

## EXTENSIONS OF REMARKS

## CONGRESSIONAL REFORM

## HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. CLAY. Mr. Speaker, I am inserting in the RECORD views that I have submitted to the Subcommittee on Rules of the House regarding the recommendations of the Joint Committee on the Organization of Congress. I commend them to the attention of my colleagues.

DEAR CHAIRMAN BEILENSON: I am writing to express my views regarding the recommendations of the Joint Committee on the Organization of Congress. While I agree with many of the Joint Committee's recommendations, I believe other recommendations of the Joint Committee are ill considered and, if enacted, would be detrimental to the operation of the House of Representatives.

The most egregious of the Joint Committee's recommendations are the proposed changes in the referral of legislation, and the maximum number of committee assignments that Members may take and the recommendation that the Committee on Rules consider a resolution to eliminate any standing committee whose membership falls below 50% of its membership at the end of the 103d Congress. Taken together, these recommendations are an intentional, albeit indirect, attempt to eliminate several existing standing committees. I strongly feel such a consequence would be detrimental to the operation of the House, generally, and would be especially harmful to Members of the Congressional Black Caucus and the constituents we represent.

First, the effect of limiting committee assignments, without also limiting committee sizes, will be that some committee's will attract too many Members to afford Members sufficient opportunity to exercise any real influence within those committees. Junior and minority Members would be particularly disadvantaged as a result. In addition, such large committees are always unwieldy and are often inefficient or ineffective in their operation. The presence of too many Members not only limits the input of individual Members in the legislative process, but detracts from the ability of the Members to give detailed and considered reflection to the subjects before them.

As an illustration, on several occasions the Chairman and ranking minority Member of the Education and Labor Committee have worked out informal agreements limiting opening statements and the number of questions Members may ask during committee hearings. The more important the subject of the hearing or the witnesses before the committee, the more essential such informal agreements become. There are 42 Members on the Education and Labor Committee. Even if each Member adheres to the five-minute rule, it requires three-and-a-half hours simply to get through opening statements. Each round of questioning requires an additional three-and-a-half hours. The al-

ternative to an informal agreement effectively limiting participation of Members in the hearing process is to require Cabinet officers and others to waste the better part of a day before they can even begin presenting their statements. While essential, such agreements substantially limit the quality and amount of information the hearing produces and significantly limit the ability of Members to represent the views of their constituents.

The limitation on committee assignments proposed by the Joint Committee, in the absence of any limitations on committee size, inevitably will discourage Members from taking assignments on so called minor committees, such as the Post Office and Civil Service Committee. Such a consequence does not reflect on the importance of the jurisdiction of the Committee on Post Office and Civil Service or the need for Congress to give considered deliberation to the policies it establishes for the Federal employee workforce and the United States Postal Service. As Vice President Gore's National Performance Review highlights, effective and efficient implementation of every policy and program the Congress enacts is dependent upon the extent to which the personnel needs of the Federal Government are identified and addressed. Nationwide, however, there are fewer than 3,000,000 Federal and postal employees. In all but a limited number of congressional districts, the direct impact of the policies developed by the Post Office and Civil Service Committee is minimal.

By contrast, the Federal Government provides less than 8% of the dollars spent on public elementary and secondary schools. Notwithstanding the fact that education policy is still primarily established at the State and local level, the relatively small amount of Federal dollars will, nevertheless, directly impact the country. Consequently, for most Members, the relative value within their districts of an assignment on the Education and Labor Committee versus the Committee on Post Office and Civil Service is clear. Though the work of the Post Office and Civil Service Committee is no less essential, the apparent value to constituents, and therefore the political rewards, of an assignment to the Education and Labor Committee are substantially greater.

I am not opposed to limiting to two the number of committees on which a Member may serve if, in the wisdom of a majority of the House, it is determined that such a limitation would enhance efficiency. (It should be noted, however, that the House has done relatively well in limiting committee assignments. This is mainly a Senate problem.) However, I am strongly opposed to limiting assignments if the sizes of the committees are not adjusted to enable all standing committees to be assigned a sufficient number of Members.

Assuming current committees sizes and assuming further that those Democrats currently serving on the exclusive committees retain those assignments are not permitted to take additional assignments, when the remaining Democratic Members are multiplied by two (the proposed limit on committees assignments), approximately 96 positions on

the non-exclusive committees will be left vacant. Unless a rule limiting committee size is adopted, it will be impossible to fill those 96 vacancies and the Rules Committee necessarily will have to consider a resolution eliminating certain standing committees. (Though it is unclear from the Joint Committee report, I am assuming that Members serving on exclusive committees will be prohibited from serving on other committees. Permitting Members of the Rules Committee, for example, to take an additional assignment, does not, in my view, eliminate the need to restrict committee sizes and raises a host of additional concerns as well.)

Among the committees that I perceive to be at risk are the Committee on Small Business, the Committee on the District of Columbia, the Committee on Post Office and Civil Service, the Committee on the Judiciary, and the Committee on Government Operations. These committees are particularly important to Members of the Congressional Black Caucus and the constituents we represent.

While blacks constitute 15 percent of the Democratic Members of the House, only three Members of the Caucus hold full committee chairs, only a single Member of the Caucus holds an appointed position within the party leadership, and no Member of the Caucus holds an elected position within the party leadership. In my view, failing to place a limit on committee size is tantamount to recommending that the jurisdictions of the Committee on Post Office and Civil Service and the Committee on Government Operations be combined. Both committees are likely to be chaired by representatives of groups who historically have been absent from leadership positions in the House. Not only would the combining of those committees severely diminish the effectiveness and ability of each of those committees to fulfill their jurisdictional responsibilities, but it would produce an unacceptable diminution in the influence women and blacks are able to exert in Congress.

The larger membership of the House of Representatives automatically confers certain advantages and disadvantages as compared to the Senate. Simply because of the greater number of Members, as a general matter, an individual member of the House will not exercise the same degree of influence on legislation that an individual Senator will. However, because of its greater size, House Members have the luxury of being able to specialize to a greater degree than our colleagues in the Senate. The means by which the House encourages and achieves this specialization is through its committee structure. To further diminish the number of committees in the House is to surrender the singular advantage that the House possesses. The consequence is to diminish the quality of consideration that Congress, as a whole, is able to give to legislation.

The Joint Committee has recommended that the Speaker designate a "primary" committee of jurisdiction when a matter is jointly referred and impose time and subject matter restrictions on the other committees of referral after the primary committee re-

● 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.

ports the matter. Considered in conjunction with the proposal to limit committee assignments, the recommendation further encourages Members to seek assignment to major committees and avoid minor committees.

Major committees, because of their broad jurisdiction, are more likely to be designated as primary committees. For two different reasons, the autonomy of those committees more likely to receive "secondary" referrals may be severely compromised. First, the secondary committees lose discretion to establish their own agendas. In most instances, the primary committee will establish the schedule for the consideration of legislation that has been jointly referred. There are only two means by which the secondary committee can seek to protect its autonomy over its legislative agenda. It may forego consideration of jointly referred legislation, thereby forfeiting its jurisdictional authority; or it may seek to control its agenda by reporting the legislation before the primary committee has acted on it. While the second option may provide the secondary committee greater flexibility in determining when legislation pending before it will be considered, it may also effectively require the secondary committee to postpone consideration of other more important or urgent legislation.

Even more problematic is the fact that the designation of primary committees and time-limited referrals to secondary committees may effectively eliminate the ability of secondary committees to exercise authority over matters within their jurisdiction. Under current House procedures, when a committee decides not to report legislation, the sponsor of that legislation has very limited options by which he or she may seek to overcome the determination of the committee. The Member may seek support for a discharge petition or the Member may seek to persuade the Senate to attach the proposal to legislation it is considering. The recommendation of the Joint Committee provides Members with a third, potentially more effective, means by which the consideration of the committee of jurisdiction may be circumvented. By placing the proposal in a vehicle within the "primary" jurisdiction of another committee, the determination of whether the proposal will be considered by the full House and in what context is effectively transferred from the secondary committee, which possesses the expertise on the subject matter of the proposal, to the primary committee.

Notwithstanding the above comments, I fully support that part of the Joint Committee's recommendation directing the Speaker, in the case of joint referrals, to specify the responsibilities of each committee and impose subject matter restrictions on committees. I concur in the view of the Joint Committee that the adoption of this recommendation would serve to minimize duplication, increase accountability, and deter committees from encroaching on the jurisdiction of other committees.

There are two additional recommendations of the Joint Committee that in my view will adversely impact on committee operations. The Joint Committee has proposed that each standing committee be required to prepare an oversight agenda at the beginning of each Congress and file a report at the conclusion of that Congress on how its agenda was fulfilled. The Joint Committee further proposes that the initial report, to be filed by March 1 of each new Congress, be filed with the Committee on House Administration for use during the committee funding process. Es-

entially, this proposal requires a committee to develop an oversight agenda, at the beginning of the Congress, well before the committee has had the opportunity to determine what the most important issues pending before it may be and then proposes that the committee be held accountable for achieving an agenda that, at best, has been prematurely established.

It has been my practice to develop the committee's oversight agenda in consultation with the ranking minority Member, the subcommittee chairs, and other Members of the committee. Indeed, upon initially assuming the chair of the Post Office and Civil Service Committee, such consultations were not simply desirable, they were essential. Requiring the establishment of an oversight agenda very early in the first session of a Congress unduly limits the ability of Members to assess the needs of our constituents and may effectively require the committee chair to establish the agenda arbitrarily before he or she has had an opportunity to consult with committee Members. The Joint Committee has suggested that the committees may request the assistance of CRS and GAO in developing their agendas. While I have found that those organizations can be very helpful, I do not feel they constitute an appropriate substitute for input from committee Members.

The Joint Committee recommendation apparently contemplates that the House Administration Committee, in conjunction with the Committee on Government Operations, will act to coordinate the various oversight agendas submitted to it, the purpose being to eliminate duplicative hearings. I disagree with the Joint Committee's view regarding the inefficacy of "redundant" hearings. Numerous committees have held hearings on the subject of health care reform in this Congress. In my view, the ability of a broad range of Members to participate in the hearing process has promoted Congressional understanding of this vital issue. I also have serious concerns about the extent to which the House Administration and Government Operations Committees would coordinate oversight agendas.

