

direct financial benefit element of vicarious liability as it has been interpreted in cases such as *Marobie-FL, Inc. v. National Association of Fire Equipment Distributors*, F. Supp. (N.D. Ill. 1997). As in *Marobie*, receiving a one-time set-up fee and flat periodic payments for service from a person engaging in infringing activities would not constitute receiving "a financial benefit directly attributable to the infringing activity." Nor is subparagraph (B) intended to cover fees based on the length of the message (per number of bytes, for example) or by connect time. It would, however, include any such fees where the value of the service lies in providing access to infringing material.

The number of factors required to establish eligibility for the exemption under the bill is two, as compared with six under the bill as originally introduced. Several of the original factors were rendered unnecessary because direct infringement and secondary liability are no longer combined in a single exemption. In addition, the reduced number of factors reflects an effort to further simplify the bill, and to avoid further contention over the specific formulation of several of the factors.

INTRODUCING A BILL TO CONVEY ADMINISTRATIVE AND OTHER LANDS IN THE GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. GOODLATTE. Mr. Speaker today I introduced a bill to convey administrative and other lands in the George Washington and Jefferson National Forests and to utilize the value derived therefrom to acquire replacement sites where appropriate and for suitable improvements for National Forest administrative purposes.

In addition, my bill grants authority for the Forest Service to sell 200 acres of land adjacent to U.S. Interstate 64 to the Allegheny Highlands Economic Development Authority via the Commonwealth of Virginia for purposes of developing a corporate area catering to high-tech companies. It will be named Innovation Park.

Innovation Park should prove to have a positive economic impact by bringing high-tech jobs to those living in rural areas. This project will not only address a need for good, high paying jobs, but also for additional transportation, water and wastewater system development and improvement.

An environmental impact review is currently underway. Preliminary results indicate that Innovation Park will not adversely impact any habitats for plant or animal life. A public notice of the environmental assessment was issued in January and not a single complaint has been registered.

My bill also transfers the Natural Bridge Juvenile Correction Center from the Forest Service to the Commonwealth of Virginia along with nearly twenty other administrative land tracts or land tracts that lost their natural forest character because of proximity to U.S. Interstate 64.

The Forest Service is fully supportive of the land transfers and have been cooperative in

this attempt to gain transfer authority. They believe that the property included in my bill is more conducive to economic development than forest management and therefore are anxious to remove it from their need-to-manage inventory.

I would like to offer special recognition to Glenn Lopp, the Executive Director of the Allegheny Highlands Economic Development Authority. The Innovation Park project would not have made it as far as it has without his perseverance and enthusiasm.

This is just the first step in a long journey to bring major economic and high-tech development to the Allegheny Highlands as well as the greater area of Rockbridge, Bath, Botetourt and Craig counties. I am proud to introduce this bill, I am confident of its success and look forward to being of continued assistance in the Innovation Park project.

TRIBUTE TO THE HONORABLE  
RONALD V. DELLUMS

SPEECH OF

**HON. PAUL MCHALE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 3, 1998*

Mr. MCHALE. Mr. Speaker, twenty-five years ago, when I was a student participating in the American University Washington Semester program, I would sit in the gallery and watch with wonder the speeches of Congressmen like Pete McCloskey, Andy Jacobs and Morris Udall. I remember distinctly watching a young, idealistic, compassionate, hard driving, newly elected member of Congress fighting for the causes in which he so deeply believed. We honor him today.

A quarter of a century later, RON DELLUMS retains all of the wonderful qualities of leadership and decency he brought to the House in 1971. To my great benefit, during the intervening years, he has also become my friend.

Speaking out against apartheid in 1966, Senator Robert Kennedy said, "Each time a man stands up for an ideal or strikes out against injustice, he sends forth a tiny ripple of hope \* \* \*"

RON DELLUMS' message of hope and peace has guided this chamber and inspired his colleagues for nearly three decades. No man could leave a finer legislative legacy.

RON, you retire with the respect and great admiration of your fellow legislators, and of this friend. Our nation is and ought to be very grateful for your service. *Semper Fi.*

BIRTHDAY TRIBUTE TO AL  
ZAMPA, BUILDER OF BRIDGES—  
OVER WATER AND THROUGHOUT  
THE COMMUNITY

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in wishing a very happy birthday to Mr. Al Zampa of Crockett, California, who will be 93 years old on March 12.

