A RESOLUTION PRESENTING A MEMORIAL TRIBUTE TO THE LIFE AND LEGACY OF DR. THOMAS KILGORE, JR.

HON. JUANITA MILLENDER-MCDONALD OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. MILLENDER-MCDONALD. Mr. Speaker, I submit the following tribute for the RECORD.

"PRECIOUS IN THE SIGHT OF THE LORD IS THE DEATH OF HIS SAINT"

Whereas, Thomas Kilgore, Jr. was born on February 20, 1913 in Woodruff, South Carolina—the sixth of twelve children of Thomas and Eugenia Kilgore; and

Whereas, Thomas Kilgore, Jr. received his formal education in Woodruff, Brevard and Asheville, North Carolina, having shown early his profound intellect, he graduated with honors from Morehouse College in 1935; did graduate work at Howard University during 1944–45; and received a Masters of Divinity from Union Theological Seminary in New York City in 1947, and was the recipient of numerous honorary doctoral degrees; and

Whereas, Thomas Kilgore, Jr. accepted God at the early age of 9 and from this spiritual surrender came the most prophetic preacher ever sought after throughout this nation, and he did not hesitate to inform the world of his calling by God to do His tasks, and was recognized by Ebony Magazine as one of America’s 15 greatest black preachers; and

Whereas, Thomas Kilgore, Jr. utilized his brilliant mind to turn his ideas into reality and his vision into fruition, and this combination of intelligence and integrity led him to organize voter registration in schools and the unionization of tobacco workers in Winston-Salem, North Carolina in 1943; and

Whereas, Thomas Kilgore, Jr. helped orchestrate the Kings’ March on Washington and directed a prayer pilgrimage for freedom at the Lincoln Memorial in Washington; and was the vanguard in the organization of an all day meeting with all segments of the black community to plan the appropriate memorial service for Dr. Martin Luther King, Jr.; and

Whereas, Thomas Kilgore, Jr. married Jeanetta Marion Scott in 1936, a lifelong educator, and were the proud parents of two daughters, Lynn Elda and Jini Medina, and the proud grandparents of three: Robin, Niambi, and Okeria, and one great grandson, Justen. Now therefore, be it

Resolved, That Congresswoman Juanita Millender-McDonald, a mentee of his, proudly recognizes this man of vision, courage and wisdom and his distinguished service of humanity to this nation and the world.

Dated this 1st day of December, 1999.

TRIBUTE TO JOE SERNA, JR.

HON. XAVIER BECERRA OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. BECERRA. Mr. Speaker, I rise today to pay tribute to Joe Serna, Jr. of Los Angeles, California. Joe Serna, Jr. lived a life which exemplified what is best in the American dream.

Joe grew up the son of immigrant farm laborers. Throughout his youth, he worked tirelessly on behalf of migrant farm workers under the guidance of his role model, Cesar Chavez. The experience gave Joe great strength of character and character is to dedicate his life to the service of others. As a professor of government and ethics at California State University at Sacramento, Joe continued to be a champion and advocate of migrant worker rights while also reaching out to the young minds in his classrooms.

Joe was elected to the Sacramento City Council on November 3, 1981 and served until his election as mayor of Sacramento on November 3, 1992. In rising to mayor of Sacramento, Joe became the first Latino mayor of a major California city.

Joe was known by all as a man of the highest ethical and integrity. He was a master coalition builder, always working for the common good. Joe leaves behind a powerful legacy as a revitalizer of his city, and as a crusader for educational reform.

My personal memory of him will be as a friend and role model. He was a man who could have held some of the highest government posts in the Capitol of the United States, Washington, DC. I say this from close, personal knowledge. Indeed, Joe chose to serve the people of the great Capitol—Sacramento, my hometown, and the place to which he devoted his life and energy.

Joe Serna, Jr. will be greatly missed in both Sacramento and throughout the State which so valiantly sought to improve and see prosper.

Tribute to Ivan Rodriguez

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Iván Rodríguez, an outstanding Puerto Rican athlete and a very successful baseball player. On Thursday, November 18, Iván was named the 1999 American League Most Valuable Player by the Baseball Writers Association of America. It marks the first time that a catcher has captured an MVP in either league since Thurman Munson of the New York Yankees in 1976. Iván becomes the ninth catcher in major league history to win a Most Valuable Player Award.

It is the sixth MVP for a native of Puerto Rico with the others being Roberto Clemente in 1966, St. Louis’ Orlando Cepeda in 1967, Detroit’s Willie Hernandez in 1984, and Juan Gonzalez in 1996 and 1998.

Born on November, 30, 1971 in Vega Baja, Puerto Rico, Iván was named on all 28 ballots, with seven 1st place votes, six 2nd place votes, seven 3rd place votes, five 5th place votes, two 6th place votes, and a seventh place vote for 252 points.