The Joint Committee recommends that committees be required to hold oversight hearings on reports issued by inspectors general, GAO, and others. According to the Joint Committee, "Requiring the committees of jurisdiction to conduct hearings on appropriate reports issued during the preceding Congress by, for example, the GAO or the inspectors general will help assure that Members and the public are made aware of management issues and recommendations for corrective action." I am unaware of any committee that does not hold hearings on "appropriate" reports by GAO and others, normally in the same Congress that the report is issued. It would appear that the Joint Committee is dissatisfied with the ability of committees to establish their own oversight agendas and is seeking to transfer that responsibility to others. If this is the Joint Committee's position, I strongly disagree with the assessment and the proposed solution.

Finally, the Joint Committee recommends that the Speaker appoint a task force to issue recommendations on achieving savings in the cost of the legislative branch consistent with the reductions implemented by the executive branch under the National Performance Review. The National Performance Review recommended a reduction of 252,000 Federal employees by the end of 1999. As Chairman of the Committee on Post Office

and Civil Service, I have endeavored to ascertain the basis for this recommendation. As nearly as I can tell, the recommendation to reduce the Federal workforce by 252,000 employees was based solely on a desire to project a workforce figure below 2,000,000 by the end of fiscal year 1999. To the extent that the executive branch is undergoing retrenchment, the Congress, as a matter of political necessity, will have to undertake similar steps. It is my hope, however, that such reductions would be based upon a realistic assessment of the needs of the institution. There is no basis for assuming that an arbitrary 12 percent staff reduction is appropriate in either the legislative or executive branch.

I sincerely appreciate the opportunity to express my views on these matters.

CONGRESSMAN KILDEE HONORS  
CYNTHIA PERRY RAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to an exceptional American, Mrs. Cynthia Perry Ray. On Sunday, April 24, 1994, I will join the members of the Crystal Lake District Association at Trinity Missionary Church in Pontiac, MI to recognize Mrs. Ray's numerous achievements.

Cynthia Perry Ray, a native of Pennsylvania, moved to her present home in Brooklyn, NY in 1968 to be with her new husband, Dr. Sandy F. Ray, the late pastor of Cornerstone Missionary Baptist Church. As the "First Lady" of Cornerstone Baptist, Mrs. Ray became involved in many activities focusing on the spiritual enrichment of the congregation as well as the community at large.

Mrs. Ray serves as a missionary and instructor during religious emphasis week. She founded the Agape Feast which is held annually on the Thursday prior to Good Friday after prayer services. Cynthia Ray also works on the local, national and international levels to promote Christian fellowship and leadership among our youth.

Cynthia Perry Ray currently holds the position of first vice-president of the National Baptist Convention Incorporated Women's Auxiliary. Mrs. Ray has served in this position since September 1992. Emulating the name of her home church, Cynthia Ray has been a cornerstone of the women's auxiliary since becoming a member. Before attaining the position of first vice-president, she served as its corresponding secretary as well as its third and second vice-president.

In addition to her current position with the National Baptist Convention, Cynthia Perry Ray has served on the board of directors of the American Bible Society. She is the past president of Church Women United and the former principal of the Mount Pistah Christian Academy in Brooklyn, NY. Mrs. Ray continues to serve as dean of the International association of Ministers Wives and Ministers Widows and is a life member of the National Council of Negro Women. She is a life member of the Women's Convention Auxiliary of the National Baptist Convention USA Inc. Amazingly, she

continues to work as an elementary school teacher in the Brooklyn, NY public schools.

Cynthia Perry Ray has received numerous awards over the years including the Allen Jordan Movement Award in February 1993. In September 1993, she received the Business and Professional Women's Dr. Sandy Ray Humanitarian Award, joining the ranks of noted post recipients such as Dr. Benjamin Hooks and U.S. Representative CHARLES RANGEL.

Cynthia Perry Ray and her husband, Dr. Sandy Ray, worked tirelessly to instill a strong sense of Christian values in their children. Mrs. Ray continues to provide spiritual guidance for her family and is a proud mother, grandmother, and great-grandmother. Despite her extremely busy schedule, Cynthia Ray still finds time to design and make her own clothes. Mrs. Ray is also an avid golfer.

Mr. Speaker, it is a great honor for me to rise before you and my fellow Members of the 103d Congress to honor Mrs. Cynthia Perry Ray. Her life's story has been an inspiration to me and should serve as an example for all Americans.

#### RUTH VAN CLEVE RETIRES

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. DE LUGO. Mr. Speaker, for many years, the Interior Department has had the task of being the Federal Government's primary agency for handling Federal responsibilities regarding territories. Its principal mission in this regard has been to help the territories develop to the point where they could assume the responsibilities of local self-government themselves.

In recent decades, Interior's role regarding the territories has diminished as the insular areas have developed. In fact, its territories mission is now being reconsidered because of greater self-government in the insular areas, growth in their economies, and the extension of Federal programs to them.

At the same time, there is an increasing consensus that there should be a new structure for relating to the areas. Many of us think that it should reflect their development and accord them the recognition that States receive while still ensuring the special attention they need in the Federal decisionmaking process because of the power that they lack in it.

No one individual who has been in Interior deserves more of the credit for it fulfilling its past territories assignment, though, than a woman who recently retired from the Department, Ruth Van Cleve. Over 35 of almost 43 years of truly distinguished service, Ruth became so much a part of what Interior did regarding territories that she personified its territories functions for many of us—that is those that were good and made sense and worked well.

As a matter of fact, Ruth Van Cleve wrote the book entitled "The Office of Territorial Affairs" during her brief tenure away from territories responsibilities during the Nixon and Ford administrations. An excellent explanation of both the Office and the insular areas that it

dealt with at the time, the book revealed her empathy for the peoples of the islands as well as her understanding of the complexities of the job.

The Territories Office has always been a relatively small part of Interior, even when its responsibilities were much more extensive than they are now. Yet, it has been in one of the most difficult positions in the Government. It has had to help territories develop and been called to account for conditions in them at the same time that it has lost its authority to supervise islands and to be a link between them and the rest of the Federal Government.

Ruth was sensitive to this changing role and respectful of local decisions.

She is, perhaps, best known as the Director of the Office during most of the Johnson and Carter administrations. Given how she conducted herself and what she helped to achieve, I can easily say that the Office has had no better head in the four decades that I have been dealing with it.

She also served the Federal Government admirably while being as sympathetic to the insular perspective as possible.

She towed the line of administrations while still ensuring that we understood what was needed regarding the territories—even if it wasn't supported by the executive branch.

I never remember her varying from the official position; but I also remember her consistently making the Congress aware of what it wanted to know and should know. She did her job well in acting both on behalf of Federal interests and those of the people of the islands.

Ruth became a Deputy Assistant Secretary for Territorial and International Affairs through President Carter's effort to improve and upgrade the way that territorial matters were handled in the executive branch. She helped develop this initiative which recognized the self-government that the territories had assumed, that agencies other than Interior were increasingly responsible for the programs affecting the territories, and that Interior's territories mission had been limited to providing specified developmental assistance and to helping work out further self-government arrangements.

Ruth was shifted back to the solicitor's office—where she had begun her territories career—at the end of the Carter administration so that her vast institutional knowledge and capabilities would not be lost.

President Carter had proposed a review of all Federal laws applying to the insular areas and she was assigned that enormous task. The purpose was to develop recommendations on what changes in policy should be made in light of the political, economic, and social circumstances of the insular areas, especially where they differed from those of the States.

Ruth delayed her retirement from Government until she could complete the laborious assignment of going through every part of the Federal Code. She retired shortly after the completion of a 1,468 page report written in her distinctive, precise, and pleasurable-to-read style. It will be a very valuable reference tool although I think that some of the recommendations that she might otherwise have made may have been sanitized out by others.

Mr. Speaker, the term "bureaucrat" is generally used in a negative way; but Ruth Van

Cleve was a bureaucrat who exemplified everything that a civil servant should be. She was professional, knowledgeable, effective, concerned, and serious about doing the people's business. She also is a person of good humor, common sense, compassion, and exceptional communications skills.

She made a difference and she is missed. I wish her well in retirement.

#### EVGENIYA KUNINA, IN REFUSAL UNTIL 1999

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. HOYER. Mr. Speaker, I rise to call attention to an issue that many of us had thought would expire with the demise of the cold war.

While I was visiting St. Petersburg, Russia recently with the majority leader, I met Evgeniya Kunina, a citizen of the Russian Federation from St. Petersburg, who has been denied permission to emigrate to America with her husband in order to reunite with their son Mikhail. According to OVIR, the office that issues emigration documents, Mrs. Kunina may not leave Russia until 1999, as she allegedly possesses state secrets which she obtained through working in the St. Petersburg research and production corporation, Impuls.

It is important to note here that Mrs. Kunina quit her job at Impuls in February 1991. Thus, OVIR is saying she has to remain hostage in Russia for 8 years after she left her allegedly classified employment. I would note that under Russian law employees of classified institutions are by law notified prior to employment that they may not be able to leave for 5 years. In this era of scientific exchange, openness, and technological progress, the 8-year determination appears arbitrary and the result of personal antagonism rather than scientific considerations.

In a statement issued by the Russian Embassy in Washington, DC, in 1993, the Russian Government noted that the legacy of "refuseniks" in the Soviet Union was dealt with "in no hurry and very inconsistently." It would appear that Mrs. Kunina is an unfortunate victim of this legacy.

Certainly, the number of "refuseniks" has plummeted since the collapse of communism, but that must be cold comfort for a woman who has been told she will be unable to join her son for another 5 years. I urge the Russian Government to allow Mrs. Kunina to emigrate with her husband and join their son here in the United States.

#### MICHAEL JOHN KELLY—MAKING A DIFFERENCE IN HAYWARD, CA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. STARK. Mr. Speaker, a very special third grader from my district was honored last

Thursday with a Make A Difference Day Award. Michael Kelly is the youngest recipient of 10 who were honored by USA Weekend magazine for their actions to bring positive change to the lives of others.

Michael's mother, Carmen Lamkin, was homeless when he was born. While they have an apartment now, the family has struggled in recent years to make ends meet, occasionally falling short in the tough California economy. This has brought them to local shelters and soup kitchens for assistance, where they found help and compassion, not indignity. When Michael read about Make A Difference Day, he knew that he wanted to do something for those who rely on shelters and soup kitchens—the men, women, and children he sees lined up outside every day.

