

legislation of the 21st Century. I would like to thank the courageous individuals and organizations, which have spoken out on the need for this legislation for their support.

I would also like to thank Representative SHEILA JACKSON-LEE and Representative CONNIE MORELLA for their support of this bill when it was first introduced. This year I have made some modifications to the bill which ensure that its contents do not otherwise limit the ability of federal employees to exercise other rights available to them under federal law. The new draft also requires federal agencies to report their findings to the Attorney General in addition to Congress. Finally, the legislation makes more explicit references to reimbursement requirements under existing law. I believe that these changes make a good bill better.

As the Chairman of the Committee on Science during the last Congress, I was very disturbed by allegations that EPA practices intolerance and discrimination against its scientists and employees. For the past year, the Committee on Science has investigated numerous charges of retaliation and discrimination at EPA, and unfortunately they were found to have merit.

The Committee held a hearing in March 2000, over allegations that agency officials were intimidating EPA scientists and even harassing private citizens who publicly voiced concerns about agency policies and science. While investigating the complaints of several scientists, a number of African-American and disabled employees came to the Committee expressing similar concerns. One of those employees, Dr. Marsha Coleman-Adebayo, won a \$600,000 jury decision against EPA for discrimination.

It further appears EPA has gone so far as to retaliate against some of the employees and scientists that assisted the Science Committee during our investigation. In one case, the Department of Labor found EPA retaliated against a female scientist for, among other things, her assistance with the Science Committee's work. The EPA reassigned this scientist from her position as lab director at the Athens, Georgia regional office effective November 5, 2000—a position she held for 16 years—to a position handling grants at EPA headquarters. In the October 3 decision, the Department of Labor directed EPA to cancel the transfer because it was based on retaliation.

EPA's response to these problems has been to claim that they have a great diversity program. Apparently, EPA believes that if it hires the right makeup of people, it does not matter if its managers discriminate and harass those individuals.

Diversity is great, but in and of itself, it is not the answer. Enforcing the laws protecting employees from harassment, discrimination and retaliation is the answer. EPA, however, does not appear to do this. EPA managers have not been held accountable when charges of intolerance and discrimination are found to be true. Such unresponsiveness by Administrator Browner and the Agency legitimizes this indefensible behavior.

Subsequent to the hearing, other federal employees have contacted me with information regarding their complaints of harassment and retaliation.

Federal employees with diverse backgrounds and ideas should have no fear of being harassed because of their ideas or the color of their skin. This bill would ensure accountability throughout the entire Federal Government—not just EPA. Under current law, agencies are held harmless when they lose judgments, awards or compromise settlements in whistleblower and discrimination cases.

The Federal Government pays such awards out of a government-wide fund. The No FEAR Act would require agencies to pay for their misdeeds and mismanagement out of their own budgets. The bill would also require Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws and report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency. Additionally, each agency would have to report on the total cost of all whistleblower and discrimination judgments or settlements involving the agency.

Federal employees and Federal scientists should have no fear that they will be discriminated against because of their diverse views and backgrounds. This legislation is a significant step towards achieving this goal.

#### NO TO A WORLD COURT

#### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 3, 2001

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully and submit the following editorial from the December 30, 2000, edition of the Omaha World-Herald, entitled "No to a World Court" into the CONGRESSIONAL RECORD.

[From the Omaha World-Herald, Dec. 20, 2000]

#### NO TO A WORLD COURT

America's political leaders are being wooed with a siren song they would do well to resist. Foreign governments, political activists and academics are sounding that song with the aim of enticing the United States into ratifying a treaty to create an International Criminal Court. The song goes something like this:

Turn away from old notions. Turn away from your antiquated allegiance to national sovereignty. Embrace a higher moral order. Recognize that if nations are to promote true justice, they must swallow their pride and bow to a higher authority, a court, that will decide questions of war crimes and genocide and see that wrongdoers receive the punishment they deserve.

If a treaty establishing the court is approved by 60 nations, the world would finally have a permanent international forum with the authority to prosecute masterminds of genocide and war crimes.

It is superficially appealing. But behind the high-minded sentiments lies an agenda hostile to U.S. interests.

Foreign governments and activists organizations have sent strong indications that they envision the court largely as a tool for reining in the assertion of U.S. power. Through its ability to prosecute American officials and military people, the court

would give anti-American critics a powerful new instrument for undermining U.S. military operations and intimidating U.S. leaders from launching future ones.

