

# EXTENSIONS OF REMARKS

## INTRODUCTION OF CITIZENS PROTECTION ACT

**HON. JOSEPH M. McDADE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. McDADE. Mr. Speaker, I introduced bipartisan legislation this morning, along with my colleague, JACK MURTHA, that will safeguard the citizens of this nation from unfair, abusive and unethical conduct by employees of the Department of Justice. The bill, which we have named the Citizens Protection Act, will also insure that the Department is not able to exempt its own attorneys from the same State laws and rules of ethics as all other attorneys in this country.

The rights and freedoms of our citizens will come under increasing danger if we continue to allow the Justice Department to police itself in secret and exempt itself from regular rules of attorney conduct. We must strengthen oversight of the Department and shine a bright light on prosecutorial misconduct.

The bill establishes clear standards of conduct for Department of Justice employees and makes them accountable for any misconduct. Our legislation makes it a punishable offense for any DOJ employee to engage in such actions as leaking information during an investigation, seeking the indictment of any person without probable cause and failing to release information that would exonerate a person under indictment. It also defines such actions as intentionally misleading a court as to the guilt of any person and knowingly misstating or altering evidence as punishable offenses.

An independent review board is created to monitor compliance with those standards. The board would have the authority to impose penalties such as probation, demotion, suspension and dismissal of those found guilty of charges of misconduct. All meetings of the board will be open to the public.

For the information of my colleagues, I am submitting for publication in the CONGRESSIONAL RECORD a partial list of specific instances of prosecutorial misconduct in federal cases which was prepared by the Congressional Research Service at my request.

The second part of the bill insures that the Department of Justice, through attempts at self-regulation, cannot exempt its lawyers from the same rules of ethics that govern the professional conduct of all other attorneys. These rules are currently enforced, and must continue to be enforced, by the state supreme courts. The legislation affirms a U.S. Court of Appeals ruling on January 6 which concludes that the Attorney General lacks statutory authority to promulgate a rule allowing government attorneys to engage in ex parte communications with persons represented by an attorney.

Concerns about the DOJ's attempts at self-regulation have been expressed by the American Bar Association, the Conference of Chief Justices and the National Association of Criminal Defense Lawyers.

I urge my colleagues to cosponsor this legislation, which responsibly checks the potential for misconduct and self-regulation without impeding the mission of the Department of Justice.

### SPECIFIC INSTANCES OF PROSECUTORIAL MISCONDUCT PREPARED BY THE CONGRESSIONAL RESEARCH SERVICE

#### APPENDIX I

#### COMPOSITE LIST

#### PRE-TRIAL

#### INVESTIGATIONS/CASE PREPARATION

Allowing informants to exercise effective unguided prosecutorial discretion: *United States v. Taylor*, 956 F.Supp. 622, 658-60 (D.S.C. 1997)(1).

Bombarding individual with undercover solicitations to commit a crime whose prosecution is characterized by targeted individual as constitutionally suspect: *Jacobson v. United States*, 503 U.S. 540 (1992)(2).

#### INTENTIONAL WITNESS INTIMIDATION

Badgering witnesses, themselves under indictment, while promising the indictments against them will be dismissed if they testify for the government: *United States v. LaFuenta*, 54 F.3d 457, 461-62 (8th Cir. 1995)(1).

Threatening a witness with loss of immunity from prosecution if he testifies for the defense: *United States v. Schlei*, 122 F.3d 944 991-93 (11th Cir. 1997)(1).

Threatening to prosecute: *United States v. Smith*, 478 F.2d 976, 979 (D.C. Cir. 1973)(2).

Interviewing witness before the beginning of the case for the defense during which the prospect of incrimination was discussed: *United States v. Morrison*, 535 F.2d 223, 228 (3d Cir. 1976)(2).

"Prosecutor's eleventh hour telephone call to witness's attorney reminding him of potential fifth amendment problem if witness took the stand": *United States v. MacCloskey*, 682 F.2d 468, 479 (4th Cir. 1982)(2).

Conditioning a potential defense witness's plea bargain on his continued agreement not to testify at the trial of the accused: *United States v. Henricksen*, 564 F.2 197, 198 (5th Cir. 1977)(2).

#### DECISION TO CHARGE

*United States v. Wayte*, 479 U.S. 598 608 (1985) ("the decision to prosecute may not be based upon an unjustifiable standard such as race, religion, or other arbitrary classification, including the exercise of protected statutory and constitutional rights")(3).

#### Selective Prosecution

On the basis of race: *United States v. Armstrong*, 116 S. Ct. 1480 (1996)(3).

On the basis of religion: *United States v. Cyprian*, 23 F. 3d 1189, 1195-196 (7th Cir. 1994)(3).

On the basis of gender: *United States v. Redobndo-Lemos*, 955 F. 2d 1296, 1298-1300 (9th Cir. 1992)(3).

Solely on the basis of national origin: *United States v. Al Jibori*, 90 F. 3d 22, (2d Cir. 1996)(3).

Based on the exercise of First Amendment rights: *United States v. Bayless*, 923 F. 2d 70, 72 (7th Cir. 1991); *United States v. Steele*, 461 F. 2d 1148 (9th Cir. 1972)(2).

#### Vindictive Prosecution

Prosecution based on prior invocation of constitutional rights (ordinarily rights of

criminally accused): *United States v. Godwin*, 457 U.S. 368, 372-80 (1982)(3).

Prosecuting, when considering the evidence as a whole, there is no probable cause: *United States v. Ramming*, 915 F. Supp. 854, 867-69 (S.D. Tex. 1996)(1).

Securing incriminating statements from the accused with assurances that he or she would not be prosecuted: *United States v. Dudden*, 65 F. 3d 1461, 1468-469 (9th Cir. 1995)(1).

Prosecuting in breach of a plea agreement: *United States v. Holloway*, 74 F. 3d 249, 251 (11th Cir. 1996)(1); *United States v. Digregorio*, 795 F. 2d 630, 638 (S.D.N.Y. 1992), citing *United States v. Fields*, 592 F. 2d 638 647-48 (2d Cir. 1979), inter alia (3).

#### Abuse of the Grand Jury Process

Currying the favor of a grand jury panel: *United States v. Breslin*, 916 F. Supp. 438, 442, 443 (E.D.Pa. 1996)(1).

Encouraging the grand jury to act with unnecessary haste: *United States v. Breslin*, 916 F. Supp. at 443, 445 (E.D.Pa. 1996)(1).

Misleading the grand jury to the belief that they were required to accept hearsay evidence: *United States v. Breslin*, 916 F. Supp. at 444-45 (E.D.Pa. 1996)(1).

Providing the grand jury with inaccurate statement of the requirements for indictment: *United States v. Breslin*, 916 F. Supp. at 445-46 (E.D. Pa. 1996)(1).

Using grand jury subpoenas directed against the attorney of the target of the investigation to disrupt attorney-client relationship and otherwise harass the attorney and his client. *In re Grand Jury Matters*, 593 F. Supp. 103 (D.N.H. 1984), *aff'd*, 751 F.2d 13 (1st Cir. 1984)(2).

Inflammatory remarks before the grand jury suggesting that a target of the investigation may have "bugged" the grand jury room to discover witness testimony against him: *United States v. Griffith*, 756 F.2d 1244, 1246-249 (6th Cir. 1985)(2).

Suggesting, without foundation, organized crime links to the target of a grand jury tax investigation and commenting on the veracity of witnesses before the grand jury, conduct characterized as "improper, reprehensible, and unacceptable": *United States v. Serubo*, 604 F.2d 807, 814-16 (3d Cir. 1979)(2).

Intentional presentation of incompetent and misleading evidence to the grand jury for "no other purpose than [improper] calculated prejudice": *United States v. Samango*, 607 F.2d 877 (9th Cir. 1979)(2).

Intentional presentation of false, disparaging, unsworn and irrelevant evidence: *United States v. Hogan*, 712 F.2d 757, 760-61 (2d Cir. 1983)(2).

Using a "forthwith" grand jury subpoena duces tecum in lieu of a search warrant when grand jury was not in session: *United States v. Hilton*, 534 F.2d 556, 565 (3d Cir. 1976)(2).

Offering extensive, frequent comments amounting to unsworn testimony and misstatements of the law, coupled with use of "forthwith" subpoenas, plays upon jurors' patriotism, and heavy-handed questioning of witnesses: *United States v. Sears, Roebuck and Co., Inc.*, 518 F.Supp. 179 (C.D.Cal. 1981), *rev'd*, 719 F.2d 1386 (9th Cir. 1983) (prosecutor's "abusive" and "overzealous" misconduct was not sufficiently prejudicial to warrant dismissal of the resulting indictment)(2).

Advising grand jury that an important government witness would not be testifying before them because if he did organized

• 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.

crime, with whom the targets of the investigation were associated, might harm him: *United States v. Riccobene*, 451 F.2d 586, 587 (3d Cir. 1971)(2).

Leaking information on matters occurring before the grand jury to the press: *In re Grand Jury Investigation (Lance)*, 610 F.2d 202 (5th Cir. 1980) (reversing a lower court denial for a hearing on whether sanctions were appropriate for such disclosures); *Barry v. United States*, 865 F.2d 1317 (D.C.Cir. 1989)(same)(2).

Knowingly permitting indictment based at least in part on material, perjured evidence: *United States v. Basurto*, 497 F.2d 781, 784-87 (9th Cir. 1974)(2).

Misleading grand jury by unauthorized and "swearing in" designation IRS agents as "agents of the grand jury": *United States v. Kilpatrick*, 594 F.Supp. 1324, 1328-330 (D.Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Misleading grand jury through the exclusive use of hearsay summaries to secure the indictment of one of accused: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1339-341 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Permitting unauthorized disclosure of grand jury materials to IRS employees with no criminal law enforcement-related responsibilities: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1331-332 (D. Colo. 1984), *Rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Allowing improper use of grand jury materials for purposes of IRS audits unrelated to any criminal investigation: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1332-334 (D.Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Widespread disclosure of matters occurring before the grand jury in "target letters": *United States v. Kilpatrick*, 594 F.Supp. 1324, 1334-335 (D.Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Improperly informing witnesses that grand jury secrecy provisions applied to them: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1335-336 (D.Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Provide witnesses with pocket immunity in the form of assurance letters without authorization: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1336-338 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Intentionally calling witnesses before the grand jury with the knowledge that they would calm their privilege against self-incrimination in order to prejudice the grand jury against the target of the investigation and their activities: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1338-339 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Using threats and verbal abuse against an expert grand jury witness for disagreeing with the legal theories espoused by the IRS: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1343 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Calling a witness before the grand jury solely for the purpose of prosecuting the witness for perjury on the basis of his testimony: *United States v. Chen*, 933 F.2d 793, 796 (9th Cir. 1991)(3).

Abuse of process: use of court subpoenas for office interviews: *United States v. Lilla-Chaparro*, 115 F.3d 797, 804 (10th Cir. 1997)(1).

#### Delays

##### Pre-Indictment Delays

Intentional pre-indictment delay, prejudicial to the defendant, and perpetrated by the government for reasons of tactical advantage: *United States v. Lovasco*, 431 U.S. 783, 795 n.17 (1977)(3).

##### Post-Indictment Delays

Intentional post-indictment delay, prejudicial to the defendant, and perpetrated by the government for reasons of tactical advantage: *United States v. Marion*, 404 U.S. 307, 324 (1972)(3).

Failure to Provide Defense With Material, Exculpatory Evidence or Evidence Tending to Impair Critical Government Witness [Brady v. Maryland, 83 (1963)(3)]:

Failure to disclose extraordinary privileges afforded government inmate witnesses: *United States v. Doyle*, 121 F.3d 1078, 1082 n.2 (7th Cir. 1997) (giving El Rukn inmate witnesses access to internal prosecution memoranda, drugs, sex and unlimited free telephone calls; and valuable gifts, including cash, clothing, 'walkman' radios, food, cigarettes and beer")(1).

Failure to disclose the presentation of misleading evidence: *United States v. Vozzella*, 124 F.3d 389, 391, 392 (2d Cir. 1997)(1).

Failure to disclose the presentation of false evidence: *United States v. Alzate*, 47 F.3d 1103, 1107-11 (11th Cir. 1995); *United States v. Duke*, 50 F.3d 571, 576 (8th Cir. 1995)(1).

Failure to disclose the criminal record of a government witness: *United States v. Duke*, 50 F.3d 571, 576 (8th Cir. 1995)(1).

Failure to disclose existence and extent of the criminal involvement of individual, the accused identified in her duress defense, *United States v. Udechukwu*, 11 F.3d 1101, 1104-106 (1st Cir. 1993)(1).

Failure to confirm (and denial) defense counsel suggestion that witness, whom the defense was unable to locate and who was central to the defense of the accused, had entered a plea bargain agreement with the government requiring his testimony, *United States v. Kojayan*, 8 F.3d 1315, 1316-325 (9th Cir. 1993)(1).

Failure to disclose evidence that the witness, who testified that the accused had paid him to hold drugs, had lied in earlier proceedings involving the same alleged conspiracy *United States v. Cuffie*, 80 F.3d 514, 518-19 (D.C.Cir. 1996)(1).

Failure to disclose that the principal government witness was under criminal investigation for unrelated misconduct: *United States v. Kelly*, 35 F.3d 929, 937 (4th Cir. 1994)(1).

Failure to disclose threats against one government witness made by a second government witness: *United States v. O'Conner*, 64 F.3d 355, 359-60 (8th Cir. 1995)(1).

##### Interference With the Attorney-Client Relationship

Allowing an attorney to act as an agent of the government and solicit incriminating evidence from his or her client: *United States*

*v. Sabri*, 973 F.Supp. 134, 147 (W.D.N.Y. 1996); *United States v. Marshank*, 777 F.Supp. 1507 (N.D.Cal. 1991)(1).

Surreptitious, improper acquisition of attorney work product: *United States v. Horn*, 811 F.Supp. 739, 749 (D.N.H. 1992)(1).

Manifestly and avowedly corrupt intrusions: *United States v. Schwimmer*, 924 F.2d 443, 477 (2d Cir. 1991) (noting a similar view expressed in *United States v. Gartner*), 518 F.2d 633, 637 (2d Cir. 1975)(3).

Improper acquisition of defense strategy with resulting injury to the accused or benefit to the government: *United States v. Cross*, 928 F.2d 1030, 1053 (11th Cir. 1991)(3).

##### Post-indictment Contact in the Absence of Counsel

Undercover, post-indictment solicitation of incriminating statements in the absence of retained counsel: *Massiah v. United States*, 377 U.S. 201 (1964)(2).

Conducting plea negotiations directly with an indicted defendant without notifying retained counsel and in violation of applicable ethical restrictions: *United States v. Lopez*, 765 F.Supp. 1433, 1456-463 (N.D.Cal 1991)(1).

Post-indictment interview of the employees of the accused out of the presence and without notice to counsel: *United States v. Kilpatrick*, 594 F.Supp. 1324, 1342 (D.Colo. 1984), *rev'd* 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom.*, *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1987)(on grounds district court dismissal of indictments was inappropriate remedy)(2).

#### Trial

##### Conflict of Interest

Prosecuting a case in which the prosecutor has a personal, pecuniary interest in the outcome: *United States v. Heldt*, 668 F.2d 1238, 1275 (D.C.Cir. 1981)(3).

Prosecuting a case in which the prosecutor's interests in his personal and professional reputation are threatened by a *bona fide* civil action alleging bad faith in the performance of official duties: *United States v. Heldt*, 668 F.2d 1238, 1275 (D.C. Cir. 1981)(3).

Prosecuting a case using information secured from the accused when the prosecutor was acting as the attorney for the accused: *Wilkins v. Bowersox*, 933 F.Supp. 1496, 1521-522 (W.D.Mo. 1996)(3).

Representing the United States in both regulatory and criminal proceedings: *United States ex rel. S.E.C. v. Carter*, 907 F.2d 484, 488 (5th Cir. 1990)("SEC attorneys' previous involvement in underlying civil case created a potential for conflict and an appearance of impropriety. This overt and substantial interest in the case and the misstatements in the SEC attorneys' brief undermine our confidence in these prosecutions . . . appointment of the SEC attorneys as special prosecutors was plain error")(3).

Prosecuting a case in which the prosecutor is an essential witness: *United States v. Torres*, 503 F.2d 1072, 1083 (2d Cir. 1974)(2).

Allowing an attorney representing the government in a related civil matter to prosecute: *United States ex rel. S.E.C. v. Carter*, 907 F.2d 484, 488 (5th Cir. 1990)(2).

##### Improper Argument

###### Suggesting Guilt by Association

Emphasizing the similarities between the accused and a codefendant/witness who had pled guilty: *United States v. Dworken*, 855 F.2d 12, 29-32 (1st Cir. 1988)(2).

Arguing for the conviction of the accused on the basis of an earlier conviction of an alleged co-conspirator: *United States v. Mitchell*, 1 F.3d 235, 238-42 (4th Cir. 1993)(1).

###### Suggesting Guilt Based on the Adverse Inference From Claim of Right or Privilege

Commenting on the silence of the accused after notification of Miranda rights: *United States v. Thomas*, 943 F.Supp. 693 699-701 (E.D.

Tex. 1996)(1); *Doyle v. Ohio*, 426 U.S. 610, 618-19 (1976)(3).

Commenting, directly or indirectly, on the accused's failure to testify: *Griffin v. California*, 380 U.S. 609, 611-15 (1965)(3).

Commenting, directly or indirectly, on the accused's failure to testify: *United States v. Roberts*, 119 F.3d 1006, 1015 (1st Cir. 1997); *United States v. Wihbey*, 75 F.3d 761, 771 (1st Cir. 1996); *United States v. Kallin*, 50 F.3d 689, 693 (9th Cir. 1995); *United States v. Cotnam*, 88 F.3d 487, 497-500 (7th Cir. 1996); *United States v. Hardy*, 37 F.3d 753, 756-59 (1st Cir. 1994)(1).

Commenting, direct or indirect, upon the failure of the accused to testify: *United States v. LeQuire*, 943 F.2d 1554, 1565-568 (11th Cir. 1991); *United States v. Eltayib*, 88 F.3d 157, 172 (2d Cir. 1996)(2).

