operations. The Congressional and executive branch focus needs to be on outcomes and results not program micromanagement.

Good tax law should be simple, efficient, neutral, and equitable. Current tax law is rife with complexity, inequities, inefficiencies, bias, and unjustified burdens.

Even tax attorneys, who often spend a career studying the tax code, admit that they know little about most of the tax law.

Over 81 percent of Federal revenues comes from individuals. Individuals pay income taxes (44 percent) and social insurance taxes/contributions (37 percent). Corporations pay more than 10 percent. The remaining 9 percent is collected through excise taxes, duties, and other receipts.

As the Federal Tax system has grown more complex and inequitable, tax avoidance (both conscious and unknowing) has risen. One of the major reasons for a complete overhaul of the tax system is to take the guesswork out of paying taxes. A tax system that is fair, efficient, neutral, and easy to comply with is a tax system that will collect more taxes. Increasing collections, with spending restraint, should reduce the effective rate that individuals and corporations pay.

The federal government is empowered to tax, thus generating income. The power to tax was greatly enhanced by the passage, in 1913, of the 16th amendment to the Constitution. This amendment allowed progressive taxation of personal and corporate income.

Only the very rich were taxed originally. A rate of 1 percent was imposed on those earning over \$3,000. This captured just 2 percent of wage earners. During World War I, income taxes became mass not class taxes. Tax rates have ebbed and flowed over the years with significant tax decreases occurring during the Coolidge, Kennedy, and Reagan administrations.

Today, the United States is at a tax system crossroads. Will the path of least resistance be taken? Maintaining failed programs, protected by special interests, is the easy path. With increased spending demands, this easy path leads to tax increases. The more difficult path includes both program and tax system review. Our tax system reflect the goals of society. Review of these goals will serve as a guide to the "higher" road.

Tax expenditures are really decisions to spend money. They are akin to entitlement (mandatory) spending in that they are generally permanent. This means they are rarely reviewed by Congress and the President.

Lobbyists love tax expenditures. Once "on the books", they don't have to worry about yearly budget approval. In fact, many think that tax expenditures are better than Federal spending because "you don't have to wait for a government check."

FEDERAL MANDATES

Unfunded Federal mandates are Congress' way of legislating for "needs" that they don't want to pay for. Federal mandates include both regulatory and paperwork costs.

Most mandates are legislated in an attempt to resolve a problem. Few would question the need for clean water and pure air. Unfortunately, the Federal government, in seeking to meet needs, often places the financial burden on other governments, citizens, and business.

State and local governments are subject to nearly 200 Federal mandate laws. These include requirements that States match Federal Medicaid funds, (over \$60 billion), and that cities conform to the Clean Water Act (\$3.6 billion).

THE FEDERAL \$ CHAIN

The Federal \$ Chain is seventy-five years long. It begins with the today's taxes paid by each citizen and ends with the Social Security promise to the 18 year old just entering the workforce who will live to be 93 years old.

Federal \$ Chain links are critical to each other. Weak links limit the capability of the Federal government to meet needs, pay for promises, and perform at peak efficiency.

Today, the Federal government's elected representatives, managers, and the President focus almost exclusively on this year's income (revenues) and expenses (outlays). Little consideration is given to long term promises and how they will be paid for.

Promises have been made to fund entitlements (mandatory spending) such as Social Security; government workers pensions; and welfare benefits. These promises total nearly \$15,000,000,000,000 (\$15 trillion). This is 41 percent of the Federal government's long term liability.

The national debt is the direct link between long term promises (liabilities) and income and expenses. Since 1969, Federal expenses have exceeded income. Thus each year for the last quarter century the national debt has increased.

ROAD MAP

Where are we headed? Without a road map the Federal government is destined to end up in the ditch. Our Federal government needs a new map and the tools to fix problems and fine tune successful programs.

The USA Federal government's road map should be simple, equitable, as well as efficient and effective.

Citizens deserve equitable Federal action. Legislation and regulations, today, are often unfair. Taxpayers, welfare recipients, veterans using Federal health facilities, and small businesspersons all feel the burn of unequal treatment. This must change.

The Federal government's road map must direct us to "the right kind of law and the right kind of administration of the law."

"Right laws" must be founded on the values of the American people. And to make sure that laws give the right directions, goals, objectives, and benchmarks must be laid out on a priority basis.

The "right kind of administration of the law" will help each Federal government program "arrive" with the right results. Today, most Americans know that much of what the Federal government does is inefficient and ineffective.

