

working long and hard on this proposal, and I am interested in seeing their results.

The FCC Modernization Act of 1996, instead, is about further reducing the regulatory burdens on a competitive industry and streamlining the operations of the Commission. More important, this bill is about asking the Commission to plan for the future—the future of the Commission in a competitive world. Specifically, section 2 of the bill requires the Commission to prepare and submit a detailed report to Congress on exactly what the Commission should look like once the 1996 act is implemented.

Mr. Speaker, a fully competitive marketplace will ultimately decrease the role of a Federal regulator. In my opinion, competition, if we have done our jobs right, should develop very, very quickly. Section 2 forces the Commission to prepare for the moment when markets are ruled by competition rather than by regulation; it asks the important questions before that moment is upon us.

This bill also reduces what I call the regulatory underbrush, those provisions of telecommunications law that no longer are applicable in an information age. For example, this bill would eliminate the requirement that telephone companies file every contract, agreement, or arrangement with another telephone company with the Commission, section 4. Instead, my bill retains the Commission's authority to file such information when it deems necessary. Thus, the bill eliminates an unnecessary provision of law without harming the Commission's ability to protect the public interest, convenience, and necessity.

The FCC Modernization Act of 1996 is another step forward in this Congress' effort to prepare for a competitive telecommunications market. I believe that providing further regulatory relief to our Nation's fast growing, most important sector will help create more high-technology, high-paying jobs for American workers. Further, it will stir industry investment and innovation that will only benefit consumers in the long run.

Mr. Speaker, I am happy to have my good friend, Mr. DINGELL, join me as an original cosponsor of the legislation. It is my hope that we can move this bill quickly through the legislative process and make it law. I urge all Members to support this bill.

#### H.R. 3816, 1997 ENERGY AND WATER APPROPRIATIONS BILL

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 2, 1996*

Mr. SKAGGS. Mr. Speaker, when the House debated the 1997 energy and water appropriations bill, I voted against an amendment to kill funding for the Animas La Plata project, in Colorado and New Mexico. I want the RECORD to reflect my reasons for that vote.

Current law and legal agreements link the Animas La Plata project to settlement of long-standing Ute Indian water rights claims. These claims must be honored. The Federal Government must fulfill this obligation to native Americans. Voting now simply to kill the project would signal a default on that obligation, and I do not see that as a constructive or responsible step to take.

I am aware of the serious environmental and other problems of the project. That's why both last year and again this year, I made sure the legislative history of the appropriations bills clearly showed that all environmental laws will continue to apply to the project. There's been no decision on the adequacy of the latest supplemental environmental impact statement about the project, and I believe that there almost certainly will be a court challenge of that decision, whichever way it goes. Even with continued funding for the project, the environmental and other questions about it have to be and will be addressed and resolved—one way or another—before any significant construction can start.

Nonetheless, I think all parties should recognize that the House vote against funding Animas La Plata in 1997 clearly signals that it's increasingly unlikely that the project as now designed can be built or can assure resolution of the Indian water rights claims. The time has arrived for serious exploration of other ways to achieve that objective and to fulfill that commitment, ways that will be less problematic in terms of both environmental and money costs.

#### JIM DUNN: TWENTY YEARS AND COUNTING

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 2, 1996*

Mr. BARCIA. Mr. Speaker, there is no substitute for experience when we want to get a job done, and get it done right. The Michigan Public Transit Association has for the past 20 years been ably represented by attorney James Dunn who has a stellar record of achievement in the area of transportation.

Jim Dunn started in public interest matters the way many accomplished people have: as a staff person. In his case, he served the Michigan Senate Transportation Committee for several years in the 1970's. His accomplishment allowed him to merit appointment by Governor Milliken in 1978 to the Michigan Transportation Needs Study Committee, and later by the Speaker of the House and the majority leader to the legislative ad hoc task force on transportation financing. His learned capabilities allow him to serve as an adjunct professor for Transportation Law at Thomas Cooley Law School in Lansing.

Along with these activities, since 1976 Jim Dunn has been with the Michigan Public Transportation Association, where he has participated in the development of public transit administrative legislation and funding proposals. As an individual who has worked with him as a member of the Michigan State House, the Michigan State Senate, and now as a Member of Congress particularly in my capacity as a member of the Transportation and Infrastructure Committee, I can tell you that Jim Dunn has always conducted himself in a thoroughly professional manner. He has always provided information that could be relied upon in critical situations.

