

important life skills necessary to succeed, she has provided a tremendous service to society as a whole. Her legacy is written in the students she supported and provided for, and that legacy is immeasurable.

She could not have made such a tremendous impact and achieved her great accomplishments without the support of her family including her loving husband, Brian, and her daughter Shannon. While Shelley has retired from teaching, she continues her steadfast mission to improve her community by remaining active with Hospice, the Literacy Council and numerous other nonprofit organizations.

Mr. Speaker, Shelley Kennedy has reached out to students with unique challenges and has motivated countless individuals to pursue a better and brighter future. We wish her all the best, and give her a heartfelt thank you. I ask you, and all of my colleagues, to join me in commending her outstanding accomplishments and wishing her all the best in the years ahead.

#### TRIBUTE TO JERRY DYER

#### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 8, 1999*

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man who was a dear friend of mine, Jerry Dyer.

Jerry was a devoted and loving husband, father, son, brother and friend. His love was unconditional, just because you were there. He had his priorities in order. He was a good businessman but he knew that was not at the top of the list.

He always greeted life and business with great good humor. He enriched every life he touched, especially children. Jerry was a good citizen, and it is appropriate that he was honored as "Citizen of the Year" by his community. It is the highest honor to be recognized by your friends and neighbors.

I will always remember two stories Jerry loved to tell on himself. One about a man in Gillett that he loaned some money to buy some cows. The man bought the cows and they got out of the pasture one night, onto the highway and were destroyed by a truck. The man come in the bank the next morning and walked into Jerry's office and said "banker they done run over our collateral." Jerry just laughed his special chuckle and said "well let's see what we can do."

Jerry always worked hard to make his community a better place to live, work, and raise a family. We had been working together to improve main street in Gillett and one of the towns "characters" named "Doc" purchased a vacant lot right in the middle of the business section of the street and put a rather dilapidated trailer there. Then he took the bath tub out of the trailer and set it in the front yard. Every one that drove by saw this. Doc was in the bank one day and Jerry, in his diplomatic way said to Doc (part of Doc's charm was lack of personal hygiene) "Doc what are you going to do with your bath tub?" Doc says, "I need that space to store my spare tires in, but if I was going to take a bath, I would want a bigger tub than that."

Again Jerry just laughed and started trying to improve things in another way.

My friend Jim Ed Wampler said it best and it is the way we describe our very best in the wonderful place we call home, "he was a good man."

I think that says it all.

#### HONORING MADELEINE APPEL

#### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 8, 1999*

Mr. BENTSEN. Mr. Speaker, I rise to honor Madeleine Appel, who is this year's recipient of the Houston Chapter of The American Jewish Committee's Helene Susman Woman of Prominence Award. Helene Susman was a widowed mother of two who became the first woman from Texas admitted to the bar of the Supreme Court of the United States. When she died in 1978, she left a legacy of a commitment of Judaism, a belief in the importance of contributing to the community, and the need for individuals to act responsibly and with integrity at all times.

Madeleine Appel has demonstrated her commitment to her profession, community, and family in such a manner as to distinguish herself as a role model for other women to follow.

Madeleine Appel presently serves as Division Manager Administration in the City Controller's Office for the City of Houston. Her work experience with the City of Houston has included a number of positions: Administrator/Senior Council Aide, Mayor Pro-Tem Office Houston City Council from 1996-1997; Senior Council Aide, Houston City Council Member Eleanor Tinsley 1980-1995; and Administrator, Election Central, ICOSA, Rice University.

She began her career as a journalist working as an Assistant Women's Editor and Reporter at The Corpus Christi Caller and Times. Additionally, she worked as the Women's Editor and Assistant Editor for The Insider's Newsletter and as a reporter for The Houston Chronicle where she won the "Headliners Award." She received her B.A. from Smith College in political science and graduated Magna Cum Laude.

Madeleine Appel's community involvement includes Scenic America, League of Women Voters of Texas and the United States, Houston Achievement Place, Jewish Family Service, League of Women Voters of Houston, Houston Congregation for Reform Judaism, Houston Architecture Foundation, American Jewish Committee, City of Houston Affirmative Action Commission, and Leadership Houston Class XII.

Madeleine Appel has been married for 36 years to Dr. Michael F. Appel and she is the proud mother of two sons and two daughters-in-law.

Mr. Speaker, I congratulate Madeleine Appel for her service to her community and to Houston. She is the best of public servants and an inspiration to others who want to engage in public service.