Commenting on the demeanor of the accused: *United States v. Leal*, 75 F.3d 219, 225 (6th Cir. 1996)(1).

Commenting, uninvited, upon the failure of the accused to present evidence, either generally or specifically: *United States v. Anchondo-Sandoval*, 910 F.2d 1234, 1237-238 (5th Cir. 1990)(2).

Commenting on the accused's invocation of his privilege against self-incrimination before the grand jury: *United States v. Bustamante*, 45 F.3d 933, 946 (5th Cir. 1995)(1).

Calling a witness the prosecutor knows will validly invoke a privilege with adverse inferences for the accused: *United States v. Brown*, 12 F.3d 52, 54 (5th Cir. 1994)(1).

Referring to invocation of the Fourth Amendment rights by the accused: *United States v. Thomas*, 93 F.3d 479, 487 (8th Cir. 1996)(1).

#### Inflammatory Remarks

Sympathy for witnesses: *United States v. Morgan*, 113 F.3d 85, 90 (7th Cir. 1997)(1).

Religious beliefs: *United States v. Levy-Cordero*, 67 F.3d 1002, 1008 (1st Cir. 1995); *United States v. Cartagena-Carrasquillo*, 70 F.3d 706, 712-14 (1st Cir. 1995); *United States v. Manning*, 23 F.3d 570, 573 (1st Cir. 1994); *Arrieta-Agressot v. United States*, 3 F.3d 525, 527 (1st Cir. 1993); *United States v. Giry*, 818 F.2d 120, 133 (1st Cir. 1987)(1).

Racial and/or provincial bias against the accused: *United States v. Cannon*, 88 F.3d 1495, 1052 (8th Cir. 1996)(1).

Inviting a guilty verdict based on the out of state residence of the accused: *United States v. Williams*, 989 F.2d 1061, 1071-72 (9th Cir. 1993)(2).

Calling upon the jury "to get even for all the wrongs imposed on the good people of our society" by convicting the accused: *United States v. Doe*, 860 F.2d 488, 492-94 (1st Cir. 1988)(2).

Graphic comment suggesting a lack of patriotism on the part of the accused: *United States v. Rodriguez*, 765 F.2d 1546, 1560 (11th Cir. 1985).

Persistent references to the poverty, to Christmas-time, to disadvantaged women and children, and to economic depression as appropriate backdrops to the crime with which the defendant was accused: *United States v. Payne*, 2 F.3d 706, 711-16 (6th Cir. 1993)(1).

Suggesting that funding for school districts was imperilled by the gambling related RICO activities of the accused: *United States v. Vaccaro*, 115 F.3d 1211, 1218 (5th Cir. 1997)(1).

#### Bad Character Remarks

Emphasizing the bad character (violent and vicious criminal) of the accused: *United States v. Procopio*, 88 F.3d 21, 30-31 (1st Cir. 1996)(1).

Repeated references to the past criminal record of the accused during closing argument: *United States v. Jackson*, 41 F.3d 1231, 1233 (8th Cir. 1994)(1).

Misrepresentation, in the presence of the jury, that the defendant accused of harbor-

ing illegal aliens had himself entered the country illegally: *United States v. Santana-Camacho*, 833 F.2d 371 (1st Cir. 1987)(2).

Presentation of emotional evidence of the violent acts of an accused charged with fraud, attempting to impeach a defense witness with prejudicial questions for which there was no evidentiary basis, and arguing guilt on the basis of counts dismissed by the court and contrary to the evidence: *United States v. McBride*, 862 F.2d 1316 (8th Cir. 1988)(2).

#### Attacking Defense Counsel or the Role of Defense Counsel

Ridiculing defense counsel and offering personal opinions on credibility of defense witnesses: *United States v. Collins*, 78 F.3d 1021, 1039-40 (6th Cir. 1996); *United States v. Barr*, 892 F.Supp. 51, 57 (D.Conn. 1995); *United States v. Bautista*, 23 F.3d 725, 733-34 (2d Cir. 1994)(1).

Stating or implying to the jury that defense counsel has suborned perjury: *United States v. Verna*, 113 F.3d 499, 504 (4th Cir. 1997)(1).

Suggesting or implying that the purpose of defense counsel is to prevent the jury from discerning the truth: *United States v. Frederick*, 78 F.3d 1370, 1379-380 (9th Cir. 1996); *United States v. Vaccaro*, 115 F.3d 1211, 1218 (5th Cir. 1997) (prosecutor's statement to the jury that it was the job of defense attorneys to muddle the issues was clearly improper)(1).

Repeatedly accusing defense counsel, in the presence of the jury, of intentionally misleading the jurors and witnesses and of lying in court: *United States v. McLain*, 823 F.2d 1457, 1462 (11th Cir. 1987)(2).

Attacking the role of defense counsel and the integrity of defense counsel: *United States v. Friedman*, 909 F.2d 705, 707-10 (2d Cir. 1990)(2).

#### Improper Characterization of Defense Witnesses or Evidence

Attacking witness credibility with evidence not on the record: *United States v. Zehrbach*, 47 F.3d 1252, 1264 (3d Cir. 1995); *United States v. Mueller*, 74 F.3d 1152, 1157 (11th Cir. 1996); *United States v. Crutchfield*, 26 F.3d 1098, 1100-103 (11th Cir. 1994)(1).

Arguing that the accused and witnesses for the defense have lied: *United States v. Moore*, 11 F.3d 475, 480-81 (4th Cir. 1993)(1).

Characterizing the testimony of the accused and defense witnesses as lies: *United States v. Smith*, 982 F.2d 681, 684 (1st Cir. 1993); *United States v. Anchondo-Sandoval*, 910 F.2d 1234, 1237-238 (5th Cir. 1990)(2).

#### Puffing Up The Government's Case

Urging conviction on the basis of the prestige of the court, the government, or the prosecutors: *United States v. Catillo*, 77 F.3d 1480, 1498 (5th Cir. 1996); *United States v. Melendez*, 57 F.3d 238, 240-241 (2d Cir. 1995); *United States v. Richardson*, XXX F.3d XXX, (7th Cir. 1997); *United States v. Carroll*, 26 F.3d 1380, 1389-390 (6th Cir. 1994)(1).

Bolstering witness credibility with evidence not on the record: *United States v. Henry*, 47 F.3d 17, 21 (2d Cir. 1995); *United States v. Johnson-Dix*, 54 F.3d 1295, 1304 (7th Cir. 1995)(1).

Vouching for government witness's credibility: *United States v. Cotnam*, 88 F.3d 487, 500 (7th Cir. 1996); *United States v. Manning*, 25 F.3d 570, 572-74 (1st Cir. 1994); *United States v. Carroll*, 26 F.3d 1380, 1389-390 (6th Cir. 1994)(1).

Vouching for the credibility of government witnesses: *United States v. Williams*, 989 F.2d 1061, 1071-72 (9th Cir. 1993); *United States v. Kerr*, 981 F.2d 1050, 1054 (9th Cir. 1992); *United States v. Eyster*, 948 U.S. 1196, 1204-206 (11th Cir. 1991); *United States v. Simtob*, 901 F.2d 799, 805-6 (9th Cir. 1990); *United States v. Eltayib*, 88 F.3d 157, 172 (2d Cir. 1996)(2).

Telling the jury how uncalled witness would testify if called: *United States v. Molina-Guevara*, 96 F.3d 698, 703, 704-5 (3d Cir. 1996).

Arguing to the jury, after repeated admonishment by the court, that the government only prosecutes the guilty: *United States v. Stefan*, 784 F.2d 1093, 1099-1100 (11th Cir. 1986); *United States v. Smith*, 982 F.2d 681, 684 (1st Cir. 1993)(2).

#### Reliance on Facts Not Evidence

Knowing reference to inadmissible or unsupported evidence during the prosecution's opening statement: *United States v. Millan*, 812 F.Supp. 1086, 1088-89 (S.D.N.Y. 1993)(1).

Urging conviction by reference to inadmissible evidence: *United States v. Adams*, 74 F.3d 1093, 1096-98 (11th Cir. 1996)(1).

Securing conviction on allegations stated as facts but not in evidence: *United States v. Berry*, 92 F.3d 597, 598-99 (7th Cir. 1996); *United States v. Morseley*, 64 F.3d 907, 912 (4th Cir. 1995) (it was unquestionably improper for the prosecutor to tell the jury in his closing argument that the accused had confessed when he had not); *United States v. Anderson*, 61 F.3d 1290, 1299 (7th Cir. 1995) (it was improper for the prosecutor to inform the jury that the accused had ruined "literally thousands and thousands of lives" even though the government offered no evidence to support such a statement); *United States v. Blakey*, 14 F.3d 1557 (11th Cir. 1994) (unsupported argument to the jury that the accused was a "professional criminal"); *United States v. Bautista*, 23 F.3d 725, 733-34 (2d Cir. 1994)(1).

#### Reliance on Perjury or Deception

Presentation of false evidence: *Napue v. Illinois*, 360 U.S. 264, 269 (1959).

Misleading the court and jury: *United States v. Forlorma*, 94 F.3d 91, 94-5 (2d Cir. 1996); *United States v. Vozzella*, 124 F.3d 389, 391, 392 (2d Cir. 1997); *United States v. Alzate*, 47 F.3d 1103, 1107-11 (11th Cir. 1995); *United States v. Udechukwu*, 11 F.3d 1101, 1104-106 (1st Cir. 1993); *United States v. Kojayan*, 8 F.3d 1315, 1316-325 (9th Cir. 1993)(1).

Offering perjurious testimony: *United States v. Brown*, 121 F.3d 700 (1997)(1).

Using or failing to correct clearly perjurious testimony: *United States v. Rivera Pedin*, 861 F.2d 1522, 1529-530 (11th Cir. 1988)(2).

Intentionally misrepresenting the state of the law to the jury: *United States v. Thomas*, 943 F.Supp. 693, 699-701 (E.D. Tex. 1996)(1).

Intentionally failing to correct erroneous testimony: *United States v. Young*, 17 F.3d 1201, 1202-203 (9th Cir. 1994)(1).

Encouraging misrepresentations in order to bolster the perjured testimony of a government witness: *United States v. Eyster*, 948 U.S. 1196, 1204-206 (11th Cir. 1991)(2).

#### Post-Trial

##### Contact in the Absence of Counsel

Questioning a defendant, without notifying his counsel, concerning matters arising in a sentencing-related medical examination: *United States v. Adonis*, 744 F.Supp. 336, 345-47 (D.D.C. 1990)(2).

#### TRIBUTE TO MATTIE SIMS

##### HON. BILL PASCHELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. PASCHELL. Mr. Speaker, it is my pleasure to introduce you to Mattie Sims. Mattie is a wonderful person, and an outstanding asset to our community, my hometown of Paterson, New Jersey.

Mattie's roots are in the south. She was born in Alabama and raised in Florida. Eventually, she made her way north to New Jersey,

where she raised her family. She is the proud mother two children, a daughter, Stacey, and a son, Richard. Her favorite pursuits include collecting miniature elephants, solving crossword puzzles, and playing bingo.

For well over thirty years, Mattie has served the residents of Paterson as an employee of the Post Office. Her commitment to public service is combined with a sincere interest in private enterprise. In Keeping with this interest, Mattie works part-time as a real estate agent for Shriver Realty of Paterson.

In addition to her professional and familial responsibilities, Mattie is also actively engaged in a number of religious and service-oriented organizations. A faithful member of the Grace Chapel Baptist Church, she serves the congregation as the President of the Senior Usher Ministry. Mattie is also a participant in the Hospitality and Pastor Aide Ministries. She is also a member and the financial secretary of the Passaic County African American Woman organization. She is also member of Chapter 22 of the Matron Star of Bethlehem, the Order of the Eastern Star, and the Royal Matron of Lady Love, Chapter #7.

Mr. Speaker, I ask that you join me, our colleagues, the people of Paterson, and Mattie's family and friends as we honor her for here extraordinary contributions to the community.

CONGRATULATIONS SOUTH  
MIDDLE SCHOOL

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. BARCIA. Mr. Speaker, schools provide a foundation for both learning and growing. For three quarters of a century South Middle School has been able to provide students with a rigorous academic curriculum that is essential to prepare students for the future. Since the opening of South Middle School in 1922 there has been a strong emphasis placed on academic excellence, involvement in school co-curricular and athletic activities, and self-discipline and pride in taking responsibility for the development of each student reaching their academic height. I rise today to pay tribute to South Middle School, who ceremoniously celebrated its seventy-fifth anniversary on Thursday, February 26, 1998.

Since its opening, South Middle School has provided the student body with elective classes and organizations that cater to even some of the most diverse interests. Even in the early days students were encouraged to join clubs, organizations, play sports and even become hall monitors. Today the students still have many opportunities to participate in school social functions and have even undergone recent changes that help move the school forward. These changes have included the universal use of school ID cards, and the introduction of such classes as technical education and computers.

Each year 800 to 1,200 students attend South Middle School, which is dedicated to providing its students with a racially diverse urban environment. Six times a year 200 of the school's white, black, hispanic and disabled male and female students will attend a dance at the school. It is activities such as these that provide students from all different

backgrounds with the chance to enjoy each other's company in such a positive setting.

The community has played a crucial part in making South Middle School an academic success and continues to take an active role in providing success for the future. The South Middle School staff is on a mission to provide comprehensive education to all students. The staff provides for the students' social, emotional, physical and intellectual needs, as well as their interests and special talents. Success is monitored through input and feedback from students, parents and the staff of the high schools they will eventually attend.

Mr. Speaker, the South Middle School has been an academic success as well as a strong foundation for both the students and the community. I encourage you and our colleagues to join me in recognizing the incredible contributions to the community and in congratulating them on 75 magnificent years of success, commitment and dedication.

TRIBUTE TO BERNADETTE  
PLOTNIKOFF

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. ESHOO. Mr. Speaker, I rise today to honor Bernadette Plotnikoff, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Bernadette Plotnikoff began her career in education as a teacher at Carlmont High School in 1953. She has devoted herself professionally and in all her volunteer activities to educating children and teaching the community about child abuse and neglect. Through her work on county commissions and task forces, she has helped make San Mateo County a leader on issues affecting children. Ms. Plotnikoff has created several programs to benefit children, including the Male Adolescent Awareness Program to help sexually abused boys overcome the trauma associated with abuse.

Mr. Speaker, Bernadette Plotnikoff is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO SANDRA WHYTE

**HON. JOHN F. TIERNEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. TIERNEY. Mr. Speaker, I rise today to recognize and congratulate the accomplishments of my constituent, Ms. Sandra Whyte of Saugus, Massachusetts. She was a member of the Women's Olympic Hockey Team that captured the gold medal at the XVIII Olympic games in Nagano, Japan. Not only was she a member of a victorious team, but she will also go down in history as a member of the first United States Women's Hockey Team ever to compete at the Winter games.

Sandra was a member of the team, and a prominent one at that. At her forward position she scored two goals and acquired numerous assists during the course of the Olympics; these helped carry the team to the gold medal against Canada. Her playing ability as well as her sportsmanship throughout the games should be commended. Mr. Speaker, Massachusetts' Sixth District is proud to honor Sandra in her pursuits of excellence and in her representation not only of the district, but of the United States as well.

TRIBUTE TO FRANK LEONE

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. PASCRELL. Mr. Speaker, I would like to introduce you to Mr. Frank Leone. On March 31, 1998, Frank will be honored as the Distinguished Citizen of the Year by the Passaic Valley Council Boy Scouts of America.

Frank was born and raised in the Fort Apache section of the Bronx, New York. After graduating from James Monroe High School in 1945, Frank joined the United States Navy. During the Second World War, he served with distinction aboard the aircraft carrier, USS Keersage. When Frank returned home, he studied electronic engineering at Farleigh Dickinson University and the Stevens Institute of Technology.

Upon graduation, Frank moved from New York to his current home in Oakland, New Jersey. It is there that Frank and his wife, Ellen, have raised their three children. Making use of his education, he began a brilliant career in the private sector, specializing in electronic engineering and sales. During this time, Frank was able to glean valuable business insight through his interactions with companies such as Allen and Dumont Labs, Curtiss Wright, and the Walter Kidde & Company. Characteristically, Frank used his knowledge to help the residents of Oakland. For twelve years, beginning in the late 1960s, Frank was President of the Oakland Chamber of Commerce, where he fostered a positive environment for the local business community.

In 1963, Frank began his auspicious career in public service when he was elected to serve on the Oakland Borough Council. After leaving the Council in 1965, Frank became the Acting Postmaster of the United States Post Office in Oakland. In June 1967, he received an official appointment to the post from President Lyndon B. Johnson.

In addition to his duties as Postmaster, Frank's reaffirmed his commitment to the people of Oakland by serving as the Civil Defense Director and the head of the Oakland Office of Emergency Management for twelve years. During the 1984 flood of the Ramapo River, Frank coordinated the relief effort in the Oakland area and toured the affected areas with Governor Thomas Kean.

Frank belongs to an extensive array of professional and service oriented organizations. In the past, Frank has held a number of important posts in these groups, including terms as the Vice President, the Legislative Chairman, and a National Presidential Aide for the National Association of Postmasters. Currently, he is the State Vice President and

Chaplain of that organization. In addition to these critical professional commitments, Frank is the Deacon of the Ramapo Valley Baptist Church, the Adjutant for VFW Post #5102. He is also active in the American Legion Post #369 and is the Financial Secretary of the Oddfellows Lodge.

Mr. Speaker, in light of Frank Leone's outstanding contribution to Oakland and Passaic County, I would ask that you join me, our colleagues, and Frank's friends and family as the Passaic Valley Council Boy Scouts of America honor him with their Distinguished Citizen Award.

THANK YOU DAVID PRUDER

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BARCIA. Mr. Speaker, we would not have safe and secure communities without a police force which is dedicated to protecting our citizens from harm. They put their lives in danger every day to make our lives better. Police forces across this nation perform their duty with limited resources to protect their citizens. And, in many communities volunteer reserve units provide additional officers who are essential in maintaining peaceful communities.