Using his entire \$2 weekly allowance at the copy store, the 8-year old duplicated a letter to merchants and neighbors asking for old clothes and household goods. Whenever a small sum came his way, he made more copies and walked blocks soliciting help. For the 6 weeks prior to Make A Difference Day, Michael would direct his mother to yard sales asking for donated leftovers, which piled up in their living room.

On the big day, Michael's efforts paid off. He and his family collected two truckloads of clothes, furniture, pots, pans, and more and took them down to the Full Gospel Ministry. The staff at the ministry were certainly stunned by the size of the gift, but the fact that one third-grader could put such an effort together left them in awe. Now Michael and his mom volunteer at the shelter regularly and always bring a trash bag of donated goods that keep coming in from their Hayward neighbors. Michael has also chosen to donate the \$1,000 that comes with his award to the Full Gospel Ministry to continue their important work for the neediest in the East Bay.

Mr. Speaker, it is said that life is the greatest teacher. I am heartened that Michael's lessons have made him caring and compassionate, able to see human needs and lend an energetic hand to meet them head on. In accepting his award, Michael said he wants to end homelessness, crime, and racism in his lifetime. If anyone can do it, it's Michael John Kelly. I am proud of him and know that he can make a difference.

**CORRESPONDENCE RELATING TO  
THE CLINTON'S PARTICIPATION  
IN THE VALUEPARTNERS I  
HEDGE FUND**

**HON. BOB LIVINGSTON**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. LIVINGSTON. Mr. Speaker, lots of press attention has been given the exchange of correspondence relating to the Clinton's participation in the ValuePartners I hedge fund. Some of these reports have been inaccurate. So in order to clarify the record, Congressmen GEORGE GEKAS and Congressman CHRIS COX join me to introduce into the RECORD correspondence between us and the Office of Government Ethics.

CONGRESS OF THE UNITED STATES,

Washington, DC, March 17, 1994.

Mr. STEPHEN D. POTTS,  
Director, U.S. Office of Governmental Ethics,  
Washington, DC.

DEAR MR. POTTS: This letter is to bring to your attention certain relevant disclosures made by William Smith, the general partner of ValuePartners I, which have been published since our March 9, 1994 letter to you.

1. During a CNBC interview on March 11, 1994, Mr. Smith stated that he advised Bill and Hillary Rodham Clinton to form a blind trust during 1992. (As recounted in our previous letter, this step was not taken until July 1993.)

2. During the same broadcast, Mr. Smith acknowledged that certain of the stock issues in which Ms. Rodham Clinton's partnership took short positions were so-called "penny stocks"—those with share prices so low that short selling can unduly affect market prices.

3. Mr. Smith also stated in the CNBC interview that James McDougal is not, and has not ever been, one of his clients. The information to the contrary provided in a footnote to our earlier letter was based upon a McDougal balance sheet, obtained from the FDIC, that listed three investments as "Value Partnership." This was apparently mere coincidence and should, therefore, be disregarded. Mr. Smith also stated that he ceased reporting specific short positions to the partners in May 1992. In fact, however, the Form 278 filed by President Clinton on May 14, 1993, included a report from Smith Capital listing specific short sales as of December 31, 1992.

4. During the same CNBC broadcast, Mr. Smith expressed his willingness to provide information. While we have responded by making the enclosed request for documents of Mr. Smith, it is far more appropriate for OGE to be conducting this aspect of the investigation. We therefore renew our request that you do so.

An editorial in the March 21, 1994 Newsweek opined that "it's hard to imagine that Hillary knew one of her investment funds was selling a few health care stocks short before her attack on drug companies. Besides, the fund lost more on health stocks it held." We note that both of these alleged "facts" are not in evidence. To the contrary, the content of the six quarterly reports provided by Mr. Smith to Ms. Rodham Clinton, between July 1992 and July 1993, the telephone conversations between Mr. Smith and Ms. Rodham Clinton, and her staff, and similar evidence all will establish whether she had knowledge of her financial interest in these transactions for purposes of Section 208. This is precisely why investigation is required. Likewise, it is impossible to determine the extent of the partnership's gains and losses from its apparently aggressive short selling activities on only three days. Moreover, Section 208 of the Ethics in Government Act concerns only whether one has a financial interest.

For these reasons, we look forward to your investigatory action to help determine the several issues of fact and law we have raised. Maintaining respect for the nation's ethics laws requires their observance by our highest elected officials. Based upon the best evidence at this date, it appears the issue of Ms. Rodham Clinton's compliance with Section 208 is in doubt.

Once again, thank you for your prompt attention.

Sincerely,

ROBERT LIVINGSTON,  
Member of Congress.  
GEORGE GEKAS,  
Member of Congress.  
CHRISTOPHER COX,  
Member of Congress.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, March 11, 1994.

Mr. WILLIAM SMITH  
Smith Capital Management, Little Rock, AR.

DEAR MR. SMITH: On CNBC today, you stated you would have been pleased to provide all relevant information concerning ValuePartners I to ensure full disclosure of the facts and circumstances surrounding Hillary Rodham Clinton's partnership therein. We accept that as an offer of continuing support, and ask that you provide the following:

(a) The names and addresses of all owners of a beneficial interest in ValuePartners I during the period beginning on formation of the partnership and ending on the date hereof, together with the proportionate partnership interests held by such persons throughout the period.

(b) Details of each short sale by ValuePartners I during the period, including issuer, price, gain or loss, fees, and commissions and other costs associated therewith.

(c) Details of each other investment by ValuePartners I during the period.

(d) Copies of all reports provided to partners in ValuePartners I during the period, together with all documents and other evidence (including notes, phone logs, diaries, and phone bills) of telephone calls or other communications between you and either or both Hillary Rodham Clinton and William J. Clinton, or their agents, during the period.

(e) Copies of all financial statements of ValuePartners I (including unaudited statements for internal use, if any) prepared during the period.

(f) All correspondence and other documents between you and either or both Hillary Rodham Clinton and William J. Clinton, or their agents, during the period.

(g) Details of all short sales during the period for the beneficial interest of either or both Hillary Rodham Clinton and William J. Clinton caused, obtained, or arranged for by you, or of which you are aware, whether or not in connection with ValuePartners I.

(h) Details of all partnership distributions from ValuePartners I in which either or both Hillary Rodham Clinton and William J. Clinton had a beneficial interest during the period.

(i) Copies of all tax returns, and schedules and other documents in connection therewith, filed or prepared by ValuePartners I during the period, together with all tax informational records and notices provided to partners in ValuePartners I during the period.

Definitions. For purposes of this request, the following terms shall have the meanings set forth below:

(a) "You" means you, Smith Capital Management, its agents, officers, employees, predecessors, successors, and affiliates.

(b) "Period" means the period beginning on formation of ValuePartners I and ending on the date hereof.

(c) "Documents" means all papers, notes, books, records, files, invoices, correspondence, computer data, memoranda, diaries, telephone records, and physical information of any kind.

(d) "Beneficial interest" means direct or indirect ownership or financial interest, and includes specifically any interest in custodial accounts, investment accounts, individual retirement accounts, brokerage accounts, partnership interests, trusts, and any other form of savings, investment, or retirement account, as well as any direct or indirect interest in securities.

Please respond no later than March 25, 1994. Thank you for your cooperation.

Sincerely,

ROBERT LIVINGSTON,  
Member of Congress.  
CHRISTOPHER COX,  
Member of Congress.  
GEORGE GEKAS,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 9, 1994.

STEPHEN D. POTTS,  
Director, U.S. Office of Government Ethics,  
Washington, DC.

DEAR MR. POTTS: On January 26, 1994 Congressmen Livingston, Gekas, and Cox wrote to you seeking information as to the existence or status of any investigation into suggestions in the press that a federal employee, Hillary Rodham Clinton, had violated federal ethics laws and regulations. Your letter of February 10, 1994 responded that your office had not conducted and was not conducting an investigation because, thus far, "OGE is not aware of any information \*\*\* that would call for such an investigation." We have, therefore, provided below specific facts and circumstances that according to the standards set forth in your response merit further Congressional inquiry as well as investigation by the Office of Government Ethics.

Your letter of February 10, 1994 states that if a person is an officer or employee of the executive branch of the United States government, that person's ethical conduct and responsibilities are governed by the criminal ethics laws of 18 U.S.C. secs. 201-209. You also say that the "Standards of Ethical Conduct" issued pursuant to the Ethics in Government Act, Executive Order 12674, as modified, and 5 U.S.C. secs. 7351 and 7353, set forth applicable regulations governing conflicting financial interests and misuse of position. You note the Standards of Ethical Conduct also include general principles of Executive Order 12674 which include, among others, the requirement that employees avoid any actions creating the appearance that they are violating ethics laws and regulations.

In 1986 Hillary Rodham Clinton first acquired an interest in a non-public limited partnership called ValuePartners I. Some time during 1992 her investment in this partnership increased.

William Rowland Smith is President of Smith Capital Management, Inc. ("Smith Capital") and is the general partner of ValuePartners I. A registered investment advisor, Smith Capital filed an amendment to its registration statement with the United States Securities and Exchange Commission, Form ADV, on March 16, 1993. The amended Form ADV stated that the management of the assets of ValuePartners I was entrusted to Smith Capital for a fee of three percent a year. The Form ADV also discloses that Smith Capital provides at least quarterly reports to investors concerning the makeup, appraisal and performance of the investment portfolio of ValuePartners I. Tax reports are also provided in January-February for planning and tax reporting purposes. Additional reports are provided on request.

