

lawyers and gun dealers have known for years and what the aftermath of Waco and Ruby Ridge starkly illustrated: BATF officers and agents lie, dissemble, and cover up on an institutionalized basis. These are not aberrations; they are an institutional ethic, an organizational way of life. Just who is the criminal in these cases?

Lawyers and defendants in NFA cases who have not received the Busey package from the U.S. attorney should be making prompt demands—both for the package and for an explanation of why it was not timely produced. I am acting as an informal clearing house for these matters. Those lawyers or dealers with questions or problems, or with new information, involving the Busey phenomenon, or its continuing aftermath, are invited to contact me at (910) 282-6024.

[The author is a retired U.S. Department of Justice lawyer and a retired colonel in the marine Corps Reserve practicing firearms law in Greensboro, NC. He is a 1959 graduate of the University of Kentucky and a 1962 graduate of the UK College of Law, where he was note editor of the Kentucky Law Journal. He is a life member of the NRA and holds BATF in minimum high regard.]

FOOTNOTES

¹Public Law No. 474, ch. 757, 48 Stat. 1236-1240 (Act of June 26, 1934), 26 U.S.C. §§1132-1132q; as amended by Act of April 10, 1936, ch. 169, 49 Stat. 1192; as codified by chap. 736, Act of August 16, 1954 (Internal Revenue Code of 1954), 68A Stat. 721-729; as amended by Public Law No. 85-859, Title II, §203, 72 Stat. 1427, 1428 (Act of September 2, 1958); as amended by Public Law No. 86-478, §§1-3, 74 Stat. 149 (Act of June 1, 1960); as amended by Public Law No. 90-618, Title II, §201, 82 Stat. 1227-1235 (Act of October 22, 1968); as amended by Public Law No. 94-455, 90 Stat. 1834 (Act of October 4, 1976); as amended by Public Law No. 99-308, §109, 100 Stat. 449, 460 (Act of May 19, 1986); and as amended by Public Law No. 100-203, 101 Stat. 1330 (Act of December 22, 1987); Internal Revenue Code of 1986, Title 26 United States Code, ch. 53, 26 U.S.C. §§5801-5872 Title II of the Gun Control Act of 1968).

²See Federal Rule of Criminal Procedure 27 and Federal Rule of Civil Procedure 44. See also rules 803(8), 901(b)(7), 902(1), (2), (4), and 1005 of the Federal Rules of Evidence.

³Ibid.

⁴5 U.S.C. §552.

⁵The first rule of a bureaucrat is "Never disturb a body at rest." The second, "If I don't do anything, I can't do anything wrong." The third, "When in doubt, mumble."

⁶*United States v. LeaSure*, Criminal No. 4:95CR54 (E.D. Va. Newport News Div.).

⁷"Special Occupational Taxpayers" under 26 U.S.C. §5801 fall into one of three categories: Class III dealers can possess, sell, and transfer NFA firearms; class II manufacturers can, in addition, manufacture and register them; class I importers can, in addition to all the foregoing, import them. All SOTs are also required to possess Federal firearms licenses, which themselves come in six different classifications. Throw in the import and exports licenses and permits required, the various taxes imposed, and the State and local licensing and registration schemes involved, the mandatory recordkeeping required, and the shipping and transportation limitations concerned, and you have a lawyer's paradise.

⁸BATF forms 3 are used to authorize tax-exempt dealer-to-dealer transfers are to reregister the firearm(s) involved to the transferee. There are numerous other transfer and registration forms used depending upon the nature of the transaction, the status of the parties involved, and the type of firearm and its origin.

⁹Violations of the NFA are all 10-year, \$10,000 felonies. See 26 U.S.C. §5871. NFA firearms, which carry some impressive sticker prices, are also forfeit if used in any violation of the NFA. See 26 U.S.C. §5872.

¹⁰We are left to conjecture where the NFA Branch shredder is located in relation to its fax machine.