Mr. Speaker, Iván batted .332 with 35 home runs and 113 RBIs in 144 games in 1999. He established an American League record for home runs by a catcher and was the first exempt backstop in league history with 30 home runs, 100 RBIs, and 100 runs scored. Iván also had 25 stolen bases, tied for fifth most ever for a catcher, and was the first major league catcher ever with 20+ homers and 20+ steals. He was fifth in the American League in hits (199), and ranked seventh in average (.332), total bases (335). His .332 average was the highest for an American League catcher since New York’s Bill Dickey (.332) in 1937.

Behind the plate, Iván won his eighth consecutive Rawlings Gold Glove Award, the second most in history behind Johnny Bench. He threw out 54.2% (39 of 72) of the runners attempting to steal, the fifth straight year he has led the majors in that department. It was the highest percentage since statistics were first kept. Iván also led major league catchers with 141 starts and had ten pure pickoffs.

Iván also captured his sixth consecutive A.L. Silver Slugger Award and was selected as the catcher on the Associated Press Major League All-Star Team.

Through his dedication, discipline, and success in the classroom, Iván serves as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of baseball.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Iván Rodríguez for his contributions and dedication to the game, as well as for serving as role model for the youth of Puerto Rico and the U.S.A.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. Speaker, H.R. 3194 contains a provision exempting from Superfund liability certain transactions in recyclable materials. This exemption is drawn from S. 1528. While Senators LOTT and DASCHLE have provided a basic description of Congress’s intent in passing the language, the purpose of this statement is to provide some additional detail on two particular provisions: § 127(g) on the liability of other parties at affected Superfund sites, and § 127(l) on the effect on completed actions.

New § 127 of CERCLA provides that parties who engaged in certain transactions involving recyclable materials “shall not be liable” under the provisions of Superfund. Subsection (g) describes the effect of this bill on the Superfund liability of owner/operators who remain liable at a site. This provision clearly provides that at a Superfund site where some parties are exempted from liability by § 127, the remaining non-exempt owner/operators at the site should not face increased liability as a result of the enactment of § 127. As a result, the liability of owner/operators is to be determined as if § 127 had not been enacted, using the usual and customary factors considering the relative contributions of all parties, both exempt and non-exempt. This provision ensures that any exempted share created by operation of this section is not transferred to owner/operators.
New §127 also contains transition language which governs how the recycled materials ex-
emption is intended to affect Superfund liability in pending or concluded actions. §127(j) pro-
vides that the exemptions from CERCLA liabil-
ity shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to
enactment. One reason for this amendment is to
ensure that where a judicial or administrative
action has been fully complied with, this bill will not force persons who believed that they had fully settled their liability and claims to revisit those issues.

However, where a consent decree or other
judicial order requires enforcement of its terms
after the date of enactment, nothing in this
section should be interpreted to prevent a
person subject to such future enforcement from
revisiting the validity of those future obligations in light of the passage of this legislation. §127(j) should not be interpreted as leading to
the fundamentally inequitable result that a person
could be forced at some future date to take actions to abide by a consent decree
where the legal predicate for the consent de-
cree has changed so substantially that it no
longer has a foundation in federal law or con-
flicts in part with federal law. Congress does not intend the transition language to overrule
Supreme Court precedent holding that “parties
have no power to require of the court contin-
uing enforcement of rights the statute no
longer gives.” System Federation No. 91 v.
Wright, 364 U.S. 642, 652 (1961). Nothing in
this legislation prevents parties from filing mo-
tions under rule 60(b) of the Federal Rules of
Civil Procedure to re-open the consent decree
with respect to future obligations.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Monday, November 22, 1999

Mr. MALONEY of Connecticut. Mr. Speaker,
I was unavoidably detained during rollcall vote
No. 605. Had I been present I would have
voted “no” on rollcall No. 605.

SALUTING THE CAREER OF CHIEF
DAVID P. NEWSHAM SERVING BURBANK AND THE SURROUNDING COMMUNITIES FOR NEARLY 30 YEARS

HON. JAMES E. ROGAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, November 22, 1999

Mr. ROGAN. Mr. Speaker, today our country
is stronger, more secure, and safer than it was
just a few short years ago. Nowhere is this
more true than in my own district. Today, the
City of Burbank and the surrounding commu-
nities are among the safest areas in the coun-
try. The unique quality of life in my district is
due in no small part to the efforts of one dis-
tinguished public servant. And today, I ask my
colleagues to join me in saluting him as he
celebrates his retirement—Chief David P.
Newsham.