The course must be corrected by utilizing the latest in Asset/Liability management tools, budgeting and accounting procedures, evaluation and measurement.

THE TOOL BOX

Federal government programs can be fixed with the right tools. The top 10 tools are

identified. A sample of these include Government Asset/Liability Management; Capital Budgeting, and Financial and Performance Audits. Furthermore, the tool box that accompanies the road map must be filled with the instruments that will promote Federal program efficiency and effectiveness.

OPTIONS

The future solvency of the Federal government is dependent on the actions that will correct today's problems. This Report has identified four major problems too many promises, program failure, budget and tax system inadequacy, and unfunded mandates.

Too many promises has lead to an over \$36 trillion Federal liability and myriad program failures. The Federal budget and tax systems contribute to the growing federal debt. And unfunded mandates reduce the tax base.

Our Federal government needs a total overhaul. Little changes will not solve the many problems that we are faced with. Congress and the President must change the way they do business. The taxpayers must become more informed and give support to a higher level of debate and more efficient and effective Federal government.

Seventeen (17) Options are presented in three categories—Information and Management; Tools, Strategy and Programs; and Institution and Process Reform. These Options include: Federal government assets and liabilities should be in balance by 2004, Federal managers should be given more control over program decisions and allocation of resources, Federal programs should be consolidated and reduced by at least 50 percent. The Federal budget process needs to be simplified, and Congress should reform itself.

Your support, along with other citizens, for a more efficient and effective government is greatly appreciated.

Tables, graphics, definitions, footnotes, and the detailed Federal Balance Sheet—with over 100 lines—are included in the unabridged USA Annual Shareholders' Report.

Citizens for Budget Reform is working to arm Citizens with knowledge weapons to attack government program failure. The Federal government's increasing promises and debt, as well as program failures, led a group of taxpayers to establish Citizens for Budget Reform (CBR) in December 1992. CBR's major goal is to encourage informed debate about government performance and appropriate Citizen action. CBR is developing and distributing tools that enhance the ability of Citizens and their representatives to make changes in the way Federal, state, and local governments budget, measure performance and productivity, execute program review and evaluation, make expenditure decisions, develop tax policy; and account for and manage programs.

CBR plans to grow steadily by: Producing the USA Shareholders' Annual Report (First release, Fall 1994); presenting a Productivity Report for Federal government (First release, Spring 1995); constructing a Federal Budget Information System (First release, Fall 1995); and providing Citizens and their representatives access to econometric and tax models, program review and evaluation tools, debt and deficit statistics, policy analysis, regulatory mandates, and paperwork burdens (Phased, 1995 to 1998).

TRIBUTE TO JOHN GIANAROS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. BILIRAKIS. Mr. Speaker, I rise today to congratulate and pay tribute to Mr. John Gianaros, a resident in my district, for receiving the Florida Folk Life Award. For over 60 years, with his 50-pound accordion, John has put to music the rich heritage and the day-to-day experiences of all Greek-Americans.

In an August 8, 1994, article published in the St. Petersburg Times, John was quoted as saying, "I fell in love with first my music, then my wife." John is now 90 years old and has been married for 62 years—and although he now only takes the 50-pound accordion out of its case on special occasions, he still plays it just as he did on the day he first went on the road in the 1930's.

His wife, Helen, says, "Hearing John play brings back memories of many years gone by." Although Helen was left behind when John went on the road to play his accordion, she never resented her husband's first love—his music. "Well, I figure he's going out to make a dollar so God bless him," she said.

In closing, once again, I would like to congratulate you, John for filling our hearts with your beautiful music for so many years.

TRIBUTE TO DR. C. ERIC LINCOLN AND THE CLARK ATLANTA LECTURE SERIES

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. FORD of Tennessee. Mr. Speaker, on Thursday, October 6, Dr. Jacqueline L. Burton of the Eli Lilly Endowment will deliver the Twelfth Annual C. Eric Lincoln Lecture at Clark Atlanta University. This historic lecture series is distinctive in that it is the oldest continuing series honoring a living black scholar. The Lincoln lectures were conceived, founded and initially financed by graduates of Clark Atlanta, who in their college days had been taught and motivated by this young professor, who began his scholarly career at Clark in 1954 and stayed for a decade. His room in the men's dormitory quickly became a sort of intellectual "watering hole" for students from every discipline. His fledgling personal library was available to any student, any hour of the day or night and the ideological interchange which occurred there often lasted until the wee hours of the morning. The young scholars who attended these sessions proudly called themselves "Mr. Lincoln's Boys."