¹¹In addition to the loss of civil rights imposed on convicted felons by the laws of most States, felons permanently lose the right under federal law to possess firearms, as well as being potentially debarred from service in the armed forces, civil employment

in government, receiving security clearances, bidding on Federal contracts, etc.

GOOD HUNTING, TIM PIFHER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. BARCIA. Mr. Speaker, many people fail to appreciate the true therapeutic value of hunting. It sharpens the senses. It challenges the mind. It hones skills. For many people, hunting is the best activity that there can be. Tim Pifher, who has served for 2 years as the president of the Flint regional chapter of Safari Club International is such an individual.

What is particularly special about Tim Pifher's devout interest in hunting and the activities of Safari Club International is that he is thought to be physically challenged. Tim has never stricken me as limited in any way. He makes the most of each day and each activity. And he consistently obtains recognition for his accomplishments.

Tim has been named the "Special Hunter of the Year" by the Detroit chapter of the club. He has also been named "Special Hunter of the Year" by Safari Club International. This honor is given only to those individuals who have out-of-the-ordinary achievement in the sport of trophy hunting, including those individuals who have persevered against physical limitations despite overwhelming odds.

Many of us here know Safari Club International because of its efforts to conserve wildlife, protect hunters, and educate people. These national and international goals are achieved only through the dedicated local efforts of individuals like Tim Pifher who take their membership in the club seriously.

An avid sportsman, Tim has served as a speaker for many outdoor clubs and disability groups. He has testified at State Senate hearings for crossbows for the disabled. He has served as an archery and airgun instructor for various Cub Scout camps, and been involved with the Tall Pine Council of the Boy Scouts of America. He also is a past vice president of Outdoors Forever's Outdoor Disability Awareness effort.

Tim, his wife Sandy, and his son Matt, all deserve recognition for setting the example that the only limit which matters is that which we place upon ourselves. If we act unlimited, we are unlimited. Mr. Speaker, I urge you and all of our colleagues to join me in congratulating Tim Pifher on his accomplishments, and wishing him the very best for the year to come.

SUB-ACUTE CARE AT NURSING HOMES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. ENGEL. Mr. Speaker, with more people living longer in our country, the care of the elderly ill is a growing concern. A new type of care among nursing homes and health care providers is called sub-acute care and is for otherwise seriously ill people needing such

treatments as ventilator support, respiratory care, complex IV therapy, peritoneal dialysis, and pain management.

For relatively brief stays, these patients can be given constant and detailed attention in a nursing home to curtail overcrowding at hospitals.

The Split Rock Nursing Home and the Eastchester Park Nursing Home, both in the Bronx, are initiating this type of care, a first in the New York City area. Both facilities, which have 440 beds and are owned by the Zelmanowicz family, have been operating for 25 years and 30 years respectively.

They can provide this care for less than the cost in hospitals, saving money and other resources for the more gravely ill. It also makes life and treatment easier for these patients and their families to have this type of treatment in the usually friendlier confines of a nursing home.

The Split Rock and the Eastchester Nursing Homes are accredited and progressive long-term care facilities serving the diverse communities of the northeastern Bronx.

I want to use this opportunity to congratulate Naomi Zelmanowicz, M.D., Abe Zelmanowicz, and Rebecca Rich for the years they have spent making life more worth living for the elderly in the Bronx.

SALUTING RECENT GRADUATES OF GENERAL EDUCATION DEGREE PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. STOKES. Mr. Speaker, I rise today to salute the men and women in Ohio's 11th Congressional District who have recently completed their General Education Degrees [GED]. This honor confers on them the equivalence of a high school diploma, which is an important stepping stone to future success. This degree will enjoin them with the hundreds of thousands of GED recipients who have completed this program over its 54-year existence.

These students of the Cleveland Heights-University Heights school district have a wide range of ages and future plans. Many of them are pursuing further education at the college or vocational school level. Several may now pursue opportunities in the working world with their new degrees. Others will continue their lives with the satisfaction of fulfilling the standards of our rigorous school system.