It is no surprise to anyone that his arguments are always on target, with his having been trained at the U.S. Army Artillery and Missile Officer Candidate School. That discipline helps him recognize the objective, com-

pute the proper solution, and implement the response most effectively.

I have had the good fortune to work with many skilled individuals during my time in public office. I rank James Dunn among the best. Mr. Speaker, I urge you and all of our colleagues to join me in wishing him the very best on his anniversary of representation, and wishing him every success in the years to come.

#### HONORING NELLIE A. THORNTON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 2, 1996*

Mr. ENGEL. Mr. Speaker, Nellie A. Thornton was a wonderful person who labored long and hard for her community and the people in it. Her influence and good works spread beyond the borders of Mount Vernon, where she lived and taught, to being named as one of the 100 most influential black leaders in the Nation.

She was the first black woman principal to be hired in Mount Vernon, NY, and she served as a principal there for 22 years. She was the organizer and first president of the Greater Hudson Valley Chapter of Links, Inc., where she was instrumental in organizing a program to bring children to visit parents in the Bedford Hills Correctional Center.

As a member of the Grace Baptist Church, she was selected by the church to the Wall of Honor for her faithfulness and dedication. She was also invited to the signing of the 1991 Civil Rights bill by then President Bush and by President Clinton to his Inauguration. The city of Mount Vernon declared March 29, 1989, as Nellie Thornton Day.

She is especially missed by her husband, Daniel Thornton, and their children, Danielle and Gabrielle, and by all of us who know of the great work she has done. To further honor her memory, Mount Vernon is renaming a school in her honor and on May 29, 1996, will officially open the Nellie Arzelia Thornton Elementary School. What she has done is an inspiration to all who want to further the goal of making America a truly equal home for all its peoples. Her name and her spirit lives on, and for this we should all be thankful.

#### A SPECIAL SALUTE TO JUDGE CARL J. CHARACTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, August 2, 1996*

Mr. STOKES. Mr. Speaker, I rise to pay tribute to the Honorable Carl J. Character, judge of the Cuyahoga County Common Pleas Court. Judge Character will be retiring from the Court in January, 1997. As he prepares to depart his post, plans are underway for special ceremonies and other events to recognize Judge Character's commitment to public service and this Nation. I am proud to participate in the tribute to Judge Character. I want to share with my colleagues and the Nation some information regarding this distinguished member of the judiciary.

Carl J. Character was appointed to the Cuyahoga Court of Common Pleas in 1987 by

former Ohio Governor Richard Celeste. In 1990 he was elected to the bench and has served with distinction. His elevation to a judgeship in the Common Pleas Court represented the highlight of a 30-year career in the legal profession.

Judge Character attended Cleveland public schools and graduated from Glenville High School. He completed studies at Ohio State University and received his juris doctorate from the University of Michigan. He went on to earn a masters of law from Cleveland Marshall College of Law of Cleveland State University.

Prior to his appointment to the bench, Judge Character was a trial attorney. He represented a variety of clients, from Fortune 500 companies to welfare recipients and professional athletes. As a lawyer, Carl Character epitomized excellence in the courtroom. He and I were partners for a number of years in the law firm founded by my brother Carl Stokes, Carl Character, and myself. The law firm was known as Stokes, Character, Terry, Perry Whitehead, young and Davidson. It was during those years that I came to know Carl Character as an outstanding trial lawyer who was totally dedicated to his clients and the cause which he espoused. More than that, however, he was active in our community where he volunteered many hours of service. He was a leader and advocate in the civil rights movement in Cleveland. Whenever his community needed him, Carl Character was there. As a judge he has been compassionate and strong. He is highly respected by the bench and bar and leaves a legacy of excellence as a judge. Carl has been a role model for young lawyers and he has really enjoyed being a judge.

Mr. Speaker, Judge Character is a veteran of the United States Army, having served in the Korean war. He is a past president of the National Bar Association and a member of the American Bar Association. Other memberships include the World Association of Lawyers, American Trial Lawyers Association, National Conference of Black Lawyers, and the Cuyahoga County Bar Association, just to name a few.

In addition to his judicial duties, Judge Character is an integral part of the Cleveland community. He is active in the Cleveland NAACP, Alpha Phi Alpha Fraternity, the Ohio Commission on Racial Fairness, the American Legion, and the University Hospital Board of Trustees. I am also proud to note his membership in the Emmanuel Baptist Church.