Today, I would like to recognize one of those officers who has volunteered for 20 years with the Bay City Police Reserves and who has been Reserve Chief since 1988. Reserve Chief David C. Pruder has selflessly served the people of Bay City with integrity and outstanding leadership since 1977. Under Reserve Chief Pruder's leadership, the volunteers have made a tremendous difference in the community by donating an incredible 3,000 hours per year.

Reserve Chief Pruder should be proud of his efforts and accomplishments. David Pruder has led by example that volunteers are essential to a safer society. His efforts have made our community safer and our quality of life better. He often recognizes the officers in his unit for their accomplishments and dedication and always gives credit where credit is due. Today, Mr. Speaker, I rise to do the same for him.

David Pruder has touched so many lives with his Police Reserve work, but that is just the tip of a wonderful iceberg. Not only has he made our citizens safer, but he has dedicated many hours over the past 13 years to the Special Olympics to provide disabled individuals with the opportunity to compete in athletic events. He also coaches softball, cross country and skiing. Additionally, he has served on the Board of Directors in Bay and Arenac Counties.

He could not have had such a successful career and fulfilled life without the support of his wife, Kim and their two children Jeff and Stefannie. His loyalty and dedication is also evidenced by his 25 years of employment with S.C. Johnson Wax.

Mr. Speaker, Reserve Chief David Pruder represents the spirit of volunteerism and community service which makes our country one of the greatest nations in the world. I urge my colleagues to join me in recognizing David Pruder and wishing him well in his future endeavors.

TRIBUTE TO LINDA LOPEZ

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Linda Lopez, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Linda Lopez is an exemplary community volunteer who learned the value of service from her mother and sisters, activists in local church and school affairs, as well as the Chicano civil rights movement. Ms. Lopez is President of the Board of La Raza Centro Legal and has been a leader in helping to unionize employees with the Service Employees International Union. She was a founder of the North Fair Oaks Economic Development Organization, now the Community Council, which assists North Fair Oaks residents in presenting issues of importance to their community to the County Board of Supervisors. Ms. Lopez also was involved in founding the Fair Oaks Clinic. She uses her bilingual and community outreach skills with compassion and generosity, and is a devoted single mother of three sons.

Mr. Speaker, Linda Lopez is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

EXPLANATION OF VOTE

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BLUMENAUER. Mr. Speaker, yesterday during the debate on HR 856, the United States-Puerto Rico Political Status Act, I voted for the Miller-Burton substitute amendment to the Solomon amendment, which passed, but against the final version of the Solomon amendment (as amended by Miller-Burton).

I voted for the Miller-Burton substitute because it was vastly preferable to the underlying Solomon proposal. However, because I did not feel that any special "English only" provisions were worth supporting in the end, I opposed the Solomon amendment as amended by Miller-Burton. "English only" provisions are, as a rule, divisive, discriminatory, and serve no useful purpose. They simply have no place in this bill or this debate.

EXPANSION OF THE FORT  
CLATSOP NATIONAL MEMORIAL

**HON. ELIZABETH FURSE**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. FURSE. Mr. Chairman, members of the committee, today I am introducing legislation to allow for the expansion of Fort Clatsop National Memorial in the First District on Oregon.

The Memorial was established through an Act of Congress in 1958. With communities all across America beginning to prepare for the centennial of the Lewis and Clark expedition, it is important that we pass this bill as soon as possible.

The present Memorial marks the spot where Meriwether Lewis, William Clark and Corps of Discovery spent 106 days during the winter of 1805. The Bicentennial of their historic journey is fast approaching and the Commissioners of Clatsop County and the Memorial's management approached me for assistance in preparation planning. Clatsop County currently owns the terminal piece of the Lewis and Clark Trail, known today as Sunset Beach, located nearby the Memorial itself. The County Commissioners would like to be able to donate this last piece of the Trail to the Memorial.

It has been established a quarter of a million people will visit Fort Clatsop National Memorial each of the two bicentennial summers, 2004 and 2005. It is imperative that solid preparation be made to accommodate this influx and permit the visitors not only to enjoy following in the footsteps of Lewis and Clark, but also avoid negative impacts that unplanned movement of visitors might create.

Unfortunately, the act of Congress which created the Memorial limited its size to 130 acres. This bill would permit the size of the Memorial to expand, in conjunction with the Memorial's General Management Plan of 1995, and permits acquisition of land through willing trade, sale or donation. The Clatsop County Commission gives this legislation its unanimous support and the entire North Coast community eagerly awaits its passage.

I will work closely with my colleagues on the authorizing Committee to pass this legislation which will benefit my constituents in Oregon, and urge the entire House to support it.

THANK YOU EDWIN KORN, JR.

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BARCIA. Mr. Speaker, our communities only grow and succeed when there is strength in community and strong leaders. I rise today to pay tribute to one individual, Edwin Korn, Jr., who has been the backbone of Port Austin for almost 40 years, serving 36 of those years as the President of the Port Austin Village Council.

Edwin was born in Detroit and moved to Port Austin in 1950. He left Port Austin only twice; once to attain a higher educational level when he went to college and again to serve his country in the Army. Since then, he has been a strong presence in Port Austin and an important leader of the community.

Appointed clerk in 1962, he served one term as Trustee before becoming President. He has overseen some amazing changes in Port Austin including the switch from well water to lake water and the creation of the waste water facility. Although he will not seek reelection, I am sure he will remain a strong influence and continue to support efforts to improve the lives of the citizens of Port Austin and its surrounding area.

He created and is a member of the Sewer and Water Authority which will allow outlying

areas to join in and bring lake water to Bad Axe. Edwin is optimistic that there will be strong development in the Port Austin area over the next ten years and he plans to continue to remain a key player.

He could not have had such a successful career and fulfilled life without the support of his wife Doreen and their four children, 11 grandchildren and 1 great-grandchildren. His loyalty and dedication is evident through his job at Mayes IGA Foodliner where he has worked for 40 years and is now a manager.

Mr. Speaker, if we want citizens who are absolutely driven by the concept of community and family, then we must continue to praise individuals like Edwin Korn. I ask you and all of our colleagues to join me in wishing Edwin Korn the best of luck in all his future endeavors.

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TRIBUTE TO MARIAN MANN

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. ESHOO. Mr. Speaker, I rise today to honor Marian Mann, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Marian Mann is an active community volunteer who gives generously of her time and talents to a wide variety of organizations and causes. She was a founder of Daly City's nationally acclaimed anti-graffiti program, as well as the Gateway Festival, an annual celebration of San Mateo County's diversity. Ms. Mann has worked extensively with developmentally disabled individuals and helped create an annual 'Funday' for young people from throughout the Bay Area. She also offers emotional and practical support to youth needing guidance to fulfill their terms of probation.

Mr. Speaker, Marian Mann is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

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A TRIBUTE TO JOHN BURTON

**HON. JERRY LEWIS**

OF CALIFORNIA

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. LEWIS of California. Mr. Speaker, my colleague, LUCILLE ROYBAL-ALLARD and I would like to bring to your attention today the fine work and outstanding public service of our longtime friend and former colleague, State Senator John Burton of San Francisco.

In January, John Burton ascended to the highest elected position in the California State Legislature—president pro tem of the State Senate. The shock of the change in the ruling majority in Congress in 1994 was a mere tremor compared to the seismic occurrence that led to John's ascension to his current po-

sition. To say the least, John did not take the most traditional path to reach the second highest position in state government. But he would not have had it any other way.

John's career in public affairs has been unique and diverse. His public service has spanned several decades and two coasts. Through it all, he has maintained a reputation for his love of competitive sports, a remarkable sense of humor, and for telling it like it is.

John L. Burton was born in Ohio but was raised and educated in his beloved San Francisco. A standout in basketball, he attended San Francisco State College and graduated from the University of San Francisco Law School where he received the American Jurisprudence Award for outstanding scholarship. Incidentally, John worked his way through college and law school as a city playground director and bartender.

John got his start in the rough and tumble world of California politics as a protégé of his big brother, Phil Burton. Phil was elected to the State Assembly in 1956 and brought into his political operation his brother, John, and two close friends. One was George Moscone with whom John had played basketball on the courts of San Francisco. The second was a shy and retiring young man from Texas, a fellow student at San Francisco State College named Willie Brown.

John was elected to the California Legislature in 1964. Ten years later, he was elected to the House of Representatives. In 1982, he retired from public office and successfully completed a chemical dependency recovery program. He ran a successful law practice until winning a special election to the State Assembly in 1988 where he served until his election to the State Senate in 1996.

John Burton is from the old school of public affairs—where member to member contact is the key to building meaningful personal relationships and where one is only as good as his or her word. He is also a dyed-in-the-wool classic liberal—and very proud of it. As he begins his tenure as president pro tem, John has not only emerged from his brother's shadow, he is casting a pretty sizable shadow of his own.

Mr. Speaker, a friend of John Burton is a friend for life—even if he happens to live and work on the other side of the aisle. Please join us today in recognizing our very good friend, John Burton.

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GALLATIN LAND EXCHANGE ACT  
OF 1998

**HON. RICK HILL**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. HILL. Mr. Speaker, today I join with my Montana colleagues, U.S. Senators CONRAD BURNS and MAX BAUCUS in introducing the "Gallatin Land Consolidation Act of 1998." This legislation is designed to protect key wildlife habitat in the Taylor Fork area near Yellowstone National Park, save taxpayer dollars through consolidation of checkerboard federal lands and enhance hunting and other recreational pursuits. This bipartisan solution is a major step towards ending the uncertainty regarding the future of these critical land areas.

This bill reflects input from a wide range of community and public interests gathered

through a series of meetings and discussions held over the last several months. While there are still details to be addressed with regard to balancing the assets identified for exchange, this bill provides the underlying framework for completing the final phase of the Gallatin Land Consolidation Act. This legislation also proves that it's possible to achieve a balance between responsible natural resource management, which includes preservation of public resources, recreational opportunities and jobs.

It's also important to recognize one of the goals of this exchange is to improve public access to the forest. This legislation directs the Forest Service to initiate a planning process that will involve the public in determining management of the lands to be acquired in this exchange. During the interim, existing public access to those areas will be maintained.

Mr. Speaker, one other important aspect of this legislation involves the use of federal timber as one of the assets for balancing this land exchange. Twenty million board feet of timber is dedicated over a two-year period to acquiring lands in the Taylor Fork. To ensure that the timber is available in that time frame, local conservationists and sportsmen have committed to the Montana Congressional delegation that they will work proactively with the U.S. Forest Service to review timber sales and resolve environmental concerns up front, rather than waiting to file appeals. That collaboration most clearly illustrates the high level of public support that exists for completing this exchange.

Mr. Speaker, this bill is important to my home state of Montana. With a hearing already scheduled in the Forests and Forest Health Subcommittee, I look forward to working with the rest of Montana's delegation and my House colleagues to complete this exchange during this session of Congress.

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RECOGNIZING MR. HUGH  
THOMPSON

**HON. CHRISTOPHER JOHN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. JOHN. Mr. Speaker, I would like for my colleagues to join me today in recognizing a true American hero from Lafayette, Louisiana.

Some 30 years ago, a forgotten story of personal courage and bold convictions unfolded in the village of My Lai in South Vietnam. A 24 year old Army helicopter pilot, Mr. Hugh Thompson, found himself thrown into the midst of a massacre—one which pitted him against his superiors and even his own fellow soldiers. His story has remained a dim light in this dark period of our military history.

However, I am honored to share it with this body as it represents a patriotic act of great sacrifice, moral fortitude and uncommon valor.

Mr. Speaker, on March 16, 1968, Mr. Thompson, defying his superiors, landed his helicopter in front of helpless My Lai villagers gathered in a hut. He did so not to protect them from the assault of the enemy he was trained to combat in Vietnam but to protect them from the ongoing assault of soldiers wearing the United States' uniform. Shocked at the horror of witnessing innocent children, women and men being fired upon by fellow soldiers, Mr. Thompson moved to action along

with his crew mates and radioed two other gun ships to come to the aid of the Vietnamese villagers. The ensuing standoff lasting 15 minutes provided the necessary time for the choppers to airlift a dozen villagers to safety. Had it not been for Mr. Thompson's intervention, many more villagers may have been included in the list of Vietnamese civilians killed that day. I am pleased to announce that this story, Mr. Speaker, will be reaching a final chapter on Friday, March 6, 1998 as he will be receiving public recognition by the United States Army for his efforts some 30 years ago. The prestigious Soldier's Medal will be awarded to him at the Vietnam Veteran Memorial citing his "heroic performance in saving the lives of Vietnamese civilians during the unlawful massacre of noncombatants by American forces."

Mr. Speaker, this high honor marks a long over-due recognition for an American who served his country with great distinction and who continues to do so in counseling veterans in Louisiana's 7th District. I wish to extend my heartfelt appreciation for Mr. Thompson's honorable service and all those who acted beyond the call of duty in saving the lives of those My Lai villagers. I am proud that our nation will do the same this Friday.

TRIBUTE TO THE OFFICERS OF  
THE DIPLOMATIC SECURITY  
SERVICE OF THE DEPARTMENT  
OF STATE; CALL FOR LEAP FOR  
DSS PERSONNEL

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. LANTOS. Mr. Speaker, the Diplomatic Security Service (DSS) of the Department of State has been a vital law enforcement and national security asset of the United States government, although the DSS has been far less known than other federal law enforcement organizations. Mr. Speaker, I want to call the attention of my colleagues to this valuable international asset, and pay tribute to DSS officers who play such a vital role in our nation's foreign policy and the security of all Americans.

Earlier this year, the normally low profile of the Diplomatic Security Service received a well-deserved boost when one of the U.S. Marshall Service's most wanted fugitives was apprehended as a result of the assistance of the DSS. For two years, Nathan Hill was one of our nation's most wanted criminal suspects. Law enforcement officials pursued him in Chicago, where he was indicted for the distribution of 9,000 pounds of cocaine through violent gangs in Chicago, Los Angeles, and Houston, and for ordering the killing of two individuals. After his indictment in 1996, Hill fled the United States.

U.S. officials suspected that Hill was in Conakry, Guinea, and the Diplomatic Security Service was pressed into service. They carried out a discreet investigation to confirm Hill's identity and his location in Guinea. DSS officers then worked with Guinean law enforcement officials to arrange the arrest of Hill, which was carried out in the presence of members of the DSS, and they work with Guinean officials to expedite his extradition to

the United States to stand trial. He is now being held without bond in Chicago, awaiting trial.

Mr. Speaker, this is only one of the more recent and public examples of the kind of outstanding law-enforcement and security assistance that the Diplomatic Security Service provides. The DSS has wide-ranging domestic and international law enforcement and security responsibilities. DSS agents are not only federal law enforcement officers, they also serve as members of the U.S. Foreign Service, and this combination makes the DSS truly unique.

For over 75 years, the DSS has been the law enforcement arm of the Department of State. It is at the forefront of the struggle against terrorism and transnational crime. No law enforcement agency of the U.S. government is more broadly represented overseas than the agents of the Diplomatic Security Service. Of the 660 special agents of the Diplomatic Security Service, some 240 are serving in 133 embassies, consulates, and U.S. interest sections abroad, and in most countries the DSS officer there is the sole representative of U.S. law enforcement.

DSS officers are trained criminal investigators, since they receive the same basic criminal investigative training as the Secret Service, U.S. Customs officials, and other federal law enforcement officers. DSS officers are given on-the-job training at domestic field offices for the first three to five years of their service. Subsequent assignments can be either domestic or foreign, and throughout a DSS officer's career he or she will have a blend of postings.

Domestically, DSS has responsibility for the protection of foreign dignitaries visiting the United States, and at 21 field offices throughout the country they are engaged in criminal passport and visa fraud investigations. Such investigations are vital to protecting our national security because terrorists and individuals engaged in international organized crime frequently use such bogus travel documents. For example, Mr. Speaker, four of the conspirators in the World Trade Center bombing were charged with passport fraud.

Overseas, DSS agents serving in U.S. diplomatic missions abroad serve as Regional Security Officers (RSO)—the principal advisor on security matters to the ambassador or chief of mission. The RSO manages the Marine Security Guards, the local guard program, security and counterintelligence briefing programs, and a broad criminal and personnel investigative program. In addition to these important functions for the security of each embassy or foreign mission, the RSO administers anti-terrorism assistance training for foreign police, and, in just the past decade, over 18,000 foreign law enforcement officers have been trained under the Anti-Terrorism Assistance Program. Abroad, DSS officers are frequently the principal liaison with foreign police and security services, in which position they assist U.S. law enforcement initiatives and investigations.

Mr. Speaker, the Diplomatic Security Service has provided invaluable security and law enforcement service in support of United States foreign policy and law enforcement objectives. The record of the men and women who comprise the DSS clearly reflects their dedication to duty and their determination to serve the American people in a wide variety of extremely difficult situations.

Mr. Speaker, I am delighted to report to my colleagues that in the First Session of this

Congress, the Foreign Relations Authorization Act for Fiscal Year 1998 and 1999 (H.R. 1757) which was adopted by this House on June 11, 1997, approved the inclusion of members of the Diplomatic Security Service under the provisions of the Law Enforcement Assistance Pay (LEAP). Section 1327 of H.R. 1757, which I adamantly supported in the face of considerable doubt and skepticism as the International Relations Committee went through the drafting of the legislation, provides the Diplomatic Security personnel who perform law enforcement and security functions will receive the same compensation as other federal law enforcement personnel, such as the FBI, Secret Service, and other agencies.

In light of the importance of the dedicated agents of the Diplomatic Security Service, Mr. Speaker, I urge my colleagues in this House to continue to support the LEAP provisions in the Foreign Relations Authorization legislation, and I urge my colleagues on the other side of the aisle to work in a cooperative fashion to see that the conference report on H.R. 1757 is completed and approved quickly.