Twelve years ago, 25 or 30 of "Mr. Lincoln's Boys" gathered in Atlanta with some "Girls" he had also taught to do something that would pass on to a new generation of college students some part of what they had gotten from Professor Lincoln's presence at Clark. Now that they had become doctors, ministers, professors, scientists, lawyers and other professionals, they wanted to institutionalize some

part of what they learned from a man who was hired to teach them religion and philosophy, but who also taught them how to take hold of life and make it pay dividends for every honest effort. They had to take to heart Dr. Lincoln's daily reminder: "You can be better than you are. You can excel." They had indeed excelled and they wanted to share with their successors, a critical source of that excellence. So they founded the C. Eric Lincoln Lectures, which have brought to the Clark Atlanta campus Alex Haley, John Hope Franklin, Charles H. Long, Cornel West and others of similar eminence to share the perspectives which had shaped their lives.

Who is C. Eric Lincoln? He is a living legend. Up from abject poverty in the cotton fields of North Alabama, C. Eric Lincoln retired a year ago at 70 from the faculty at Duke University, where he was the William Rank Kenan, Jr. Professor of Religion. Now "Emeritus" at Duke, he holds five earned degrees, a dozen honorary degrees and numerous other honors. He is the author of more than 20 books, the first being the celebrated "The Black Machine in America," which was hailed by critics as "one of the best technical case studies in the whole literature of social science." The book is still the recognized authority on black Islam after 35 years, and is still selling briskly in a revised edition. His most recent book, "The Black Church in the African American Experience" with Lawrence H. Mamiya—one of his former students—earned for him the distinguished title of "Dean of Black Scholars" from Time Magazine when the book was published in 1991. Interspersed among his numerous scholarly works is a book of poetry, "This Road Serves Freedom" chronicling the African American odyssey and dramatized by a troupe of actors led by Ossie Davis and Ruby Dee in Symphony Hall in Boston. He is also the author of a novel, "The Avenue, Clayton City," which won the Lillian Smith Award as the Best Piece of Fiction about the South in 1988. His "Race, Religion and the Continuing American Dilemma" is the standard college text in race relations.

Dr. Lincoln has lectured at many of the great universities of the world, in France, Scotland, England, Scandinavia, Iran, Africa, Iceland, and the United States. However, most gratifying to him has been his one-on-one relationship with youth, irrespective of race or station. In a professional career that spans 50 years, he remembers best the satisfactions that came with inspiring young people to "struggle against any convention that claims to have predetermined your capacity to be what you want to be." Under that rubric, over the years, inside and outside the classroom, he nurtured more than 200 aspiring scholars through their frustrations of self-doubt to the fulfillment of publication and scholarly recognition, reading and critiquing their manuscripts, guiding their revisions, placing their best work with publishers who trusted his judgment because they respected his work. To see his young scholars in print and to rejoice with them in proving to themselves what they could do, was the only payment he ever asked or received.

C. Eric Lincoln is the father of a whole generation of scholars currently interpreting the black experience in religion. Few would deny

the impact of his work and influence on their careers. His writing and teaching continues in retirement, except that now Dr. Lincoln's "boys" are for the most part young black men in prison. They see my name in books or in the press, he explains, and they write to me. He has never failed to answer a letter from a prisoner, and at any given time, he may be in correspondence with as many as 25 or 30 men he will probably never see. Some are Muslims. Some aspire for the Christian ministry. Some just need someone to talk to and to care about them. But practically all of them want books, he says. When he was teaching, Professor Lincoln set aside a percentage of his income from outside lectures to buy books for his growing prison clientele. When he retired, he reserved 200 paperbacks (no hardcovers are permitted prisoners) to have some on hand as the requests continue to come in. The rest of his scholarly books and papers were added to the C. Eric Lincoln Special Collection already housed at the library at Clark Atlanta University.

Dr. Lincoln has a very interesting hobby—it is writing hymns as a means of expressing his religious convictions in context. In recent years, his hymn, "How Like a Gentle Spirit" in the New United Methodist Hymnal, has been widely acclaimed for its illuminating view of God without sexist overtones. Another popular hymn, "Lord, Let Me Love," is a United Methodist supplemental hymn, "Songs of Zion." Two other hymns appear in the new Episcopal Hymnal, "Lift Every Voice." On October 6, the students at Clark Atlanta will be singing a different kind of hymn to open the Twelfth Annual Lincoln Lectures. It will be their new Alma Mater occasioned by the merger of historic Clark College and Atlanta University. The Alma Mater, "Reign Clark Atlanta!" was written by C. Eric Lincoln, who though not an alumnus of the institution, gave it his formative years, and perhaps his most impressive years as a teacher and a friend to the students who institutionalized that effort in the C. Eric Lincoln Lectures.

