

Dr. E. ALMA FLAGG—ROLE MODEL

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased and honored to inform my colleagues of a special event that was held this past weekend. It was the recognition of a woman who has touched the lives of generations of residents of the greater Newark, NJ community. This genteel woman is Dr. E. Alma Flagg.

Dr. E. Alma Williams Flagg was born in City Point, VA, to the late Hannibal Greene Williams and Caroline Moody Williams. She and her family, which included a sister and three brothers, later settled in Newark, NJ. The traditional family has always been a source of support and it was no different in Dr. Flagg's family. Her widowed mother provided the love, support, encouragement and inspiration that enabled Dr. Flagg to excel.

Dr. Flagg is a graduate of Newark's East Side High School where she became a member of the National Honor Society, served as class poet and was voted most likely to succeed. She continued her education at Newark State College. She earned her master's degree at Montclair State College and the doctor's degree from Columbia University.

Her full-time teaching career began in Washington, DC but she returned to Newark, NJ in 1943 and taught and served as a school administrator in all wards of the city. Throughout her career she has been a trail blazer. In 1964 she was appointed principal of the integrated Hawkins Street School. She became the first African-American woman to hold that distinction. Her appointment as assistant superintendent in charge of curriculum services in 1967 was also a milestone. In 1985 a new elementary school was dedicated and named for her.

Dr. E. Alma Flagg's life is filled with acts that prove she has made a difference. Although retired, she continues to give of herself. Her days are filled with church, community, and various committee work. Her love for life and its participants is evident in her poetry. She and her late husband, Dr. J. Thomas Flagg, have raised two outstanding children—Dr. Thomas L. Flagg, a professor of psychology at Eastern Michigan University, and Luisa Flagg Foley, a Spanish teacher at Cherry Hill High School.

Mr. Speaker, I am sure my colleagues would have joined me as I gave my best wishes to an outstanding human being and consummate role model, Dr. E. Alma Flagg.

REGARDING MISCELLANEOUS  
TRADE LEGISLATION

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. COBLE. Mr. Speaker, today I am introducing legislation to benefit a small business located in Burlington, North Carolina, which is part of my congressional district. The company is called D&S International, and it actively engages in overseas trade. My bill is

virtually identical to other legislation I have sponsored during the previous two terms at the behest of D&S. In fact, last year's bill, H.R. 1318, was included in the House version of the GATT-implementing language.

By way of background, D&S imported four German-made warp knitting machines in the fall of 1988. "Warp knitting machines" are classified under HTS 8447.20.40 and are not dutiable. D&S subsequently sold the machines to a Venezuelan company, which reserved the right to return them to D&S if certain conditions were not met. This, in fact, did occur, and the buyer shipped the machines back to D&S. The Customs "Entry Summary" lists an entry date for this transaction of July 12, 1989, at the port of Charleston.

Here is where the problem arose. The entry documentation classified the machinery as a reentry of goods of U.S. origin. This misclassification was then changed to a second misclassification in which the goods were listed as "knitting machines" under HTS 8447.90.90—dutiable at 4.4 percent.

Upon discovery of the additional duties, D&S contacted its freight forwarder and the U.S. Customs Service. This was done at the customs level by letter and office memorandum. Instead of correcting the classification at this point, however, Customs engaged D&S and the freight forwarder in a series of discussions and exchanges of information.

Pursuant to 19 U.S.C. 1514, such duty protests must be filed within 90 days of liquidation (i.e., the time at which Customs classifies an imported good and gives notice to the importer). While D&S conveyed the necessary information in a timely manner to Customs, the company did not do so by using the technical agency method of documentation, called "Form 19." Since D&S did not use Form 19 within this 90-day period, Customs did not and will not recognize the company protest. The inequity of the situation is therefore manifest: the other correspondence, while accomplishing the same goal as Form 19, is considered worthless for the purposes of protesting a misclassification.