TRIBUTE TO IRENE PAPAN

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. ESHOO. Mr. Speaker, I rise today to honor Irene Papan, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Irene Papan has dedicated ten years and countless hours to John's Closet, a non-profit foundation she established in 1988 in memory of her late son John. John's Closet is an all-volunteer program that provides new clothing to more than 6,000 children in San Mateo County. Mrs. Papan believes that the new clothes promote confidence and self esteem, enabling low income children to more fully participate in school. She and her husband, The Honorable Louis J. Papan, have also established a Memorial Scholarship Fund that awards scholarships to special education programs and late blooming high school seniors. Mrs. Papan has been recognized by the cities of Pacifica, Daly City, and South San Francisco for her tireless efforts on behalf of children and was featured on a television program that focused on outstanding community volunteers.

Mr. Speaker, Irene Papan is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

RECOGNIZING ZACH FOSTER AND  
PAUL PLEMONS

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to recognize the honesty,

integrity, and good deeds of two of my constituents in Colorado.

Early last month, Mr. Zach Foster, a student at Colorado State University, along with roommate Paul Plemons, found a bag at a store parking lot. Looking in the bag, the two discovered over \$500 in cash. Doing what many would not have done, they turned the money over to a store manager, who then returned it to its rightful owner, Sam Ciocotta of Espresso di Cioncotta. They left no name, no address, and no phone number. Determined to find them, Ciocotta ran an ad in the local paper, and in this way he was able to locate and thank the two young men. So moved was Mr. Ciocotta that he offered a reward to the individuals who turned in the money.

Messrs. Foster and Plemons were looking for neither recognition nor notoriety. While the two were ultimately rewarded for their honesty, they neither expected nor sought any remuneration for their act. They turned in the money for one reason, and one reason alone—it was the right thing to do. As Plemons said, "This isn't something that should be rewarded." Indeed, honesty does not have a price tag, but these two young men are worthy of much praise. They truly are a credit both to my constituency and to the entire country.

Mr. Speaker, we are bombarded on a daily basis with stories that tell of the lowest common denominator of human behavior. It is so very rewarding to hear of actions which illustrate the strong ethics and morals that many of us still hold dearly. We must do more to emphasize what is right with America especially at a time when we are surrounded by reports of what is wrong. Mr. Speaker, Zach Foster and Paul Plemons are examples of what is right with America. Please join me in thanking them for having the honesty, commitment, and courage to do the right thing.

AMERICA MUST STAND BY  
TAIWAN

**HON. DANA ROHRBACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. ROHRBACHER. Mr. Speaker, the relationship between the United States, The Republic of China on Taiwan, and the Peoples Republic of China (PRC) was a top issue during last October's summit meeting between President Clinton and Jaing Zemin. Taiwan will be an even bigger topic of discussion at the next summit meeting later this year.

I have spent a lot of my time in Congress focusing on America's role in Asia. I believe that one of the most vital elements to promoting America's regional interests, the spread of freedom and prosperity in Asia, hinges on how well we lead on the cross-Strait issue.

In 1996, the PRC had ventured into a reckless policy of launching missiles towards the territory of Taiwan in an effort to undermine its plans for democratic Presidential elections. At the urging of Congress, the United States finally deployed two aircraft carriers with assorted escort ships into the Taiwan Strait. That show of commitment and friendship to Taiwan diffused the crisis. I am proud to have played a part during that crisis urging that Taiwan be defended.

The missile launchings, or so-called military exercises, were terror tactics designed by the PRC's politburo to frighten and intimidate the Taiwanese people. In those days before the first-ever election a Chinese president, the people on Taiwan braved the intimidation and added another achievement to their long and proud history. Bouyed by America's solidarity, the people of Taiwan flocked to the polls and elected Lee Teng-hui as their president.

I was honored to attend President Lee's inauguration and I look forward to seeing him again during my upcoming visit to Taiwan.

The U.S. military intervention of 1996 and your remarks, Mr. Speaker, that were made on the occasion of your visit to Taiwan last year, when you said that Taiwan should be defended if attacked, should be the basis of a new consensus concerning our strategic policy regarding the status of Taiwan. Deterrence works. We need to discourage the PRC from using force against Taiwan. The best way to encourage the right to happen in the relationship between Taiwan and the PRC is to ensure that reason rather than brute force play the dominant role in determining the future. Part of deterring PRC aggression should be to allow our friends on Taiwan to have access to the adequate defensive weapons.

Mr. Speaker, a prominent Asian scholar who I look forward to meeting someday, Dr. Arthur Waldron has written an essay, "Back to Basics: The U.S. Perspective on Taiwan-PRC Relations," which further illuminates some of the points I've made here. I recommend it to my colleagues.

RECOGNIZING SIX MILLION HOURS  
OF SAFETY

**HON. LINDSEY O. GRAHAM**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. GRAHAM. Mr. Speaker, I rise today to pay tribute to and congratulate United Defense's Ground Systems Division of Aiken, South Carolina for an unprecedented safety achievement.

On January 30, 1998, GSD-Aiken employees successfully completed six million hours without a lost-time accident. This remarkable feat is directly attributed to the employees of GSD-Aiken. To accomplish something of this magnitude, every single employee had to work to ensure the safety of others. It was through their hard work and commitment to each other, GSD-Aiken was able to achieve this rare milestone.

An exemplary record in safety is nothing new for GSD-Aiken. Since 1994, GSD-Aiken has been certified by the South Carolina Department of Labor, Licensing and Regulation as a Palmetto Star facility under the Department's Voluntary Protection Program. Through this program, GSD-Aiken was notified of areas in need of improvement as well as confirming their accomplishments.

GSD-Aiken has set a standard in safety that all others should seek to emulate. Therefore, I take great pride in recognizing GSD-Aiken for this remarkable achievement.

TRIBUTE TO BONNIE WELLS

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. ESHOO. Mr. Speaker, I rise today to honor Bonnie Wells, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Bonnie Wells has devoted her entire professional and personal life to helping those in need. The trauma of being abandoned at birth by her mother and spending the five years of her life in an orphanage has given her a unique sense of the needs of others in difficult situations. Ms. Wells established the North San Mateo County Leadership Forum which provides community leaders with background on the operations of their community. She has served as a member of the Child Care Coordinating Council of San Mateo County, including two years as its President, and has received several awards for her service to city and county government, United Way of the Bay Area, Seton Medical Center and other community organizations.

Mr. Speaker, Bonnie Wells is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO LARRY DOBY

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the newest member of baseball's Hall of Fame, a fellow South Carolinian, and most importantly, a true pioneer. I rise today to pay tribute to Larry Doby.

As of Tuesday, Doby became the first native South Carolinian to be inducted into the baseball Hall of Fame. While his athletic accomplishments alone are an incredible honor, Doby should be honored as a pioneer in one of America's favorite professional sports and an ambassador of the baseball community.

Doby grew up in Camden, South Carolina, my father's hometown, where he learned to play stickball in the streets and eventually organized baseball on local diamonds. He attended Jackson School, the public school for black children, and later Mather Academy, my high school alma mater. Doby lived in South Carolina until his mid-teens when he went to New Jersey with his mother. There, he attended the integrated Eastside High School in Paterson, New Jersey, the city in which I was married.

From 1942 to 1943 and 1946 to 1947, Doby played for the Newark Eagles of the Negro League. When he signed a contract in 1947 to play with the Cleveland Indians, he became the American League's first black player. He also twice led the American League in home runs, beating out the famed Mickey Mantle. Doby played with the Indians from 1947 until 1955 when he went to the White Sox for the

1956 and 1957 seasons. He returned to the Indians for 1958 and went on to play for Chicago and Detroit until 1959 when he retired.

While the late Jackie Robinson broke the color barrier in the National League in a much-chronicled story, only 11 weeks later Doby followed suit in the American League to a more quiet narrative. Through much of his career, Doby was an overlooked pioneer who endured the same racial taunts Robinson had from teammates, fans and managers.

Pitcher Lou Brissie, another native South Carolinian, played both with and against Doby in the years following World War II. He remarked that Doby was "really an extraordinary man, in many ways. I have a great deal of respect for him. He always carried himself with dignity." While I congratulate the athlete who topped the American League in 1954 with 32 homers and 126 RBIs, it is the man Brissie describes that I pay tribute to today.

Mr. Speaker, I ask you and my colleagues to join me in honoring Larry Doby, the newest member of the baseball Hall of Fame, a fine South Carolinian, and a model American.

#### EDUCATIONAL AND CULTURAL EXCHANGES

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention the December 12, 1997 speech by former Congressman John Brademas, entitled "Educational and Cultural Exchanges Across the Atlantic."

I ask that the full text of Dr. Brademas' remarks be printed in the CONGRESSIONAL RECORD.

Those remarks follows:

#### EDUCATIONAL & CULTURAL EXCHANGES ACROSS THE ATLANTIC

(By Dr. John Brademas)

I am delighted to have been asked by Wouter Wilton to speak to you today about educational and cultural exchanges across the Atlantic.

My own links with Europe, let me say at the outset, are several, and they are deep. My late father was born in Kalamata, Greece. In fact, I am the first native-born American of Greek origin to have been elected to the Congress of the United States.

After graduating from Harvard, where I well remembered Secretary of State George Marshall's famous Marshall Plan speech, I spent three years of graduate study at Oxford University where I wrote my Ph.D. dissertation on the anarcho-syndicalist movement in Spain from the mid-1920s through the first year of the Spanish Civil War.

I did most of my research through visits to a library in Amsterdam and interviews with Spanish anarchists in exile living in Paris, Bordeaux and Toulouse.

As a Member of Congress, I traveled to Czechoslovakia, France, Germany, Hungary, Poland, Romania, Spain, the Soviet Union, Yugoslavia and the United Kingdom.

You will not be surprised then that I enthusiastically applaud the efforts of the Delegation of "Team Europe USA" of the European Commission. For although for many of us participating in this meeting, the connections between the United States and Western Europe have been natural, indeed essential, to our lives, I do not think that even well-

educated Americans know much about the European Union per se.

Indeed, given the importance of Japan, Korea and especially China, and in light of the continuing need for oil from the Middle East and lack of stability there, is the US-European relationship still fundamental?

Now my Harvard classmate, Sam Huntington, in a powerful essay in *Foreign Affairs* last year, notes that the United States is pulled in three directions—Latin America, Asia and Europe.

"The third pull," says Huntington, "toward Europe is the most important. Shared values, institutions, history, and culture dictate the continuing close association of the United States and Europe. Both necessary and desirable is the further development of institutional ties across the Atlantic, including negotiation of a European Free Trade Agreement and creation of a North Atlantic Economic Organization as a counterpart to NATO," which Huntington describes as "the security organization of Western civilization."

Although I do not accept Huntington's contention that peoples reared in Eastern Orthodox or Muslim civilizations are incapable of learning the habits and practices of democracy, I do agree with his assertion of the primacy for the United States of our ties with Europe.

#### EDUCATIONAL EXCHANGES

You must understand that the subject of the study of other countries and cultures is one that has preoccupied me for a long time. Thirty-one years ago, as a Member of Congress, I wrote—and President Lyndon Johnson signed into law—the International Education Act, to provide Federal funds to colleges and universities in the United States for teaching and research about other countries. Unfortunately, Congress failed to appropriate the money to implement the statute, and I believe the United States—of course, not for that reason alone—has suffered a great deal in the ensuing years from our ignorance of such places as Vietnam, Iran and Central America.

When, in 1981, I became President of New York University, I determined to strengthen the University's offerings in the international field.

Already powerful in the study of French civilization, we established the Alexander S. Onassis Center for Hellenic Studies—I have told you of my Greek ancestry—and the Casa Italiana Zerilli-Marimó.

With a gift from the late Milton Petrie of New York and his wife, Carroll Petrie, we instituted the King Juan Carlos I of Spain professorship of Spanish culture and civilization under which we have brought eminent scholars annually to lecture at NYU.

We founded the Skirball Department of Hebrew and Judaic Studies and, in our Stern School of Business, a Center on U.S.-Japanese Business and Economic Studies.

My Gaelic-speaking successor as NYU President, L. Jay Oliva, inaugurated Ireland House.

And only last April, I had the honor of welcoming His Majesty, King Juan Carlos I, to our campus to dedicate the King Juan Carlos I of Spain Center of New York University. In the presence of His Majesty, Queen Sofia and the First Lady of the United States, Hillary Rodham Clinton, we officially opened the Center.

As you know, several American universities have programs or centers on Latin America but there are almost none on Spain. We at NYU intend that the King Juan Carlos I of Spain Center become the premier institution in the United States for the study of modern Spain, its economy, history, and politics.

We have already in recent months enjoyed visits from former Prime Minister Felipe González and his successor, José Maria Aznar.

Here I draw your particular attention to a bequest from the late actress, Paulette Goddard, with which we have endowed a chair in European Studies and created, in memory of her late husband, the novelist Erich Maria Remarque, the Remarque Institute, directed by Professor Tony R. Judt and aimed specifically at promoting the study of Europe and facilitation of communications between Americans and Europeans.

I think it appropriate here if I simply quote some lines from the statement of the objectives of Remarque Institute: "[T]he study of Europe—European history, languages, and culture—is no longer a mainstay of educational programs in the United States. In high schools and in colleges it is not uncommon for students to graduate with only the flimsiest acquaintance with Europe. . . . The overall result is not only that the study of Europe . . . has declined in U.S. colleges, but that the sort of scholarly expertise on which journalists, politicians, business people, and the arts world might draw and with which they used to interact is much reduced."

At New York University, I trust I have made clear, we are in large measure Eurocentric in our offerings, especially in our Department of History.

And I must also comment on our students, for of the more than 3,000 colleges and universities in the United States, NYU ranks fourth in the number of non-immigrant international students on campus.

Today over 3,600 students from 120 countries—12.5 percent of our total enrollment—are pursuing academic degrees at NYU.

Also this year, 175 students are participating in NYU Study Abroad Programs in Florence, Paris, London and Prague, while more students from our professional and graduate schools are studying in other countries.

Yet if it is true, as the Institute of International Education reports, that the United States hosts more foreign students by far than any other country—457,984—that number has remained relatively flat for seven years.

In the 1995-96 academic year, the total number of Americans studying abroad was only 89,000, or about one-half of one percent of the student population in the United States. I nonetheless note that this figure marked an increase of 5.7 percent in the number of U.S. students going abroad, following an 11 percent rise the previous year. I add that about two-thirds of American students who did academic work in other countries in 1995-96 went to Western Europe.

I offer these facts at a time when, as all of you know, there has been a general retreat in the United States from investment in international diplomacy. That retreat is reflected in cuts in U.S. Information Agency student exchange programs, near elimination in some countries of the Fulbright exchanges, shutdowns of American consulates, harsh attacks on the United Nations, failure to pay our UN dues and, most recently, denunciation of the Kyoto Protocol on global warming by Republican members of the United States Senate.

#### CULTURAL EXCHANGES

Now if I bring to the discussion of international education the experience of a former legislator and university president, I wear yet another hat that touches directly on the subject of educational and cultural exchanges.

In 1994 President Clinton did me the honor of appointing me chairman of the President's Committee on the Arts and the Humanities.

Composed of 45 persons—32 private citizens and 13 heads of Federal departments and agencies with cultural programs—our Committee is charged by the President with encouraging greater private sector support and more public-private partnerships for the arts and the humanities in the United States.

Earlier this year the President's Committee—of which the First Lady, Hillary Rodham Clinton, is Honorary Chair—released *Creative America*, a Report to the President—and the country—containing over 50 specific recommendations for action.

One of the major recommendations in our report to President Clinton was to expand international cultural and educational relations.

In *Creative America*, the President's Committee asserted that "international artistic and scholarly exchanges are more important than ever in a world in which ideas, information and technologies travel freely across national borders."

Certainly, the American economy is linked to international markets, as the current troubles in Asia vividly demonstrate, and as a global power, the United States has a vital interest in supporting programs in our schools, colleges and universities that increase our knowledge and understanding of other countries, cultures and languages.

In this connection, the Fulbright and U.S. Information Agency Exchange Programs have played a crucial role in promoting democratic values around the world.

Everyone here knows that not only have the Fulbright exchanges brought to the United States at critical stages in their careers future presidents and prime ministers, university presidents and scholars, influential journalists and business leaders but have also opened doors of opportunity for Americans to study and teach in other countries.

It is, therefore, a matter of great distress to members of the President's Committee that in recent years, government funding of the Fulbright program and other international educational and cultural exchanges has been sharply reduced even as private sector support for such efforts has been leveling off.

In light of the nature of the present US Congress, I'm glad to report that a few months ago the Senate and House of Representatives voted funds for educational and cultural exchanges at approximately current levels. One program, the Higher Education Collaboration between the United States and the European Union, will provide grants to be made jointly by the US Department of Education and the European Commission to help American and European colleges and universities with student exchanges.

In like fashion, I hope that more business firms and private foundations in the United States and elsewhere will support programs of international studies at colleges and universities in their respective countries as well as international scholarly exchanges. For example, my colleagues at NYU are now discussing prospects for a campaign to raise funds to endow fellowships for students from Spain and the Spanish-speaking world to pursue graduate study in the humanities and social sciences at our university and fellowships for NYU students to go to Spain or Latin American for post-graduate work.

Even as we in the United States must do far better than we have been doing in supporting international studies at our own colleges and universities and scholarly and cultural exchanges with other countries, I hope you will permit me to suggest that there should be more attention in Europe to learning about America.

When I was at Oxford 45 years ago, study of the United States ended with the League of Nations. And while there's been some

progress, it's only in recent years that Oxford has established an Institute for American Studies.

And with the increasing integration of the European Community and the prospect of adding new members from East and Central Europe in the near future, European students need to learn more about each other. It is, therefore, most encouraging that the European Union is supporting several programs to encourage intra-European study and has allocated funds to include students from East and Central Europe, including Russia.

Allow me here to mention a project on which I have been working for the past two years with colleagues in the United States and Europe. I speak a Chairman of the National Endowment for Democracy, a Federally-funded, nongovernmental, nonpartisan foundation that makes grants to private organizations that champion the institutions and practices of a democratic society. My colleagues I plan to establish a Center for Democracy and Reconciliation in Southeastern Europe, to be located administratively in Salonika, Greece. The programs and activities of the Center will be carried out in the several countries of Southeastern Europe—the Balkans. These programs are intended to be multinational in scope bringing together participants from the various countries of the region.