Creation of the court would also aid its boosters in their efforts to create a new standard for military operations, an "enlightened" standard that would, in effect, severely restrict U.S. military options under threat of international prosecution.

The eagerness of international activists to promote such extravagant legal claims was demonstrated this year when human rights groups tried unsuccessfully to haul NATO officials before an international tribunal investigating war crimes from the Yugoslav civil war. The activists claimed, without foundation, that NATO's 1999 bombing campaign violated international law in reckless disregard for civilians.

That air campaign, ironically, was marked not by callousness on the part of NATO officials but by the extraordinary lengths to which they sought to minimize casualties, civilian as well as military. Regrettable losses of civilian life occurred nonetheless, fanning the criticism of such interventions.

As if all this weren't enough, the proposed procedures for the International Criminal Court would place it in direct opposition to civil liberties guaranteed under the U.S. Constitution. Proceedings before the court would allow no trial by jury, no right to a trial without long delays, no right of the defendant to confront witnesses, no prohibition against extensive hearsay evidence and no appeals.

David Rivkin and Lee Casey, two American attorneys with extensive experience in international law, note that the court would serve as "police, prosecutor, judge, jury and jailer," with no countervailing authority to check its power.

Rivkin and Casey also point out that trying Americans under such conditions was precisely the sort of injustice that Thomas Jefferson warned against in the Declaration of Independence more than 200 years ago.

In listing the injustices committed by the British government, the Declaration heaped particular scorn on the way Americans had been abused by British vice-admiralty courts. Such courts, the Declaration said, had subjected American defendants "to a jurisdiction foreign to our constitution, and unacknowledged by our laws." The courts denied people "the benefits of Trial by Jury" and involved transporting them "beyond Seas to be tried for pretended offenses."

When the U.S. Constitution was drafted in the late 1780s, it specifically required that criminal trials be by jury and held in the state and district where the crime was committed.

The appropriate course for the United States would be to continue supporting international courts on an ad hoc basis, such as the Yugoslav tribunal, to meet the needs of particular situations. Such bodies have powers far more modest than that of the proposed court.

A chorus of foreign governments, advocacy groups and commentators has a far different agenda, however. They are urging the United States to sign and ratify the treaty creating the International Criminal Court. To hinder the court's creation, they say, would be the opposite of progressive.

But the siren song ought to be resisted. Otherwise, by bowing to foolhardy legal restrictions, the United States would be handing its clever critics the very chains with which they would bind this country. And so we would lose some of our ability to defend

not only our own interests but the freedoms of others.

RECOGNIZING MRS. ANN HEIMAN  
OF GREELEY, COLORADO

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. SCHAFFER. Mr. Speaker, today I wish to recognize one of my constituents, Mrs. Ann Heiman of Greeley, Colorado. Last autumn, Mrs. Heiman received The Daily Points of Light Award for her community action and acts of generosity.

Mrs. Heiman's story is remarkable. A cancer survivor of 47 years, she has never stopped in her service to her fellow citizens. Mrs. Heiman was a founding member of the original Eastside Health Center, served on the task force for a family assistance organization, and was a founding board member of the Weld Food Bank—which distributes 37 tons of food weekly to those in need. She was also one of the first board members of A Woman's Place, a center for abused women, and she is a member of the local board of education.

I am extremely proud of Mrs. Heiman. I am proud to recognize her as an outstanding Coloradan. Her dedication to our western community and her compassion for all have made an enduring difference in the lives of her neighbors. I ask the House to join me in extending congratulations to Mrs. Heiman of Colorado.

TRIBUTE TO MARQUETTE POLICE  
CHIEF SAL SARVELLO ON THE  
OCCASION OF HIS RETIREMENT

**HON. BART STUPAK**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. STUPAK. Mr. Speaker, as you and our House colleagues are aware, I have worked since my first day in Congress to bring a broad awareness of the needs and concerns of law enforcement officials to the floor of this chamber. I experience the great joy of this personal mission when I can speak, as I do today, to celebrate the career and dedication of a law enforcement officer at the house of this retirement.

Police Chief Salvatore Sarvello joined the Marquette, Michigan, Police Department as a patrolman in 1971, about the same time that I was joining public safety department in the nearby community of Escanaba. Our careers took different paths—I became a Michigan State Trooper and eventually entered politics, while Sal worked his way up through his department, becoming chief in 1995. Despite our different paths, we had numerous opportunities to work together, perhaps most significantly on the issue of methcathinone, an illegal drug that plagued northern Michigan for several years. Production of this drug, commonly known as CAT, took root in our area. With the help of Sal and other investigators in the region, I was able to develop legislation—

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my very first piece of federal legislation signed into law—that took the claws out of this highly addictive substance.

