

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. WEINER. Mr. Speaker, on rollcall No. 167, had I been present, I would have voted "yea."

RECOGNIZING THE EFFORTS OF THE EMPLOYEES OF ROCKLAND COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize the efforts of the employees of the Rockland County Environmental Management Council for their work and dedication in serving the people and communities of Rockland County.

In this spirit, the employees of the Rockland County Environmental Management Council will be celebrating their 25th anniversary on June 16, 1999. Over the past 25 years, they have received 16 awards, including 12 from the New York State Association of Environmental Management Councils, and 4 from the National Association of Counties. In 1997, the Council won the first place New York State Project/Plan Award for "outstanding accomplishments in enhancing the quality of the environment in their community."

For the past 25 years, the employees of the Rockland County Environmental Management Council have achieved many goals, ranging from sponsoring a public forum on water conservation to collaborating with the Rockland County Health Department on implementing a county noise ordinance. Their efforts to protect and preserve the environment include sponsoring a "Sun Day" (a regional conference on solar energy), coordinating the household hazardous waste collection project, serving on a county legislative subcommittee on recycling, and helping to prepare Rockland County's solid waste management plan.

The employees of the Rockland County Management Environmental Council have dedicated their lives to improving life within the Hudson Valley, and are to be commended for their outstanding efforts.

Accordingly, I invite my colleagues to join with me in thanking the employees of the Rockland County Environmental Management Council for their hard work and continued dedication to improving our quality of life.

COMMEMORATING THE 30TH ANNIVERSARY OF THE NEW JERSEY TENANTS ORGANIZATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to celebrate the 30th Anniversary of the New Jersey Tenants Organization (NJTO).

The NJTO was founded 30 years ago during an extreme housing shortage. Tenants in New Jersey faced unconscionable rent increases and had little protection from landlord abuse. Landlord-tenant laws at that time were very primitive and gave practically no protection to tenants. In fact, the only right afforded to tenants was the right of pay.

This situation compelled a group of concerned citizens to come together to form the NJTO to combat these conditions. Using strategies ranging from rent strikes to legal battles, the NJTO succeeded in getting the State of New Jersey to enact the State Retaliatory Eviction Law in its first year of existence. This crucial triumph was responsible for paving the way for a massive wave of state-wide tenant mobilization.

Over the past 30 years, the NJTO has grown into the oldest statewide tenants organization in the United States and can boast of being the driving force behind 18 major landlord-tenant laws. During this time, the NJTO's advocacy on behalf of New Jerseyans has resulted in the strongest legal protections for tenants throughout the entire country.

This year, the NJTO is counting among its honorees Arlene Glassman, a neighbor of mine from Fair Lawn, New Jersey and Bob Ryley of Jackson Township, New Jersey. Arlene has been a committed member of the NJTO for the past 20 years and has served on the Board of Directors since 1995. In Fair Lawn, she made a name for herself by successfully leading the effort to reduce the allowable rent and revise the rent ordinance. Thanks to her leadership, Fair Lawn's leaders and elected officials have a greater appreciation of the needs of the tenants in the town.

Bob Ryley will also be recognized for his work with the Mobil Home Owners Association of New Jersey (MHOA). Since joining the group in 1984, Bob obtained mobile home tenants the right of first refusal should the landlord decide to sell their park. In this era of political apathy, Bob has succeeded in his efforts to keep the MHOA's members actively involved on issues of concern to them.

Both Arlene and Bob will receive the NJTO's Ronald B. Atlas Award on June 27 for their years of service on behalf of New Jersey tenants. This prestigious award is the NJTO's way of articulating the organization's gratitude for all of the time and energy that Arlene and Bob have given to the group and I am proud to extend my congratulations to them today on the floor of the U.S. House of Representatives.

THE MULTIDISTRICT, MULTIPARTY, MULTIFORUM JURISDICTION ACT OF 1999

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SENSENBRENNER. Mr. Speaker, I rise to introduce the "Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999." The bill synthesizes the contents of two other measures I have authored, H.R. 1852 and H.R. 967.

Section 2 of my bill is identical to H.R. 1852, the "Multidistrict Trial Jurisdiction Act of 1999," which I introduced on May 18 at the behest of

the Administrative Office of the U.S. Courts, or the "AO." The AO is concerned over a Supreme Court opinion, the so-called Lexecon case, pertaining to Section 1407 of Title 28 of the U.S. Code. This statute governs federal multidistrict litigation.

