

Olympic Committee. Without those contributions, most of our athletes would never have the chance to compete.

American companies have also financially supported the United States Olympic Committee and the Olympic games through official sponsorships. Unfortunately, Mr. President, that Olympic sponsorship is being eroded by an insidious practice known as "ambush marketing"—advertising that falsely implies an official association with a particular event or organization. In no context is ambush marketing more prevalent or more damaging than with the Olympic games which, because of the reliance on private and corporate funding, are increasingly threatened by a decline in sponsorship interest.

Internationally, it is fair to say that corporate sponsorship saved the Olympic movement. In 1976, Montreal was left with a debt of nearly one billion dollars following the summer Olympic games in that city. Los Angeles, however, managed to capitalize on corporate sponsorship, turning a profit and revitalizing international interest in the games.

American companies have long been proud to be official sponsors of the Olympic games because of the humanitarian and inspirational values the games present. These companies also recognize the valuable marketing potential of the Olympics, enhancing their presence and business reputation in an increasingly global marketplace. By encouraging corporate involvement, Olympic organizers have ensured that such companies continue to devote tremendous financial and human resources to be identified as official Olympic sponsors. This sponsorship is particularly important in the United States, because there is no direct government support of our athletes.

Congress has recognized the value of corporate sponsorship by adopting the Olympic and Amateur Sports Act, which I authored, to authorize the International Olympic Committee to grant worldwide sponsors of the Olympic games exclusive rights to use certain emblems, trademarks, and designations in the advertising, promotion and sale of products in designated product categories. The act also provides enhanced trademark protections to prevent deceptive practices specifically involving the use of Olympic trademarks or trade names. As a consequence, numerous major corporations have become Olympic sponsors and have contributed millions of dollars to the games and to U.S. athletes.

As the popularity of the Olympics has grown, so have the incentives to be associated with the games. Unfortunately, it is too easy for companies to imply an affiliation with the Olympics, without becoming official sponsors. Such ambush or parasite marketing is

often subtle—frequently depicting Olympic sports, athletes, medals, the host city, a burning torch, or other Olympic games indicia—but its effect is proven. Studies have concluded that ambush marketers have been quite successful in their efforts to mislead the American public.

As companies begin to perceive only negligible goodwill or favorable publicity resulting from their Olympic sponsor status, their willingness to support the Olympic games and our athletes may wane. That is why I am considering legislation to further clarify the types of unauthorized use of Olympic games imagery and indicia that are actionable under the Amateur Sports Act. Australia, which will host the Olympic games in the next few weeks, has in place an "Olympic Insignia Protection Act" to protect against ambush marketing, and we may need additional protection in the U.S. Unfortunately, that legislation cannot be addressed this year.

There is a vast difference between freedom of speech and deceptive advertising. I will ask the congress to authorize private suits, similar to private antitrust legislation, to allow those injured by "ambush marketing" to recover their losses and financially punish those who try to mislead our people.

The USOC has been aggressive in protecting its trademark interests. These additional tools may be needed, however, to ensure the value of Olympic sponsorships and encourage corporate participation in the Olympic movement.

#### VIOLENCE AGAINST WOMEN PROTECTION ACT

Mr. SARBANES. Mr. President, I rise today to express my strong support for S. 2787, the Violence Against Women Protection Act of 2000. It is critically important that the Congress soon pass this legislation to reauthorize the Violence Against Women Act, and to continue the progress made since the Act was first passed in 1994.

I am proud to have been a cosponsor of both the original Violence Against Women Act, VAWA as well as S. 2787 and other legislation introduced in the 106th Congress to reauthorize VAWA. Through a \$1.6 billion grants program, VAWA has provided hundreds of thousands of women with shelter to protect their families, established a national toll-free hotline which has responded to innumerable calls for help, and funded domestic violence prevention programs across the Nation. Most importantly, VAWA has provided a new emphasis on domestic violence as a critical problem that cannot be tolerated or ignored.