Mr. Speaker, throughout his career, Judge Character has been recognized for his dedication and commitment to public service. He received the Distinguished Service Award from the Judicial Council of the National Bar Association. In addition, he received the organization's Presidential Award and C. Francis Stranford Award. Judge Character has been named "Father of the Year" by the Teen Father Program. Further, he received special recognition from the Legal Aid Society of Cleveland and has been honored by Beta Gamma Sigma and Beta Alpha Psi Fraternities.

Judge Character and his lovely wife, DeeAnn reside in Shaker Heights, OH. They are the proud parents of Darla and Dea Character. I know that members of Judge Character's family share our pride in his many accomplishments.

Mr. Speaker, I am proud to salute Judge Carl J. Character. He is a dedicated public servant who has fought to ensure justice and

fairness in the legal system. I join his colleagues and others in congratulating him and wishing him well in the future.

#### INTRODUCTION OF H.R. 3951

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 clarify the interpretation of language contained in the Florence Agreement, a multilateral international agreement regarding the importation of educational, scientific, and cultural materials. It allows the duty-free importation of scientific apparatus into the United States, if used by U.S. approved institutions for educational, scientific, and cultural purposes.

This legislation specifically broadens the interpretation of the words "scientific instruments or apparatus" by the U.S. Customs Service as it pertains to the Gemini International Telescope Project. The U.S. Customs Service has narrowly defined these terms not to include "components" of these instruments or apparatus.

The present problem involved 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 telescopes contain several major components, one of which is an 8-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 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 also receive duty-free status.

This bill addresses the specific problem being faced by the Gemini International Telescope Project by allowing the duty-free importation of major components of the telescope now under construction in Hawaii. The components are specifically listed in the legislation. This bill also addresses the issue of fairness under the United States obligations under the Florence Agreement. By allowing the duty-free importation of the components of the Gemini telescope, we are fulfilling an agreement we made with the international scientific community.

#### TRIBUTE TO DR. DAVID G. CRAIG

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. DUNCAN. Mr. Speaker, I want to congratulate Dr. David G. Craig, a University of

Tennessee human ecology professor, for being named as the 1996 Higher Education Teacher of the Year. This indeed is a great honor and one which Dr. Craig should be very proud to receive.

The Tennessee Education Association selected Dr. Craig based on several criteria. He has demonstrated excellence in the classroom, professional merit, and participation in professional, community, and political activities at the University of Tennessee.

I request that a copy of the article "Professor Distinguished as Teacher of Year" which appeared in the University of Tennessee Daily Beacon 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.

#### INTERNATIONAL TRADE PATENT AND ROYALTY ENFORCEMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. MENENDEZ. Mr. Speaker, the current legal situation in the international trade arena, places small companies and American businesses in a position where they have little recourse against unfair trade acts, and where they are vulnerable to foreign predatory practices. The bill that I am introducing today would mandate that there be legislative change to enable small companies, who have endured unfair methods of competition by their foreign trading partners, to seek redress in a court of competent jurisdiction in the United States.

This legislation will help small business owners like Mr. Salvatore Monte. Mr. Monte is the president of Kenrich Petrochemical Inc., and an inventor in the proud New Jersey tradition of Thomas Edison. Mr. Monte holds numerous patents for organo-metallic compounds, which are used in everything from rocket fuels, to ammunition, to tires, to cars, to printed circuit boards, to photocopiers. In 1976, Mr. Monte signed a contract with Ajinomoto Co. [AJICO] of Japan to import, and later, gave license to manufacture, his chemical products. Since that time, Mr. Monte has experienced extensive violation of his intellectual property rights, and questionable business practices—robbing him of millions of dollars. Mr. Monte has been faced with such anti-competitive business practices as:

Improper recordkeeping; so narrow an interpretation of Japanese patents as to be considered infringement—to the point that the Japanese manufacturer even copied his technical literature; patent flooding; and unauthorized sublicensing for the manufacture of his chemicals.

I believe Mr. Monte is not alone in his dilemma. The U.S. Trade Representative received numerous complaints about Japanese narrow patent interpretation and patent flooding practices. As a result, Japan remains on the special 301 priority watch list. Absent legislative change which gives U.S. courts jurisdiction over the unfair acts and unfair methods of competition in which foreign companies are engaging under the protection of their government, there is little recourse under law for small business owners, like Mr. Monte. The WTO has no jurisdiction over private actions.