The personal investments of President and Ms. Rodham Clinton were not placed into a blind trust until July 4, 1993. Consequently, prior to that date Ms. Rodham Clinton received regular reports from Smith Capital, including specifically a minimum of six reports in 1992 and the first half of 1993, detailing the short sale positions of ValuePartners I.<sup>1</sup> Ms. Rodham Clinton was, therefore, actually and constructively in receipt of information showing she had a direct and personal financial interest in short sales of pharmaceutical and health care stocks. Indeed, a list of these short sales prepared by Smith Capital was attached to the Executive Branch Public Financial Disclosure Reports, Forms 278, filed by candidate William J. Clinton on November 7, 1991, and May 19, 1992, and by President Clinton on May 14, 1993.<sup>2</sup>

The President's Task Force on National Health Care Reform ("Task Force") was created in early 1993 for the specific purpose of developing a legislative proposal on health care. Ms. Rodham Clinton was appointed by the President as the Chairperson of the Task Force. This was a "particular matter" concerning which Ms. Rodham Clinton had responsibility for operation, management and decision making. She was judicially determined to be a federal employee for that purpose. Association of American Physicians and Surgeons v. Clinton 997 F.2d 898 (D.C. Cir. 1994). She was patently participating "personally and substantially" in the decision making of the Task Force.

Ms. Rodham Clinton, in her federal employee capacity as Chairperson of the Task Force, gave numerous speeches attacking a discrete and identifiable class: pharmaceutical firms. Her attacks targeted these firms for regulation and price controls. These speeches had the effect of driving down prices in stocks in these specific companies. We submit herewith a detailed study produced at the University of Michigan concluding that the public pronouncements of the Clintons criticizing pharmaceutical firms depressed stock prices of those firms by as much as twenty-seven percent. S. Craig Pirrong, Political Rhetoric and Stock Price Volatility: A Case Study. This concentrated effort by the President and Ms. Rodham Clinton clearly had the "direct and predictable effect" of driving down the stock prices of pharmaceutical firms. United States v. Gorman, 807 F.2d 1299 (6th Cir. 1986).

At the time that Ms. Rodham Clinton's actions caused the drop in the prices of these stocks, her personal investment in ValuePartners I, of which she had repeated notice, was intentionally structured to profit from price declines in pharmaceutical company stocks. The list of assets filed with each of the three Clinton Forms 278 shows short sales in twelve different pharmaceutical and health care companies, including Merck & Co. Inc., Bristol-Myers Squibb, Inc. and Bioplasty, Inc.

The profit or loss from the individual short sales that Ms. Rodham Clinton's partnership made cannot be calculated from the inadequate and inconsistently reported information provided with the Forms 278 filed by the President after October 31, 1991. The net effect of the short selling by Ms. Rodham Clinton's partnership can, however, be determined from the filings. At the start of the Presidential campaign in October, 1991 the short sale portfolio of ValuePartners I included only one health care stock. A year later the short sale portfolio of Ms. Rodham

Clinton's partnership included twelve pharmaceutical and health care companies. These short sales netted an overall profit of approximately \$275,000.

On these facts, and given the law and regulations you have cited as applicable in this case, the Office of Government Ethics has a responsibility to investigate this matter. Ms. Rodham Clinton had responsibility for a "particular matter." She participated "personally and substantially." Her official actions had a "direct and predictable effect." She personally profited as a result. She had actual and constructive knowledge of her financial interest.

At a minimum, this conduct violates the very regulations to which your previous letter refers, inasmuch as it constitutes the appearance of impropriety and conflict of interest. We believe, however, that Ms. Rodham Clinton's actions not only create the appearance of impropriety but may in fact violate the prohibitions of 18 U.S.C. sec. 208.

If the Office of Government Ethics chooses not to immediately begin an investigation of this matter, and to take whatever other actions are necessary to enforce the federal ethics laws and regulations, we request that you outline the specific reason you believe that Section 208 is facially inapplicable. Please respond to this letter by the close of business on Wednesday, March 16, 1994.

Thank you for your consideration.

Sincerely,

ROBERT L. LIVINGSTON,  
Member of Congress.  
GEORGE W. GEKAS,  
Member of Congress.  
CHRISTOPHER COX,  
Member of Congress.

FOOTNOTES

<sup>1</sup>In addition, according to Mr. Smith, during 1992 Ms. Rodham Clinton and he spoke by telephone. During 1993 Vincent Foster, Deputy White House Counsel, and Mr. Smith spoke by telephone, apparently concerning Ms. Rodham Clinton's investment since Mr. Foster was not a participant in ValuePartners I at the time. Other partners in ValuePartners I were personal friends and acquaintances of Ms. Rodham Clinton—including James B. McDougal. The non-public, closely held nature of ValuePartners I, a partnership including individuals who knew each other, provides additional evidence that in addition to actual and constructive knowledge of ValuePartners I investments, Ms. Rodham Clinton may have been in a position to influence these investments.

<sup>2</sup>We note that the filing by President Clinton is apparently not in compliance with governing federal regulations. The instructions to Schedule A of Form 278 require the listing of assets owned within thirty-one days of the filing of Form 278. On May 14, 1993 President Clinton filed Form 278 which included a "Smith Capital Management Portfolio Appraisal, ValuePartners I," dated "12-31-92." It would appear that, in order to comply with the thirty-one day requirement of form 278, the assets of ValuePartners I should not have been valued as of December, 1992. We would appreciate specific OGE advice concerning this requirement, and compliance or non-compliance therewith by the report in question.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 26, 1994.  
Hon. STEPHEN D. POTTS,  
Director, Office of Government Ethics, Washington, DC.

DEAR MR. POTTS: We are writing to you concerning reports covering the investment activities of either or both President William Clinton and First Lady Hillary Rodham Clinton published in the Washington Times and in Money magazine. The Washington Times reports, entitled "Side Benefits of Rx Rhetoric" (November 18, 1993) and "Standards Shift for Hillary?" (November 22, 1993),

<sup>2</sup>Footnotes At End of Article

by nationally syndicated columnist Tony Snow, concerned the Clintons' investment in a partnership that sold pharmaceutical, health care, and insurance company stocks short. The articles raise the possibility that this short selling, combined with statements made by the President and First Lady, may have been in conflict with ethical regulations governing Administration officials. Copies of these articles are attached.

According to press accounts, either or both the President or Ms. Clinton have invested approximately one hundred thousand dollars in a partnership named "ValuePartners I." This partnership is managed by William Smith in Little Rock, Arkansas, a personal acquaintance of the Clintons. Press reports indicate that ValuePartners I dramatically increased its short selling of stocks in pharmaceutical, health care, and insurance company stocks at a time when Ms. Clinton and the President were making public statements critical of those industries, she in her capacity as head of the Administration's Health Care Task Force and he as President. An article in Money magazine entitled "How Blind is Your Trust?" (January, 1993) states that following the recommendations of Ms. Clinton's Health Care Task Force, prices of health care stocks dropped by as much as twenty and thirty percent. A copy of this article is also attached.

Press reports allege that Ms. Clinton was receiving regular reports from her adviser, Mr. Smith, at this time. Only after the increased short selling campaign of ValuePartners I had begun, and only in July, 1993, months after Money magazine called for the Clintons to place their investments in a blind trust, was such a trust created.

Both the President and Ms. Clinton would certainly be aware of the impact on the market of their statements about the Administration's health care proposals. The ability of the President and Ms. Clinton to affect prices in the securities markets is unique. The questions already raised publicly concerning their investments, particularly the short sales, must be addressed.

To assist the Congress in making a determination of whether an investigation is warranted, we request that the Office of Government Ethics provide an analysis of the threshold questions that these transactions raise under the Ethics in Government Act. While we would appreciate any additional factual or legal observations the Office of Government Ethics and its staff can share with us concerning these matters, at a minimum, your analysis should include answers to the following questions:

1. In so far as the maintenance of public confidence in government clearly demands that an employee take no action which would constitute the use of his official position to advance his personal or private interests, would the announcement of proposed Administration policy, at a time when the officials responsible for the announcements owned investments whose prices would reasonably be expected to be impacted by these statements, constitute a violation of the Ethics in Government Act by those officials?

2. Is the Office of Government Ethics conducting an investigation into possible violations of the Ethics in Government Act by the President, Ms. Clinton, or Mr. Smith in connection with their short selling or other investment activities?

We would appreciate at least a preliminary response to these questions by the close of business on February 9, 1994. If you need any additional information concerning this inquiry, please feel free to contact our offices.

Thank you for your assistance in this matter.

Sincerely,

ROBERT L. LIVINGSTON,  
Member of Congress.  
GEORGE W. GEKAS,  
Member of Congress.  
CHRISTOPHER COX,  
Member of Congress.

CONGRESSMAN KILDEE SALUTES  
MELVYN S. BRANNON AND  
ERNELE TAYLOR

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to Melvyn S. Brannon and Ernele Taylor, both of whom were recently honored by the Urban League of Flint for 25 years of dedicated service. Mr. Brannon and Ms. Taylor were formally recognized by that very important organization on April 19, 1994 at a dinner in their honor.

Mr. Brannon has served with the Urban League of Flint since 1968, initially as deputy executive director and, from 1970 to the present, as president. His chief focus has been on educational initiatives that have demonstrated themselves to be of great value to the Flint community. These initiatives include: The Salute to Black Scholars programs, which honors at a community dinner graduating high school seniors who have maintained at least a 3.0 grade point average; Parent Enrichment programs, which aim to train parents of middle school students to better facilitate their children's educations at home; Incentives for Success, an enrichment program for at-risk students identified as potential dropouts; the Reading Olympics, designed to enhance reading skills of middle school students by encouraging the reading of African and African-American literature; and the 21st Century Network, a mentoring program that provides elementary school students with young, professional African-American role models who visit schools to discuss education and career options.

Ms. Taylor has served the Urban League of Flint since 1969, initially as an administrative assistant and, from 1984 to the present, as vice president for volunteers and special events. League members tell me that, without her tireless service, their organization would be hard-pressed to efficiently and sensitively conduct business. In addition to her work with the League, Ms. Taylor is involved with numerous other community organizations that include: The Flint chapter of the NAACP; the Junior League of Flint; the YWCA of Flint; Big Sisters of Flint; the Womens' Treatment Improvement Advisory Council, which oversees transitional homes for women recovering from substance abuse; the Advisory Council of the Whaley Out-Patient Clinic; the Board of Directors of the Cedar Street Children's Center; and the Leadership Summit Committee, a community-wide hospital oncology program.

Mr. Speaker, Melvyn Brannon and Ernele Taylor have selflessly worked to make a brighter future for the entire Flint community. Their recognition dinner for their 25 years of

service should not be seen as an end, but rather a beginning of their second 25 years with the Urban League of Flint. I ask you and my fellow colleagues of this 103d Congress to join me in paying tribute to two exemplary public servants, Mr. Melvyn Brannon and Ms. Ernele Taylor.

