

evergreens and spruces, grown from shoots or small seeds, all came to have symbolic value in our yard like the large blue spruce on our front lawn, planted the first year she had both a son and a daughter. If by a loving act of nature, that tree over the years has sprouted two tops.

Always, she was beautiful, so delicate and tiny physically, with the clearest blue eyes my brother and I had ever seen, and flawless skin, rarely wearing makeup. Natural. She wore her hair like no other person we ever met. Distinctive. She wore hats and clothing she crafted herself. She loved to dance, especially polkas in both clockwise and counterclockwise directions. She had a flair, whether it was the way she held a napkin, or planted a garden, or signed her name.

She was always usefully occupied and her project list never ended. She built furniture, designed and sewed clothing, painted oil sketches, landscaped, wrote newsy personal letters, baked, did masonry. She enjoyed people, one at a time, and took a personal interest in each person's story. When she finished a conversation, it was likely the person had told her much more about him or herself than they ever knew about mom. The first day she was admitted to the hospital for tests, a nurse came up to her and said she was going to take extra good care of her because when the nurse's husband was a little boy, he was mom's paper boy and mom always invited him in and fed him cookies.

She would refer to people she truly admired as the "salt of the earth." Indeed, that epitomizes her. And she would remind us the "strongest steel goes through the hottest fire." And she has. She always prayed for others' physical, mental, moral, and spiritual strength. But, she possessed them all. She walked toward physical death with full knowledge, her shoulders straight, trying to bolster us, with her eyes fixed on the horizon. She never flinched once. She never complained. She accepted. And, her spirit triumphed. I only wish we could reveal to you the depths of her courage. She taught us how to live, and she showed us how to die.

We are grateful to God for granting us the time to say goodbye. Never have we known a person of such goodness. She would caution us "Never give anything with the idea of getting something in return." She was completely selfless. In knowing her, we came to know the full meaning of the words—love, truth, beauty, unselfishness, humility, wisdom, generosity, grace, refinement, ingenuity, perseverance, serenity, and courage. For those of you who wonder why she didn't confide in you these last several months, please know she was protecting you, not wanting you to worry. She was always thinking of the other person.

If you ever looked into her sparkling eyes, or shook her hand, you knew you met someone of substantial character and abiding virtue. In the heavens, some stars emanate a pure light, so full, constant and strong, they quietly draw the gaze of earthly creatures, large and small, to their wondrous, serene lustre. They usher in the night and the day. In their light, sojourners never lose their way, never fall, never tire, and are never alone.

In her memory, our family will establish "The Anastasia Fund" (to be formally incorporated as the Anastasia Swiecicki Rogowska Kaptur Fund) for the adoption, education, and medical care of children from the newly democratizing nations of Eastern and Central Europe, beginning with Burtyn, Ukraine, the ancestral home of her parents. Mother would say, "goodness never dies." May this fund honor her memory, that of her mother and father, and their mothers and fathers as we move to a 21st century that offers hope in the most forgotten places.

There is no way to say thank you sufficiently, mother. We love you beyond life and time itself. May eternal rest be granted unto you and may perpetual light shine upon you. Your profoundly grateful son and daughter,

STEVE AND MARCY.

To be established in Memory of our Mother's Life: "The Anastasia Fund" (to be formally incorporated as the Anastasia Swiecicki Rogowska Kaptur Fund) dedicated for the adoption, education and medical care of children from the newly democratizing nations of Eastern and Central Europe beginning with Burtyn, Ukraine, the ancestral home of her parents.

Contributions may be forwarded to: "The Anastasia Fund", c/o Toledo Community Foundation, 608 Madison Avenue, Suite 1540, Toledo, Ohio 43604-1151.

HAITI—AN UPDATE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1997

Mr. GALLEGLY. Mr. Speaker, as chairman of the Western Hemisphere Subcommittee I directed my subcommittee staff director to travel to Haiti during the recent district work period to observe first hand the political, economic, and social situation in that country.

As the House knows, the United States, in partnership with the international community, is trying to help that nation recover from years of dictatorial rule, domestic intimidation, murders and political harassment, human rights abuses, and economic chaos.

For a little over a year now, the government of President Preval has been trying to make progress on many fronts from democratization to the restoration of law and order to economic development and open markets. His efforts are daunting. And while well intentioned and pointed in the right direction, his initiatives have not progressed very far and in many instances are being opposed by forces within that country who do not want him to succeed.

The United States has committed to help Haiti in this reconstruction effort. We all knew this would not be easy and would not happen over night. The staff's observations bear that fact out. I am submitting a summary of their observations for the RECORD. A more detailed report has been submitted to the International Relations Committee and is available from the Western Hemisphere Subcommittee for the Members.