These GED's represent the culmination of many hours of hard work, commitment, and motivation. I am also proud to note the continued support of the adult basic literary education teachers, staff, and volunteers throughout the community who gave their time and talents to prepare students for the demanding GED course.

Mr. Speaker, the GED program continues to bring pride and self-esteem to young adults and older students. These students have invested valuable time to obtain a crucial level of education that can help open doors to opportunity. I extend my warmest wishes to these determined men and women, and ask my colleagues to join me in wishing them all the best in their future endeavors. I ask that

their names now be entered into the CONGRESSIONAL RECORD.

Jason Franklin, 1992 Green Road, Cleveland, OH.

Ashirah Goldman, (helped tutor other students, also), 1643 Rydalmount Road, Cleveland, OH.

Marcia Green, 16321 Greyton Road, Cleveland, OH.

Aaron Gundersen, 1284 Argonne Road, Cleveland, OH.

Kaiser Hamelin, Jr., 20221 Blackfoot Drive, Euclid, OH.

Martha Jane Johnson, 19590 Euclid Avenue, Euclid, OH.

Susan Johnson, 1556 Ansel Road, Cleveland, OH.

Aron G. Kurlander, 3496 Bendemeer Road, Cleveland, OH.

Sarah Levensen, 14254 Cedar Road, Cleveland, OH.

Anna Lippman, 1411 Dill Road, Cleveland, OH.

Ellen Morrison, 931 Helmsdale Road, Cleveland, OH.

Angelo Nyiri, 1195 Monarch, Cleveland, OH.

Kim Ottino, 1549 Temple, Cleveland, OH.

Joseph Paszko, 4495 Ammon Road, Cleveland, OH.

Sarah Radcliffe, 2940 Washington Blvd., Cleveland, OH.

Arlana Robinson, 14009 Northfield Avenue, Cleveland, OH.

Solomon Rogers, Jr., 2452 Warrensville Center Road, Cleveland, OH.

Omar Santos, 13709 Blenheim, Cleveland, OH.

April Sellers, 11911 Browning Avenue, Cleveland, OH.

Carl Sims, 1687 Belmar Road, Cleveland, OH.

Stacy Spetrino, 995 Evangeline, Cleveland, OH.

Nellie Thomas, 1622 Coventry Road, Cleveland, OH.

Devorah Weisz, 3501 Bendemeer Road, Cleveland, OH.

final assembly. The U.S. Customs Service initially contended that the mirror was a component and that components are not eligible for duty-free entry. Chile, however, is not charging duties on the mirror destined for there. Following requests from Members of Congress and the administration, the U.S. Customs Service finally agreed to allow the duty-free import of the mirror, because it ruled that the mirror involved the essence of the telescopes. However, there are several other major components of the telescope that should receive duty free status. Separate legislation (H.R. 3951) has also been introduced to allow favorable treatment of these components.

While demonstrated by the difficulties encountered with the Gemini International Telescope Project, this bill addresses the broader problem of the interpretation of the words "instruments or apparatus" by the U.S. Customs Service. This bill states that separable components shall be included under the definition of "instruments or apparatus" and shall thus be eligible for duty-free import into the United States under the Harmonized Tariff Schedule of the United States. This bill will ensure that the United States fulfills the intent of the Florence Agreement.

TRIBUTE TO JUDGE MAYO MASHBURN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. DUNCAN. Mr. Speaker, Judge Mayo Mashburn, a great Tennessee judge, recently passed away.

Judge Mashburn presided as a Criminal Court judge in McMinn County and the rest of the 10 Judicial District over the past decade. While Judge Mashburn was described as a "no nonsense" judge who was to the point, he was also a man who went out of his way to help people.

Judge Mashburn was one of the most respected citizens in east Tennessee and was loved by many people. A close friend, Dr. Bill Trotter was quoted in the Daily Post-Athenian saying, "Our community will miss him both as a judge and a man who served the community in many ways."