ON THE PASSING OF THOMAS S.  
DUNMIRE

**HON. RON DE LUGO**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. DE LUGO. Mr. Speaker, I plan to attend the funeral at Arlington National Cemetery later today of someone who symbolized the bipartisanship with which this House has generally approached questions concerning the insular areas.

Thomas S. Dunmire, a member of the staff of the Committee on Interior and Insular Affairs from 1973 until 1985, died last week in his retirement home of Hawaii.

Tom was the epitome of an objective, knowledgeable, and insightful staffer and assisted members of both parties with equal professionalism.

In fact, although he was the Republican consultant on insular issues, he was the committee's key adviser on them from 1977 to 1981. His expertise and judgment were relied upon greatly by my predecessor as chairman of the subcommittee with primary jurisdiction regarding insular matters, Phillip Burton.

Tom had been brought to the committee by his fellow Californian, Don Clausen, after more than 20 years in the Army. A West Point graduate, Tom rose to the rank of lieutenant colonel, served in Viet Nam, and earned the Bronze Star and Legion of Merit, among other commendations.

For many of his years here, Tom worked under the Insular Subcommittee's ranking Republican, Robert J. Lagomarsino. When Tom retired, Bob paid a tribute to him in which he said that Tom had "provided intelligent and sound counsel enabling Congress to formulate effective and successful policies" regarding the insular areas and "played a critical role in the promotion of political, social, and economic development" of these Caribbean and Pacific islands associated with the United States.

He also pointed out that Tom's hard work, sound advice, and friendly nature would be missed.

And Tom was missed to the extent that full committee chairman Mo Udall, ranking Republican DON YOUNG, and I formally called him back into congressional service for special assistance.

The assignments were in connection with the committee's consideration of the legislation that will enable the world's last remaining trust territory—the western Pacific islands of Palau—to become a sovereign State in free association with our Nation.

These assignments were not easy ones. In one case, they involved Tom going to Palau to provide an essential and visible Federal presence at a time that individuals con-

nected with the incumbent administration of the islands were violently intimidating critics of that administration's policies—and the Reagan administration refused to do anything about it or even admit it even though our Government was fully responsible for the governing of the territory.

The assignments also involved Tom investigating matters that proved very embarrassing to the powers that were at the time and helping to identify the assistance that Palau needed to overcome the very serious problems that it then faced.

Mr. Speaker, Tom took these assignments on in spite of the cause for his departure from the staff.

And there is a message in the story which should be recognized.

Tom left because some policymakers did not want to face up to the flaws in the free association compact that had been negotiated with the Marshall Islands and Micronesia.

Others of us, however, listened to the concerns that Tom raised as one who was sincerely interested in the peoples of the islands and equally dedicated to good public policy for our Nation. So, we forced major improvements of the proposal into the compact legislation which was enacted in 1986.

I have been very gratified in the years since as the wisdom of Tom's concerns has been proven in instance after instance, as the problems that Tom foresaw in the originally negotiated compact developed.

The peoples of the islands involved and our Nation were, indeed, fortunate that Tom was willing to say what needed to be said although it was not politically convenient at the time. Because of what he did, measures were taken to address the problems that he identified.

Mr. Speaker, I want to close by expressing my condolences to Tom's widow, Gail, and to his five children: Nancy; Ann; Lisa; Tom, Jr.; and Kate.

#### EIGHTH ANNIVERSARY OF CHERNOBYL

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. HOYER. Mr. Speaker, the Chernobyl nuclear disaster marks a tragic milestone in the history of the world. Today is the eighth anniversary of this nuclear explosion that continues to have such a devastating effect, especially in Ukraine and Belarus.

The explosion of the reactor at Chernobyl released approximately 50 times more radioactivity than was released by the atomic bombs at Hiroshima and Nagasaki. Thousands of people, many of them nuclear clean-up workers, have already died as a result of radiation exposure from Chernobyl.

With the passage of time there is a tendency to forget, and hence, become complacent about the ramifications of this disaster. However, although 8 years have passed, the scope of the destruction and its long-term effects cannot be understated. Inadequate decontamination efforts have failed to eliminate the radiation. The sarcophagus, or covering,

over the obliterated fourth reactor has developed serious cracks. Unless serious measures are taken to repair it, experts fear that it will corrode before the end of the decade, releasing tons of radioactive dust into the atmosphere. In addition, there are continuing concerns about radionuclide pollution of the Dnipro River, Ukraine's main river and source of Kiev's drinking water.

The health consequences of Chernobyl remain devastating. There is incontrovertible evidence that the Chernobyl catastrophe has had deleterious effects on the health of hundreds of thousands of people, including illnesses of the thyroid gland, blood related diseases, and other illnesses. Thyroid cancer in children is 80 times higher than normal and rising.

Mr. Speaker, the biggest health impact, however, is yet to come. Because of the latency period for various radiation-related diseases, the peak effect on the health of the population is expected to come between 1996 and 2006. This provides us with an opportunity to provide assistance to help develop the sorely lacking medical infrastructures in Ukraine and Belarus when that peak effect strikes.

Another way in which we can help to overcome the devastating legacy of Chernobyl is to ensure that it never happens again. Unfortunately, economically devastated Ukraine is still utilizing the notoriously unsafe RBMK-Chernobyl type reactors. The international community must help Ukraine and Russia improve the safety of their nuclear reactors. One alternative might include speeding the construction of safer reactors. I can think of few areas in which the international community's assistance efforts would be ore worthwhile and in keeping with our environmental, national security, and humanitarian interests.

#### BIRTHDAY WISHES TO GEORGE HARRISON WHITNEY

### HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. KIM. Mr. Speaker, I rise today to wish my constituent, Mr. George Harrison Whitney, who resides in Upland, CA, in the 41st Congressional District, belated birthday wishes. Mr. Whitney celebrated his 80th birthday on March 3, 1994, and it is my honor to send him belated birthday greetings on being 80 years young and wish him many happy returns.

#### TRIBUTE TO TAFT HIGH SCHOOL, WOODLAND HILLS, CA

### HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. BEILENSON. Mr. Speaker, on behalf of myself and my constituents in California's 24th Congressional District, I am honored to call my colleagues' attention to the achievement of Taft High School of Woodland Hills, CA. This month, for the second time in 5 years, Taft

won the national championship of the U.S. Academic Decathlon, the "Super Bowl" of secondary-school academics. The nine-member team recorded the highest score in the 13-year history of the event, as well as the highest individual score, and won the more than half of the \$30,000 in scholarships awarded to individual students.

The team members, who claimed five of nine awards for individual high scores, included: top student, Daniel Bedichevsky, 17; Chris Huie, 17; Michael Michrowski, 17; Sheldon Peregrino, 18; Rebecca Rissman, 17; Andrew Salter, 17; Kimberly Shapiro, 16; Stephen Shaw, 16; and Sage Vaughn, 17;

These nine high school students and their academic coach, Arthur Berchin, began preparing for the decathlon last summer. After competing with classmates for a place on the Taft team, the students took practice tests every day after school and studied over weekends and holidays, even after the January 17th earthquake damaged their homes and school.

In March Taft defeated 42 California public and private schools to place first in the State, and the team went on to the national match, competing against 41 States and the District of Columbia in 10 events, including math, fine arts, economics, science, and literature. The competition also included a gameshow style super quiz that tested students' knowledge of 19 important documents, such as the Camp David accords.

I congratulate the team members, their coach, Arthur Berchin, and the Taft faculty and student body for this very special achievement. Their high level of excellence—especially in the face of both today's tight school budgets and the often unfair criticism of our schools and students—shows what can be accomplished through dedication and hard work. Taft continues to be a credit to our city and a role model for other schools to follow.

I am enormously proud to be able to bring Taft's outstanding achievement to the attention of the Members of the U.S. Congress.

#### KLEIN HIGH SCHOOL CHORALE WINS NATIONAL COMPETITION

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. FIELDS of Texas. Mr. Speaker, it is with great pride that I wish to bring to the attention of the House the fact that the Klein High School chorale recently took first place honors at the National High School Choral Festival held in Washington, DC, April 16-20. I am pleased that Klein High School is located in my congressional district, and that I represent most of the school's students in this body.

This honor is testament to the hard work and dedication of the 82 young men and women who comprise the Klein High School chorale, as well as the hard work and dedication of choral director Phillip Raddin and his assistant choral director, Jan Juneau.

In all, 240 choirs that had received regional recognition submitted audition tapes to the festival committee. From this group, 28 choirs

were invited to attend, and perform at, the festival. The top eight choirs were invited to perform at the John F. Kennedy Center for the Performing Arts on the evening of April 19. It was from this group that the Klein High School chorale received the first-place award.

During their trip to the Nation's capital, the members of the Klein High School chorale also were asked to perform at the National Cathedral. Needless to say, Mr. Speaker, the members of the Klein High School chorale had an enjoyable and exciting time in Washington.

I hope you, and all of my colleagues, will join with me in congratulating the members of the Klein High School chorale, their parents, and the faculty and staff of Klein High School—especially Phillip Raddin and Jan Ju-neau—on winning the National High School Choral Festival, and wishing them continued success and happiness in the future.

Thank you, Mr. Speaker.

#### CONGRESSIONAL SUPPORT OF THE HMONG PEOPLE IN THAILAND

##### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. CUNNINGHAM. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD an important letter to the Government of Thailand about the Hmong people of Laos, their leader Gen. Vang Pao and Lao Gen. Thonglid Chokbenbun. Congressman BEN GILMAN, DUNCAN HUNTER, and myself have received deeply disturbing information concerning the plight of the Hmong people in Thailand.

As a Vietnam veteran, I recognize the important role of Gen. Vang Pao and the Hmong people, and I am grateful for the sacrifices that they made for the United States and Thailand during the war years.

Gen. Vang Pao continues to be the beacon of light for the Hmong people, for freedom, democracy, and human rights in Laos. I trust that this letter will continue to remind us of the situation that the Hmong face as well as bring a level of cooperation from the people of Thailand.