In my own State of Maryland, the funding provided by VAWA is essential to the continued operation of facilities

like Heartly House in Frederick, Maryland, which provides shelter to battered women, accompanies rape victims on hospital visits, and assists women in crisis in numerous other ways. In Baltimore City, VAWA funds have helped create a dedicated docket in the District Court which has effectively increased the number of domestic violence cases prosecuted. In Montgomery County, Maryland, VAWA funds provide victims with legal representation in civil protective order hearings. Importantly, the staff for this program is located inside the Courthouse, making it easy and safe for victims to get the help that they need. VAWA funds are being used creatively in Garrett County, where the Sheriff's Department purchased a four wheel drive vehicle so that their domestic violence team can travel to remote areas of the county—overcoming the feelings of isolation many victims feel, particularly in the winter months.

Programs like these are working in Maryland and all across the country to reduce the incidence of domestic violence. And, according to the Bureau of Justice Statistics, VAWA is working. Intimate partners committed fewer murders in 1996, 1997, and 1998 than in any other year since 1976. Likewise, the number of female victims of intimate partner violence declined from 1993 to 1998; in 1998, women experienced an estimated 876,340 violent offenses at the hands of a partner, down from 1.1 million in 1993.

But despite these successes, clearly the incidence of violence against women and families remains too high. According to the National Coalition Against Domestic Violence (NCADV), over 50 percent of all women will experience physical violence in an intimate relationship, and for 24–30 percent of those women the battering will be regular and on-going. Additionally, the NCADV reports that between 50 and 70 percent of men who abuse their female partners also abuse their children.

Even though strides have been made, we still have a long way to go before domestic violence is evicted from our homes and communities. It is critically important that we not allow VAWA to expire, and that we take this opportunity to reauthorize VAWA and build upon its success. The Violence Against Women Protection Act of 2000 will authorize more than \$3 billion over five years for VAWA grant program and make important improvements to the original statute. For example, S. 2787 will authorize a new temporary housing program to help move women out of shelters and into more stable living accommodations. S. 2787 will also make it easier for battered immigrant women to leave their abusers without fear of deportation, and target additional funds to combatting domestic violence on college campuses. Finally, the legislation will improve procedures

to allow states to enforce protection orders across jurisdictional boundaries.

VAWA has made real strides against domestic violence, and the Violence Against Women Protection Act will continue the important work begun in 1994. I am proud to report of the valuable programs all across Maryland combatting domestic violence thanks to VAWA, and I urge Senate leaders to bring S. 2787 to the floor for consideration as soon as possible. We have an invaluable opportunity to make a statement that domestic violence will not be tolerated, and that all women and children should be able to live without fear in their own homes.

#### FEDERAL LAW ENFORCEMENT PROBLEMS DUE TO THE MCDADE LAW

Mr. LEAHY. Mr. President, I came to the floor on May 25 to speak about the pressing criminal justice problems arising out of the so-called McDade law, which was enacted at the end of the last Congress as part of the omnibus appropriations law. At that time, I described some examples of how this law has impeded important criminal prosecutions, chilled the use of federally-authorized investigative techniques and posed multiple hurdles for federal prosecutors. In particular, I drew attention to the problems that this law has posed in cases related to public safety—among them, the investigation of the maintenance and safety practices of Alaska Airlines. The *Legal Times* and the *Los Angeles Times* recently reported on the situation regarding the Alaska Airlines investigation, and I ask unanimous consent to include these reports in the *RECORD* following my remarks.

Since I spoke in May, the McDade law has continued to stymie Federal law enforcement efforts in a number of States. I am especially troubled by what is happening in Oregon, where the interplay of the McDade law and a recent attorney ethics decision by the Oregon Supreme Court is severely hampering Federal efforts to combat child pornography and drug trafficking.

I refer to the case of *In re Gatti*, 330 Or. 517 (2000). In *Gatti*, the court held that a private attorney had acted unethically by intentionally misrepresenting his identity to the employees of a medical records review company called Comprehensive Medical Review ("CMR"). The attorney, who represented a client who had filed a claim with an insurance company, believed that the insurance company was using CMR to generate fraudulent medical reports that the insurer then used to deny or limit claims. The attorney called CMR and falsely represented himself to be a chiropractor seeking employment with the company. The attorney was hoping to obtain information from CMR that he could use in a

subsequent lawsuit against CMR and the insurance company.

