

**BILL REQUESTING FAIR REPRESENTATION ON FEDERAL JUDICIAL CIRCUIT COURT OF APPEALS**

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. ABERCROMBIE. Mr. Speaker, today I am introducing legislation which calls for fair representation on all Federal Judicial Circuit Courts of Appeals.

Currently, only two States, West Virginia and Hawaii do not have representation on their circuit Court of Appeals. In fact, it's been 12 years since Judge Herbert Choy of Honolulu retired from the Ninth Circuit Court of Appeals. Some States like Montana, have only recently had a resident granted a judgeship. My bill would require that each State have at least one judge appointed to their circuit Court of Appeals. That way, all States would always have representation on the bench. The bill does not affect the President's historic power to appoint Federal judges.

Having each State represented on its respective circuit courts, helps to ensure that justice is blind and impartial. A report entitled *The Long Range Plans For Federal Courts*, completed by the Judicial Conference of the United States in December 1995, noted, "Federal judicial credibility and accountability are fostered when appellate judges are drawn primarily from the region they will serve." This bill would add to the judicial credibility of the courts because each State would have at least one judge representing and understanding its State law, business, and customs.

This is not another law to add to the books. This legislation is about continuing the integrity of our third branch of Government, fairness and representation. I strongly urge my colleagues to support and pass this bill.

**PERSONAL EXPLANATION**

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. LaFALCE. Mr. Speaker, on Wednesday, March 6, I was unavoidably absent for rollcalls 45 and 46. Had I been present, I would have voted "aye" and "no" respectively.

**PERSONAL EXPLANATION**

**HON. JON CHRISTENSEN**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. CHRISTENSEN. Mr. Speaker, due to a family emergency back in Nebraska, I was not present yesterday for three rollcall votes. Had I been present, I would have voted: rollcall vote No. 45, "yes;" rollcall vote No. 46, "yes;" and rollcall vote No. 47, "yes."

**THE COST OF OUR NATIONAL DEBT**

**HON. WILLIAM M. "MAC" THORNBERRY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. THORNBERRY. Mr. Speaker, as we continue in our struggle to balance the budget and return government power to the States and local communities, I thought it would be a good time to remember what one of America's greatest patriots had to say about the cost of our national debt and the burden it places on current and future generations:

I place economy among the first and most important virtues, and public debt as the greatest of dangers to be feared. To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our choice between economy and liberty, or profusion and servitude. If we run into such debts, we must be taxed in our meat and drink, in our necessities, and in our labors and in our amusements. If we prevent the Government from wasting the labors of the people, under the pretense of caring for them, they will be happy.

These words are drawn from a speech given by Thomas Jefferson shortly after the birth of our country. This speech, sent to me last week by one of my constituents, Mrs. Louis Seewald of Amarillo, TX, should remind us all that we cannot continue the business as usual practice of spending more than we take in.

As Jefferson foresaw, running up a debt serves to enslave the entire Nation. The last 25 years have proven him right. Despite movement toward a plan to balance the budget, the fact of the matter is that we still face a national debt of nearly \$5 trillion. A child born today will have to pay \$187,000 in taxes over his or her lifetime just to pay off interest on the national debt.

If unchecked, the national debt will soon consume nearly 75 percent of our entire budget. This will leave virtually no funds for critical areas such as education, the environment, and crime prevention, and could possibly lead to a tax rate of over 50 percent.

This is not what Jefferson would have wanted from the Government he helped create more than 200 years ago, and it is not what the American people want from the leaders they elect today.

**PEPPY MAYER, RECIPIENT OF CALIFORNIA DISTINGUISHED REALTOR AWARD**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. STARK. Mr. Speaker, I would like to take this opportunity to recognize the exceptional achievement of Ms. Alberta "Peppy" Mayer, a resident of Fremont in California's 13th Congressional District. Peppy was recently awarded the California Distinguished Realtor Award, which is the highest honor that the California Association of Realtors [CAR] can bestow upon one of its members.

To receive this award, one must have been a California realtor for at least 20 years, dem-

onstrated outstanding service to the CAR for at least 15 of those 20 years, be a CAR honorary director for life, and be a current, active CAR member in good standing. Peppy is all these things and more—she is one of the most committed, talented, tenacious, and energetic people I know.

Peppy Mayer was born in Chicago and lived in both San Francisco and Alameda before settling in Fremont with her husband, Edward Mayer, and their three young daughters. Although she had studied to be a teacher at San Francisco State University, when the family moved to Fremont, she began to look for another career and enrolled in a course in Real Estate. There were few women real estate agents at that time but she soon won a prize for closing the most escrows in the Tri-City area. She has not looked back since.