*March 31, 1994.*

His Majesty King BHUMIBOL ADULYADEJ,  
*The Grand Palace, Na Phra Lan Road, Bangkok 10200, Thailand.*

YOUR MAJESTY: As Members of the U.S. Congress and friends of Thailand, we ask for your support and assistance on a matter of significant importance to us. We are very concerned with recent reports in the Bangkok press about some senior leaders in the Thai military taking action—and asking the United States government to take action—against General Vang Pao and his Hmong people as well as General Thonglid Chokbenbun.

As you know, in the secret Laotian theatre of the Vietnam war, the Hmong people suffered very large casualties and paid a very terrible price for their support of crucial Thai and United States' covert military operations. During the course of that war Thai and American military advisors died with the Hmong—under the leadership of General Vang Pao—who fought to block the North Vietnamese army from advances into Laos and Thailand. To this day, the Hmong people

continue to suffer greatly for their loyalty to Thailand and the United States during the war and its aftermath.

We have been, therefore, shocked to learn that some Thai military officials were acting against—and seeking the U.S. State Department's help to act against—America's long-time allies from Laos who continue to seek to bring democracy, freedom and human rights to their people.

Your Majesty, we respectfully ask you and the Queen to intervene personally and discuss this matter with these Thai military officials—as well as other senior Royal Thai political and military leaders—so that they are aware of the importance many in the United States Congress still place on our long-time Hmong and Lao allies. So that it does not become the policy of the Royal Government of Thailand at any time, we request you to communicate to these Thai officials and to the people of Thailand our strong opposition to the recent action by some in the Thai military against General Vang Pao, General Thonglid Chokbenbun and other freedom-loving Hmong and Lao people.

Thank you for your assistance with this matter; we await your response.

Sincerely,

BEN GILMAN,  
DUNCAN HUNTER,  
RANDY CUNNINGHAM.

#### TRIBUTE TO LARRY AUSTIN, RECIPIENT OF THE HARRY CHAPIN HUMANITARIAN AWARD

##### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Larry Austin, who will be honored on May 13 with the 1994 Harry Chapin Humanitarian Award for Community Service. This prestigious award is presented once a year by the Long Island Association to an individual whose activities continue the tradition of community service exemplified by the late singer, songwriter and humanitarian, Harry Chapin.

Larry Austin is chairman and president of Austin Travel, a company he founded in 1955. Today his business has grown to 22 offices and 175 employees across the United States. Like Harry Chapin did, Larry Austin believes it is his responsibility to give something back to his community. That's why he has been involved for decades in numerous Long Island causes.

For over 20 years, Larry Austin has been a leader in the Long Island Association, the premier business organization in Nassau and Suffolk Counties, NY. As chairman of the LIA's Transportation Committee, Larry has been a vocal advocate for improving Long Island's transportation system, including the completion of the service roads and a fourth lane for the Long Island expressway. He also has fought for improved Long Island Railroad freight operations, and for renovations at Long Island's local airports.

Among Larry's other business and civic activities, he is chairman of the Marketing Committee of the C.W. Post School of Business, and he serves on the Long Island Better Business Bureau.

Larry Austin has also been a leader in cultural affairs. He worked closely with Harry Chapin on many occasions to promote Long Island's cultural institutions. As president and board member of the Long Island Philharmonic, Larry saved this orchestra when it was threatened with bankruptcy. He also serves on the board of WLW-Channel 21, Long Island's public television station.

Larry and his wife Eileen have three sons and six grandchildren.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in paying tribute to Larry Austin, and to congratulate him on being awarded the Harry Chapin Humanitarian Award for Community Service.

#### TRIBUTE TO ROBERT "BOB" BERKLEY BALLOU

##### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. DIXON. Mr. Speaker, I rise today to pay a special tribute to attorney Robert "Bob" Berkley Ballou, who on December 31, 1993, began a richly deserved retirement from the active practice of law in Los Angeles. Bob's career as an attorney spanned almost four decades, during which he earned a reputation as an astute counselor, a trustworthy friend, and a devoted family man. In recognition of his distinguished career in law, on Saturday, April 30, 1994, just one day after celebrating his 65th birthday, family, friends, and colleagues of Bob's will gather to honor him at a surprise retirement brunch at the Proud Bird Restaurant in Los Angeles.

Born in Pittsburgh, PA on April 29, 1929, to Mr. Henry Morris Ballou and Ms. Dorothy Walker Lee, Bob spent his early youth in Pittsburgh before relocating with his family to Los Angeles. He attended Forshay Junior High School, Manual Arts High School, and Los Angeles State College before receiving his law degree from Southwestern Law School.

In 1956, Bob joined the law offices of attorney Calvin Porter. In 1959, he became a solo practitioner with the opening of an office on what was then Santa Barbara Boulevard. He remained in practice for 2 years before teaming with attorney Bill Woods to open an office on Western Avenue. Attorneys Woods and Ballou practiced together for 14 years. In 1975 Bob decided to go solo once again and opened another office where he remained until his retirement in December 1993.

Throughout his distinguished career, Bob maintained a visible and influential presence in the Los Angeles community. He has been an enthusiastic supporter of many community service organizations, including the Young Men's Christian Association (YMCA), the Robert Brooks Ballou Foundation, and various mentor programs. His dedication and commitment to excellence have served to inspire many aspiring young men and women.

Bob Ballou has earned the admiration and respect of many individuals. To those he has touched, he is known as a friendly, loving, and caring person. It has often been said that "[Bob] has met no strangers, [and] everyone is

his friend." As an individual who has had the privilege of knowing him for many years, these words aptly describe an individual who has reached out to numerous individuals and endeavored to assist anyone who needed help. Indeed, his keen perceptions of the needs of his fellow human beings and his high ethical standards, have been the guiding principles of his life and the hallmarks of his career as an attorney at law.

Bob has had two loves in his life—his family and his golf. He has never allowed anything or any person to stand in the way of his absolute love and support for his wife Patti, and their children, Nikki, Candice, and Brian.

Now that he has retired, Bob and Patti have moved to northern California, where Bob's other love—golf—is just a "stone's throw" away from the couple's home. Bob and Patti's residence overlooks the golf course and they are enjoying the company of close personal friends.

Mr. Speaker, I am pleased to commend Robert "Bob" Berkley Ballou on his outstanding contributions to the practice of law, and to the citizens of Los Angeles. I ask my colleagues to join me in extending to him and Patti our very best wishes for a wonderful and well-deserved retirement, full of prosperity and good health. Bob, may you consistently shoot under par and have your share of holes in one.

PARTNERSHIP FOR  
ENVIRONMENTAL EDUCATION

**HON. JIM SAXTON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. SAXTON. Mr. Speaker, 3 years ago it was my pleasure to bring to the attention of the House of Representatives a program, financed by a company in the private sector, aimed at helping educate the environmental leaders of tomorrow and provide resources vital to the support of environmental science. It was unveiled on May 1, 1991 by EPA Administrator William Reilly and Deputy Secretary of the Interior Frank Bracken. On May 6, 1994, the 3-year anniversary of the program is being celebrated, and I want to take this opportunity to provide my colleagues with a status report.

The program is the Partnership for Environmental Education, and it is part of the Times Mirror Magazines Conservation Council. Times Mirror Magazines is the Nation's largest publisher of leisure-time publications. Those of us who fish, hunt, golf, ski, boat, work on our homes or cars, follow sports, or want to know about the latest scientific developments have read the pages of Times Mirror Magazines: Field and Stream, Outdoor Life, Golf Magazine, Ski Magazine, Skiing, Yachting, Popular Science, the Sporting News, Salt Water Sportsman, and Home Mechanix.

The Conservation Council pools the communicative strengths of the magazines to address conservation issues, creating a more aware and involved public. The Partnership for Environmental Education extends that concept into the advertising pages of all the magazines,

and supports important environmental education programs across the country.

To encourage its advertisers to join the Council in increasing public awareness and involvement in the solution of environmental problems, the Partnership for Environmental Education takes 2.5 percent of the revenue from advertising that contains environmental messages and donates those funds—in the advertiser's name—to environmental education programs chosen by the editors of the magazines.

In the past 3 years the program has been an incredible success. To date over \$250,000 has been distributed to environmental education programs, and over 140 advertisers have been involved, with an excess of \$10 million in advertising. Almost 1,000 pages of advertising have included environmental messages, thereby increasing environmental awareness. And equally important, about 50 education programs across the country have been supported. These programs span the range of the possible. Examples include: A salmon frye rearing station for students in Nome, AK, high school; scholarships for Princeton University students in environmental science; an aquaculture education program for Maryland teachers; woodland and wetland restoration projects in Bronx, NY; the Lee Wulff scholarship program for graduate students in fisheries science with Trout Unlimited; support for the National Environmental Education and Training Foundation; angler education projects on the Chesapeake Bay, in Virginia and Florida; an environmental education sign program on ski slopes across the country; providing students with equipment to explore and analyze the Los Angeles River corridor; various videos, newsletters, teacher training, posters, coloring books, and other environmental education materials used across the country.

Whenever possible, the partnership's funds are used in public-private partnerships such as through the National Fish and Wildlife Foundation and the National Environmental Education and Training Foundation.