The Oregon Supreme Court upheld the State Bar's view that the attorney's conduct violated two Oregon State Bar disciplinary rules and an Oregon statute—specifically, a disciplinary rule prohibiting conduct involving dishonesty, fraud, deceit or misrepresentation; a disciplinary rule prohibiting knowingly making a false statement of law or fact; and a statute prohibiting willful deceit or misconduct in the legal profession. In so doing, the court rejected the attorney's defense that his misrepresentations were justifiable because he was engaged in an investigation to seek evidence of fraud and other wrongful conduct. The court expressly ruled that there was no "prosecutorial exception" to either the State Bar disciplinary rules or the Oregon statute. As a result, it would appear that prosecutors in Oregon may not concur or participate in undercover and other deceptive law enforcement techniques, even if the law enforcement technique at issue is lawful under Federal law.

*Gatti* has had a swift and devastating effect on FBI operations in Oregon. Soon after the decision was announced, the U.S. Attorney's Office informed the FBI Field Office that it would not concur or participate in the use of long-used and highly productive techniques, such as undercover operations and consensual monitoring of telephone calls, that could be deemed deceptive by the State Bar. Several important investigations were immediately terminated or severely impeded.

Because of the *Gatti* decision, Oregon's U.S. Attorney refused to certify the six-month renewal of Portland's Innocent Images undercover operation, which targets child pornography and exploitation. Portland sought and obtained permission to establish an Innocent Images operation after the work of another task force over the past two years revealed that child pornography and exploitation is a significant problem in Oregon. With that finally accomplished, and with the investigative infrastructure in place, the U.S. Attorney refused to send the necessary concurring letter to the FBI for Portland's six-month franchise renewal. Since the U.S. Attorney's concurrence is necessary for renewal of the undercover operation, it now appears that Portland's Innocent Images operation will be shut down.

*Gatti* has also had an immediate and harmful impact on Oregon's war on drugs. Last winter, there was a multi-agency wiretap investigation into the activities of an Oregon-based drug organization. To date, the investigation has produced numerous federal and state indictments. Recently, the post-wiretap phase brought to the surface a cooperating witness. During the initial briefing, the cooperating witness indi-

cated he had information about other drug organizations in Oregon and another State. In an effort to widen the investigation, the FBI sought the AUSA's concurrence in the cooperator's use of an electronic device to record conversations with other traffickers. Citing the *Gatti* decision, the assigned AUSA refused to provide concurrence. Since AUSA concurrence is required for such consensual monitoring, the FBI cannot make use of this basic investigative technique. Thus, a critical phase of the investigation languishes because of the interplay of *Gatti* and the McDade law.

These examples show how the McDade law is severely hampering federal law enforcement in Oregon. But as I made clear in my prior remarks, this ill-conceived law is having dangerous effects on federal law enforcement nationwide. Let me update my colleagues on the Talao case, which I discussed at some length in May.

In Talao, a company and its principals were under investigation for failing to pay the prevailing wage on federally funded contracts, falsifying payroll records, and demanding illegal kickbacks. The company's bookkeeper, who had been subpoenaed to testify before the grand jury, initiated a meeting with the AUSA in which she asserted that her employers were pressing her to lie before the grand jury, and that she did not want the company's lawyer to be present before or during her grand jury testimony. The grand jury later indicted the employers for conspiracy, false statements, and illegal kickbacks.

The district court held that the AUSA had acted unethically because the company had a right to have its attorney present during any interview of any employee, regardless of the employee's wishes, the status of the corporate managers, or the possibility that the attorney may have a conflict of interest in representing the bookkeeper. The court declared that if the case went to trial, it would inform the jury of the AUSA's misconduct and instruct them to take it into account in assessing the bookkeeper's credibility.

When I last spoke about the Talao case, the Ninth Circuit was reviewing the district court's decision. The Ninth Circuit has now spoken, and although it found no ethical violation, it did so on the narrow ground that the bookkeeper had initiated the meeting, and that the AUSA had advised the bookkeeper of her right to contact substitute counsel. Thus, the court sent a message that AUSAs and investigating agents may not approach employees in situations where there is a possible conflict of interest between the employee and the corporation for whom the employee works, and corporate counsel is purporting to represent all employees and demanding to be present during interviews. Let me put that another way. If a corporate whistleblower