I request that a copy of the article which appeared in the Daily Post-Athenian be placed in the RECORD at this point. I would like to call it to the attention of my colleagues and other readers of the RECORD.

IN HONOR OF AMERICORPS GRADUATES FROM THE UNION CITY DAY CARE PROGRAM

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an industrious group of individuals, the 1995–96 participants in the AmeriCorps Program of the Union City Day Care Program, Inc. and the Urban League of Hudson County who have chosen the selfless path of service to the community. A com-

mencement ceremony for these graduates will be held on August 5 at the Urban Starting Points in Jersey City, NJ.

This joyous occasion marks the culmination of a extensive training program which prepares these men and women for careers attending to the needs of the children in their communities. When our honorees first entered the AmeriCorps Program, their expectations of success were modest. However, the educational experiences gained over the past year have tremendously increased their personal determination to handle any obstacle they may face.

The 1995–96 graduating AmeriCorps class consist of 22 dedicated individuals, including: Sabrina Arnold, Alberto Canal, Judith Concepcion, Yesenia Flores, Doreen Griffin, Waynette Harris, Luis Hernandez, Maria Hernandez, Tawanda Holmes, LaToya Leak, April Lewis, Brandi McCrea, Darcel McRae, Frank Meloi, Nicole Myrick, Lydia Nieves, Aida Paredes, Abdullah Payton, Dellar Reid, Wilma Sanchez, Yolanda Seruya, and Mylove Tetterton. The unique contributions these people will make in their neighborhoods will have an impact for generations to come.

Something as complex an undertaking as the AmeriCorps Program of the Urban League of Hudson County is never accomplished through the efforts of one person. This particular program has been successful due to the efforts of Elnora Watson, president and chief executive officer and her staff headed by director of the program Diane Fuller, Luis Mendez, Jeffrey, Lischin, Eloisa Lacson, and Richard Blas. They are exceptional community leaders.

The AmeriCorps graduates of the Union City Day Care Program exemplify the true meaning of community service. For their outstanding work and leadership, I ask my colleagues to join me in honoring these wonderful individuals. I am proud to have this valuable endeavor operating within my district.

INTRODUCTION OF THE FCC MODERNIZATION ACT OF 1996

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. FIELDS of Texas. Mr. Speaker, in February of this year, we passed, and the President signed, the most sweeping change to our Nation's telecommunications laws in over 62 years—the Telecommunications Act of 1996, Public Law 104–104.

Earlier this Congress, I promised that after we finished rewriting our telecommunications laws the Subcommittee on Telecommunications and Finance would then focus its efforts on downsizing and reducing unnecessary underbrush at the Federal Communications Commission. Today, I introduce the FCC Modernization Act of 1996 for just that purpose.

Mr. Speaker, the FCC Modernization Act of 1996 is not an effort to revolutionize the telecommunications industry. We already did that, and the industry and the Commission are still feeling the effects of our changes. In fact, yesterday the Commission adopted its report and order to implement the centerpiece of the 1996 act—bringing competition to the local telephone market. The Commission has been

INTRODUCTION OF H.R. 3952

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. WALKER. Mr. Speaker, today we are introducing a bill to broaden the interpretation of language contained in the Florence Agreement, a multilateral international agreement regarding the importation of educational, scientific, and cultural materials. Signed by the United States, it allows for the duty-free importation of scientific apparatus into the United States, if used by U.S. approved institutions for educational, scientific, and cultural purposes.

The problem which has raised this issue involves two large optical telescopes now under construction in Hawaii and Chile. The Gemini International Telescope Project, managed by the Association of Universities in Astronomy [AURA], involves the United States, the United Kingdom, Canada, Chile, Argentina, and Brazil. The U.S. Customs Service has narrowly defined the words "scientific instruments or apparatus" not to include components of these instruments or apparatus.

The telescopes contain several components, one of which is an eight meter mirror which was manufactured in the United States. The mirrors were shipped to France for polishing before being returned to Hawaii and Chile for