But the success of this program is mostly a function of the willingness of advertisers to participate in this program. The list of these companies helping solve environmental problems through education are: Abu Garcia, Ace Hardware, AFTCO, Agri-diagnostics, Albermarle Boats, Alpine Meadows, American Recreation Products, Ande Monofilament, Aquasport, Aspen Skiing Company, Baltic Yachts, Bayliner, BCS America, Bighorn Resort, Big Sky Montana, Bio Lab Inc., Boston Whaler, Browning Arms, Carolina Classic, Cat Harbor Boats, Cayman Islands, Chevrolet, Christensen Yachts, Corpus Christi Art Connection, Defender, Derektor, Echotec, Edison Electric Institute, Eljer, Federal Cartridge Company, First Brands/Prestone Anti-freeze, Fischer, Fishing International, Fiskars, Fountain Powerboats, Four Season Sun Rooms, Furuno, Goodyear, Gore Mountain, Gore-Tex, Grady-White, Grandoe, Harrison-Hoge/Sea Eagle, Hi-Tec, Hincley, Homelite, Honda Outboards, ICOM Electronics, Interlux, International Paint, Invader Marine, Jackson Hole, Johnson Camping/Eureka Tent!, Johnson Controls, Johnson Fishing/Minn Kota, Jotul Stoves, Kastle Skis, Kelly Springfield, Kemp ComposTumbler, Klean Strip, Kmart, Lake

Placid, Look Bindings, Lowrance, Mako Marine, Marine Power, Maxima, Maxon, Mammoth, Micrologic, Miller Brewing Company, Mobil, Mutual of Omaha, Nelson Weather/Rite, Nikon Riflescopes, Nordic Sports Optics, Nordica USA, Nordica Skiwear, North Sails, Olin Skis, Pacific Publishing/Outdoor Retailer, Penn Fishing Tackle, Performer Yachts, Plano Molding, Poulan, Precision Boating, Pro Line Boats, Pursuit, Quest, Raichle Molitor, Rainhandler, Ray-Ban, Rayovac, Raytheon, Raytheon/Autohelm, Raytheon/Apelco, Reebok, Ryobi, Seirus Gloves/Accessories, Simmons, Sierra Ski Marketing Council, Ski Barn, Ski Windham, Snapper, Snowmass, South Carolina Governor's Cup, Sportif, Standard Communications, Steamboat Ski Resort, Stratos Boats, Stren Fishing Lines, Sugarbush, Suzuki Marine, Suzuki, Tasco, Trimble Navigation, Trak Skis, Toyota, Troy-Bilt, Turtle Fur, Ultres Catamarans, United Ski Industries Association, U.S. Paint, U.S. Steel, Vail/Beaver Creek, Valvoline, Velux, Volvo Penta, W.W. Grainer, Wal-Mart, Walker Engineering, Walt Disney World, Wellcraft Marine, Wigwam Mills, WD-40, Wolverine, and Yamaha Outboards.

The list of participating advertisers and supported organizations affects all 50 States and almost every congressional district in the country. After 3 short years, the partnership has made significant progress in increasing the environmental awareness of the American public, and helping create the environmental leaders of tomorrow.

I believe we all recognize that the solutions to environmental problems and the successful integration of economic growth with environmental protection is dependent on public-private partnerships. The public sector cannot do it all and it requires the creativity, entrepreneurship, resources, and initiative of the private sector to bring about comprehensive environmental education and the changing of the many behaviors which have harmed our environment and natural resources. I applaud Times Mirror Magazines and its advertisers for this successful initiative.

LIFT THE ARMS EMBARGO ON  
BOSNIA

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. SOLOMON. Mr. Speaker, I would like to bring an article written by Jeane Kirkpatrick and Morton Abramowitz entitled "Lift the Embargo," to the attention of my colleagues.

The human rights violations against the innocent people of Bosnia are egregious. We cannot sit back while the Serbian regime and its allies continue to decimate civilian populations with their policy of ethnic cleansing. This article corroborates the position that we ought to be helping the Bosnians by lifting the arms embargo so they can at least have a chance to fight for their lives.

Mr. Speaker, I urge my colleagues to read this informative article.

## LIFT THE EMBARGO

(By Jeane J. Kirkpatrick and Morton I. Abramowitz)

WASHINGTON, DC.—Just last month, the United States presided at the creation of a new Bosnian Federation. Today, we are presiding at its destruction. Our lack of resolve and loss of credibility make us accomplices to a Serbian conquest, not architects of a better settlement. The peace process begun with hope in Washington is about to go to hell in Gorazde.

In the face of fresh Serbian outrages against civilians and United Nations peacekeepers, President Clinton has steered a neutral course among the "warring parties." The results are morally, politically and militarily indefensible, with disastrous consequences not just for Bosnia but for a stable, democratic Europe and the viability of NATO and the U.N. (Yesterday there were indications that he was reconsidering this course.)

When confronted with the complexities of the war in Bosnia and brazen Serbian violence, the U.S. has simply retreated. It pursues negotiations at any price rather than creating the conditions for a workable peace agreement. Incredibly, we maintain the crippling arms embargo against Bosnia even as we talk of easing the trade embargo against Yugoslavia. Everybody but the Serbs has fallen hostage to the U.S. peace process, because we didn't back it with enough force to convince the Serbs that more war gives them more pain than gain.

For two years, Bosnia has appealed for means to defend itself. But instead, we gave it unenforced U.N. resolutions, unchecked genocide, impotent mediators, lectures on realpolitik, unsafe "safe havens," peacekeepers who can barely protect themselves, and now an unconsummated marriage of force and diplomacy.

Let us drop the pretense that we can do better, or at least that we will. If we are unwilling to give the Bosnian Serbs (and Belgrade) an ultimatum to withdraw from their sieges or endure punishing air bombardment, then NATO and the U.N. should get out of the way and give the Bosnians the arms to fight for their own country and their own lives.

Mr. Clinton, who has halfheartedly supported lifting the arms embargo, recently said it was not clear under international law whether it could be ended unilaterally. It can be. The embargo is inherently illegal and invalid with respect to Bosnia.

The embargo was originally imposed on all of the former Yugoslavia in 1991. But Bosnia is now a U.N. member in its own right, fully entitled to defend itself against aggression under Article 51 of the U.N. Charter.

Neither Bosnia nor anyone else is bound by an embargo that contravenes this fundamental precept of international law. Belgrade certainly has no compunctions about arming the Bosnian Serbs in violation of the embargo. The right to self-defense cannot be superseded by any U.N. resolution unless the Security Council itself undertakes to insure international peace and order, a task it has utterly failed to fulfill in Bosnia.

The embargo is not just illegal. It has protected the Serbs' advantage in heavy weapons. It has enabled the Serbs to conquer 70 percent of sovereign Bosnian territory and drive two million people from their homes. And it flies in the face of U.N. resolutions authorizing "all necessary means" to insure delivery of humanitarian relief and protect safe havens.

If the embargo cannot be removed by the Security Council because of Russia's veto, it

must be removed by individual nations, beginning with the United States. Our European allies may balk, but in the end they need to worry more about our deserting them than we need to worry about their deserting us. Also misplaced are fears that unilaterally lifting the arms embargo for Bosnia would lead nations to abrogate the embargo against Serbia or Iraq. The cases are not analogous. Belgrade and Baghdad are proven aggressors. Their self-defense is not an issue.

A U.S. move to lift the embargo and encourage other countries to do the same would be welcomed by an overwhelming majority in the U.N. Indeed, a majority has gone on record against its validity. And now that Russia's diplomacy has failed with the Serbs, it would save Moscow the added embarrassment of a veto.

Granted, a phased withdrawal of U.N. forces under U.S. air cover and a steady arming of the Bosnians could make matters worse before they get better. But that is a price the Bosnians are willing to pay, and we should be no less willing. It would initially lead to more killing, but the killing has been going on for two years and almost all the dead are innocent Muslims. It would put U.N. forces and humanitarian workers in jeopardy. But they are already in the Serbian cross hairs. Their alternative is to keep standing by, tabulating the carnage and treating the casualties, while CNN records it all in living color.

Humanitarian aid from the West would still be necessary, but the new Bosnian-Croatian Federation would bear the brunt of insuring the delivery of relief. The armed Bosnian forces might suffer some early reversals, but the federation will make it easier for us to deliver needed weapons.

Bosnia should be given the chance to work out a better solution than acquiescing to its own destruction. The Bosnian Army has will, discipline and manpower. If we lift the arms embargo now, we give the Bosnians a chance to do more than go down fighting. We give them a lease on life and a basis on which to build a viable peace—a peace that they, not we, will have the means and the duty to keep.

## ANNUAL WORKERS MEMORIAL DAY

## HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. GOODLING. Mr. Speaker, I am pleased to take this opportunity to commend the York-Adams County Central Labor Council as it holds its fourth annual workers Memorial Day. The purpose of the event is to recognize those who have lost their lives or have been injured in the work place.

Although we have made considerable progress in reducing deaths and serious injuries on the job, more remains to be done. Each year about 6,000 workplace fatalities occur. Each is a loss to our country as well as to the families and friends of those who die.

The best tribute we can make to these individuals is to ensure that today's workers are provided the safest workplace possible. The Occupational Safety and Health Act has gone a long way in improving the safety of the workplace. No one would argue that OSHA must be reformed in order to be most effective,

although in Congress we are currently debating different means to achieve this goal.

I believe we need to explore new ways of involving government, employers, and employees in job safety. Job safety is in everyone's interest. We need to work at new and more effective ways to work together to help American workers both compete in the world marketplace and work in safe conditions.

Job safety is like producing a quality product in that it requires constant attention and improvement. Workers Memorial Day is a good time to remember those who died or were injured, and to remind ourselves and our Nation of the importance of job safety so that we commit ourselves to move forward on this important issue.

## CUMBERLAND MUTUAL FIRE INSURANCE CO. HONORED FOR 150 YEARS OF EXEMPLARY SERVICE

## HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. HUGHES. Mr. Speaker, I rise today to congratulate the Cumberland Mutual Fire Insurance Co. for 150 years of exemplary service to the State of New Jersey in the insurance writing industry.

The Cumberland Mutual Fire Insurance Co. [CMFIC] is an insurance company located in Bridgeton, NJ, with a great history of commendable performance. From the adoption of its constitution, presented by the Shiloh-Bridgeton Committee on January 30, 1844 and the inception of the company later that spring, CMFIC has been blessed by the leadership of persons of great intellect, integrity, and foresight. Indeed, this level of excellence is the principal reason that Cumberland Mutual has been so successful for so long.

Over the years, Cumberland Mutual has made security and safety of paramount importance. Recognizing the threat of natural disasters and the curse of fires, CMFIC sought catastrophe reinsurance to guarantee the policyholders payment of claims no matter what the circumstances. They then sought to provide better service and reasonable rates to the company members while encouraging prudent steps to prevent losses. Potential safety risks are examined yearly and recommendations are made for removing fire hazards.

Cumberland Mutual is justly applauded by all who are familiar with its operational code of conduct and its willingness to maintain a level of intimacy between the directors, officers, and members or prospective members of the company. Cumberland's practice of allowing applicants and claimants the privilege of appearing in person to plead their case, has accentuated its fundamental philosophy of fair play and a desire to view a problem from all sides. It is clear that CMFIC is constantly striving for a better, more modern, and equitable method of compensation and, that in part, explains why Cumberland is so well known and respected throughout south Jersey.

As the Cumberland Mutual Fire Insurance Co. celebrates a century and a half of outstanding service, I would like to take this opportunity

portunity to congratulate all of those who have contributed to this tremendous record of accomplishment for the last 150 years and wish them continued success in the years ahead.