The purpose of the Center's multinational approach is to foster greater interchange and understanding among the peoples of the area and to develop networks among individuals and groups committed to the democratic and peaceful development of Southeastern Europe.

For example, one Center project would support the writing of school textbooks and improvement of pedagogy at all levels in the countries of the region. Textbook treatments of historical relationships are of real consequence in Southeastern Europe. There are few direct cultural and educational links among peoples in the Balkans and the views they take, of their neighbors are extremely important in shaping political attitudes. We hope to forge better ties through a series of workshops for university professors of Balkan history from throughout the region.

The governing body of the Center will be composed chiefly of persons from the region itself. To finance whatever projects the Center will undertake, approaches will be made to corporations, private foundations and the European Commission.

Certainly my colleagues and I who hope to see a Center to support the development of democratic institutions in this troubled part of Europe believe that education, at every level, must play a crucial role.

Now the activities of the President's Committee on the Arts and the Humanities and the National Endowment for Democracy are not the only ones that continue to bring me to existential connection with Europe.

For example, I'm also chairman of the American Ditchley Foundation. Ditchley Park, as many of you know, a few miles outside of Oxford, England, is a lovely 18th-century house that for some 40 years has been a place for conferences on all manner of subjects. I myself chaired a symposium there two years ago on "Corruption in Democratic Societies" and will next February lead another on "Corruption: What to do About it?". Law enforcement authorities, business and political leaders and scholars from several countries, chiefly Europe and the United States will participate. As the battle against corruption has won new visibility on the part of OECD member states, I hope this issue will command increased attention in the European Commission Parliament.

Also, a few weeks ago in both Washington, DC and New York, I was one of 25 Americans

who joined a like number of Spaniards from the worlds of business, government and the universities to discuss matters of mutual interest. We shall meet next year in Barcelona.

Here I recall that early in my Congressional career, I regularly took part in what was known as the Anglo-American Parliamentary Group on Africa. Members of our House and Senate, the House of Commons and House of Lords, would meet periodically to discuss Africa but this arrangement was also one of the few venues that enabled British and American politicians to know each other personally and talk about the politics of our two countries.

Ought there not be established a systematic program of exchanges between and among Members of the US Congress, Members of the European Parliament and of the parliaments of EU member states?

I add that next week in Athens, under the auspices of the Carnegie Endowment for International Peace, to take part in the third meeting of a Forum on Greece, Turkey and the United States. Seven persons from each country—nearly all of us having earlier served our respective governments in some capacity—will meet to discuss problems of common concern—the Aegean, Cyprus, relations with the European Union—and hope to build some useful bridges.

And that bridge building across the Atlantic is, after all, what, or so it seems to me and, I take it, to all of you, what we should be about.

Now I realize that there are many more aspects to the transatlantic relationship than I have here addressed: trade, the expansion of NATO, what to do about Bosnia, how to deal with Iran and Iraq, to name a few.

And I could add to this list of challenges to revive—to strengthen and not diminish—US-European exchanges. Certainly I hope that President Clinton will make this commitment a top priority on his foreign policy agenda.

I think it appropriate, therefore, that I conclude these remarks by recalling to you the words of the signatories of the North Atlantic Treaty over four decades ago:

"They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law."

That's still a pretty good foundation!

## UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 4, 1998*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 856, the United States-Puerto Rico Political Status Act which presents to Puerto Rican voters three political status alternatives: statehood, commonwealth, independence.

If the Commonwealth option obtains a majority of the votes, or if none of the three options obtain a majority, a referendum will be held in Puerto Rico every ten years until an option providing for full self-government achieves a majority of the votes.

Congress granted American citizenship to the residents of Puerto Rico in 1917. This bill provides a congressionally recognized framework for the 3.8 million people of Puerto Rico to freely express their wishes regarding their options for full self-government for the first time in almost a century of U.S. Administration.

Puerto Ricans have been the largest body of U.S. citizens which do not enjoy the privileges usually accorded to citizenship, including voting representation in Congress and the right to vote in Presidential elections.

Puerto Ricans are the largest group of Hispanic citizens in the U.S. and have only a second class citizenship.

H.R. 856 rectifies the problem of second class citizenship by empowering the people of Puerto Rico to become fully enfranchised, either outside of or wholly within the scope of the U.S. Constitution, through the exercise of their right of self-determination.

More than 340,000 soldiers from Puerto Rico have served in the U.S. armed forces since 1917, and more than 8,000 Puerto Ricans have died fighting for America in the U.S. armed forces.

H.R. 856 creates a constitutionally sound process to resolve the status of Puerto Rico.

Inaction is costing the U.S. taxpayer, in that the 3.8 million U.S. citizens of Puerto Rico will continue to enjoy a free ride exemption from the Federal income taxes the rest of us pay.

A vote against H.R. 856 will continue to deny the people of Puerto Rico the right of self-determination, the very same right which the U.S. so consistently and forcefully advocates in the rest of the world among its allies.

#### TRIBUTE TO ANNIE CHAU

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Annie Chau, a dedicated community leader who is being honored as a "Young Woman of Excellence" by the San Mateo County Women's Hall of Fame.

Annie Chau was born in Hong Kong and immigrated to the United States in 1991. Over the past seven years, she has made remarkable contributions to San Mateo County. As a San Mateo High School student, she has held the positions of Class Treasurer and Vice President of the International Club, in addition to being part of the school's math team, marching band, and local Amnesty International chapter. Ms. Chau has volunteered with children as a reading tutor, an art instructor, and an activity assistant. Further, she represents the youth of the community through her work on the San Mateo County Youth Commission and the Foster City Youth Advisory Council. Annie Chau has achieved a 4.0 GPA and she has been repeatedly recognized for her academic accomplishments in science, math, Latin and Spanish, along with all her volunteer efforts.

Mr. Speaker, Annie Chau is an outstanding leader and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being chosen a "Young Woman of Excellence" by the San Mateo County Women's Hall of Fame.

#### HONORING ROSEMARY LOMBARD

### HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Rosemary Lombard. Rosemary is held in the highest esteem by the Irish American community for her overall integrity, leadership and commitment to the preservation of Irish culture and tradition. She has ably chaired and actively participated in numerous major civic, religious, and charitable causes over the years.

Rosemary is a first generation Irish American of Counties Mayo and Sligo heritage. She was born in Washington Heights, Manhattan and was instilled at an early age with a love of Ireland and all things Irish. During her life, she has served tirelessly in the preservation of Irish culture and tradition. Most important of these traditions is the strong and fervent belief in the attainment of human rights for all people of Ireland.

Having her Bachelor's and Masters degrees from Hunter College, and an Educational Leadership Certificate from Manhattan College, Rosemary served as a past President, founding member and Director of the Irish Teachers Association. In addition, she was a past Chairperson of the Irish American Heritage and Cultural Week Committee of the New York City Board of Education. She also broke ground by being the first woman President of the Mayo Society. Her other posts have included: Treasurer of the St. Patrick's Day Parade and Celebration Committee; delegate to the St. Patrick's Day Parade for over 25 years; President of the Ladies Ancient Order of Hibernians, Division 3; United Irish Counties Association's Second Vice President; charter member of the Irish American Heritage Museum; Secretary of the 46th Police Precinct Council, Board Member of the Fordham Civic Association; and Member of the Board of Directors of the Irish Institute.

I think you will agree with me that Rosemary has contributed enormously to our community and deserves much recognition for her dedicated years of service. Today, I pay tribute to Rosemary Lombard and her tireless efforts and know my colleagues will join with me in recognizing her tremendous contributions to education about Irish American heritage and human rights.

#### COMMENDING THE BRAZOS VALLEY YOUTH TROUPE FOR THEIR ACHIEVEMENTS

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BRADY. Mr. Speaker, I am proud to rise in recognition of the Brazos Valley Youth Troupers, who have just spent their spring break taking on Broadway. These talented youth were the first group chosen by Camp Broadway to attend their performing arts instructional camp in New York City. Selected for their wealth of acting experience, this group of 10 to 17-year olds have represented their community of Bryan, Texas with excellence in all of their achievements.

In just two years, the Brazos Valley Youth Troupe has performed for the Olympic Torch Relay, appeared in Andrew Lloyd Webber's *Joseph and the Amazing Technicolor Dreamcoat*, and now studied under the direction of various Tony Award winners on Broadway. The troupe's performance in *Joseph and the Amazing Technicolor Dreamcoat* drew rave reviews from the national touring cast they performed with, as well as the audience. With Camp Broadway, sixteen youth from the troupe traveled to New York City, took classes from the likes of Carol Channing and famed director George C. Wolfe, and met with the cast and crew of *Titanic* in an educational workshop—all at their own expense. In a short period of time, these youths were able to raise \$1000 per student to cover their expenses of participating in Camp Broadway.

Mr. Speaker, I commend the efforts of young citizens such as these involved in Brazos Valley Youth Troupe. They reflect the commitment and direction that makes our nation strong. They found a goal and went for it—making themselves a success and, in turn, a success of their community. I join with the citizens of Bryan in applauding them for their accomplishments and encourage them to use that ambition in all their future endeavors.

#### IN REMEMBRANCE OF FRANK BROWN

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. DIXON. Mr. Speaker, I rise today to honor Mr. Frank Brown, a loving, devoted father and family man, decorated veteran, and a successful businessman who passed away in Los Angeles on December 21, 1997.

Frank was born on January 27, 1918, in Old Town, a section of Lewisville, Arkansas. His mother, Kate Bradley, and grandparents Kathryn and Abe, instilled in Frank and his sisters Bernice and Daisy, the solid foundation and commitment to community and family that would serve as his guiding principle for years to come. Following his graduation from Lewisville High School, Frank moved to Shreveport, Louisiana, where he worked in a lumber mill and played first base for one of the few semiprofessional black baseball teams, the Shreveport Black Sports.

Frank answered his country's call in World War II, serving in the United States Army's 870th Engineering and Aviation Battalion in the South Pacific. He received numerous citations and medals for his distinguished military service and was honorably discharged in 1945. Upon leaving the Army, Frank realized one of his longtime goals of building a home for his mother in Arkansas.

From Arkansas Frank moved to Los Angeles, California, where he married Odessa Brown, another Lewisville native, on May 21, 1946. Frank and Odessa produced five children: Marion, Gwendolyn, Kathleen, Frank, and Reginald. In Los Angeles, Frank pursued a career as a glazier and worked for years to break the color line in the once-segregated Glazier and Glass Workers Union, Local 636. He finally became a member of Local 636 in 1953 and in 1965, founded Brown's Glass Company—Los Angeles' first Black-owned

glass business. Recognizing the importance of his achievement to the black community in Los Angeles, Frank took the opportunity to share his knowledge and expertise with aspiring entrepreneurs by teaching at the Los Angeles Trade Technical College. He retired from the glass business in 1985 after more than 40 years in the profession.

Aside from his professional accomplishments and love for his family, Frank's other passion was his membership in the Prince Hall Affiliation of the California Jurisdiction and several other fraternal organizations. After many years of dedicated and exemplary service, the United Supreme Council honored him with the 33rd Degree—one of the highest honors that can be achieved in Masonry.

Frank was also active in the National Association for the Advancement of Colored People (NAACP) and the Los Angeles branch of the Urban League. A dedicated and devout Christian, Frank was a member of Los Angeles' famed Trinity Baptist Church for over fifty years. For more than thirty of those years, he served as a member of the Deacon Board, regularly and steadfastly participating in church projects, including the construction of Trinity's current sanctuary. In November 1997, during its 80th anniversary celebration, Trinity paid tribute to Frank for his selfless and enduring commitment to his church family.

Mr. Speaker, I was privileged to know Frank Brown; his and Odessa's daughter—Gwendolyn Brown Byrd—served as my Legislative Director for several years prior to her appointment as Deputy Assistant Secretary for Health, Budgets and Programs at the Pentagon. He was a wonderful family man; a gentleman who instilled in his accomplished children the importance of family and commitment to public service and community. It is, therefore, fitting that his life be recognized in this manner. I ask that my colleagues join me in remembering his contribution to community and in extending our heartfelt condolences to his beloved family.

#### HUMAN RIGHTS VIOLATIONS IN BELARUS

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. SMITH of New Jersey. Mr. Speaker, I—along with my colleagues Reps. GILMAN, WOLF, PORTER, HOYER and MARKEY—rise today to introduce a resolution voicing concern about serious limitations on human rights in Belarus, a country of 10 million people located in eastern Europe. Belarus has an old and rich—and often tragic—history. This century, the people of Belarus suffered the horror of both Nazi and Soviet totalitarianism. More recently, they were ravaged by the 1986 Chernobyl nuclear disaster, the legacy of which profoundly haunts Belarus to this day. Today, the rights and liberties of the Belarusian people are being eroded by their own authorities.

As a participating State of the Organization for Security and Cooperation in Europe (OSCE), Belarus has pledged to abide by its commitments under the Helsinki Final Act and subsequent agreements of the OSCE. Yet since the election of President Alyaksandr

Lukashenka in 1994, basic rights and freedoms have come under increasing assault in clear violation of Belarus' freely undertaken commitments under the OSCE.

In an illegitimate November 1996 referendum to amend the 1994 Constitution, President Lukashenka amassed sweeping powers over parliament and the judiciary. In his quest for more power, Lukashenka has ignored the constitutionally established system of separation of powers. Virtually all power rests in the hands of Lukashenka, who has resorted to rule by decree. Following the 1996 referendum, Lukashenka disbanded the Supreme Soviet (parliament) and created a new legislature, which is largely subordinate to his authoritarian rule. The resolution I am introducing today urges President Lukashenka to restore the rights of the pre-November 1996 parliament, which, having been duly elected on the basis of democratic elections in 1995, is the only legitimate parliament in Belarus.

Similarly, Lukashenka has also undermined the judicial branch. The previously independent Constitutional Court has been brought entirely under his control, and independence of the judiciary in Belarus is no longer guaranteed.

Belarus has been rife with violations of human rights over the last few years, bringing to mind the bygone Soviet era. Freedoms of expression, and association and assembly are severely restricted. The state controls almost all media outlets. The few genuinely independent newspapers and radio stations have been harassed or shut down. Journalists critical of the regime have been denied accreditation; some have been jailed. Opposition leaders and other individuals who criticize the president or government have been intimidated, beaten, or detained. Non-governmental organizations face obstacles and have been subjected to harassment. The Belarusian Soros Foundation, for instance, which had donated some \$13 million to educational, humanitarian, cultural and media projects in Belarus, was forced to close its office there last September as a result of the Belarusian Government's orchestrated campaign of harassment. Demonstrations during the last few years have resulted in short-term detentions—with detainees held incommunicado—fines and police violence against demonstrators and even bystanders.

Mr. Speaker, one can provide a litany of specific instances, but allow me to highlight just two recent cases. Last August, police in the Belarusian town of Stolptsy detained 19-year-old Alexei Shidlauski and 16-year-old Vadim Labkovich—both members of the youth branch of the opposition Belarusian National Front. They were charged for "malicious hooliganism" for allegedly writing on walls appeals for freedom in Belarus and for replacing on several buildings the official red-green Belarusian flag with the red-white-red "independent" Belarusian flag, which President Lukashenka banned in 1995. The young men spent six months in pre-trial detention under very difficult conditions. Just last week, a Miensk court sentenced Vadim Labkovich to a one-and-a-half-year suspended prison term and Alexei Shidlauski to one-and-a-half-year prison term in a strict regime colony. Human Rights Watch, whose representatives were present at the trial, condemned the proceedings as a "show trial and a mockery of justice."

In late December, Yuri Khashchevatsky, an internationally renowned film director and a member of the Belarusian Helsinki Committee was beaten unconscious by two unidentified men, in what human rights observers strongly believe to be a politically-motivated assault. Khashchevatsky had directed a documentary film called "An Ordinary President", which is critical of President Lukashenka. The film won several international prizes, but has been effectively banned in Belarus. Mr. Speaker, I can cite numerous other instances of specific violations of human rights and civil liberties and the Commission on Security and Cooperation in Europe (Helsinki Commission), which I Co-Chair, has detailed information concerning such violations. We have and we will continue to make our views about these matters known to the Belarusian government.

Mr. Speaker, all of the post-communist countries in the region face formidable obstacles in their transition to democratic states based on the rule of law. We recognize that the oppressive legacy of communism and of Soviet rule cannot be overcome overnight. Some of the post-communist countries have made greater progress towards reform; in others, progress has been more erratic, but in virtually all, there has been progress. Belarus, however, appears to be the only country in the region which has witnessed serious backsliding and a turn to the Soviet past. Immediately following its 1991 independence, Belarus appeared to be off to a good start in establishing its democratic credentials, but even those limited reforms have been reversed as Lukashenka has steadily tightened his grip.

Belarusian officials, including President Lukashenka, have complained about Belarus' isolation from the international community, as more and more countries and international bodies have taken Belarus to task over the curtailment of human rights and civil liberties there. The OSCE, for instance, has repeatedly called upon the Government of Belarus to respect human rights and democratic principles, to enter into dialogue with the opposition and to ensure freedom of the media. Lukashenka fails to realize the consequences of his actions and his government's failure to abide by international commitments. The international community has not isolated Belarus—President Lukashenka is isolating Belarus.

After nearly a year of difficult negotiations and several false starts, Belarus and the OSCE agreed to an OSCE Advisory and Monitoring Group, which will assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments. This Group, which is now commencing its work and which will be located in the Belarusian capital of Minsk, can play a truly constructive role in helping Belarus improve its human rights situation. Let me assure you that I will watch closely the willingness of the Belarusian Government to cooperate with the OSCE Advisory and Monitoring Group.

Mr. Speaker, If the Belarusian Government abides by its commitments under the Helsinki Final Act and subsequent OSCE agreements, its isolation from the international community will disappear and its relations, not only with the United States, but with its neighbors in the region, will improve dramatically.