Chief Newsham has been committed to
public service for nearly three decades. A na-
tive of Long Beach, California, he served in the
Air Force for four years and graduated from
the University of Redlands with a degree in
Management. In 1970 he joined the ranks of
the Burbank Police Department as a Re-
serve Officer. In 1972, he earned his badge as a
sworn officer. He would go on to serve in all
divisions of the department—administration,
investigation, and as a uniformed patrol officer—gaining invaluable experience that
would serve him later as the department’s
Chief.

In many cities the Police Chief is an ap-
pointed administrative role, but not in Burbank.
Chief Newsham has distinguished himself
throughout the community as a man who is
dedicated to making our hometown a better
place to live through his own deeds. He is a
committed volunteer with the Boy Scouts of
America, the Burbank YMCA, the Burbank
Kiwanis Club, the American Red Cross and a
host of other civic and law enforcement asso-
ciations.

What’s more, he has made community serv-
ICE and accountability a hallmark of his admin-
istration. Chief Newsham was instrumental in
establishing the Departmental Air Support Pro-
gram—linking Burbank with nearby commu-
nities through a joint air patrol service. He
implemented innovative agility and fitness pro-
grams for all Burbank Officers, and played a
key role in the development and completion of
the city’s new joint Police-Fire headquarters
facility.

And Mr. Speaker, I am proud to say that I
am not the only resident of Burbank to attest
to his success as Chief of Police. As the Los
Angeles Daily News recently reported, when
David Newsham took over the reins as Chief,
the city’s Elwood area was riddled with gang
activity. Under his leadership, the city took im-
mediate action and, with the help of the courts
and community, cleaned up the Elwood neighbor-
hood. Today, in the Chief’s own words, “the problem down there is gone.”

As with all men and women in uniform, the
Chief’s service extends beyond his daily work
in uniform. He is a committed community ac-
tivist and volunteer, proving that the true
meaning of public service is to give back more
than we received from our community. As he
retires from the Burbank Police Department,
Chief Newsham leaves the community a
stronger, safer and more prosperous commu-
nity than it was when he began. In recognition
of his nearly three decades of service, and as
thanks from a grateful resident of Burbank, I
ask my colleagues to join me in saluting the service of Chief David P. Newsham.

TRIBUTE TO SISTER DAMIEN

HON. MARCY KAPTUR
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Monday, November 22, 1999

Ms. KAPTUR. Mr. Speaker, I wish to extend
my profoundest condolences to the Sisters of
St. Francis and all of the friends of our dear,
beloved Sr. Damien, upon her passing from
this life into the next. Sister Mary Damien was
a treasured friend and gifted educator in To-
ledo, Ohio. She was an absolute inspiration, a
master craftsman of teaching, a singularly
focused and dedicated educator.

To watch Sr. Damien practice her craft was
pure joy. She knew every trick to command
the attention of students and to grado them
on an infinite variety of skills she hoped they
would come to master. I recall, as an adult,
visiting her class at Central Catholic High
School with a former classmate from Little
Flower Grade School, which was attended
when Sister Damien was our teacher and prin-
cipal. As we observed her work with her Ge-
ometry students, we remembered and revered
in the moment. She was unrivaled in her trade.

She kept a black notebook on her desk, with
the name of each student in it. As the
months of the school year went by, there
appeared thousands of crosshatches aside each
student’s name, indicating that student’s per-
fomance on technical material as well as
other measures of performance. Those note-
books were as detailed as the program for the
Mars launch. She graded students for every-
thing—from participation to effort to appear-
ance. Though one could never be certain what
all the categories were, every student knew
there was always room for improvement. I can
still hear her teaching students how to spell
commonly misspelled words, and remember
the distinction she drew between “pupil” and
“student” as she tried to get young minds to
grow. She had a unique ability to encourage
her students to exercise “the gray matter be-
tween the ears” even as she never stopped
using hers. She embodied a living metaphor
for lifelong learning.

Sr. Damien always wore her habit, a most
pious Sister of St. Francis. She never pushed
religion, but she lived her vows every day. Her
holiness and piety moved with her. I must also
offer public gratitude to her for her abiding
kindness to our family, through good times and
those that were difficult. She was always
there for us, and I am sure, for countless oth-
ers. She lived for others, and it was a double
joy to know her as we, her students, became
adults and shared the wonderful gift of a life-
span together.

Sister Mary Damien was a stem task mas-
ter, yet beloved by all of her students. We
consider ourselves many times blessed to
have known her and been helped to grow
through her tutelage. What selfishly gave
to all of us—literally thousands of students
who were fortunate to sit at her knee—is
priceless. Her contributions to others will live
through the people she helped to advance
educationally and spiritually. What a legacy
she has left as she served Christ and our
Blessed Mother as a Sister of St. Francis.

HONORING ONE OF AMERICA’S
FINEST—ISAIAH HILLARD PILLORS

HON. JUANITA MILLENDER-McDONALD
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, November 22, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to honor a very distinguished gentleman