MEMORANDUM—APRIL 7, 1997

To: Chairman, Western Hemisphere Subcommittee; and Ranking Member, Western Hemisphere Subcommittee

From: Vince Morelli, Subcommittee Staff Director; David Adams, Subcommittee Democratic Professional Staff; and Denis McDonough, Full Committee Democratic Professional Staff

Re: Report of STAFFDEL to Haiti

During the period March 24 through March 26 we visited the Republic of Haiti as part of the Committee's oversight responsibilities for the Hemisphere. The purpose of the STAFFDEL was to gain a first-hand account of the political and socio-economic situation in country and the progress to date on the reconstruction of the nation. The STAFFDEL was hosted by U.S. Embassy, Port Au Prince, which is headed by Ambassador William Swing.

During our visit, which included meetings with Haitian government, U.S. State, A.I.D., and Department of Justice representatives, Haitian business sector and the international donor community, STAFFDEL had the extraordinary opportunity to spend one hour with Haitian President Rene Preval to discuss the state of affairs in his country.

GENERAL OBSERVATIONS

Although our time-in-country was limited, it became obvious to STAFFDEL that the challenges facing the Government of Haiti (GOH) are enormous. Progress to date on some fronts has, at best, been steady if slow and almost negligible on others. The reconstruction of Haiti into a viable democracy with strong institutions and a commitment to the rule of law is progressing and can be achieved within the next few years, but a vibrant, self-sustaining economy may not be achievable in the short-term, even with the privatization goals under discussion at this time.

In any event, the ability of the GOH to achieve even a modest amount of success in the short-term will largely be dependent on continued political stability, a steady pace of reform by the government and a continued commitment of financial and technical assistance from the international community, including the United States.

STAFFDEL was encouraged by President Preval's continued commitment to rebuild Haiti in accordance with the economic plan he presented upon his inauguration despite the many challenges he has had to confront, including on-going political unrest, the occasional outburst of crime and lawlessness, differing levels of commitment among some of his own Ministers, the lack of adequately trained human resources and the March 26 attempt to force a vote of no-confidence against his Prime Minister, Mr. Rosny Smartha.

STAFFDEL would also make the following specific observations.

DEMOCRACY AND CIVIC PARTICIPATION

Although not fully understood or appreciated by many Haitians, the democratization of the country, while still fragile, seems to be taking hold. Over the past two years, Haitians have gone to the polls five times and will vote again on April 6. In general, Haitians equate democracy with the freedom to speak on any subject and to openly criticize the government, a new found experience which many have taken full advantage of. Events such as the March 26 debate in the Parliament over the state of affairs in Haiti, in reaction to a call for a vote of "no confidence" against the Prime Minister, was unprecedented.

However, many in the country blame the democratization process for the rise in crime and violence and the inability of the government to create jobs. And, the government does not appear to be doing an adequate job educating the general population as to how they can effectively participate in the process. Civic education is very low and the lack of political participation, overshadowed by other concerns, is reflected in things such as low voter turnout and politicians with little political base.

While STAFFDEL was in Haiti, final preparations were being made for the Senatorial (9 seats) and local assembly elections. These elections were scheduled for April 6. Representatives from the International Republican Institute (IRI) and the National Democratic Institute (NDI) who are monitoring the elections believed that these elections would be competitive only in a limited way since some parties were boycotting them and because many voters were simply disinterested in yet another election which they saw as meaning little for their current situation. However, observers were concerned

about the low level of interest in the elections and, particularly, that these would be the first elections where security would not be provided by the international community. As a result there were no security arrangements in place as of our visit. Interlocutors noted that while there had been no outright political violence they described "gun play" and "burning tires" as intimidating events and feared that the lack of security would simply cause people to stay home.

Addendum: the April 6 elections were held, apparently without serious incident, or voter participation. It would appear that on average only about 15% of the voting population went to the polls. This was disappointing but not totally unexpected.

GOVERNMENT

The government, as defined through the personality of President Preval still seems to enjoy the support of the majority of Haitians. The President seems sincerely committed to rebuilding Haiti through tough economic reform programs, including privatization, civil service reform, and law and order. Other parts of the government, however, seem to function at various levels of commitment and competence. While some Ministers are considered supporters of former President Aristide and do not entirely subscribe to the current government's direction, others are doing their best with little resources and a dearth of experienced technical managers. This has resulted in little progress in areas such as civil service downsizing and infrastructure development.