## THE AMERICA AFTER SCHOOL ACT

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. SLAUGHTER. Mr. Speaker, today I am introducing the America After School Act. This bill increases the availability and affordability of high quality after-school child care. It expands the Child Care Development Block Grant and the 21st Century Community Learning Centers Program, while investing juvenile justice funds into after-school prevention programs.

In 64 percent of families with children under 18, both parents work. Their children, especially those 5 to 15 years old, need a safe haven during non-school hours. A recent study showed that when children were unsupervised for long periods of time early in life, they were more likely to display poor behavior adjustment and academic performance as early as the sixth grade. Young people need productive, supervised activities for the periods when they are not in school.

In my district of Rochester, NY, Henry Lomb School #20 has an after school program that serves about 25 students. They could easily triple this number, based on their waiting list and space availability, if only they had enough funding to increase their staff to meet the one-ten staff-student requirement.

Meanwhile, Adlai Stevenson School #29 has an after school program that has enough funding to serve sixteen of its students. This is a great start. However, the school consists of a total of four hundred students. This is another example of the great need to expand after school child care in this country.

Other schools in my district report the need for increased funding for transportation, staff, and supplies to provide supervision and constructive activities for school-age children when the school day ends. Because of the lack of funding, schools do not have the resources to provide after-school care for all students every day. They ration the care—two or three days per week for each student. However, a study in my district showed that school attendance was higher on days when students knew they had their after-school program at the end of the day. Clearly, students desire a safe haven after school, as much as their parents desire it for them.

In addition, the peak hours for juvenile crime are from 3 PM to 8 PM. We need to get kids off the streets and into safe, productive programs at their schools where they can receive help with their homework, participate in the arts, and expend positive energy on athletic competition.

We have learned so much about the development of young minds and the importance of nurturing children at a young age. Expanding after school programs will help more children benefit from supervision and constructive attention from adults. We can stimulate these young minds through tutoring opportunities, arts and computer projects, and drug prevention activities.

I am proud to sponsor the America After School Act and I urge my colleagues to join me in improving the care of our nation's children. Following is a summary of the bill and a list of original cosponsors:

## SUMMARY OF THE AMERICA AFTER SCHOOL ACT

Promoting Safe After School Activities  
(\$7.25 billion over 5 years)

## Title I: Child Care and Development Services

Expand the Child Care Development Block grant (CCDBG) to increase the availability and affordability of quality before and after school health care, and summer and weekend activities for school age children to promote good health and academic achievement and to help avoid high risk behavior. Programs must demonstrate inclusion of disabled children;—grants to schools, community-based organizations, child care, youth, and community centers, or partnerships in low-income areas.—costs: \$5 billion over 5 years.

## Title II: The 21st Century Community Learning Center Program

Expand the 21st Century Community Learning Center Program by:

Increasing the supply of before and after-school programs in a cost-effective manner by using public schools and their existing resources, such as computers, libraries, and gymnasiums, through a one-to-one matching provision that can be met by using in kind or cash resources.

Streamlining the application process and strengthening fiscal accountability mechanisms by including the local education agency in the application process, but keeping the responsibility for running the program at the school level.—costs: \$1 billion over 5 years.

## Title III: Crime Prevention Program

Direct half of the \$500 million new juvenile justice funds to after school prevention programs, instead of just enforcement programs.

Offer grants on a matching basis to the public and private agencies that conduct after-school prevention programs to high crime neighborhoods and areas with significant numbers of at-risk youth.

Grantees must coordinate with state or local juvenile crime control programs.—costs: \$1.25 billion over 5 years.

Original Cosponsors: Gary Ackerman, Rosa DeLauro, Barney Frank, Martin Frost, Darlene Hooley, Eddie Bernice Johnson, Dale Kildee, John Lewis, Zoe Lofgren, Robert Matsui, Marty Meehan, Connie Morella, Richard Neal, Major Owens, Nick Rahall, Max Sandlin, Robert Underwood, Henry Waxman.

## TRIBUTE TO MARCELLA "MARCY" CISNEROS

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. ESHOO. Mr. Speaker, I rise today to honor Marcella "Marcy" Cisneros, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Marcella "Marcy" Cisneros is a tireless crusader against domestic violence. She began her work with victims of violence as a volunteer for the San Mateo Battered Women's Services, then served as Director of Program Services and Outreach Education from 1990 to 1993. Her dream to offer greater advocacy services came true in 1993 when Sor Juana Ines opened its doors to abused women. Since its inception, Sor Juana Ines has served over 5,000 women in San Mateo County by answering crisis calls and providing counseling. In 1995, Ms. Cisneros was hired by the District Attorney's Office as one of its first Domestic Violence Victim Advocates. In addition to her current position with the District Attor-

ney, she continues to educate the private sector about domestic violence and serves in a number of other volunteer capacities. She is an Advisory Board Member of the Psychology Department for the College of Notre Dame and a Co-chair of the County Task Force on Violent Crimes Against Women.

Mr. Speaker, Marcella "Marcy" Cisneros is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

## RESOLUTION HONORING ANNE B. ANSTINE

**HON. BUD SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. SHUSTER. Mr. Speaker, today I rise, Mr. Speaker, in honor of one of my very great friends, the late Anne B. Anstine of Port Royal, Pennsylvania.

Anne was a gifted and talented woman who cared deeply for not only the people she counted as friends and family, but also for the entire community. She lived an exemplary life of service of the organizations that she supported, and volunteered her time to help whenever she was needed. Her death has affected everyone who knew her, and we will all miss her.

Anne began her long and distinguished career in her hometown in Juniata County; therefore, it is my honor to submit the resolution adopted by the Juniata County Council of Republican Women in the CONGRESSIONAL RECORD. It is with great respect and admiration that I submit the following:

## RESOLUTION IN MEMORY OF ANNA MAE BAIRD ANSTINE

Whereas, Pennsylvania has lost a very prominent, proficient and dedicated woman from the ranks of the Republican Party; and

Whereas, Mrs. Anna Mae Baird Anstine, age 73, died May 23, 1997. Known to all as Anne, she was born in Lock Haven, Clinton County, Pennsylvania, the daughter of Clarence E. and Rose Kalmbach Baird. She attended the public schools in Lock Haven, Pennsylvania, and furthered her studies at the The Pennsylvania State University, University Park, PA. On September 14, 1994, she married John B. Anstine, Sr. They moved to Juniata County and established their home on Annlick Farm in Licking Creek, Mifflintown, PA. She lived there for forty years before moving to Port Royal, PA. She was the mother of three children: John B. Anstine, Jr., who resides in Port Royal, PA; Mrs. Nicholas S. (Elizabeth A.) Reynolds, who resides in Alexandria, Virginia; and Mrs. Joel (Rachael A.) Diamond, who resides in Reedsville, PA; and

Whereas, Anne served as Secretary-Treasurer for the family business, Annlick Farm Supply, Incorporated, Port Royal, PA since 1947; and

Whereas, Anne's career in public service began when she was elected County Committee Member for Juniata County. She later became Juniata County Republican Party Vice Chairman and aspired to the Chairmanship. Additionally, she served as Vice Chairman for Citizens of Governor Bill Scranton

and Scheduling Director for numerous campaigns including Congressman John Heinz for United States Senate, Representative Patricia Crawford for State Treasurer, Judge Frank Montemuro, Jr., for Supreme Court and Judge Robert Shadle for Superior Court; and

Whereas, Anne was appointed leader of the Republican Delegation to visit Taipei, Taiwan and Hong Kong by Edward Wu, Minister of Foreign Affairs To Taiwan and Former Ambassador to Bolivice; and

Whereas, Anne was an At-Large Delegate to the 1984, 1988 and 1992 Republican National Conventions, elected to the Platform Committee for the 1988 National Convention and was designated by President Ronald Reagan and George Bush to serve on the 1981 and 1989 Pennsylvania Electoral College and, just recently, was elected Chairman of the Northeast Region of the Pennsylvania National Committee; and

Whereas, Anne B. Anstine was unanimously elected Chairman of the Republican State Committee of Pennsylvania on February 10, 1990 by the Republican State Committee members in Harrisburg, Pennsylvania; and

Whereas, Prior to being named chairman, Anne served six years as Republican State Committee Vice Chairman. During this period she was Executive Assistant to Senator William J. Moore, who served the 33rd Senatorial District in Pennsylvania. She also worked as Special Assistant to the Speaker of the House of Representatives, Jack Seltzer, and was Special Projects Staff Member for the Republican members of the Pennsylvania House of Representatives; and

Whereas, As a Director of the Pennsylvania Council of Republican Women, Anne presided over Juniata, Huntingdon, and Mifflin Counties. She served as Vice Chairman on the Campaign Committee of the National Federation of Women, Washington, D.C., under which she was a faculty member and traveled throughout the country teaching Scheduling; and

Whereas, Anne served as State Chairman of the Republican State Committee until the June 1996 State Committee meeting held in Hershey, Pennsylvania, where she was elected National Committeewoman for the State of Pennsylvania; and

Whereas, Beginning January 1, 1996, after seventeen years of service on the Pennsylvania Council of Republican Women, she was awarded Director Emeritus status with the Pennsylvania Council of Republican Women; and

Whereas, In November 1996, Anne was honored by Governor Tom Ridge as a Distinguished Daughter of Pennsylvania; and

Whereas, Anne was also elected Honorary member of the Juniata County Council of Republican Women; and

Whereas, Anne served on numerous boards including the Juniata and Mifflin Cancer Boards, the Lewistown Hospital Auxiliary, the Juniata Historical Society, the Milford Grange and the Mental Health Board for Juniata, Huntingdon and Mifflin Counties. Other civil activities include appointment to Pennsylvania's Legislative Eisenhower Centennial Commission, Trustee of the Dwight D. Eisenhower Society, member of Messiah Lutheran Church, past member of the Juniata County Business and Professional Women's Club and Past President of the Mifflin-Mifflintown Women's Civil Club;

*Be it resolved:* That the Juniata County Council of Republican Women and the Pennsylvania Council of Republican Women do hereby posthumously recognize Anne Baird Anstine for her outstanding leadership in the Republican Party on the national, state and local level, and for her undaunted service with distinction and honor, her overwhelm-

ing enthusiasm in said leadership and for her proficient life which all Republican women everywhere can emulate; and

*Be it further resolved:* That the Juniata County Council of Republican Women and the Pennsylvania Council of Republican Women extend sincere gratitude to her family and many friends for their support and encouragement and express deepest sympathy in the loss of their beloved one and our faithful leader and friend.

Now therefore: The Juniata Country Council of Republican Women and the Pennsylvania Council of Republican Women request that this resolution, adopted October 20, 1997 at the PA Council's 75th Diamond Jubilee Convention meeting in Harrisburg, PA, be recorded upon the minutes of the Pennsylvania Council of Republican Women and the CONGRESSIONAL RECORD; and that copies be sent to Anne B. Anstine's three children: John, Elizabeth and Rachael.

#### THE POWER OF FREE ENTERPRISE

### HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. SCARBOROUGH. Mr. Speaker, as we Americans approach the 21st century, we should all be reminded of Ronald Reagan's wise words on the power of free enterprise to improve the lives of millions. Like President Reagan, I know history's lesson has taught us that the power of the individual entrepreneur is far more powerful than the plodding might of a government bureaucracy.

As President Reagan said in 1987, the economic vitality pushing our country into the 21st Century is broad-based and irreversible. It's not coming from the top, but from the bottom. The creative talents of our citizenry, always America's greatest asset, are being put to work for our benefit as never before. We have every reason to be optimistic.

When I first came to Washington three years ago, the annual deficit was over \$200 billion a year. Bill Clinton said balancing the budget would wreck the economy. But by following the wisdom of Ronald Reagan, we cut government spending a record \$50 billion in one year.

Our conservative fiscal policy has caused interest rates to drop, the markets to explode and the deficit to disappear. With the deficit monster in check, we must now reform the Income Tax code to make it fairer, simpler and less expensive for all Americans. Again, we would be wise to take President Reagan's word to heart: "Common sense told us that when you put a big tax on something, the people will produce less of it. So, we cut the people's tax rates, and the people produced more than ever before."

As President Reagan said in his Farewell Address to the Nation, lower tax rates lead to more jobs, more opportunities and a stronger economy for all Americans. Let us hope that members of Congress and this Administration will fight for the tax reform that Americans so badly need. If we meet that challenge, truly I believe America's greatest days will lie ahead.

A V-I-C-T-O-R-Y CHEER FOR  
SOUTHWEST HIGH SCHOOL  
CHEERLEADERS

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. FILNER. Mr. Speaker, I rise today to congratulate San Diego's Southwest High School Cheerleaders who just won the National Co-ed Cheerleading Championship in Orlando, Florida.

The team members are a diverse group of 18 young women and men. They are: Sharyne Beza; Gail Buntingan; Alex Cardenas; Letty Cervantes; Lilygene Craig; Carla Cruz; Hilda Cruz; Wilver Dela Cruz; Tito Enriquez; Alejandra Gonzalez; Angela Guerrero; DeeJay Hunter; William Mangull; Edwin Monzon; Ian Navarette; Liezel Padiernos; Liz Trevino; and Tanya Snyder.

The Southwest High School Cheerleaders used their teamwork, professionalism and spirit to climb their way to the top. A true spirit to be the best indeed yields success!

The Southwest High Cheerleaders are not strangers to victory. This team holds three District Championships. With the help of Coach Roy Lucas, the team's grueling daily practices, intense training and unwavering commitment—they achieved something very special for themselves and all of San Diego.

So I say to the Southwest High Cheerleaders today—enjoy your victory and remember what it took to get you here. The skills you have learned working as a team will help you in life, whatever path you choose.

Here's a huge V-I-C-T-O-R-Y cheer for Southwest High's National Champions. Congratulations on a job well done!

#### TRIBUTE TO GLORIA BROWN

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. ESHOO. Mr. Speaker, I rise today to honor Gloria Brown, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Gloria Brown currently serves on the Mills-Peninsula Health Services Board of Directors, one of many boards on which she has served over the years. In 1995, Ms. Brown organized the first Awareness Sunday Program for African American women in San Mateo County in response to data indicating that African American women have one of the lowest survival rates of breast cancer in the United States. In 1996, she organized an African American Community Health Advisory Committee through the Mills-Peninsula Health Services in order to identify and address health issues that effect the African American community. Further, Ms. Brown helped design an environmental education program for middle school students to handle the academic, emotional, and social needs of pupils needing an alternative learning environment. This successful program is now in its fifth year and is conducted in partnership with the Cabrillo School District and a local funder.

Mr. Speaker, Gloria Brown is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

A TRIBUTE TO CHARLES HERBERT SEATON

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the life of Charles Herbert Seaton. Herb, as we knew him, was a long time scoutmaster, role model and friend to hundreds of children and young men in North San Diego County, and a fine engineer and public servant.

He was born in Uniontown, Pennsylvania on September 13, 1928 to Charles Swan and Mary Elizabeth Kelley Seaton. He attended East Bethlehem Township High School and Pennsylvania State University, where he graduated in June 1949 with a degree in aeronautical engineering. During the summer of 1948 he worked for the U.S. Navy at the David Taylor Model Basin in Carderock, Maryland testing models of airplanes and missiles. After his graduation from Penn State, he was an instructor in the aeronautical engineering department and attended graduate school until 1951. On December 16, 1950 he married Jean Louise Harte, the daughter of Loyal Bert Harte and Sarah Eva Gray.

The young Seatons moved to San Diego, California in 1951 where Herb was employed at Convair as a senior aerodynamics engineer, working on the F-102 interceptor airplane, the Atlas rocket program, and other launch vehicles. In October 1961, Herb's work moved him to the Aeronautical Division of Ford Motor Company in Newport Beach, California, where he was employed as a principal engineer until January 1962, when he was appointed Assistant Director of Nuclear Flight Systems at the National Aeronautics and Space Administration headquarters in Washington, D.C. For several technical and other reasons, nuclear rocket propulsion did not catch on, and the Seatons returned to California in July 1963, where he applied his expertise in nuclear engineering and propulsion for a number of firms and as a consultant, eventually arriving in North San Diego County with five children in the fall of 1968.

Herb's most memorable role was in his local community. He served as President of the Parents and Teachers Association at Ocean Knoll Elementary School in Encinitas, California in 1972 when his two youngest children were enrolled there. As a leader in the Boy Scouts of America for more than 20 years, he served as Scoutmaster of Troop 777, San Diego County Council (now Desert-Pacific Council). This troop grew to be one of the largest troops in its district and produced many Eagle Scouts. For his devotion to scouting, he was awarded the Order of Merit and Silver Beaver by the Boy Scouts of America. He was also a very active member of International Rotary since 1969, most recently with the Kearny Mesa Club. Every Christmas sea-

son he donated his time to play Santa Claus for the Rotary Club and for the Children's Home Society.

His death came on February 12, 1998 at home in Cardiff-by-the-Sea, California. He leaves five children behind: Charles Bret Seaton of San Diego, California; Gary Bruce Seaton of Newport Beach, California; Carl Evan Seaton of Vista, California; LT Scott Montgomery Seaton, MC USNR of Chesapeake, Virginia; and Mrs. Lauren Louise Stills of Santa Monica, California. He also leaves five grandchildren.

Let the permanent RECORD of the Congress of the United States show that Herb's life exemplified the Scouting and Rotarian traditions of service to community, and that he leaves behind this legacy for his family, friends, and fellow Americans to emulate.

STATEMENT REGARDING THE HIGHER EDUCATION FOR THE 21ST CENTURY ACT

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in Title III of the Higher Education Act, Historically Black Colleges and Universities (HBCUs) will be adversely affected if HR 2495, the Higher Education for the 21st Century Act is passed. I requested, therefore, that my name be removed as a co-sponsor of this bill.

If this legislation were to pass with a new definition of Hispanic-Serving Institutions (HSIs) incorporated, every college with a 25% Hispanic enrollment would receive funding; thus, 160 colleges would be made eligible. Alternatively, if HBCUs were defined as every college with an African American enrollment of 25%, 356 colleges would be deemed HBCUs versus the current number of 104. Obviously, there is insufficient funding available to HSIs but their funding should not be appropriated at the risk of taking funds from HBCUs which currently receive a relatively small amount of funds.