A BILL TO PERMANENTLY EXTEND THE WORK OPPORTUNITY TAX CREDIT AND MAKE CERTAIN IMPROVEMENTS IN THE PROGRAM

#### HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 9, 1999*

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleague from New York, Mr. RANGEL, together with a number of other colleagues, in introducing our bill, The Work Opportunity Tax Credit Reform and Improvement Act of 1999. The bill would permanently extend the Work Opportunity Tax Credit and make other changes discussed below.

After a number of improvements over the past few years, the program is being well received in providing employment, with training, for our disadvantaged. We believe the WOTC and Welfare to Work Credit (WTWC) programs have been very important in helping individuals become employed and make the transition from welfare to work. Such training can be costly and the credits provide an incentive to employers to hire the disadvantaged and provide the needed training while offsetting costs associated with the latter effort.

Of course, many believe that the program would be even more successful if it could be extended indefinitely. Employers, both large and small, could depend on the program and would be more likely to seek out potentially qualified employees. That change would benefit everyone.

We have proposed several other changes in the bill which would streamline and simplify the program. First, the Welfare to Work Credit program would be merged into WOTC, by establishing an additional category for WTWC. The separate Section 51A for WTWC would be repealed.

The bill would also standardize the definition of wages based on the current law WTWC definition. This change broadens the definition by including benefits paid to the employee. The bill would also apply the same 40% credit rate for both the WOTC categories (first year wages of \$6,000) and for the WTWC category (first and second year wages of \$10,000) in the interests of simplification.

Lastly, the bill would add "Section 501(c)(3)" organizations as a qualifying employer. The credit would be treated as an offset against employment tax liabilities otherwise due. It is believed that these organizations could hire and train many of the disadvantaged, and the credit would provide an incentive for such organizations to seek out these individuals. This provision would add a new avenue for moving individuals from welfare to work. Because this is a new change to the program, even though included in proposed legislation in the past, it is being proposed as a three year pilot project. This period will allow a period of time to determine if this feature of the overall WOTC program is effective and produces the desired result.

We urge our colleagues to join us in co-sponsoring this important legislation to extend and improve the Work Opportunity Tax Credit program.

## PERSONAL EXPLANATION

**HON. ANTHONY D. WEINER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 9, 1999*

Mr. WEINER. Mr. Speaker, on rollcall No. 167, had I been present, I would have voted "yea."

## RECOGNIZING THE EFFORTS OF THE EMPLOYEES OF ROCKLAND COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 9, 1999*

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize the efforts of the employees of the Rockland County Environmental Management Council for their work and dedication in serving the people and communities of Rockland County.

In this spirit, the employees of the Rockland County Environmental Management Council will be celebrating their 25th anniversary on June 16, 1999. Over the past 25 years, they have received 16 awards, including 12 from the New York State Association of Environmental Management Councils, and 4 from the National Association of Counties. In 1997, the Council won the first place New York State Project/Plan Award for "outstanding accomplishments in enhancing the quality of the environment in their community."

For the past 25 years, the employees of the Rockland County Environmental Management Council have achieved many goals, ranging from sponsoring a public forum on water conservation to collaborating with the Rockland County Health Department on implementing a county noise ordinance. Their efforts to protect and preserve the environment include sponsoring a "Sun Day" (a regional conference on solar energy), coordinating the household hazardous waste collection project, serving on a county legislative subcommittee on recycling, and helping to prepare Rockland County's solid waste management plan.

The employees of the Rockland County Management Environmental Council have dedicated their lives to improving life within the Hudson Valley, and are to be commended for their outstanding efforts.

Accordingly, I invite my colleagues to join with me in thanking the employees of the Rockland County Environmental Management Council for their hard work and continued dedication to improving our quality of life.

## COMMEMORATING THE 30TH ANNIVERSARY OF THE NEW JERSEY TENANTS ORGANIZATION

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 9, 1999*

Mr. ROTHMAN. Mr. Speaker, I rise today to celebrate the 30th Anniversary of the New Jersey Tenants Organization (NJTO).

The NJTO was founded 30 years ago during an extreme housing shortage. Tenants in New Jersey faced unconscionable rent increases and had little protection from landlord abuse. Landlord-tenant laws at that time were very primitive and gave practically no protection to tenants. In fact, the only right afforded to tenants was the right of pay.

This situation compelled a group of concerned citizens to come together to form the NJTO to combat these conditions. Using strategies ranging from rent strikes to legal battles, the NJTO succeeded in getting the State of New Jersey to enact the State Retaliatory Eviction Law in its first year of existence. This crucial triumph was responsible for paving the way for a massive wave of state-wide tenant mobilization.