Under Section 1407, a Multidistrict Litigation Panel—a select group of seven federal judges picked by the Chief Justice—helps to consolidate lawsuits which share common questions of fact filed in more than one judicial district nationwide. Typically, these suits involve mass torts—a plane crash, for example—in which the plaintiffs are from many different states. All things considered, the panel attempts to identify the one district court nationwide which is best adept at adjudicating pretrial matters. The panel then remands individual cases back to the district where they were originally filed for trial unless they have been previously terminated.

For approximately 30 years, however, the district court selected by the panel to hear pretrial matters (the "transferee court") often invoked Section 1404(a) of Title 28 to retain jurisdiction for trial over all of the suits. This is a general venue statute that allows a district court to transfer a civil action to any other district or division where it may have been brought; in effect, the court selected by the panel simply transferred all of the cases to itself.

According to the AO, this process has worked well, since the transferee court was versed in the facts and law of the consolidated litigation. This is also the one court which could compel all parties to settle when appropriate.

The Lexecon decision alters the Section 1407 landscape. This was a 1998 defamation case brought by a consulting entity (Lexecon) against a law firm that had represented a plaintiff class in the Lincoln Savings and Loan litigation in Arizona. Lexecon had been joined as a defendant to the class action, which the Multidistrict Litigation Panel transferred to the District of Arizona. Before the pretrial proceedings were concluded, Lexecon reached a "resolution" with the plaintiffs, and the claims against the consulting entity were dismissed.

Lexecon then brought a defamation suit against the law firm in the Northern District for Illinois. The law firm moved under Section 1407 that the Multidistrict Litigation Panel empower the Arizona court which adjudicated the original S&L litigation to preside over the defamation suit. The panel agreed, and the Arizona transferee court subsequently invoked its jurisdiction pursuant to Section 104 to preside over a trial that the law firm eventually won. Lexecon appealed, but the Ninth Circuit affirmed the lower court decision.

The Supreme Court reversed, however, holding that Section 1407 explicitly requires a transferee court to remand all cases for trial back to the respective jurisdictions from which they were originally referred. In his opinion, Justice Souter observed that "the floor of Congress" was the proper venue to determine whether the practice of self-assignment under these conditions should continue.

Mr. Speaker, Section 2 of this legislation responds to Justice Souter's admonition. It would simply amend Section 1407 by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. This change makes sense in light of past judicial practice

under the Multidistrict Litigation statute. It obviously promotes judicial administrative efficiency.

Section 3 of the bill consists of the text of H.R. 967, the "Multiparty, Multiforum Jurisdiction Act of 1999," which I introduced on March 3rd. This is a bill that the House of Representatives passed during the 101st and 102nd Congresses with Democratic majorities. The Committee on the Judiciary favorably reported this bill during the 103rd Congress, also under a Democratic majority, and just last term the House approved the legislation as Section 10 of H.R. 1252, the "Judicial Reform Act." The Judicial Conference and the Department of Justice have supported this measure in the past.

Section 3 of the bill would bestow original jurisdiction on federal district courts in civil actions involving minimal diversity jurisdiction among adverse parties based on a single accident—like a plane or train crash—where at least 25 persons have either died or sustained injuries exceeding \$50,000 per person. The transferee court would retain those cases for determination of liability and punitive damages, and would also determine the substantive law that would apply for liability and punitive damages. If liability is established, the transferee court would then remand the appropriate cases back to the federal and state courts from which they were referred for a determination of compensatory and actual damages.

Mr. Speaker, Section 3 will help to reduce litigation costs as well as the likelihood of forum shopping in mass tort cases. An effective one-time determination of punitive damages would eliminate multiple or inconsistent awards arising from multiforum litigation. At the same time, however, trial attorneys will have the opportunity to go before juries in their home states for compensatory and actual damages.

Mr. Speaker, I look forward to a hearing on this measure which will take place before the Subcommittee on Courts and Intellectual Property.

The legislation speaks to process, fairness, and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators. I therefore urge my colleagues to support the Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999 when it is reported to the House of Representatives for consideration.

TRIBUTE TO MAJOR GENERAL
MORRIS JAMES BOYD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. SKELTON. Mr. Speaker, I wish to recognize the accomplishments of a truly outstanding individual, Major General Morris J. Boyd, U.S. Army. General Boyd will soon be completing his assignment as the Deputy Commanding General of III Corps and Fort Hood, which will bring to a close a long and distinguished career in the U.S. Army. It is a pleasure for me to recognize just a few of his many outstanding achievements.