Parliament on the other hand seems to get mixed reviews primarily because the concept of a deliberative legislative body, sharing the decision-making power of governing, is so new. The legislators we met seemed to be committed to the task of rebuilding the country and enthusiastic about their role, even if they seemed somewhat unsure of their actual level of authority. However, divisions within the Lavalas political organization, namely between the pro-Preval and pro-Aristide wings which dominate the Parliament, has resulted in a period of legislative paralysis especially with respect to key issues such as passing a budget which is seven months overdue and reconciling two different versions of civil service reform. The April 6 elections could be good news for former President Aristide and bad news for President Preval. Senators elected under the Lavalas Family banner could well control the legislature and could prevent serious reforms from taking place.

LAW AND ORDER

Violence remains a serious and recurring problem. However, most of this seems perpetrated largely by rival gangs seeking dominance in an area or as a result of political infighting largely among the various factions of the Lavalas political movement. Despite the occasional acts of violence, the establishment of public security seems to be on the right track. This growing sense of law and order has been due in large part to the slowly emerging professionalism of the Haitian National Police (HNP). Just over one year old, the HNP has been getting better at its job of policing despite the fact that their training is minimal and that they lack adequate equipment such as armament, communications and transportation. Weaknesses still exist in the area of mid-level management and investigative techniques. Overall, however, the commitment of Secretary of State for State Security, Robert Manuel and HNP Director General, Pierre Denize, to build a truly professional police force was encouraging.

Complicating the law and order process is the simple fact that a professional and capable justice system simply does not exist.

What there is is inefficient and often corrupt. Training programs for judges, lawyers, and courts are underway supported by the U.S. Department of Justice. But a smooth running, competent system is years away. Until then, the efforts of the police to investigate crimes and put criminals away will be severely undermined.

An even bigger test of the security system could come as early as July when the United Nations mandate expires. If the U.N. security force, which today numbers 1,300 uniformed troops, is withdrawn, the HNP could be strained to its limits. In our discussions with various officials, it became clear that the U.N. security presence should be retained in Haiti until at least the end of July, if not longer, in order to give the HNP more time to prepare.

ECONOMY

In general, the Haitian economy is in a state of shambles. On the positive side, the economy is showing some progress in that inflation is being brought under control, the local currency, the gourde, is being stabilized and budget expenditures are being tightened. On the other hand, jobs are not being created and important infrastructure improvements in roads, electricity and the port are at a standstill. In some cases, such as in the privatization of the major utilities and the seaport, political opposition by the anti-economic reformers and the anticipated job loss among the civil service, provide the major impediment. In cases such as road construction and improvement, the lack of qualified government contract managers and skilled contractors, not money, is the problem. With few exceptions, the Haitian private sector has been reluctant to invest within the country because of their uncertainty over the long-term political stability of the government and its commitment to reform. The international investment community is waiting to see the results of the first wave of privatization as well as the commitment of the Haitian private sector. The international lending community is prepared to provide some \$1.5 billion in assistance if the Haitian government continues to initiate political and economic reforms in a timely manner.

While STAFFDEL agreed that privatization was an important barometer of the GOH commitment to economic reform, the importance of this process and the timetable for its accomplishment may be over emphasized. Privatizing closed facilities such as the flour mill and cement factory, while important symbolically, at best would create only a few jobs. The more important facilities such as the telephone and electric companies will take much longer to accomplish for a whole variety of reasons including the fear of foreign ownership of Haiti's important assets since the Haitian private sector is not likely to be able to raise the necessary capital to buy these operations. While this process must be encouraged to proceed as expeditiously as possible, it will not solve Haiti's economic problems and cannot be done overnight as some have suggested. Even the goal of March 1998 for the privatization of all nine public enterprises, given where they are now, seems ambitious. In the interim, there are some more visible reforms which could be achieved which would reaffirm the government's commitment and which would bring revenues into the treasury. Most important of these would be reforms at the port, and especially of the customs department. Loss of revenue among imports of basic staples such as rice and cooking oil are well known. Smuggling of these commodities is growing, representing a significant loss of revenue for the GOH. It would not take much effort to address this problem through measures rang-

ing from "shiprider" agreements with the U.S. Coast Guard to more strict enforcement of cargo reporting and accounting, to a more effective, corruption-free, collection of duties.

OUTLOOK

Despite the recent spate of unrest and violence, which appears to be somewhat over dramatized in the press, it was STAFFDEL's assessment that Haiti was heading in the right direction, if slowly. Although Ambassador Swing likes to say that "everything in Haiti is broken", the most severe problem facing President Preval, and the most difficult to address is the inability of the economy to create jobs. This alone is the issue which creates the climate of unrest. To do this, however, the domestic private sector and the international investment community have to be convinced that they can turn a profitable business while operating in a safe environment. The law and order issue is being addressed as fast as it can by producing a professional police force. However, not every crime will be solved on a timely basis nor will every criminal be put in jail until enough well trained policemen are put on the beat and until a more responsive judicial system comes on line.