So, Reign Clark Atlanta! and a salute to Dr. Jacqueline Burton and the Eli Lilly Endowment, which funded much of the research which made C. Eric Lincoln the "Dean of Black Scholars" but more than that, a friend and inspirer, a challenge and a role model for black youth everywhere.

TRIBUTE TO THE MATHENEY FAMILY

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. DICKEY. Mr. Speaker, I rise today to share with my colleagues a truly remarkable family in the Fourth Congressional District of Arkansas. Roy Eason Matheney, Sr., his wife, Verleen, and their seven children are all striking examples of the spiritual, moral, and hard-working fiber on which our Nation was founded.

Roy Eason Matheney, Sr., has been a spiritual leader for nearly four decades. He has met the needs of thousands of people

throughout his life-long work as a pastor/evangelist. This Sunday, October 2, he and his wife will be honored for their years of service to the south Arkansas community.

Following in their footsteps are their seven children: Roy Jr., Robert, Ronald, Rickey, Ralph, Rodney and Roslyn Matheney-Williams—two medical doctors, two educators, one pastor, and two associate pastors who are all college educated. The Matheney children are beacons of hope for today's youth.

Because of his accomplishments, Roy Eason Matheney, Sr., was inaugurated on May 7, 1994, into the office of bishop of the Third Ecclesiastical Jurisdiction of Arkansas in The Churches of God in Christ, by that organizations' national bishop, Bishop L.H. Ford. It's a position that oversees over 60 churches in south Arkansas.

It is with great pleasure that I take this time to honor this great American family and to join with them on Sunday, October 2, 1994. He will celebrate the 33 years Bishop Matheney and his wife have devoted to the Davis Memorial Church of God in Christ in Crossett, AR, and their service to the people of south Arkansas. The Matheney name and their deeds will be long remembered by the people of the Fourth Congressional District.

Thank you.

THE RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. WAXMAN. Mr. Speaker, I join with many of my colleagues today in introducing legislation to reauthorize programs to provide assistance for health care services to people with HIV and AIDS. This legislation, known as the Ryan White Act, was originally enacted in 1990 with strong bipartisan support. Since that time it has provided vital assistance to those cities that have been hardest hit by the epidemic, to all States since all States have now been struck by the epidemic, to those poverty health clinics that are seeing the poorest and most vulnerable Americans with AIDS, and to pediatric research and care sites that serve women and children with AIDS.

The Ryan White Act has worked wonders in many places. Cities where emergency rooms were once the only source of AIDS care now have a more compassionate and more cost-effective system of outpatient services. States in which Medicaid was once the only source of life-sustaining prescription drug now provide treatment to many people who may thereby stay employed and productive. Clinics that once had to choose between cutting basic primary care services or adding newly necessary AIDS services can now provide comprehensive early intervention care to their patients along with other health needs. And pediatric research and treatment programs have grown to bring frontline clinical trials to community setting for women and children.

This bill reauthorizes the programs of the Act through the year 2000 at a level of such

sums as may be necessary. In doing so, it makes a number of minor changes to the substance of the legislation. It also makes adjustments to the formulas of the programs. In brief, the formula for assistance to cities is amended to include within the formula base only the cases that were reported within the last 10 years. Cities that might lose money under this new formula are held harmless at their fiscal year 1995 funding level. The formula for assistance to States is amended to add supplementary funding to those lower incidences, usually rural States that do not contain a city that receives direct funding.

This bill is a companion measure to one being introduced in the Senate by Mr. KENNEDY and Mr. HATCH, as well as a large number of their colleagues. If the measure passes the Senate in the remainder of this session, we will seek to have the House do so as well.

The AIDS epidemic has been a national tragedy. The Ryan White Act has been one part of a national response. We have the opportunity with his legislation to renew that program, and I urge my colleagues to support that effort.

THE RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY [CARE] ACT OF 1990

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. GREENWOOD. Mr. Speaker, I am pleased to join Chairman WAXMAN and DINGELL in introducing the Ryan White CARE Reauthorization Act of 1994. The act has served as an integral component of comprehensive medical and support services for thousands of individuals afflicted with human immunodeficiency virus [HIV] and acquired immune deficiency syndrome [AIDS] across the United States. This four part Federal grant program provides assistance for the treatment and treatment-related services for individuals and families with HIV disease.