The bottom line is that D&S owes approximately \$28,000 in duty with interest accruing daily, effectively inhibiting the ability of the company to do business. Litigation is not a viable alternative, as it will only add to these costs. Accordingly, I urge my colleagues to support this legislation, which simply instructs the Secretary of the Treasury to treat the reentry of the four machines from Venezuela as a duty-free occurrence; and to refund any duties and interest which D&S has paid as a result of the misclassification.

In closing, I should note that the Department of Treasury informed the Ways and Means Committee last year of its support for H.R. 1318. I am also inserting in the RECORD a copy of a March 15, 1994, correspondence from the General Counsel's office at Treasury which states that failure " \* \* \* to grant relief would cause the importer—D&S—an injustice." I thank the Speaker.

DEPARTMENT OF THE TREASURY,  
*Washington, March 15, 1994.*

HON. DAN ROSTENKOWSKI,  
*Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington DC.*

DEAR MR. CHAIRMAN: This letter expresses the views of the Department of the Treasury on H.R. 1318. "To provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties."

The bill would authorize the refund of duties mistakenly imposed.

Although the Department generally opposes the enactment of private relief bills where the importer failed to make a timely claim for refund under applicable Customs regulations, the Department does not object to the enactment of H.R. 1318 because not to grant relief would cause the importer an injustice.

D&S International of North Carolina (D&S) imported four warp knitting machines from Germany duty free and sold them to a Venezuelan company. The Venezuelan company then returned the machines to D&S. Upon reentry, Customs mistakenly classified the machines as a reentry of U.S. goods and applied a rate of duty of 4.4 percent. Although D&S timely protested the duty, Customs ruled that the protest was not properly made. As a result, D&S now owes approximately \$25,000 in duties on goods which should have been re-entered duty free.

The Senate companion legislation to this bill is S. 1009. A similar letter has been transmitted to the Senate Committee on Finance.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the transmittal of this report to your Committee.

Sincerely,

JEAN E. HANSON.

TRIBUTE TO LION ERIC C.  
JACOBSON

**HON. SAM GEJDENSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Eric C. Jacobson of Colchester, Connecticut. Mr. Jacobson is a Lion and currently serving them in the position of District Governor of District 23C. This district represents the eastern third of Connecticut. He will step down on June 30 after a year of dedication and hard work.

Mr. Jacobson has been a Lion for 17 years and embodies their motto, "We Serve." He has been President of the Colchester Lions Club where he was honored with the Melvin Jones fellowship, the highest honor of Lions Club International. He went on to serve the Lions as cabinet secretary-treasurer, zone chairman, district chairman, and most recently as lieutenant governor. As district chairman he oversaw Campaign Sight First, a world-wide effort to prevent the curable causes of blindness. As a result of this dedication, the Lions of eastern Connecticut raised more money for this noble cause than for any other project in the district's history.

In his current position as District Governor, Mr. Jacobson spends countless hours working with Lions all over the district. He is called upon to speak to each individual group and is very involved in their activities and projects. With fifty-seven different clubs in the district he will often dedicate five or six days a week to his fellow Lions and serves as liaison with other Lion Club districts in Connecticut. Mr. Jacobson oversees many district wide projects such as the Low Vision Center in Norwich, which provides equipment to the visually impaired to help them see.

Mr. Jacobson serves Connecticut as an inspiration to many people across eastern Connecticut through his hard work and dedication. Not only does he find time to work with his fellow Lions but also to serve the community in other ways. For instance in Colchester, he served on the Youth Services Board of Directors.

I ask my colleagues to join me today in honoring Eric Jacobson, and to wish him and his family the best in the future.

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ARMENIAN GENOCIDE

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**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. COSTELLO. Mr. Speaker, I rise to join my colleagues today to commemorate the 80th anniversary of the Armenian genocide. In 1915, Armenian religious, political and intellectual leaders were arrested and executed. The campaign of genocide began with this act and resulted in the deaths of over 1.5 million Armenians by 1923.