Civil service reform legislation has been passed but not yet enacted so the government's plan to downsize will continue slowly. But until economic reforms take hold, as symbolized by the privatization effort, large private sector jobs programs will not be forthcoming. Privatization of the flour mill, cement factory and airport could be accomplished by the end of the summer but none of these will produce large numbers of new jobs. And even though government officials like to point out that the majority of the Haitian people would not care who owned or operated these companies as long as they had electricity and could make a phone call anytime, there is enough political opposition, opposition which President Preval seems unable or unwilling to overcome, to make this a slow process.

Finally, there is the "Aristide" factor. Although the former President has not come out forcefully in opposition to the current direction of the government being promoted by President Preval, Aristide's former Prime Minister, there is speculation that Aristide is working behind the scenes to sabotage the more ambitious plans of the government. It is known that Aristide is contemplating a political comeback by running for President in five years when Preval's term expires. So as not to lose public support as Haiti moves forward toward reconstruction, many believe that Aristide is encouraging the gang violence in the urban centers, especially in the Cite Soleil section where a strong base of his support is located. Many also believe he is orchestrating the political violence among the factions of the Lavalas political movement and it is well known that he is opposed to privatization and has advised his followers in the government, now stronger as a result of the recent elections, to deliberately drag their feet on these reforms.

The question of Aristide's influence and the kinds of force he can bring to bear on the direction of the country is still a matter of debate. But the fact that President Preval, knowing who among his own Ministers oppose his policies, is moving slowly with respect to their removal and replacement, is an acknowledgment that Aristide's power is respected. Similarly, certain members of the Parliament, unsure of the future political landscape, display a reluctance to be more aggressive toward reform.

STAFFDEL concluded that President Preval has chartered the right course for Haiti even if, at times, he seems to be somewhat reluctant to make all the necessary

moves to traverse that course with all speed. The rebuilding of Haiti into a viable democracy with a strong rule of law and a vibrant economy will not be easy and certainly will take time. However, if the economy does not show signs of expanding, political unrest will rise. This slow pace could lead to a new wave of violence designed to undermine confidence in the Preval government and its policies. Any major law and order problem will have negative consequences for Haiti's stability and could throw Haiti back into a period of paralysis, upheaval and possible anarchy.

Lastly, we would be remiss if we failed to acknowledge the hospitality, hard work and cooperation of the U.S. Embassy in Port-au-Prince. Ambassador Swing and his team were confident that Haiti's chances for success were good despite the difficulties. Ambassador Swing's commitment and dedication were manifest in his willingness to give us as much time out his busy schedule as we needed. And his efforts to have us meet with U.N. Special Representative, Ambassador Ter Horst, Haitian Parliamentarians, and especially President Preval, were more than we expected. Ambassador Swing has been in Haiti longer than a normal posting but his presence, his expertise, his dedication and his relationship with the Haitian leadership are invaluable during these critical times. We also want to acknowledge Political Counselor Sue Ford Patrick for all the work she did in getting us to all of our meetings and for providing valuable insights to conditions in the country.

And finally, we wish to commend Colonel Stull, Commander of the U.S. Support Group, and his troops for the fine work they are doing in Haiti. The dedicated men and women of our Marine, Navy and Army contingents there are providing important humanitarian and civic assistance projects in addition to their normal security mission. Their mission in Haiti is often overlooked, and sometimes even questioned, but their presence is invaluable and a credit to their respective services.

KEY INDIVIDUALS STAFFDEL MET WITH WHILE IN HAITI

Government of Haiti: Mr. Rene Preval, President; Mr. Leslie Delatour, Central Bank Governor; Mr. Robert Manuel, Secretary of State for State Security; Mr. Pierre Denize, Director General, Haitian National Police; and Mr. Jean August Brutus, HNP Commissaire.

Legislative branch: Mr. Macdonald Jean, Senator; Mr. Jean Robert Sabalat, Senator; Mr. Alix Fils-Aime, Deputy; and Mr. St. Juste Momprevil, Deputy.

Representatives of the Council on Modernization of Public Enterprises (CMEP).

Representatives of the Haitian Private Sector.

United Nations: Ambassador Enrique Ter Horst, Special Representative to the Secretary General; and General Pierre Daigle, Commander, U.N. Support Mission on Haiti.

Representatives of the International Donor Group including the World Bank, International Monetary Fund, and the Inter-American Development Bank.