Al Zampa is a truly remarkable man who has left his mark on his community in more

ways than one. As an ironworker from 1927 through 1970, Al personally contributed to one of the San Francisco Bay Area's most distinctive characteristics, its bridges. Starting with construction of the Carquinez Bridge in Crockett, Al's career included work on the Oakland-San Francisco Bay Bridge, the San Mateo Bridge, the Richmond-San Rafael Bridge, the Benicia Bridge and, of course, the Golden Gate. In the autumn of 1936, Al became a member of the "Half-Way-to Hell Club" when he fell from the Golden Gate Bridge and lived to tell about it. Many of his friends and colleagues believed that that fall would end his career as an ironworker and a builder of bridges, but the day he was released from the hospital he returned to the Gate to climb the bridge that had nearly killed him.

But Al Zampa contributed to more than just our community's infrastructure, he also helped to shape a generation of its residents. Al was a major force in the creation of the Tri-City Baseball League, making positive recreational opportunities available to hundreds of youth. As the League's Vice President and a team coach for six years, Al helped shape the lives of many of our young people, and this is perhaps his most lasting tribute.

Again, I invite my colleagues to join me in recognizing the life of an incredible citizen, and wishing Al Zampa a happy and healthy 93rd birthday.

DAYCARE FAIRNESS FOR STAY-  
AT-HOME PARENTS

SPEECH OF

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 11, 1998*

Mr. LEVIN. Mr. Speaker, during the debate on H. Con. Res. 202, my colleague Mr. GOODLING said that he wanted "just again to remind everyone" that the Republicans had "provided \$4 billion more than the President asked for" to fund child care. This was part of the effort to demonstrate a Republican commitment to child care.

I feel compelled to correct the record. The additional \$4 billion being spent on child care is not more than the President asked for. Rather, it is more than was provided under previous law.

Indeed, the main reason for the additional money for child care beyond previous law is that the President insisted upon it, and when the Republicans resisted providing adequate funding for child care as part of the program to move people from welfare to work, the President was forced to veto that version. After the veto, the Republicans agreed to join with Democrats to increase the funds provided for child care, and the President signed the improved legislation into law.

NATIONAL RETAIL SALES TAX  
ACT OF 1997

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak on one effort

Congress should fully consider which promises to bring true tax relief for all Americans.

There is no such thing as a good tax.

Will Rogers once said, "The income tax has made liars out of more Americans than even golf." Those who are most familiar with the Internal Revenue Service, the agency charged with enforcing the income tax code, agree.

Former IRS Commissioner Fred Goldberg said, "The IRS has become a symbol of the most intrusive, oppressive and non-democratic institution in our democratic society." Former Commissioner Shirley Peterson concurred, "we should repeal the Internal Revenue Code and start over."

Indeed, this is the principle objective of the National Retail Sales Tax Act of 1997 (H.R. 2001), which has been introduced in Congress by my Colorado colleague and good friend U.S. Representative DAN SCHAEFER. The plan is predicated upon the repeal of the Constitution's Sixteenth Amendment, which was ratified in 1913 and gave Congress, for the first time, power to impose an income tax.

Income taxes and the IRS would be replaced with a 15 percent federal sales tax on the final purchase of goods and services at the retail level. The rate would decline in future years to 10 to 12 percent as economic growth allows more revenue to be raised at a lower rate and downsizing continues.

According to Mr. SCHAEFER's plan, no income would be taxed until it is consumed. Capital gains and interest income would not be taxed as long as that income is reinvested. Deductions would no longer be a relevant concept under a sales tax. Taxpayers, not the government, would get first crack at their paychecks.

Any business required to collect and remit the sales tax would keep 0.5 percent of tax receipts to offset federal compliance costs, and nothing used to directly or indirectly produce a good for retail consumption would be taxed. The burden of proof would lie with the government in any dispute with a taxpayer.

Mr. SCHAEFER's plan also includes a personal consumption refund to ensure that the basic necessities of life remain tax free. Every wage earner would receive a refund equal to the sales tax rate multiplied by the poverty level (adjusted for the number of dependents claimed) in every paycheck. As a result, every wage earner will earn up to the poverty level tax free.

Though there are several other relevant provisions of the plan, perhaps its biggest appeal is the elimination of the IRS and the need to file tax returns. This year, taxpayers will spend well over \$600 billion in accounting, legal, and processing costs, and 5.4 billion hours just to complete their tax forms.

These costs, along with the cost of income taxation itself, are currently passed along to consumers concealed in the purchase price of all goods and services, including food, medical supplies and housing. Moreover, the graduated income tax punishes economic success, and discourages investment.