General Boyd, a native of Oakland, California, entered the Army in April 1965. Upon graduation from Officer Candidate School in

March 1966 as a Distinguished Military Graduate, he was commissioned as a second lieutenant in Field Artillery. He has served in a wide variety of Field Artillery and Aviation assignments in Infantry, Air Cavalry, Mechanized, and Armored Divisions. He has commanded at battery, battalion, and brigade levels and served as Deputy Commander, V Corps Artillery, Frankfurt, Germany, and as Assistant Division Commander of the 1st Infantry Division, Fort Riley, Kansas. Staff assignments have been at battalion through Department of the Army. His most recent staff tours include an assignment as Deputy Chief of Staff for Doctrine (Headquarters, U.S. Army Training and Doctrine Command), followed by assignment to Washington, DC, as the Army's Chief of Legislative Liaison. Major General Boyd's overseas tours include Greece and Germany; two combat tours in Vietnam, one as a field artilleryman, the other as an aviator; and one in Southwest Asia, where he commanded the 42nd Field Artillery Brigade as part of VII Corps, during Operation Desert Storm. General Boyd served a tour of duty at Fort Hood during 1971–1972 with 1st Battalion, 14th Field Artillery, 2d Armored Division, as Battalion S–3 and Battery Commander.

Major General Boyd holds Bachelor of Arts and Masters degrees in Business Administration. He is a graduate of the Field Artillery Officer Advanced Course, the Fixed Wing Aviator Course, the U.S. Army Command and General Staff College, and the U.S. Army War College. His awards include the Distinguished Service Medal, Legion of Merit with 3 Oak Leaf Clusters, Distinguished Flying Cross, Bronze Star Medal with Oak Leaf Cluster, Meritorious Service Medal with Oak Leaf Cluster, Air Medal (12th Award), Army Commendation Medal with 2 Oak Leaf Clusters, Army Achievement Medal, and the Vietnam Cross of Gallantry with Silver Star. He has also earned the Parachutist Badge, Senior Aviator Wings, and Army Staff Identification Badge.

Major General Boyd and his wife Maddie live at Fort Hood, Texas. They have one son, Ray, who resides in Phoenix, Arizona.

Mr. Speaker, General Boyd has devoted his life to preserve the peace that we enjoy. He is truly a great American and has served his country with honor and distinction. I wish him well in the days ahead and am proud to recognize his achievements today.

HONORING THE SLATEVILLE
PRESBYTERIAN CHURCH ON ITS
150TH ANNIVERSARY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. GOODLING. Mr. Speaker, I rise today to pay tribute to the Slateville Presbyterian Church on the occasion of its 150th Anniversary Celebration. I am pleased and proud to bring the history of this church to the attention of my colleagues.

The church, located in Delta, Pennsylvania, was founded in the summer of 1849. It was one of six churches that stemmed from the first Presbyterian Church west of the Susquehanna River in the southern region of York County, the Log Church in the Barrens. In its

150 years of existence, the church has been home to a tightly-woven community whose faith and fellowship are a source of inspiration in the area.

I send my sincere best wishes as the Slateville Presbyterian Church celebrates this milestone in its history, and hope that the new millennium will see this community prosper and be strengthened in its faith.

CONGRATULATING EXCEPTIONAL
PARENTS UNLIMITED OF FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited of Fresno for receiving the Daily Points of Light Award from the Points of Light Foundation in Washington, D.C. The Points of Light Foundation, established by President George Bush, recognizes individuals and groups that give service to their communities.

Exceptional Parents was founded 22 years ago by a registered nurse Marion Karian, who still runs the organization today. It began as a support group at University Medical Center of Fresno, California, for parents of children with Down Syndrome, and has grown into a large, non-profit organization, which serves the family members of children with special needs. Marion states, "When there is a child with disabilities it affects the whole family. Our approach is to help the whole family."

The heart of the organization's program is providing support, education and advocacy assistance to families of disabled children, including siblings and grandparents. An early-intervention program targets families with children up to three years of age. It offers developmental assessment and assistance including occupational therapy, physical therapy and speech therapy. It enhances the development of infants and toddlers with disabling conditions and minimizes their potential for developmental delays. There is also a Family Resource Network which provides multicultural parent training and information, a Safe and Healthy Families program and Child Abuse Prevention services which is one in seven in the state, funded by the Department of Social Services. All of these services are free to the public.

"We can give out lots of technical information, and we do," says Marion, "but what parents can do for other parents is empowering. When a new parent gets together with an experienced parent and finds out he is not in isolation, not alone, they connect. We strengthen families and enables them to handle their own situations, that is the thread of who and what we are."

Mr. Speaker, I rise today to congratulate Exceptional Parents Unlimited for receiving the Daily Points of Light Award. The service of emotional and educational empowerment is invaluable to families of disabled children. I urge my colleagues to join me in wishing this organization many years of continued success and service to their community.