The number of men, women and children affected with AIDS/HIV has reached epidemic proportions. It is estimated that between 800,000 to 1.2 million individuals in the United States are infected with HIV. The HIV virus has become the leading cause of death among males aged 25 to 44 and the fourth leading cause among women of the same age group. One American becomes infected with HIV every 15 minutes. The most staggering figure is that over 45,600 children will be orphaned as a result of the HIV/AIDS epidemic by 1995, with this figure rising to more than 80,000 by the year 2000. Truly, we need to reach out to the communities and the families whose entire lives are being consumed by this disease.

Ryan White programs have offered much needed hope and care to these afflicted communities. The act has enabled a wide variety of organizations to provide long-term security and services to the individuals facing this devastating illness. Clearly, the Ryan White CARE Act has raised the level of care given to individuals and communities living with HIV and

AIDS throughout America. I join my colleagues in reaffirming our support for this important program.

CONGRATULATING ANN AND ELDON RUDD ON THEIR 50TH WEDDING ANNIVERSARY

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. KYL. Mr. Speaker, I hope that Members of the House will join me today in extending congratulations to a former House colleague and his wife, Eldon and Ann Rudd, on the occasion of their 50th wedding anniversary. They celebrated that special event on August 2.

Few couples ever achieve that very extraordinary milestone, and those who do deserve special praise, particularly when most of those 50 years were spent in public service in the House of Representatives, on the Maricopa County Board of Supervisors in Arizona, and on diplomatic assignment for the FBI abroad.

It is a tribute to their spirit and care for one another that they have made it this far, and I am confident, knowing how close they are that they will make it many more.

Mr. Speaker, I ask my colleagues to join me in extending best wishes to Eldon and Ann on this special event. I also ask that a very thoughtful column from the Scottsdale Progress appear in the RECORD at this point:

[From the Scottsdale Progress Tribune, Sept. 9, 1994]

RUDD SPENT CAREER KEEPING AMERICA SAFE
(By Lois McFarland)

During World War II, getting married and being separated from one's spouse was an accepted wartime fact. In 1944, Ann Merritt, 22, was managing a Western Union station in Beeville, Texas, when hotshot Marine pilot Eldon Rudd, 24, stationed at Chase Field, asked her to send a telegram to a girlfriend.

Neither Ann, 72, nor Eldon, 74, can recall what the telegram said nor the name of the former girlfriend.

He does say, "I think she (Ann) fell in love with my uniform."

"We really got acquainted at a country club dance," Ann adds in her quiet manner. She also recalls their first date was on St. Patrick's Day, March 17, 50 years ago.

Their romance blossomed. Nearly five months later they said their vows Aug. 2, 1944, and set up housekeeping with several other newlywed pilots and their wives in an auto court in Kingsville, Texas. Eldon had been transferred to the nearby Naval Air Station.

When he left for Jacksonville, Fla., and carrier assignment before being sent to El Toro in California, Ann went to live with her parents in Cuero, Texas. "I was pregnant with our first child and I stayed with my parents until Carolyn was a year old," she said. "He came home for a visit when she was just a few weeks old and then was assigned to a carrier in Guadalcanal for a year."

DROVE 19 HOURS

The veteran pilot recalls purchasing a 1942 Chevy in El Toro and driving 19 hours without stopping to Texas just to see his wife and infant daughter for a few hours. "That was

idiocy," he adds. "As I recall, time was pretty limited. I also stopped in Cottonwood to see my parents."

The squadron Eldon trained with at El Toro had been scheduled to fly low-level bombing raids over the Japanese mainland, but he was spared. "There would have been no survivors," he said. "When they dropped the (atomic) bomb—two of them—we were pretty much out of a job."

The war's end brought Ann and Eldon to Phoenix where he finished his undergraduate work at ASU before entering the University of Arizona law school.

Two men influenced Eldon's future: Ronald Reagan and a former Marine pilot. He met Reagan while attending a University of Southern California conference where, as president of the Screen Actors Guild, he talked to the collegians about his encounters with communist infiltrators. Meanwhile his Marine friend joined the FBI and kept telling Eldon what a great "outfit it was."