Sal has always been a supporter of the COPS program, the wonderfully ambitious and successful plan to help cities, counties, townships and other municipalities hire additional law enforcement officers. I have worked hard in Congress to ensure this program continued to receive funding until the goal of hiring 100,000 new officers by the year 2000 was reached, and the support grass-roots support of officers like Chief Salvatore was essential in accomplishing this task. I worked with Sal for the visit of Vice President Al Gore, first in 1992 as part of a campaign swing for the Clinton-Gore ticket, and again in '94. I appreciate and applaud his professionalism in dealing with the complications, uncertainties and last-minute decisions associated with a visit on short notice of a national political to a small community.

A recent article in the Marquette *Mining Journal* notes that Chief Sarvello's law enforcement career actually goes back to the mid-60s, when he served as a U.S. Air Force Security police officer in Vietnam. This lifetime of public service, the article notes won't end with the Chief's retirement, because he plans to remain active with the Marquette West Rotary Club and with his parish, St. Michael's Catholic Church.

The chief looks forward to spending more time with Joan, his wife of 34 years, and his sons, Michael and Scott. At a special gathering Friday, the community will have a chance to wish the best to its retiring chief. Mr. Speaker, I ask you and our colleagues to join me in offering our thanks to this dedicated public servant, Chief Sal Sarvello, for a job well done.

INTRODUCTION OF BILL TO  
AMEND CLEAR CREEK COUNTY,  
COLORADO, LANDS TRANSFER  
ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I am today reintroducing a bill to provide additional time for Clear Creek County to sell certain lands that it received from the United States under legislation passed in 1993.

Under that legislation—the Clear Creek County, Colorado, Public Lands Transfer Act—the County took title to certain public lands with explicit authority for their sale, subject to two basic requirements: the County must pay to the United States any net proceeds realized after deduction of allowable costs, as defined through agreement with the Secretary of the Interior; and any lands not sold within 10 years after enactment of the Transfer Act must be retained by the County.

In the last Congress, I introduced a bill to extend for an additional ten years the period during which the County will be authorized to sell these lands. This has been requested by the Commissioners of Clear Creek County because it has taken longer than anticipated for

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the county to implement this part of the Transfer Act. Additional time would mean a greater likelihood that the County can sell these lands, and thus a greater chance that the national taxpayers will benefit from payments by the County. Last year, the House passed the time-extension bill, but the Senate did not complete action on it.

The bill I am introducing today is almost identical to the one the House passed last year. The only difference is that the new bill would extend until May 19, 2015 the time for the county to sell the lands in question—one year longer than under the previous bill. The additional year would be provided in recognition of the additional time that will now be required for the bill to be enacted into law.

TMJ IMPLANTS

**HON. THOMAS G. TANCREDO**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. TANCREDO. Mr. Speaker, in April 1999, I received a phone call and correspondence from TMJ Implants, a company located in Golden, Colorado, in my district, which had been having problems with the review of its Premarket Approval Application of the TMJ Total and Fossa-Eminence Prosthesis by the United States Food and Drug Administration (FDA). Over the last year and a half—and delay after delay resulting in the pulling of the implants from the market, I have watched the process drag on, leading to the loss of millions of dollars by the company and countless number of patients who have been put through unnecessary pain. While I will let my submission speak for itself, suffice it to say that I sincerely believe that most of the frustration could have been avoided had everyone sat down and laid everything out on the table in the spirit of what was called for under the FDA Modernization Act. Unfortunately, the agency has been unwilling to do so—and it seems that these problems will continue into the foreseeable future.

Over the last year and a half, my office has received numerous letters from physicians all across the country—from the Mayo Clinic to the University of Maryland—each relaying to me the benefit of the partial joint and the fact that the partial and total joint results in immediate and dramatic decrease in pain, an increase in range of motion and increased function. To date, there is no scientific reasoning for the fact that the total and partial joints are not on the market. All of this calls into question the integrity of the agency—something that I find very disturbing.

Dr. Christensen is a true professional and a pioneer in his field and holder of the first patents. His implants are widely accepted as effective and safe throughout the dental and surgery community—indeed, several of my constituents have literally had their lives changed by the procedure.

I am convinced that the work of TMJ is based on solid, scientific principles and the removal of the implants from the market has been and continues to be erroneous, contrary to the Agency's earlier findings and the statutory standard that should be applied.