Representatives of other Organizations in Haiti including: Adventist Relief and Development Agency; International Republican Institute; National Democratic Institute; and Inter-American Foundation.

United States Support Group: Colonel Stull, Commander.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

SPEECH OF

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector:

Mr. MARTINEZ. Mr. Chairman, I rise in support of the Miller substitute.

Mr. MILLER has worked to meet the Republicans halfway in this effort to provide flexibility for working families.

I contend that H.R. 1 does not provide the flexibility that its sponsors claim it does.

Members on the other side of the aisle, trying to appeal to working mothers, claim that under H.R. 1, workers would work overtime and then take comptime whenever they need it—to take a child on a class trip, to tend to a sick parent, to volunteer time at their child's school. However, H.R. 1 also provides that an employer can deny comptime if taking that time would unduly disrupt that business. What good does it do to accrue comptime if your employer can prevent you from taking it when you want it?

Say Mrs. Smith wants to volunteer to be a chaperon for her daughter's class trip to the natural history museum next Tuesday. The employer says that taking leave Tuesday will unduly disrupt the business, but Mrs. Smith can take the time next Friday. What good does that do Mrs. Smith? Is that really choice?

Members on the other side of the aisle will claim that the bill does state that the employee has a choice, and that there are steps he or she can take if the employer wrongfully denies comptime. But if we are talking about the majority of workers today—who make less than 2½ times the minimum wage—we cannot truly state that these individuals have the resources to challenge their employer in court. Many need these jobs and would never consider threatening them even if they were in the right. Others who are bold enough to consider filing suit against their employer do not have the resources to hire an attorney and go to court.

Proponents of H.R. 1 point to the public sector, stating that comptime works well there. Let me tell you, I know of some Federal employees who opt for paid overtime, because they know they'll never get the opportunity to use their comptime when they want to. The public sector is not a business. We offer comptime there because it saves taxpayer dollars. The only reason private businesses will even consider offering comptime is that it saves money and will give employers the opportunity to have employees work longer hours.

Comptime is really a no-interest loan that employees give to their employers. Employees work the overtime, and then get paid later in comptime—if they get a chance to use it at all. Mandated overtime pay has been the law to penalize employers who make their employees work longer than the 40-hour workweek. That is why overtime is paid in time-and-a-half. This also provides a benefit to employees who choose to work longer hours for more

pay. But employees get their compensation as overtime pay in the next paycheck—not a week later or a month later, when it is convenient for the employer.

During the markup, it greatly concerned me that Members on the other side of the aisle referred to comptime as a benefit. Comptime is compensation for time that the employee has worked. The employee has a right to that compensation—it is not something that the employer should have the power to delay or to alter.

Many workers in my district need that overtime pay—they count on it being in every paycheck. Comptime will not help them keep a roof over their heads, food on the table, or clothes on their backs. I don't hear the small businesses in the 31st District clamoring for the option of comptime—many cannot afford to have employees on leave at irregular times. So the only protection to ensure that employees are paid for the time they work is to have overtime pay protections.

Nevertheless, I support Mr. MILLER's substitute so that those businesses and those employees who want comptime can fairly participate in such a program. The substitute ensures that comptime is truly flexible, and that employees have true choice.

Mr. MILLER's substitute puts teeth into the penalties for employers who coerce their employees into taking comptime and who wrongly deny an employee's right to take comptime when he or she wishes.

This measure also prohibits employers from discriminating among employees when offering comptime. It mandates that when an employer chooses to implement a comptime program, he or she must offer that comptime to all similarly situated employees. Therefore, if an employer offers comptime to a particular employee, he or she must also offer it to all the other employees who are doing the same work, on the same schedule, at the same site.

Another very important provision in this substitute is that it allows the Secretary of Labor to require employers to post a bond to assure funds to pay for unused comptime. Thus, employees would be guaranteed to receive their comptime if an employer declared bankruptcy.

I urge my colleagues to reject H.R. 1 and adopt the Miller substitute.

INTRODUCTION OF LEGISLATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1997

Mr. GEKAS. Mr. Speaker, today I with my colleague Representative BEN GILMAN, introduced a bipartisan bill to correct a fundamental unfairness to all Federal administrative law judges. The Administrative Law Judge Cost of Living Adjustment [COLA] Reform Act. Since 1992 administrative law judges have not received a cost-of-living adjustment like other Federal employees in the General Schedule and Senior Executive Service. Enactment of the legislation introduced today will remedy this unfair situation.

This legislation amends section 5372 of title 5, U.S. Code, and provides that the cost of living adjustment for administrative law judges will be adjusted by the same percentage and on the same date as the rates of pay for the General Schedule.