I have received numerous calls and correspondence from the presidents and alumni of HBCUs who have expressed their concern about this issue. If we are going to give funds to institutions based on a set percentage of an ethnicity as stated in HR 2495, then I will support giving dollars to all of the 364 colleges that would become HBCUs and the 160 HSIs that would be eligible to receive resources under this bill.

Because I have made a commitment to balance the budget and no monies can be appropriated to additional institutions, I am unable to support HR 2495. Accordingly, I have requested that my name be removed as a co-sponsor of HR 2495, the Higher Education for the 21st Century Act.

A BILL TO ESTABLISH THE "PROTECT SOCIAL SECURITY ACCOUNT"

**HON. JIM BUNNING**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. BUNNING. Mr. Speaker, The future of Social Security has finally taken center stage. In his State of the Union address, the President made a bold commitment to save Social Security—reserving 100% of future budget surpluses until necessary measures have been taken to strengthen the Social Security System.

Unfortunately, however, somewhere between the State of the Union and the drafting of the President's budget proposal, this commitment to Social Security got lost in the shuffle.

The President's budget did nothing to redirect budget surpluses to Social Security. It proposed nothing new.

It included no new Social Security Trust Fund investment strategies or any changes to Social Security taxes or spending.

That's why today, I will introduce legislation to create a new treasury account, "The Protect Social Security Account," into which each year's budget surpluses will be deposited.

In essence, my bill would "wall-off" budget surpluses so they could not be spent until a solution to Social Security is found.

We have a fantastic window of opportunity—right now—to do what we all know we need to do—to reform Social Security to make sure it remains solvent beyond the baby boomers—beyond the year 2029—well into the next century.

The fact that, today, we have balanced the budget—and now see the potential of significant budget surpluses for the next ten years—gives us a golden window of opportunity to strengthen Social Security.

We should not let that opportunity pass us by. I urge all my colleagues to join me in protecting the future of this country's most vital program.

RECOGNITION OF SARA DECOSTA OLYMPIC GOLD MEDALIST

**HON. ROBERT A. WEYGAND**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. WEYGAND. Mr. Speaker, I rise today to recognize Sara DeCosta, a constituent from my district who, along with her teammates on the United States Women's Olympic Hockey Team, won the Gold Medal in the Olympic Games in Nagano, Japan.

Sara began playing hockey at the age of five in the all-male Warwick Junior Hockey Association. She loved the game, but kept hearing people tell her that there would be little opportunity for a female to play at the next level. At Toll Gate High School Sara again played on an all-male team. Sara was the first female ever to play in the Rhode Island Interscholastic League's Championship Division. With her in the net, Toll Gate became the first public school in a decade to play in the state hockey finals. As goalie, Sara shut out the defending

champions during a final game against 17-year consecutive title holders Mount St. Charles Academy. She became the first goalie in 18 years to do so in a title series game. Due to her hard work the year before, Sara was the starting goalie her senior year.

Sara began her college career playing for the women's hockey team at Providence College. During the summer of 1997 Sara was chosen for Team USA to compete in the Pacific Rim Games at Lake Placid, New York. Team USA shut out the Canadian women's team 3-0 in the winner take all championship game. As a result of her skill and sportsmanship during those games, Sara was chosen for the United States Women's Olympic Hockey Team.

Sara is not only a great player, she is a great team player. She was not chosen to start in the gold medal game against Canada, but understood that the success of the whole team was more important than whether or not she got to play. Before the gold medal game she took off her angel pin that had brought her good luck for so long and gave it to the starting goalie.

For the past fifteen years Sara has heard people tell what she can't do. Sara has shown the whole world what she can do. I ask my colleagues to join me in congratulating Sara and the rest of her teammates for their victory in Nagano.

TRIBUTE TO MILDRED ANN  
"MILLIE" BESSIRE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Ms. ESHOO. Mr. Speaker, I rise today to honor Mildred Ann "Millie" Bessire, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Mildred Ann "Millie" Bessire has dedicated countless hours to improving the lives of children, particularly young girls, in San Mateo County. She has spent over 50 years in Girl Scouting, including more than 20 years actively leading a two-week long Girl Scout Day Camp, establishing it as an ongoing program in which she currently acts as Day Camp Administrator. Ms. Bessire also has been active in the Parent Teachers Association (PTA) for over 30 years, serving as President at the local and council levels. In addition, she has developed the expertise of others by recruiting and training adult volunteers, including her own grown daughters who are now active in the Girl Scouting program. In recognition of her volunteer efforts, she has been given numerous awards, including the PTA Honorary Service Award at the local, council, and district levels and the 1997 Women Helping Women Award from the Soroptomists.

Mr. Speaker, Mildred Ann "Millie" Bessire is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

CAMPAIGN FINANCE REFORM

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. KIND. Mr. Speaker, today I read that there may be a vote on a pure soft money ban on the floor of the House of Representatives. While I strongly support a ban on soft money, it is not enough. Any campaign finance legislation that will make a difference must include increased disclosure rules on independent expenditures. The independent groups have come to dominate our campaigns, you just need to look at the race in California to see the effect outside interest groups have had on campaigns.

Fortunately, there is a bill that achieves that goal. The Bipartisan Campaign Integrity Act of 1997, H.R. 2183, bans soft money and places simple disclosure requirements on expenditures by independent groups. This bill does not violate free speech and is a practical way to start to get the big money out of the political system. The six Democrats and six Republicans who worked on this bill have taken the poison pills out of this legislation and have crafted a bill that can be supported by both parties. Our legislation has the most bipartisan co-sponsors of any bill in the House.

The time is now to pass a meaningful campaign finance reform bill. The Bipartisan Campaign Integrity Act of 1997 is the best bill available. The people of my district refuse to take "no" for an answer.

IN HONOR OF G.W. "BUD" MERWIN

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. BARTON of Texas. Mr. Speaker, I rise today to recognize a small businessman and a veteran from my home State of Texas. G.W. "Bud" Merwin is retiring as the President of the Automotive Services Association which is located in my district. The Automotive Services Association is the nation's oldest and largest not-for-profit trade association representing all segments of the automotive repair industry including mechanical, collision, and transmission repair facilities.

Bud Merwin started as the owner of a full-service mechanical, towing, and collision repair business. He graduated from the Institute for Organization Management at the University of Delaware and served in the United States Army. He was stationed in Germany and is an honor graduate of the U.S. Army truck, wheel, and light aircraft repair training school.

In 1971, he launched the very first voluntary automotive technicians' certification program, the National Automotive Technicians Certification Board. This later merged with Automotive Service Excellence that has become the industry standard for quality.

Bud was a founding board member of the National Automotive Technicians Education Foundation, a co-founder of the International Autobody Congress and Exposition, and a founding officer of the Automotive Service Councils and the Automotive Management Institute.

G.W. "Bud" Merwin has worked throughout his life to protect American small business and to ensure excellence in the automotive repair community. Although he was not born in Texas, I am glad that he and the Automotive Service Association call it home.

A TRIBUTE TO JOHN E. "JACK"  
COTTER

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to a man whose compassion, community dedication, and managerial skills have made him one of Arizona's most accomplished and well-respected citizens, Mr. John E. "Jack" Cotter, the Chief Executive Officer of Catholic Community Services of Southern Arizona. Arizona's largest voluntary social service organization, Catholic Community Services and its many agencies touch tens of thousands of lives across Southern Arizona each year. I am especially grateful for the services that Mr. Cotter has made available to my constituents in the Second District of Arizona.

Many of the service provider agencies and their programs exist because of the leadership and direction provided by Mr. Cotter during his tenure as Chief Executive Officer. Under his direction Catholic Community Services has achieved a remarkable record of accountability and stability in all its services. This is especially noteworthy because the funding for these services is patched together from many different public, private, local, state, and national sources. In terms of monetary value of the work, the combined program expenditures totaled more than \$23 million in the last fiscal year.

With this level of expenditure and with more than one thousand employees working across Southern Arizona, an organization of this size could lose its focus on compassionate service to the individual client. Jack Cotter has worked diligently and has provided leadership to his staff that ensures the true focus of Catholic Community Services has been maintained as a caring organization faithfully guided to serve those most in need of advocates and protectors: our children, our elderly, our ill, and our disabled.

In many Southern Arizona neighborhoods, Catholic Community Services is the only organization available to help those in need. I am grateful for the generous and caring spirit that has moved John E. Cotter to share his talents and to relieve the suffering of so many on a daily basis. The reputation of Catholic Community Services as a trustworthy, compassionate and effective organization for meeting the needs of individuals and communities, reflects the character of its leader, John E. Cotter.

All of Arizona has benefited from the 25 years Mr. Cotter has given to Catholic Community Services. As he retires, it is fitting that we reflect and thank him for all that he has done to make life more productive and less stressful for so many. For others, the services he made available were the critical factors determining life or death. I applaud all that he has done and hold him out to the nation as an honored leader. May his example guide others to a life of compassion and service.

INTRODUCTION OF THE RICE  
FARMER FAIRNESS ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. PAUL. Mr. Speaker, I am today introducing the Rice Farmers Fairness Act H.R. 3339. This legislation would condition the continuation of farm subsidies on the maintenance of rice production. The 1996 Freedom to Farm Act allows for the continuation of subsidies to landowners who discontinue tenant rice farming on their land. In essence, this means that the subsidy will continue to flow in spite of an end to production.

Theoretically, the idea of the plan is to "wean" landowners off of subsidies over a transition period. In fact, what this program allows are "something for nothing" subsidies, which is the worst kind of subsidy. Moreover, as a result of this provision there is a very real threat to the agricultural infrastructure. With landowners receiving subsidies in spite of lack of production, the entire warehousing, processing and "value-added" industries are put at risk.

As grain elevators, processors and others see a reduction in demand for their services because of the diminution of production permitted by this legislation they have a disincentive to continue to provide said services, services which must remain in place in order for those who remain in production to be able to bring to market the rice which they continue to produce. Thus, by way of the decimation of the infrastructure, this subsidy to non-producers comes at the expense of those who continue to produce rice. Therefore, the provisions of the Freedom to Farm Act which provide this subsidy actually amount to another form of federal welfare, taking from producers and giving to non-producers.

My legislation is very simple and direct in dealing with this problem. It says that those who had tenant rice farmers producing rice when they began to receive this subsidy must continue to maintain rice in their crop rotation if they wish to retain the subsidy. In this way, we can remove the perverse incentive which the Federal Government has provided to landowners to exit the rice business and thereby put the entire rice infrastructure at risk.

America's rice farmers are among the most efficient, effective producers of rice in the world despite the many hurdles erected by Washington. Our rice producers can compete with anyone absent such hurdles and this bill will help remove one. In order to enhance our competitive position, we should also end our embargoes of other nations which would like access to rice produced in America. Further we should eliminate the burdensome taxes regulations on America's farmers to insure increased market access and a healthy farming community in the these United States.

TRIBUTE TO SARA AVIEL

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Sara Aviel, a dedicated community

leader who is being honored as a "Young Woman of Excellence" by the San Mateo County Women's Hall of Fame.

Sara Aviel has won several awards for her excellence in academics, debate, civic work and music. Her participation as an attorney on the Hillsdale Mock Trial Team helped them win the county championship in 1995, 1996, and 1997 and place second in California last spring. She has been a leader in Junior State of America for three years, as well as a reporter for her school newspaper, writing about issues such as the place of religion in public schools. Last summer, Ms. Aviel spent a month in Costa Rica where she communicated in Spanish while working in the rain forest and in an impoverished village. She plays the piano and has played the viola with the El Camino Youth Symphony. In addition to her extracurricular activities, Ms. Aviel has earned a 3.9 GPA, as well as being a National Merit Semifinalist while tutoring others in math and Spanish.

Mr. Speaker, Sara Aviel is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being chosen a "Young Woman in Excellence" by the San Mateo County Women's Hall of Fame.

VICE PRESIDENT TO MEET WITH  
RUSSIAN PRIME MINISTER

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. WELLER. Mr. Speaker, on Tuesday, March 10, 1998, Vice President Al Gore will be meeting with Russian Prime Minister Viktor Chernomyrdin here in Washington. As a co-chairman of the House Republican Israel Caucus, I believe Russia's continued transfers of missile technology and expertise to Iran is a serious concern. At the current rate of transfer, Iran could have the ability to produce ballistic missiles capable of striking targets in Israel and parts of Europe and Asia within a year. I think the Prime Minister's visit is a great opportunity to force our Administration to confront the Government of Russia on this issue.

I'd like to share for the RECORD a copy of a letter that will be sent to Vice President Gore. In addition to expressing our serious concerns about the issue, it also includes some very tough questions that we would like the Vice President to ask of Prime Minister Chernomyrdin.

CONGRESS OF THE UNITED STATES,

Washington, DC, March 4, 1998.

Hon. WILLIAM CLINTON,

President of the United States,

The White House, Washington, DC.

DEAR MR. PRESIDENT: On the eve of Vice President Al Gore's very important meeting with Russian Prime Minister Viktor Chernomyrdin, we write to you to express our continuing concerns about Russian transfers of missile technology and expertise to Iran. At this time, we feel the need to re-emphasize to you our strong opposition to such activities and to express to you our concerns regarding your administration's policies in dealing with this critical situation.

As we have expressed to you in the past, Congress believes that the activities of Rus-

sian entities which are engaged in such transfers threaten our national security interests. If the current flow of technology and expertise from Russia to Iran continues unabated, Iran could have an indigenous capability to produce a ballistic missile that could strike at American interests in the Middle East, including our close ally Israel, as well as parts of Europe and Asia.

We believe that your administration needs to do more to address this issue. Under the "Gore-McCain" Iran/Iraq Arms Nonproliferation Act of 1992, you are required to sanction foreign governments or entities which knowingly supply Iran with advanced conventional weaponry or technology that could contribute to their acquisition of weapons of mass destruction. In addition, since Russia is a signatory to the Missile Technology Control Regime, and since such technology transfers are in violation of this accord, further sanctions are called for under the Arms Export Control Act and the Export Administration Act.

The Government of Russia needs to understand that the United States will not stand idly by as entities under Russian authority assist a rogue nation in acquiring weapons of mass destruction. Despite the resolution issued by Prime Minister Chernomyrdin earlier this year, which did not legally restrict such transfers but rather stipulated that Russian firms "should refrain" from such transfers, U.S. intelligence reports indicate that Russian entities have signed contracts with Iran to help produce liquid-fueled ballistic missiles such as the SS-4. There is also evidence that the sale of high-technology laser equipment and other supplies needed for the manufacture and testing of missiles has been negotiated. Beyond the technology transfers, thousands of Russian scientists, engineers and technicians are reported to be operating in Iran as advisors.

In light of the failure of the Government of Russia to stop these transfers, Congress felt compelled to introduce the Iran Missile Proliferation Sanctions Act last fall. This legislation, which has passed the House of Representatives and currently has 82 cosponsors in the Senate, would sanction those entities engaged in the transfer of technologies to Iran.

Mr. President, we are gravely concerned about this situation. We would appreciate your administration's assessment regarding current Russian procedures to stop such transfers.

The Administration has been reluctant until now to impose sanctions on Russian entities involved in providing Iran with missile technology even through existing law requires such sanctions. While we cannot expect the Russian government to be 100% effective in stopping the flow of missile technology and expertise to Iran, we can, and must, expect 100% effort. But, how are we to judge whether Russia is sincerely seeking an end to its cooperation with Iran or merely doing enough to prevent the imposition of American sanctions? Specifically, to allay our skepticism about Russian intentions, we would expect to see real evidence of Russian action. We are requesting that on our behalf you ask the following questions of Prime Minister Chernomyrdin and provide us with his answers as soon as possible.

Why hasn't the Government of Russia passe a law to strengthen their decree which restricts the transfers of such technologies and expertise to Iran? Are there legal actions which could be sought against those entities that continue to engage in such activities? How soon can we expect a law to be enacted?

What concrete evidence has the Government of Russia provided that contracts and intelligence cooperation between Russia and Iran are ceasing and programs being terminated?

Has the Russian leadership spoken out forcefully in public against the transfer of Russian missile technology? Have any entities participating in the transfer of technology been arrested for their involvement?

Have the Russians begun to put in place an effective export control regime? Is there any evidence that Russian efforts are having an impact on Iran's procurement efforts?

Mr. President, we believe that the time for good will has ended. If Prime Minister Chernomyrdin does not provide the United States with concrete evidence proving that his country has taken a serious initiative to prevent the transfer of such technologies, then we must act.

Thank you for your consideration on this very important matter. We anxiously anticipate your reply.

Sincerely,

INTRODUCTION OF H. CON. RES. 235  
CALLING FOR AN END TO THE  
VIOLENT REPRESSION OF THE  
LEGITIMATE RIGHTS OF THE  
PEOPLE OF KOSOVA

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. GILMAN. Mr. Speaker, the savagery that the Serbs have unleashed upon innocent men, women and children of the province of Kosova in Serbia since the beginning of this month has surpassed the level of brutality that we have become all too accustomed to in the Balkans. In response to an attack by unknown persons in late February on Serbian police in Kosova that left four of the officers dead, the Serbian authorities conducted a series of large paramilitary sweeps utilizing helicopter gunships and armored personnel carriers throughout several rural villages. During the course of these operations they rounded up male citizens and savagely beat them in front of their terrorized relatives. Scores of people have been reported to be killed or injured.

When 30,000 Kosovars marched peacefully in the streets of Pristina, Kosova's capital, to protest the outrageous behavior of the Serbian authorities, the police again overreacted, wading into the crowd and beating anyone they could. Later they attacked newspaper offices and journalists.

The Congress has called for a non-violent resolution of the situation in Kosova since the current crack-down began ten years ago, and urged our government to keep pressure on Serbia until the government of Serbia improved conditions in Kosova. President Milosevic, who bears personal responsibility for the policies that have now led to the current violence, has been repeatedly warned by our government and other members of the international community that we would not tolerate a massive outbreak of violence. These warnings have apparently gone unheeded, and it is now time to demonstrate our strong resolve not to allow the Serbs to continue brutalizing the Albanian majority in Kosova.