"When I was in law school, the agent in Phoenix came and talked to us," he relates. "He zeroed in on me and I agreed to come up to Phoenix and take the exam. I began practicing law in Tucson and was about to decide on what firm to join when the FBI letter arrived and told me to report for duty Jan. 9, 1950."

Once again, Ann found herself going home to Texas while Eldon underwent FBI training and soon began a 20-year FBI career in Washington, D.C., Phoenix, Mexico City, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Argentina.

CONFRONTED KGB AGENTS

In his intelligence work, he came face to face with KGB agents and witnessed the cruelties of Communism firsthand. He made a pledge to make Americans aware of communism's threat to their freedom and did so by writing *World Communism—Threat to Freedom* in 1987.

Fidel Castro identified Eldon in a national magazine as a "hostile espionage agent." But "I wasn't an espionage agent," he counters. (He was an assistant legal attache attached to the U.S. Embassy in Mexico City.)

He played a role in both the identifications of revolutionary Che Guevara and Lee Harvey Oswald.

When President Kennedy was assassinated, and Lee Harvey Oswald killed, "all hell broke loose," Eldon recalled. "Through my sources, we were able to find out where Lee Harvey Oswald had stayed in Mexico City. We even had some photographs showing that he had visited the Cuban and Russian embassies."

Ann never knew just how dangerous her husband's assignments were because families were kept out of the information loop. Their two daughters, Carolyn and Katherine, attended American schools on foreign shores while Ann took part in activities and events planned for the diplomatic corps wives.

"It was a great experience," she said. "It brought home to me very forcefully how lucky we are to be Americans."

Eldon's military and public service career spanned nine presidents. He served in the military under Franklin Roosevelt and Harry Truman and in the FBI under presidents Eisenhower, Kennedy, Johnson and Nixon. He became a Maricopa County Supervisor in 1972 and was elected to Congress in 1976 and served five terms before retiring to private law practice in 1987.

In their comfortable Scottsdale home, the Rudds are surrounded by photographs and memorabilia from world travels. Custom

shelves and niches display a miniature locomotive, a gift of the Southern Pacific Transportation Co. for Eldon's service on the board of directors; vases from Taiwan, pitchers from Madrid, a collection of elephants from around the world, models of the fighter planes he flew, and a giant gavel presented to him by campaign workers when he won his first congressional race.

"I'm the retired one," Ann says, alluding to the fact her husband retired from practicing law this year and now heads up Eldon Rudd Consultancy Inc. (political, foreign, industrial and personal security group) and serves on the Salt River Project board of directors. "When we came back, I decided to seek the quiet life." (In 1985, Ann underwent five-way by-pass heart surgery)

Although nomads a good portion of their married life, both still enjoy traveling. For their 50th wedding anniversary, they took a family cruise down the California and Mexican coasts.

DID TEXACO FAIL TO COMPLY?

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. TOWNS. Mr. Speaker, I strongly supported United States and U.N. sanctions against the government of Haiti. I believe these sanctions in fact, contributed to forcing the defacto government to finally yield to the latest round of negotiations for a peaceful intervention. Because of the manner in which they complied with these sanctions, one of our major oil companies, Texaco, now is being accused of noncompliance. If one examines Texaco's unique presence in Haiti, their actions are completely understandable.

When President Clinton told the American people recently about the brutality and violence of the military regime in Haiti, Texaco knew only too well how true his words were. During 1991 and 1992, the Cedras regime used coercion and violence to intimidate Texaco Caribbean employees there from complying with U.S. sanctions against the de facto government.

Throughout the violent and threatening period following the imposition of U.S. sanctions, Texaco sought to act in a legally and morally correct manner. Texaco Caribbean did not import any petroleum products into Haiti once the United States sanctions were imposed. It acted only as a distributor of products purchased by the Haitian Government, and then only under threat of military force.

Texaco Caribbean was one of three petroleum distributors in Haiti at the time of the coup. The other two were subsidiaries of Exxon and Shell. However, Texaco Caribbean was the only company subject to the U.S. sanctions, being incorporated in the United States, while the other two companies are not.

As a result, when the military regime, anxious to obtain fuel and money, imported petroleum products and ordered the three companies to accept shipments at their terminals, to distribute them and then to pay the regime for the shipments, the other two companies did so. But Texaco's Caribbean employees, in compliance with the U.S. embargo, resisted the regime's orders—and immediately became

the targets of intense pressure from the de facto government.

For example:

Ten soldiers entered the home of Texaco Haiti's superintendent to demand that he release petroleum from Texaco's terminals. They unholstered their guns and one soldier hit the superintendent's child on the head with a rifle butt.