Peppy has been a member of the California Association of Realtors since 1967 and has served the association in almost every capacity since then. She has been a director of the association for 29 years. In 1976, she became the first woman to serve as board president. In 1981, she became the first woman to chair the legislative committee, and in 1985, she became district 6 regional vice president. In 1980, she was appointed as honorary director for life. She has also been a director of the National Association of Realtors for the last 12 years.

Peppy is the author of numerous publications for both the California Association of Realtors and the National Association of Realtors. She has also received many awards including: Salesman of the Year in 1967, Realtor of the Year in 1977, the CAR's 1980 designation as Honorary Director for Life, the Recognition Award for "A Lifetime of Outstanding Dedication and Service to the Real Estate Industry" in 1991, and she became a life member of the Million Dollar Club in 1973.

As Peppy's business flourished, she still managed to find time to be an active member of the community. She has been the director of the Fremont Chamber of Commerce, making her the first woman to hold this position. She has been a long time member of the fund raising committee for the Fremont Boys Club, and a founding member of the Ohlone College Foundation.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Ms. Alberta "Peppy" Mayer for her exceptional professional accomplishments and to congratulate her on being the recipient of the 1995 California Distinguished Realtor Award.

**ISRAELI BOMBINGS**

**HON. SCOTT L. KLUG**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. KLUG. Mr. Speaker, 60 people have been killed over the last 9 days in four suicide-bomb attacks in Israel. We all mourn the loss of nearly 200 people, including 5 Americans, who have died in terrorist incidents since the signing of the Israel-PLO peace agreement at the White House on September 13, 1993. Clearly, the Middle East peace process is now hanging by a thread.

There are some countries whose only interest is in derailing the peace process. The

State Department continues to include Syria on its list of countries accused of sponsoring terrorism. Israel is asking the United States to focus on Syria's connection to the terrorist attacks. Yesterday, Israel's Prime Minister Shimon Peres asked the United States to make clear to Syria that Israel has had enough of guerrilla attacks.

While Syria has expressed the desire to enter into peaceful negotiations with Israel, terrorist groups such as Hamas, continue to keep their headquarters in Damascus. Syria continues to allow weapons and funds from Iran to be used against Israel. If Syria expects to establish a working relationship with the United States, it must cease involvement with terrorist groups and condemn the Israeli bombings.

Syria is not the only external State whose role in the terrorist attacks we should question. Iran, Iraq, and Libya all play a part in the process of working toward peace and their actions should also be closely examined. The peace process cannot progress with countries throughout the Middle East sponsoring terrorism.

Through the Middle East Peace Facilitation Act [MEPFA], the United States is providing \$500 million over 5 years in assistance to the Palestinians. Americans have the right know what the PLO and Chairman Arafat are doing or not doing to discourage these terrorist activities. We need to know that he is truly committed to peace. He shook hands on the White House lawn 2 years ago pledging his commitment, but now he must prove he is a man of his word. He must root up the terrorism that threatens not only the Israeli people, but innocent victims around the world.

I rise today, Mr. Speaker, not only to condemn the horrific acts of terrorism against Israel, but to urge the administration to send a clear, decisive message to those countries that continue to sponsor terrorism. Their permissive behavior on behalf of the terrorist groups Hamas, Jihad, and others, will not be tolerated.

I'm pleased that chairman GILMAN has scheduled hearings on this issue in the International Relations Committee. Now, more than ever, it is crucial for the United States to stand shoulder to shoulder with Israel as we demonstrate our shared commitment to peace.

#### TRIBUTE TO ARELIS FIGUEROA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. TOWNS. Mr. Speaker, I am truly honored to recognize the perseverance of Arelis Figueroa. She has overcome tremendous odds to pursue self-improvement, and in turn has assisted her family members to realize their innate potential.

Arelis migrated to the United States from Puerto Rico at a very early age, along with her five older sisters. Life was not easy for her family, but despite difficulties, she began her odyssey of self-improvement. Her three children, Arelis, Eric, and Nicole have been tremendous sources of inspiration and pride for her. Arelis, the eldest, is the first to receive a 4 year college degree; Eric is a member of the New York City Police Department, and Nicole,

although afflicted with Downs's Syndrome, has distinguished herself in Special Olympic gymnastic events.

Nicole's condition prompted Arelis to learn everything she could about the disease. She decided that learning about the disease and helping others similarly affected would be her calling. As a result, Arelis secured a position with the New York City Board of Education, working with students with special needs at P.S. 72 in Brooklyn.

Through vision, tenacity and a sense of love, Arelis Figueroa has made her world, and the World around her a better place. I am profoundly inspired by her actions and accomplishments, and wish her much success in the future.