Over the past 30 years, the NJTO has grown into the oldest statewide tenants organization in the United States and can boast of being the driving force behind 18 major landlord-tenant laws. During this time, the NJTO's advocacy on behalf of New Jerseyans has resulted in the strongest legal protections for tenants throughout the entire country.

This year, the NJTO is counting among its honorees Arlene Glassman, a neighbor of mine from Fair Lawn, New Jersey and Bob Ryley of Jackson Township, New Jersey. Arlene has been a committed member of the NJTO for the past 20 years and has served on the Board of Directors since 1995. In Fair Lawn, she made a name for herself by successfully leading the effort to reduce the allowable rent and revise the rent ordinance. Thanks to her leadership, Fair Lawn's leaders and elected officials have a greater appreciation of the needs of the tenants in the town.

Bob Ryley will also be recognized for his work with the Mobil Home Owners Association of New Jersey (MHOA). Since joining the group in 1984, Bob obtained mobile home tenants the right of first refusal should the landlord decide to sell their park. In this era of political apathy, Bob has succeeded in his efforts to keep the MHOA's members actively involved on issues of concern to them.

Both Arlene and Bob will receive the NJTO's Ronald B. Atlas Award on June 27 for their years of service on behalf of New Jersey tenants. This prestigious award is the NJTO's way of articulating the organization's gratitude for all of the time and energy that Arlene and Bob have given to the group and I am proud to extend my congratulations to them today on the floor of the U.S. House of Representatives.

## THE MULTIDISTRICT, MULTIPARTY, MULTIFORUM JURISDICTION ACT OF 1999

**HON. F. JAMES SENSENBRENNER, JR.**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 9, 1999*

Mr. SENSENBRENNER. Mr. Speaker, I rise to introduce the "Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999." The bill synthesizes the contents of two other measures I have authored, H.R. 1852 and H.R. 967.

Section 2 of my bill is identical to H.R. 1852, the "Multidistrict Trial Jurisdiction Act of 1999," which I introduced on May 18 at the behest of

the Administrative Office of the U.S. Courts, or the "AO." The AO is concerned over a Supreme Court opinion, the so-called Lexecon case, pertaining to Section 1407 of Title 28 of the U.S. Code. This statute governs federal multidistrict litigation.

Under Section 1407, a Multidistrict Litigation Panel—a select group of seven federal judges picked by the Chief Justice—helps to consolidate lawsuits which share common questions of fact filed in more than one judicial district nationwide. Typically, these suits involve mass torts—a plane crash, for example—in which the plaintiffs are from many different states. All things considered, the panel attempts to identify the one district court nationwide which is best adept at adjudicating pretrial matters. The panel then remands individual cases back to the district where they were originally filed for trial unless they have been previously terminated.

For approximately 30 years, however, the district court selected by the panel to hear pretrial matters (the "transferee court") often invoked Section 1404(a) of Title 28 to retain jurisdiction for trial over all of the suits. This is a general venue statute that allows a district court to transfer a civil action to any other district or division where it may have been brought; in effect, the court selected by the panel simply transferred all of the cases to itself.

According to the AO, this process has worked well, since the transferee court was versed in the facts and law of the consolidated litigation. This is also the one court which could compel all parties to settle when appropriate.

The Lexecon decision alters the Section 1407 landscape. This was a 1998 defamation case brought by a consulting entity (Lexecon) against a law firm that had represented a plaintiff class in the Lincoln Savings and Loan litigation in Arizona. Lexecon had been joined as a defendant to the class action, which the Multidistrict Litigation Panel transferred to the District of Arizona. Before the pretrial proceedings were concluded, Lexecon reached a "resolution" with the plaintiffs, and the claims against the consulting entity were dismissed.

Lexecon then brought a defamation suit against the law firm in the Northern District for Illinois. The law firm moved under Section 1407 that the Multidistrict Litigation Panel empower the Arizona court which adjudicated the original S&L litigation to preside over the defamation suit. The panel agreed, and the Arizona transferee court subsequently invoked its jurisdiction pursuant to Section 104 to preside over a trial that the law firm eventually won. Lexecon appealed, but the Ninth Circuit affirmed the lower court decision.

The Supreme Court reversed, however, holding that Section 1407 explicitly requires a transferee court to remand all cases for trial back to the respective jurisdictions from which they were originally referred. In his opinion, Justice Souter observed that "the floor of Congress" was the proper venue to determine whether the practice of self-assignment under these conditions should continue.

Mr. Speaker, Section 2 of this legislation responds to Justice Souter's admonition. It would simply amend Section 1407 by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. This change makes sense in light of past judicial practice