#### LABOR DEPARTMENT PUTS HARSH BURDEN ON TEEN DRIVERS

**HON. MIKE KREIDLER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. KREIDLER. Mr. Speaker, along with Congresswomen JOLENE UNSOELD and MARIA CANTWELL, and Congressmen NORM DICKS and AL SWIFT, I am today introducing legislation to update an outdated provision in the Fair Labor Standards Act of 1938 that is hurting the job market for teenagers.

If it seems strange to you that a 1938 law applies to society in 1994, consider these three incidents:

A 17-year-old after school employee at an auto dealership drives a new car from the dealership to a nearby gas station, fuels the car, and returns to the dealership.

A 17-year-old part-time lot attendant at an auto dealership drives a new car 20 feet from a wash rack to the detail shop, backing, briefly, onto public street.

A 17-year-old student, working to earn money for college, drives a car from one portion of the dealership to another, crossing, briefly, a public street.

These incidents occurred in my State, and each are considered illegal under the Fair Labor Standards Act of 1938. In my State, 59 auto dealers were fined \$197,000 for alleged violations by the Department of Labor; virtually all are appealing.

If you look at the law, at 29 CFR 570.52(b)(1) then at the regulation supporting this law, you find an undefined regulation permitting "incidental and occasional" driving so long as the driving is restricted to an automobile or truck which does not exceed 6,000 pounds gross vehicle weight; that the driving is restricted to daylight hours; that the driver holds a State license valid for this type of driving and has completed a State-approved driver education course; that the vehicle is equipped with a seat belt; and that the driving does not involve the towing of vehicles.

Any fair evaluation of the condition at most auto dealerships in Washington State today will show that these conditions are carefully followed. Typically, lot attendants are responsible for moving cars around the lot, and washing and preparing cars for customers. And on occasion, these 17-year-old employees also fuel vehicles at nearby gas stations.

Auto dealers have told me that these conditions are common to their operation. They've told me that no one from the Department of Labor has ever communicated to them an interpretation of "incidental and occasional" driving that is at odds with this practice. In fact, I believe the vast majority of auto dealers in my State have sincerely attempted to comply with the law and the regulation as they are written. They have reviewed the law and the regulation, and have consulted their national and State trade association on compliance matters.

But Mr. Speaker, there is nowhere they can turn to find a definition of "incidental and occasional driving." That's because the phrase remains undefined in law or in regulation.

That, however, does not seem to deter the Department of Labor which, with unexplained zeal, has pursued cases against auto dealers. To me, this is all the more amazing in light of a letter from Maria Echaveste, Administrator of the Employment Standards Administration's Wage and Hour Division, who on March 15, 1994 wrote:

Although HO2 (Hazardous Occupation Order No. 2) does contain an exception that would allow minors under certain conditions to perform some occasional and incidental driving, recent investigations have disclosed that what constitutes "occasional and incidental" driving may not be clearly understood by auto dealers.

In the end, these investigations result in needless anxiety, expense and litigation, but the real victims are the teenagers. They all have valid driver's licenses. Their driving records are screened and they're subject to drug testing. They are covered by employer-based insurance. They must pass a driver's education class. And now the word is out it's safer to fire teenager lot attendants than to risk violating a law even the Department of Labor can't define.

One of my constituents is one of these victims. "I am 17-years-old," he told me, "and I lost my job because of the law about driving cars. Not only did I lose my job, but I also lost college money I was saving, car insurance, and extra spending money that job provided me. I hope you would fight this law so I may get my job back, and if it doesn't get cleared by the time I turn 18, maybe it will help out another kid."

Our bill, Mr. Speaker, will allow a teenager to drive up to 50 percent of the time as long as driving was not the primary duty. This is a simple solution which should be rapidly adopted.

The Seattle Times, on April 14, 1994, added its voice to this campaign with a lead editorial, which I would like to submit for the RECORD.

#### LABOR DEPARTMENT PUTS HARSH BURDEN ON TEENS

The job market is tough enough for teenagers without the U.S. Department of Labor shrinking it through inflexible interpretation and enforcement of child-labor laws.

The Department of Labor has punished—not protected—minors by fining 65 auto dealers from Tacoma to Bellingham \$197,000 for allowing 16- and 17-year-olds to do minimal driving in their work. For some, it meant moving cars across the street from one lot to another. Most of the dealers are appealing.

These are teenagers with driver's licenses good anywhere in the United States—but on the job. The upshot of the crackdown is the probable loss of about 500 jobs that usually go to minors with licenses.

Laws against minors driving on the job go back to 1938 passage of the Fair Labor Standards Act. It was intended to prevent children from working long hours in dangerous occupations. But in 1968, an exemption was added that allowed minors to drive in situations deemed "occasional and incidental."

The Department of Labor interprets that to mean minors can drive only in emergencies. Regional officials say if driving a car across a street from one lot to another is

part of the job, it's not "occasional and incidental."

Rep. Mike Kreidler, D-Lacey, is drafting a bill that calls for the Department of Labor to review old laws in an effort to determine whether they still make sense. It would apply to other industries as well as auto dealers.

Government is searching for ways to find more opportunities for unemployed teenagers. Unbending interpretation of regulations runs counter to that. Young people who want to work don't need additional doors slammed in their faces.

#### SALUTE TO "RED" CANTRELL

**HON. GLENN POSHARD**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 1994*

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to a man whom I am proud to serve in the U.S. House of Representatives, Mr. Sefton Lamont "Red" Cantrell of Benton, IL.

Red Cantrell is the kind of man that makes our communities good places to live and raise our families. His unending devotion to public service and politics has helped people of all walks of life in Franklin County.

Red Cantrell was born March 2, 1914, to Bill and Jane Cantrell. His career in public service began in 1935, when he was elected precinct committeeman of Browning Township in Buckner, IL. He served in that capacity until moving to Benton and being elected in 1961 as precinct committeeman of Benton 1 Township. He held that position until this March when he finally decided to retire.

We all know, at every level of elected office, that the people who make the sacrifices, put in the hours, knock on the doors and organize the events are the men and women who serve at the precinct level. And Red set the standard for folks in our area, who knew they could count on his dedication and devotion to the cause to get the job done.

During his career, Red served as a deputy under Sheriff Paul Collins, worked for the United Mine Workers of America, was appointed by Governor Kerner as an oil and gas inspector for the Illinois Department of Revenue and was appointed by Governor Walker to serve the Illinois Department of Agriculture. For about the last 10 years, Red has worked long and hard as a trustee with the Benton Township.

Now, after 59 years of leadership in Democrat politics and dependable work in public service, Red Cantrell is going to take life a little easier and let someone else carry the banner for the causes in which he believes. But those of us who have the good fortune to know Red can rest easy in the knowledge that he'll always be there to give good advice and pitch in to help whenever he's needed.

Red is one of the good guys—I thank him for his friendship and for all he has done to serve the people of our area.

TRIBUTE TO THE CLASS FROM CORONA DEL SOL HIGH SCHOOL, TEMPE, AZ

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. COPPERSMITH. Mr. Speaker, On April 30-May 2, 1994, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Corona Del Sol High School from Tempe, AZ will represent Arizona's First Congressional District. These young scholars have worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the term representing Arizona are:

Camila Alarcon, Sean Aldous, Suping Ang, Alia Beard, Caroline Bentley, Brad Bowen, Carrie Brackett, Bonnie Brooke, Stacey Burdick, Marty Davis, Chris Dible, Shannon Dietz, Marney Dillon, Shaudi Divsalar, Mike Garcia, Erin Hansen, Stephanie Hartin, Craig Hayden, Brian Hofer, Becky Kimball, Jennifer Landis, Coby Larsen, Marie Letellier, Phil McKeown, Zac Mortensen, Andy Price, Jeff Rensel, Nathan Sandvig, Jonathan Scheid, Karalee Scholes, Jared Speicher, Michelle Stalter, Nghi Vuong, Erik Youngblood.

The We the People . . . The Citizen and the Constitution program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which student's oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to

apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the program, now in its seventh year, has reached more than 20,100,000 elementary, middle, and high schools nationwide. Members of Congress enhance the program by discussing current constitutional issues with both students and teachers. This year, the Thomas Jefferson Commemoration Commission will join the Center in making special presentations to the students in honor of Jefferson's legacy.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective of the significance of the U.S. Constitution and its place in our history and our lives. I wish them the best of luck in the national finals and look forward to their continued success in the years ahead.

SMITH COUNTY CHAMBER: 20 YEARS OF PROGRESS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1994

Mr. GORDON. Mr. Speaker, strong businesses are the backbone of any community. That's especially true in small, rural communities.

And in towns and cities where we find economic development, strong schools and athletics, and a good quality of life, we usually find that businesses have banded together to lead the way.

Smith County, TN, is a perfect example. And this week, the Smith County Area Chamber of Commerce is celebrating 20 successful years of working to make the county a better place for all its citizens.

In 1974, the Smith County Board of Commissioners and the Carthage, TN, Booster

Club recognized that if the county was to be able to provide a place where future generations could live and work and raise a family then it had to build on its strong agriculture roots with a more diversified economy. The Smith County Chamber was born from that vision.

The chamber brought together business and civic leaders who understood the value of investing in their communities. By pooling those resources with help from local, State, and Federal officials, the chamber and the county were better able to take advantage of the county's many assets.

Access to major highways coupled with a strong work force helped attract new industries. The appeal of nearby Corps of Engineers lakes brought both new businesses and residents looking for a clean, quiet place to settle. Through the chamber's marketing efforts, service industries that could meet the needs of county residents and provide new jobs began to make their way to the county.

Since 1978, Smith County has experienced tremendous growth in both business and industrial development and diversification from banking to health care. And all Smith countians are reaping the benefits. In the decade between 1980 and 1990, the county's per capita income more than doubled, far exceeding the State average.

And as is true with any successful program, you can look around today and find some of those who first helped to get the chamber started still involved in its work. Their dedication and commitment have been a sustaining force in the chamber's success. More importantly, they have laid the foundation for continued success for the chamber and the county for the next 20 years.

I welcome the opportunity today to pay tribute to the Smith County, TN, Chamber of Commerce, its members, and the community for 20 years of working for a brighter future.