#### INTERNATIONAL TRADE AND PATENT AND ROYALTY ENFORCEMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 7, 1996*

Mr. MENENDEZ. Mr. Speaker, in the din of the battle over balancing the budget, reality can be lost in the shouting. If one accepts as an article of faith that it is of utmost importance that the Federal budget must be balanced, then it must follow that the monumental trade deficits must per force of the exact same logic have the same priority.

Upholding the standard of free markets and free trade is not license to do nothing. The price of freedom is not without cost for either personal liberties or economic freedom. It is a constitutional right under the first amendment that our citizens may petition the Government for redress of grievances. It is also a constitutional prerogative under article 1, section 8, clause 8 "To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right of their respective writings and discoveries." With this as a backdrop, I would like to explore a problem that a constituent of mine, Salvatore Monte has raised. Mr. Monte's problems involve fundamental questions about the role of our Federal Government in protecting the constitutional rights of our citizens in the context of international trade.

Sal Monte is the president of Kenrich Petrochemical Inc., a family owned business founded after World War II and operating in Bayonne, NJ, since 1961. Sal Monte is an inventor in the proud New Jersey tradition of Thomas Edison and holds numerous patents. Mr. Monte's firm makes organo-metallic compounds. Organo-metallic compounds act as the molecular glue between organic and inorganic materials in the fabrication of complex substances. These chemical compounds are used in everything from rocket fuels, to ammunition, to tires, to cars, to multilayered printed circuit boards, to photocopiers. Mr. Monte's invention is responsible for the durability of videotape and audio tape used in our homes. Some of these chemicals make products biodegradable, others increase electrical conductivity, still others make steel more anticorrosive, plastics stronger, and tires safer. Toy manufacturers use them because they make thermoplastic processing significantly more energy efficient. There is even a national

security concern, since Mr. Monte's chemicals are used to increase the effectiveness and safe handling by our Armed Forces personnel of new generation insensitive ammunition designed to prevent unplanned detonation in Army tanks and aboard Navy ships.

Shortly after his products were introduced in the United States market in 1974, Mr. Monte was approached by officials of Ajinomoto Co. [Ajico] through a trading company named Nitto Shoji, LTD., about licensing his products in Japan. They signed a distributorship agreement on July 30, 1976 to import 46 different patented organometallics manufactured by Kenrich in the United States of America. Nitto Shoji claimed that it was imperative that the products be approved as environmentally safe, and had started the process for the environmental approval of the first Kenrich product to be sold in Japan, Ken-React KR TTS, on July 1, 1976. The KR TTS approval cost Kenrich \$125,000. In accordance with the usual Japanese trade position, Ajinomoto officials impressed upon Mr. Monte the need to have a Japanese manufacturing partner to facilitate the environmental approvals, comply with extraordinarily difficult Japanese quality standards, and gain acceptance by Japanese keiretsu, industrial consumers of the product. Ajinomoto is a \$20 plus billion food processing and fine chemical firm most noted in southeast Asia as the No. 1 producer of MSG—monosodium glutamate. As a result, on January 28, 1980, 15 Kenrich chemicals were licensed for manufacture by the Ajinomoto Co. for exclusive sale in Japan, Taiwan, and South Korea.

For the next 8 years, the Montes were given polite and respectful treatment. By 1984, they had transferred all of Kenrich's technology to Japanese licensing interests. Mr. Monte began to suspect that Ajinomoto was selling vast quantities of the Kenrich licensed product and underreporting sales to avoid paying royalties. Mr. Monte repeatedly requested sales reports, but only received a carefully contrived semi-annual report which diminished in detail with each passing year. There are now over 900 patent applications issued to Japanese companies using the Kenrich products—almost 40 to Canon alone for copier toner, yet the sales are supposedly still under \$1,000,000—even though the yen has doubled in value against the dollar during the contract period. After two decades of doing business in Japan, Kenrich is still receiving only a contract minimum of \$50,000 a year in royalties.

The coordinated assault on Kenrich would sound like paranoid Japan bashing were there not for the painstaking documentation filling dozens of file boxes, indicating the systematic, elaborate, and devious methods employed to deprive Mr. Monte of his intellectual property rights. Among the many efforts against Kenrich include:

The development of knock-off titanate technology based on Kenrich technology by Ajinomoto, Nippon Soda Inc., Tokuyama Soda Ltd., Mitsui Mining and Smelting Ltd., and Kawaken Fine Chemical Co., Ltd. The Japanese have used patent flooding as a technique to obfuscate original patented technology, thus making it difficult for the non-Japanese investor to defend his/her patent rights. Nippon Soda even copied Kenrich's detailed technical literature to explain their Titecoat knock-off product.

An elaborate international exchange of bank securities resulted in the commercial paper of