I hereby introduce H. Con. Res. 235 and ask that the text be included at this point in the RECORD:

H. CON RES. 235

Whereas the Albanian people of Kosova constitute more than 90 percent of the total population of Kosova;

Whereas the political rights of the Albanian people of Kosova were curtailed when the Government of Yugoslavia illegally amended the Constitution of Yugoslavia without the consent of the people of Kosova on March 23, 1989, revoking the autonomous status of Kosova;

Whereas in 1990, the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia;

Whereas the State Department's 1997 Country Report on Human Rights in Serbia notes violations of civil liberties in Kosova particularly in the following categories: political and other extra-judicial killing; torture and other cruel inhuman or degrading treatment or punishment; arbitrary arrest, detention or exile; denial of fair public trial; and arbitrary interference with privacy, family, home, or correspondence;

Whereas on the night of February 28, 1998, Serbian paramilitary policy units, reported to number in excess of 25,000 men, swept through the Drenica region of Kosova killing more than 20 Albanian citizens, many of whom died from being beaten to death;

Whereas on March 2, 1998, 30,000 demonstrators peacefully marched in Pristina to protest the massacre of February 28 and were brutally attacked by Serbian police;

Whereas a group calling itself the Liberation Army of Kosova has threatened to retaliate against the atrocities committed by Serbian authorities;

Whereas new elections in Kosova have been scheduled for March 22, 1998; and

Whereas the President of the United States and other officials have warned the Government of Serbia that there would be serious consequences if Serbian policies led to an escalation of violence in Kosova: Now, therefore, be it

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

(1) efforts of the international Contact Group (the United States, United Kingdom, France, Germany, Russia, and Italy) in support of a resolution of the conflict in Kosova are to be commended and intensified;

(2) no international or United States sanctions currently in force against the Government of Serbia and Montenegro should be terminated at this time, unless such termination serves to support a peaceful resolution to the repression in Kosova;

(3) the United States should consult with its allies and other members of the United Nations on reimposing those sanctions against Serbia-Montenegro that were terminated following the signing of the Dayton Peace Agreement in 1995 if Serbian authorities continue to use unlawful violence against the Albanian people of Kosova;

(4) the United States should acknowledge recent developments in the Republic of Montenegro that indicate that the new leadership of the Republic is seeking a peaceful resolution to the repression in Kosova, particularly the statement by Montenegrin President Milo Djukanovic that Kosova must receive a certain degree of autonomy, and his call for a dialog between the Government of Serbia and Montenegro and ethnic Albanians in Kosova;

(5) the United States should, to the extent practicable, recognize positive actions by the Government of the Republic of Montenegro with regard to repression in Kosova through exclusion from those sanctions that may be applied to the Government of Serbia;

(6) the elections in Kosova scheduled on March 22, 1998, should be allowed to proceed unimpeded by Belgrade, as they represent the opportunity for a peaceful expression of the political will of the Albanian people of Kosova;

(7) all parties should refrain from acts that could lead to heightened tensions in Kosova;

(8) the agreement on education in Kosova should be implemented immediately, including at the university level, allowing all residents of Kosova regardless of ethnicity to receive education in their native tongue; and

(9) that the elected leaders of Kosova should begin a dialog with the authorities in Belgrade to resolve the present situation, and to provide for the exercise of the legitimate civil and political rights of the Albanian people of Kosova.

AMERICAN SAMOA GARMENT  
INDUSTRY

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation which would make effective the country of origin rules in effect on June 30, 1996 for apparel items produced in American Samoa. This legislation is limited in scope, and it will have a limited impact on U.S. trade. It is, however, critical to the economic development of American Samoa.

Mr. Speaker, the American Samoa Government has been pursuing outside investment opportunities for many years. A few years ago, a garment manufacturing company began production in American Samoa—the first significant new outside industry to invest in the territory since the nineteen-sixties. The new industry provides jobs for our people, tax revenues for the local government and secondary revenue for a variety of private sector businesses.

The industry is small by U.S. standards (it employs fewer than 500 local people at this time), but it represents diversification for our economy, and its presence lessens our dependence on the federal government. The plant is running smoothly and is meeting scheduled production levels.

Because this is a new industry for American Samoa, it requires a significant amount of planning and training of the local workforce. While our people need time to develop the sewing skills needed to be competitive on a world-wide basis, we are very good at cutting—regularly meeting or exceeding the quantitative standards.

To take advantage of our cutting skills, the existing garment manufacturing company is proposing a three-phase expansion. The expansion plans call for the construction of an enlarged cutting facility where fabric of U.S. origin will be cut, a dye plant in which "grey goods" or pre-dyed fabric of U.S. origin will be dyed and a knitting facility where yarn of U.S. origin will be knit into fabric.

This will be good for the U.S. textile industry—in American Samoa and on the mainland. We estimate that an additional \$5–7 million dollars can be generated for the mainland U.S. textile industry if the expansion goes forward as planned.

Mr. Speaker, the numbers involved are very small in U.S. mainland terms, but they are of great significance on an island whose population totals 60,000 people.

It now appears that the 1996 change in U.S. Customs regulations has placed in jeopardy our infant garment industry and its future

growth. As of July 1, 1996, garments produced almost entirely in American Samoa lost their previous customs treatment even when only a relatively small portion of the production process is performed in a foreign country.

The garment company doing business in American Samoa would like to import U.S. yarn to American Samoa, knit or weave it in American Samoa, dye it in American Samoa, sew as much as the factory in American Samoa can handle, ship the excess out to another country for sewing, bring it back to American Samoa for final assembly and packaging, and have the finished goods enter the United States as products of the United States.

This was possible under the old regulations, but under the 1996 regulations, this can no longer be done. It does not make good business sense for this company to expand as it is proposing in American Samoa unless this expansion is economically feasible. The legislation I am introducing today, if enacted into law, would grandfather the nascent American Samoa garment industry under the old rules, enabling the industry to operate successfully in American Samoa and allowing the existing company to build a larger production facility and finance an orderly expansion.

I believe that this legislation is reasonable and fair and in the best interest of the U.S. textile industry as a whole and the U.S. territories in particular.

My legislation is limited in scope and will merely preserve the old country of origin rules for garment producers in American Samoa. My legislation will help other manufacturing companies who may contemplate locating in American Samoa.

This industry is already providing more than 400 new local jobs in American Samoa, and will provide hundreds more if the expansion plans can be implemented. The infant industry and its future growth are at stake.

This is an important test case which will prove whether or not new export industries can be successful in American Samoa. The implications of the success (or failure) of the expansion project are critical for the economic future of the territory.

Mr. Speaker, the experience of the people of American Samoa is a good example of the difficulties the U.S. territories face in attracting businesses to invest in our economies.

American Samoa's economy has been hampered by our isolation from world markets and world shipping lanes. We have relied on incentives such as the Possessions Tax Credit and the advantages offered under General Note 3(a) of the Harmonized Trade Agreement to help attract the outside investment our economy needs to grow, but those incentives are disappearing.

Over time, the advantages of doing business in the U.S. territories are being outweighed by the emergence of low-cost alternatives engendered by NAFTA and GATT/WTO policies. Countries with lower wage scales, such as Mexico and others in Central America and the Far East, are luring business away from the United States.

Under my analysis, sewing in higher-wage countries will continue to be reduced to the extent that soon there may not be a domestic U.S. sewing industry. I believe that this legislation will better position the United States to keep as much of the industry in U.S. hands as possible, and I look forward to seeing this bill enacted into law.

#### TRIBUTE TO JOHN ORELLANA

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to John Orellana, an individual from my hometown of Corona, California who contributed generously of his time and talents to help others and to make his community a better place in which to live and work. In doing so, he made the ultimate sacrifice and died in January in the line of duty.

Mr. Orellana was not born an American citizen—he immigrated from El Salvador to the United States when he was 17 years old. He was proud of his adopted country, served honorably in the U.S. Marine Corps, and worked hard to provide for his family. Mr. Orellana was a 22-year veteran of the Immigration and Naturalization Service and worked as a special agent in the anti-smuggling unit. He was killed in a car crash as he responded to a call for help from a U.S. Border Patrol agent. Mr. Orellana was a husband, a father, and a great American who went out everyday to make a difference. And he did, some days in small ways, some days in big ways, and on January 29, 1998, it cost him his life. Mr. Orellana deserves our deepest respect and gratitude.

Mr. Speaker, I ask that you and our colleagues join me in remembering John Orellana. Our prayers and most heartfelt sympathy are extended to his family and loved ones. To Mr. Orellana's wife Aura, and his children Nami, David, and Pilar—we honor your husband and father and wish him God's peace.

#### SALUTE TO GRANT BRIMHALL

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. GALLEGLY. Mr. Speaker, I would like to salute a man who has dutifully managed the city of Thousand Oaks for 20 years and has served the State of California for almost 35 years.

Today, I would like to recognize Grant Brimhall's commitment to public service—his commitment to everything from the arts, to social service, to transportation.

Under Grant's direction, Thousand Oaks boasts some of the busiest libraries in the Nation, active teen and senior centers and has maintained beautiful nature paths and scenic trails. And under Grant's direction, Thousand Oaks has provided affordable housing, and a successful business industry for its citizens, with solid and balanced economic growth extending into Ventura County.

Grant Brimhall set a standard—a standard and a philosophy that caught on. His example and urgings inspired the community to take control of their neighborhoods by getting involved in community policing, making Thousand Oaks ranked among the top three cities with the lowest crime rate for its size. Thousand Oaks is a place where residents have joined together to make their streets safer through community policing programs such as a citizens police academy, volunteers in policing, and mobilizing a police resource center.

But Grant Brimhall's contributions go beyond the district lines of Thousand Oaks. He also served the city of Glendora for many years as city manager and was actively involved in many civic activities as well.

I join many others in honoring Grant, who is the recipient of numerous awards from various groups and organizations.

Again, on the event of his retirement, I am pleased to honor the successful career of Grant Brimhall. His leadership and service will be missed, but whose years of hard work will continue to benefit the citizens of Thousand Oaks, California.

#### PROTECT SMALL BUSINESSES FROM ABUSIVE LAWSUITS

### HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 5, 1998*

Mr. INGLIS of South Carolina. Mr. Speaker, I rise today to introduce the Small Business Lawsuit Abuse Protection Act of 1998.

American small businesses are under assault from excessive taxation, regulation and litigation. Particularly frustrating to many entrepreneurs is the fact that the current legal system makes them liable for accidents they do not cause and are powerless to prevent.

In the 104th Congress, the House of Representatives overwhelmingly supported common sense reform of our legal system. Today, however, because a comprehensive reform package was not enacted, it is vitally important that we stand up for small businesses facing a barrage of frivolous lawsuits. In the absence of a comprehensive package, we can still achieve much needed reform by advancing legislation that will offer targeted and incremental reform, as we did in 1997 by enacting the Volunteer Protection Act.

Mr. Speaker, I believe we can build on the momentum we started with the Volunteer Protection Act and provide similar protections to small businesses. The Small Business Lawsuit Abuse Protection Act of 1998 is simple and straightforward. It will offer three important protections to small businesses with 50 or fewer employees: Protects small businesses by allowing the imposition of punitive damages in any civil action only if the claimant establishes by clear and convincing evidence that the conduct carried out by the defendant through willful, misconduct or with a conscious, flagrant indifference to the right or safety of others was the proximate cause of the harm that is the subject of the action; protects small businesses by limiting punitive damages to the lesser of either two times the total amount of economic and non-economic losses or \$250,000; and protects small businesses by holding them liable in an amount that is proportionate to the degree of harm for which they are responsible.

A broad and bi-partisan consensus exists on the need to protect America's small businesses from abusive litigation. This legislation is supported by the United States Chamber of Commerce, the National Restaurant Association, National Small Business United and the National Federation of Independent Business.

Mr. Speaker, I encourage my colleagues to give this measure swift and favorable consideration.

NATIONAL RESTAURANT ASSOCIATION,  
Washington, DC, February 10, 1998.

Hon. BOB INGLIS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE INGLIS: The National Restaurant Association—the leading representative for the nation's restaurant industry which employs more than nine million Americans—strongly applauds your effort to protect small businesses from litigation excesses.

Many small businesses, particularly restaurants, have become vulnerable to excessive litigation in recent years. Indeed, our members are all too familiar with the rising costs of liability insurance and with the reality that a single frivolous lawsuit can be enough to drive a restaurant out of business. We strongly support the Small Business Lawsuit Abuse Protection Act of 1997 and believe it will go a long way toward curbing lawsuit abuse.

Because of the fear of unlimited punitive damages when faced with a claim, many small business owners settle out of court for significant award amounts, even if the plaintiff's claim is frivolous and unwarranted. Plaintiffs' attorneys take advantage of a small business owner's fear, pursuing claims against businesses that they know will have "settlement value." The Small Business Lawsuit Abuse Protection Act limits the amount of punitive damages that may be awarded against a small business. In any civil action against a small business, punitive damages may not exceed the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or \$250,000. Putting a cap on the amount of punitive damages would help to reduce frivolous suits and would enable businesses to obtain more equitable settlements and avoid costly and unnecessary legal fees.

In addition to limiting punitive damages, we are pleased that your legislation includes a provision to limit several liability for noneconomic damages. Under joint and several liability, small business owners are often dragged into lawsuits with which they had little, or nothing, to do. The Inglis Small Business Lawsuit Abuse Protection Act takes an important first step by limiting the liability for noneconomic loss to the proportion of the small business' responsibility. The limitation on several liability would apply in any civil action against a small business.

Representative Inglis, we appreciate your continued commitment to small business and to legal reform. We look forward to working with you to pass the Small Business Lawsuit Abuse Protection Act.

Sincerely,

ELAINE Z. GRAHAM,  
Senior Vice President,  
Government Relations and Membership.  
CHRISTINA M. HOWARD,  
Senior Legislative Representative.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, February 11, 1998.

Hon. BOB INGLIS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE INGLIS: The U.S. Chamber of Commerce—the world's largest business federation, representing more than three million businesses of every size, sector and region—continues to be a strong advocate of tort reform. Indeed, American consumers and businesses squander more than \$150 billion annually in excessive litigation cost and higher liability insurance premiums. That's why we are pleased to support your legislation as another step forward in providing relief from the litigation crisis. We urge Congress to build on the momentum created by the enactment last year of the Volunteer Protection Act by passing your bill, the Small Business Lawsuit Abuse Protection Act.

Small business, the backbone of our nation's economy, are particularly vulnerable to excessive litigation. Small business owners too often face the practical equivalent of a death sentence for their business, with consequent loss of jobs and needed goods and services. The Small Business Lawsuit Abuse Protection Act will level the playing field for small businesses by providing reasonable and well-balanced reforms.

The bill addresses the lottery aspect of litigation in two major ways: (1) by limiting punitive damage awards to the lesser of \$250,000 or two times compensatory damages, and (2) by requiring the claimant to prove by clear and convincing evidence that the harm was caused by the small business with a conscious, flagrant indifference to the rights or safety of the claimant. In addition, for noneconomic damages, the bill limits liability to the proportion of the small business' responsibility for causing the harm.

The Chamber greatly appreciates your continued leadership on liability reform issues and support of small business issues. We look forward to working with you and your colleagues to pass the Small Business Lawsuit Abuse Protection Act.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL SMALL BUSINESS UNITED,  
Washington, DC, February 19, 1998.

Hon. BOB INGLIS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE INGLIS: National Small Business United (NSBU), the oldest small business advocacy organization congratulates you on the introduction of the Small Business Lawsuit Abuse Protection Act. Having reviewed the content and intent of the proposed legislation, NSBU—on behalf of its 65,000 members—offers our full support.

Lawsuit abuse is a serious issue for all of America's businesses, but especially troubling for the nation's 22 million plus small businesses. Small businesses generally do not have the legal resources to combat the onslaught of frivolous lawsuits that have an unnerving grip on this country. Your bill set in place common-sense criteria that would protect millions of businesses from frivolous

lawsuits while not inhibiting legitimate litigation.

A key component of the bill is your efforts to limit punitive damages at reasonable levels and straight-forward reforms to joint and several liability. NSBU has been calling on Congress to act on these very issues for many years.

By modeling proven and accepted legislation like the Volunteer Protection Act of 1997, the Lawsuit Abuse Protection Act is critical and necessary litigation reform for small business. Representative Inglis, your bill—with its bipartisan support—is welcomed by NSBU and our members.

Sincerely,

TODD MCCrackEN,  
President.

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,  
Washington, DC, March 5, 1998.

Hon. BOB INGLIS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE INGLIS: On behalf of the 600,000 small business owners of the National Federation of Independent Business (NFIB), I am writing to commend you for your efforts to put an end to abusive litigation and restore common sense to our civil justice system.

Legal reform is a *small business* issue and was listed as a top priority at the 1995 White House Conference on Small Business. The frequency and cost of litigation have been exploding at an alarming rate. Our civil justice system is becoming increasingly inaccessible, unaffordable and intimidating, not to mention unfair. It is now so strained that it threatens not only the fair judicial process but also has become a huge disincentive to business start-ups. The cost and availability of liability insurance was listed as a top concern to small business owners in a survey conducted recently by the NFIB Education Foundation.

Small business owners now see the legal system as a "no win" situation. If sued—even if completely innocent—it means either a costly, protracted trial or being forced into an expensive settlement to avoid a trial. Thousands of small business owners across the country are having their business, their employees, and their future put at risk by a legal system that is out of control.

Small business owners support any measures that inject more fairness into our civil justice system and allow for the affordable pursuit—or defense—of legitimate cases. Your legislation, the Small Business Lawsuit Abuse Protection Act of 1997, is an important vehicle for those goals. With our courts facing an extraordinary backlog with delays up to several years in some jurisdictions, your bill will discourage frivolous or malicious cases, and help streamline and balance the system.

Thank you for your continued support of small business.

Sincerely,

DAN DANNER,  
Vice President,  
Federal Governmental Relations.