No one should be led to believe that the National Retail Sales Tax Act will ever make tax-paying a pleasant experience. After all, no one is proposing to abolish taxation.

Mr. SCHAEFER is, however, the first to acknowledge that his proposal requires much more discussion and he anticipates many more revisions. He points out though that just about any criticism that applies to his plan

doubly applies to the current income tax structure. But as to the sales tax, there are just far fewer of them.

LYNELLE ECHEVERRIA KERN  
COUNTY CATTLEWOMAN OF THE  
YEAR

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. THOMAS. Mr. Speaker, it gives me great pleasure to congratulate a truly exemplary individual, Lynelle Echeverria, upon being named the 1998 Kern County Cattlewoman of the Year. The Kern County cattle industry has bestowed this award upon Lynelle because of her superb achievements in the beef industry as well as her contributions to the community.

Lynelle has devoted many years supporting the beef industry at both local and state levels. She chairs the highly successful fund-raiser titled "The Celebration of Western Culture", which is held every year in Kern County. She also has led the Kern County Cattlewomen's Association and is a member of the scholarship committee for the California Cattlewomen. Her long-time involvement and dedication to the industry deserves recognition.

It did not take long for Lynelle to know that she was born to be a cattlewoman. She joined the renowned girls riding group, "the Wranglerettes" at age 11 and performed with them until she was 21. She went on to Cal Poly, majoring in biological sciences with an emphasis on Botany.

In addition to her untiring commitment to the industry, Lynelle also contributes to her community. She is a notable Western artist who has painted, taught and participated in art shows across the country. She has been an active member of the Women Artists of the West for the past 10 years. Somewhere in between she found time to raise a family along with her husband Matt, who is Senior Vice-President of the Tejon Ranch Company and President of the California Cattlemen's Association. They have two children, Debbie and Michael.

Lynelle Echeverria is a remarkable woman who aptly fits the role of Cattlewoman of the Year. She embodies the spirit and dedication of family in one of the West's most historic industries. She has dedicated her life to the cattle industry but also to her family and community. I am proud to congratulate her on being named the Kern County Cattlewoman of the Year.

### COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. COBLE. Mr. Speaker, I am pleased to introduce the "Copyright Compulsory License Improvement Act." This bill will improve the copyright compulsory license for satellite carriers of copyrighted programming contained on television broadcast signals by applying to

such carriers the same opportunities and rules as their cable competitors. This competitive parity will lead to increased exposure of copyrighted programming to consumers who will pay lower prices for cable and satellite services which deliver programming to their homes. These lower prices will result from the choices consumers will have in choosing how they want their television programming delivered. Mr. Speaker, I know I speak for many of the Members in this House when I assert that creating competition in the video delivery market is the key to more choice and lower prices for our constituents.

The Copyright Act of 1976 bestowed on cable television a permanent compulsory license enables that industry to rebroadcast network and superstation signals to cable television viewers without requiring cable operators to receive the authorization of thousands of copyright owners who have an exclusive right to authorize the exploitation of their programs. The cable operators pay a set fee for the right to retransmit and the monies collected are paid to the copyright owners through a distribution proceeding conducted under the auspices of the United States Copyright Office.

In 1988, Congress granted a compulsory license to the satellite industry. Although the cable and satellite compulsory licenses have similarities, there are important differences which I believe prevent satellite becoming a true competitor to cable. Technology has changed significantly since the cable and satellite compulsory licenses were created. In a very short time, satellite carriers will be able to bring local programming through their services to viewers of that local market. The time has come to take a comprehensive look at the satellite compulsory license as it relates to the long-term viability and competitiveness of the satellite television industry. The satellite compulsory license is set to sunset in December of next year, and the Federal Communications Commission has reported that in areas where there is no competition to cable, consumers are paying higher cable rates. We must act for our constituents to level the playing field in a manner that will allow both industries to flourish to the benefit of consumers.

To that end, the "Copyright Compulsory License Improvement Act" makes the following changes to the Satellite Home Viewer Act:

It makes the satellite compulsory license permanent, just like the cable compulsory license.

It allows new satellite customers who have received a network signal from a cable system within the past three months to sign up for satellite service for those signals. This is not allowed today.

It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does.

It reforms the current structure of the administrative body which determines rates and distributions applicable to all copyright compulsory licenses to make it cheaper and more efficient for the parties.

In order to create parity for the above new opportunities for satellite carriers by reforming the license, the bill must also create corresponding regulatory parity between the satellite and cable industries, including must-carry rules, retransmission consent requirements, network non-duplication protection, syndicated