April 24 is the symbolic day of remembrance for the Armenian community to join together and remember the horrible events of their ancestors. Residents of Armenian heritage in my congressional district believe remembering the past will prevent the world from forgetting.

The Armenian people have maintained their cultural and historical identity with perseverance and pride despite the oppression they endured. That is why I have joined a number of my colleagues in Congress in cosponsoring H. Con. Res. 47 to call on the Republic of Turkey to acknowledge and commemorate the genocide.

I ask my colleagues to join me in remembering the tragedy of the Armenian genocide and in renewing our commitment to human rights. The Congress must stand firm in its resolve to oppose violence and repression against humanity.

TRIBUTE TO COL. CHARLES L. FOX

**HON. FLOYD SPENCE**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. SPENCE. Mr. Speaker, I would like to recognize Col. Charles L. Fox, Deputy Director, Office of Air Force Legislative Liaison, upon his retirement from the U.S. Air Force and commend him on his distinguished service to the National Security Committee and the U.S. House of Representatives. For the past 3 years, the House has enjoyed the outstanding leadership and commitment to service demonstrated by Colonel Fox. During this period, the Air Force has done an excellent job of providing complete and accurate information for use in Congressional oversight of Air Force programs and has ensured that prompt attention has been given to the many inquiries that Members of the House have made for their constituents.

On behalf of my colleagues, who have had the privilege of working with Colonel Fox, I would like to express our gratitude for his 28 years of honorable service to our country, as he retires from the Air Force.

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50TH ANNIVERSARY NEW YORK  
STATE DIVISION OF VETERANS  
AFFAIRS

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**HON. MICHAEL P. FORBES**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize the 50th anniversary of the New York State Division of Veterans' Affairs, which formally occurred April 11 and will be celebrated May 9 in Albany. Like divisions of veteran's affairs all over the country, the New York State Division of Veterans' Affairs provides essential services and support to New York's 1.6 million veterans. In New York's First Congressional District in eastern Long Island, we are especially thankful for these 50 great years of work, as we have the largest concentration of veterans in the Nation.

And to those who have worked in the division of veterans' affairs all of these years, the respect is mutual. For New York's veterans, like all of America's veterans, are the ones who have kept us all safe and secure so that we could enjoy the fruits of our great democracy. They fought our enemies in two world wars, Korea, Vietnam, the Persian Gulf and numerous other military conflicts. They are the ones who have been out there every day during peacetime, patrolling the seas and skies, manning potential front lines and preparing to fight again if the need should arise. We owe our vets everything, Mr. Speaker.

And the New York Division of Veterans' Affairs has been in the forefront of efforts to provide these men and women the benefits they need and deserve. I commend and thank them for all of their service.

I would also like to bring to the House's attention the New York division's new director, an old and dear friend of mine, Mr. John L. Behan, who will be sworn in at the anniversary celebration next Tuesday.

John is a Marine Corps veteran who served with distinction in Vietnam. In 1966, my good friend was severely wounded after engaging the enemy while on patrol near Da Nang. For his bravery, he was decorated seven times and received New York State's highest military honor, the Conspicuous Service Cross. John suffered the loss of both legs in the incident and was honorably discharged in 1967.

John's spirit never died, though, and he learned to walk and much, much more with the use of artificial limbs. Always an athlete, John achieved a position on the U.S. Wheelchair Olympic Team a few years later. In 1976 he captained the amputee team and won several medals, including three golds, at the first International Games for the Disabled.

Having conquered the sporting world, in 1978 John entered State politics and was elected to the New York State Assembly, where he served until he was appointed by Governor Pataki as director of the New York State Division of Veterans' Affairs in February.

I would like to thank the New York State Division of Veterans' Affairs and their new director, John Behan, for their service to our Nation's heroes, of which John is one. They provide an irreplaceable service to our community and we are indebted to them.