Two Haitians associated with Texaco Caribbean, one a contract security guard and the other the recently retired marketing manager, were murdered.

Armed men in a jeep plowed through the flower garden at the home of Texaco Caribbean's chief accountant, and then burst into his home, demanding payments for the regime. They threatened him with harm in front of his wife and children if he did not arrange payment by noon the following day. A senior official of the de facto government also told the chief accountant that the head of the regime himself was demanding payment for the product. He reminded the Texaco Caribbean employee that the government was prepared to take harsh measures against anyone who resisted its wishes. The chief accountant was also warned that, if Texaco delayed distribution of petroleum, the government would deal with him personally. "I have overheard certain conversations that have scared me," the chief accountant was told, "and I am sure if you heard them, you would be scared to death."

The brother of General Cedras—himself a former member of the infamous Tonton Macoute—called a Texaco Caribbean manager to bully him about Texaco's refusal to accept shipments of petroleum from the government for distribution. The refusal was seen as evidence of a "pro-Aristide attitude"—a chilling statement coming from a member of the violently anti-Aristide regime.

Throughout this time, Texaco Caribbean's managers were repeatedly summoned by senior government officials who demanded greater cooperation. Even Haiti's notorious chief of police, Colonel Michel Francois, personally expressed his displeasure with the Texaco Caribbean's managers—a serious threat to a Haitian.

Texaco Caribbean employees were clearly caught on the horns of a terrible dilemma, one not of their own making but a result of their efforts to comply with the U.S. sanctions. The dilemma was taking a personal toll. "When I leave this office," one Haitian employee told his Texaco Caribbean supervisor in a phone call, "I am not sure I am going to reach home."

Throughout this ordeal, Texaco had three goals: To comply with United States sanctions, to protect its employees, and to ensure that its physical assets in Haiti did not fall in the hands of the military regime, which could then generate profits directly from the distribution of fuel. Texaco Caribbean management in the United States constantly urged its Haitian employees to resist the regime's demands while becoming increasingly concerned about the untenable situation which had developed.

Texaco Caribbean, in numerous discussions with the Treasury Department's Office of Foreign Assets Control [OFAC] and the State Department, told officials of the danger facing its employees. In those discussions, the only ad-

vice offered by U.S. Government officials was to comply with the sanctions, but to not risk the safety of Texaco Caribbean employees.

Given the circumstances, Texaco Caribbean believed the only viable option to protect its employees and keep the operation out of the regime's hands was to create a trust, which would hold all Texaco Caribbean's Haitian assets until such time as United States sanctions were fully lifted.

On a number of occasions prior to creating the trust, Texaco Caribbean presented the proposal to OFAC and to other members of the U.S. Government for review. When Texaco Caribbean received no response, it alerted OFAC and other officials in the State and Treasury Departments that time was short—that, in light of the daily threats to its employees, Texaco Caribbean had to act quickly. When Texaco Caribbean again received no response, it decided that the danger to its employees was so grave that it could no longer wait to take action.

On June 4, 1992, Texaco Caribbean transferred its Haitian operations into a Bermuda trust. During the time it is in existence, the trust holds and operates Texaco Caribbean's former distribution system in Haiti. Texaco Caribbean has had no control over its former distribution business in Haiti. It is not entitled to any profits from its former operations—and has received none. All proceeds are to be used for humanitarian and educational purposes benefitting Texaco Caribbean's former Haitian employees, retirees and their families. The trust is also expressly forbidden from importing any petroleum products into Haiti.

The U.S. Government was well aware that the trust was subject to immediate dissolution by the U.S. Secretary of Treasury at any time or whenever U.S. sanctions are fully lifted. This provision, designed by Texaco, was available to secretaries Brady and Bentsen any time they believed it was acceptable for the United States to allow the Cedras junta to appropriate Texaco's assets in Haiti, which that regime would have done the moment Texaco's Haitian employees refused to distribute product.

When U.N. sanctions were imposed in 1993, also affecting, for the first time, the Shell and Exxon subsidiaries, Texaco assumed that all distribution of product would cease. In fact, a Haitian court ordered that all three companies continue to operate. The court order was backed up by threats of violence and insinuations of treason, against the Trust's employees, by the Haitian military. At this point, the pressure on the Haitian employees was relieved when the United States Naval Blockade stopped the regime from importing petroleum products by tanker.

Under the circumstances and in light of the advice Texaco Caribbean received from legal counsel and U.S. Government officials, Texaco believes that Texaco Caribbean acted prudently and appropriately. Texaco took action to protect its employees—none have been injured since the Trust was created—to comply with United States sanctions, to keep the United States Government fully informed of its activities, and to keep its physical assets from benefitting the Haitian junta.

In light of the dangers faced by their employees, I believe that Texaco acted prudently

and within the spirit of the sanctions. Hopefully, in reviewing whether Texaco complied with the sanctions, others will also recognize the difficult dilemma faced by the company in their efforts to protect their employees.

DEPARTMENT OF COMMERCE, THE
DEPUTY UNDER SECRETARY FOR
INTERNATIONAL TRADE WASHINGTON, DC.

March 7, 1994.

Hon. RONALD K. NOBLE,
Assistant Secretary for Enforcement, Department of Treasury.

DEAR MR. NOBLE: I am writing regarding a problem that Texaco has brought to our attention concerning Treasury's Office of Foreign Assets Control (OFAC). I would appreciate your reviewing this issue in light of the mitigating circumstances of this case.

Texaco operates a marketing and distribution business in Haiti. On September 16, 1993, OFAC issued a pre-penalty notice to the company indicating a proposed fine of \$1.6 million of alleged violations of Haiti embargo.

Texaco told us that its Haitian employees had been under severe pressure since the October 1991 coup. While Texaco instructed its employees to obey the sanctions, the Haitian military directed them to distribute petroleum products imported by the *de facto* government and to make payments to the government. The employees were operating under fear of physical violence. Two former employees had been killed and family members had been threatened and beaten.

In June 1992, Texaco transferred its Haitian assets to a Bermuda trust, an action which it believed would permit lawful operations in Haiti and would be in the best interests of its Haitian employees. Texaco prohibited the trust to import any petroleum products. Texaco informed OFAC of this action and requested a license, if it was necessary to have one. Eleven months later (May 1993), OFAC advised Texaco that it

would not grant a license and four months after that, issued the pre-penalty notice.

Texaco makes a compelling argument, and it appears to us that they were between a rock and a hard place. Any attempt to shut down the Haiti operation would have endangered the lives of its employees. If Texaco had attempted a closure, it would have been easy for the Haitian *de facto* government to seize control of Texaco's terminals and to run the operation. This would have maintained the availability of petroleum in Haiti's distribution network and the goals of the embargo would not have been advanced. Moreover, the *de facto* government would have pocketed the profits. Instead, Texaco provided that the trust will use any profits for humanitarian and educational purposes in Haiti.

Texaco has asked for our help in this matter. While we realize it is a Treasury concern we indicated we would bring the matter to your attention to see whether further review is possible. I'd appreciate any advice you could provide.

Sincerely,

TIMOTHY J. HAUSER.

RETIREMENT OF HON. PHILIP T. COLE

HON. RONALD D. COLEMAN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 30, 1994

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to the Honorable Philip T. Cole on the occasion of his retirement. I am especially indebted to this individual because he has dedicated the past 14 years of his life as a U.S. magistrate judge in the Western District of Texas, El Paso Division. Judge Cole's retirement will be effective today, September 30, 1994.

In September of 1994, Judge Cole entered the University of Texas School of Law. While a law student, he worked as a student attorney for the Legal Aid Clinic, a cooperative project with the Travis County Bar Association, providing legal services to the poor. He was employed part-time in the Texas House of Representatives and later as clerk with the Austin law firm of Clark, Thomas, Harris, Denius & Winters. He also served as an associated editor of the Texas Law Review from 1960 to 1962. He graduated with honors on January 7, 1962.

After graduating from law school, Judge Cole returned to his hometown of El Paso. He was licensed to practice on April 23, 1962, and immediately thereafter was appointed assistant county attorney in El Paso. He left the County Attorney's Office to enter private practice in 1964. On March 21, 1980, he was appointed U.S. magistrate in El Paso.

Judge Cole is a member of the American Bar Association and the American Judicature Society, and a former director of the El Paso Bar Association.

Judge Cole's success as a magistrate is based on a combination of profound insight and a prodigious awareness of the law and its place in our society. He is greatly respected by his peers in the legal profession. He is a man of great intellect and wit, and also of great compassion. Judge Cole is to be commended for the exemplary wisdom and dispassionate judgement that he has exercised from his position as Federal magistrate to this Nation.

I ask my colleagues to join me in congratulating Judge Cole on the occasion of his retirement and wish him well in all of his future endeavors.