

elsewhere in TILA and EFTA to permit individuals to file private actions against gambling establishments that violate these restrictions.

Mr. Speaker, the National Commission's report confirms that legalized gambling has become a national phenomenon. While it is unreasonable to think we can stop its growth, we can take reasonable measures to help minimize the potential financial strain and anguish for American families. My legislation does not prohibit casinos, racetracks and other gambling facilities from providing or using credit card, ATM and debit card devices. It merely requires that these devices be used for the purposes they were intended and not to encourage irresponsible or problem gambling.

I believe this is reasonable and worthwhile legislation. I urge its adoption by the Congress.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gambling ATM and Credit/Debit Card Reform Act."

SEC. 2. IMPLEMENTATION OF THE NATIONAL GAMBLING COMMISSION'S RECOMMENDATIONS RELATING TO BANKING AND CREDIT.

(a) INITIATION OF ELECTRONIC FUND TRANSFERS IN GAMBLING ESTABLISHMENTS.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(2) by inserting after section 917 the following new section:

"SEC. 918. PLACEMENT OF ELECTRONIC TERMINALS IN GAMBLING ESTABLISHMENTS.

"(a) IN GENERAL.—No person may place, or cause to be placed, an electronic terminal in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Board will prescribe such regulations as the Board may consider to be appropriate to ensure that the initiation of electronic fund transfers by consumers is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

"(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, electronic fund transfers should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

"(c) LIABILITY.—For purposes of section 915, a failure to comply with the requirements of subsection (a) with regard to any electronic terminal shall be considered a failure to comply with a provision of this title with respect to any consumer who initiates an electronic fund transfer at such terminal while such violation continues.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 41311(b) of title 49, United States Code.

"(2) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code."

(b) USE OF CREDIT CARDS TO INITIATE EXTENSIONS OF CREDIT IN GAMBLING ESTABLISHMENTS.—

(1) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"SEC. 140 PROHIBITION ON INITIATION OF EXTENSIONS OF CREDIT IN CERTAIN GAMBLING AREAS WITHIN GAMBLING ESTABLISHMENTS.

"(a) IN GENERAL.—No person may—

"(1) place, or cause to be placed, an electronic terminal; or

"(2) otherwise accept the use of a credit card by a consumer to initiate a consumer credit transaction to pay for money, property, or services obtained by the consumer, in the immediate area of a gambling establishment where any form of wager or bet is made or accepted, any game of chance is played, any gambling device is used, or any other form of gambling is carried on.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Board shall prescribe such regulations as the Board may consider to be appropriate to ensure that the use of an electronic terminal or the use of a credit card to initiate a consumer credit transaction to pay for money, property, or services obtained by a consumer is kept, to the extent practicable, physically segregated from any activity described in subsection (a).

"(2) SEPARATE SETTING.—Such regulations shall include a clear delineation of the setting in which, and the circumstances under which, any use of an electronic terminal or credit card referred to in paragraph (1) should be conducted in a location physically segregated from an area where any activity described in subsection (a) is routinely carried on.

"(c) CIVIL LIABILITY.—

"(1) IN GENERAL.—Any person who fails to comply with any provision of this title with respect to any electronic terminal or the acceptance of a credit card to initiate a consumer credit transaction at a place in a gambling establishment that constitutes a violation shall be liable to any consumer who uses the electronic terminal or provides a credit card at such place in an amount equal to the sum of the amounts determined under each of the following subparagraphs:

"(A) ACTUAL DAMAGES.—The greater of—

"(i) the amount of any actual damage sustained by the consumer as a result of such failure; or

"(ii) any amount paid, directly or with the proceeds of the credit transaction, by the consumer to such person.

"(B) PUNITIVE DAMAGES.—

"(i) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(ii) CLASS ACTIONS.—In the case of a class action, the sum of—

"(I) the aggregate of the amount which the court may allow for each named plaintiff; and

"(II) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(C) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under subparagraph (A) or (B), the costs of the action, together with reasonable attorneys' fees.

"(2) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any person under paragraph (1)(B), the court shall consider, among other relevant factors—

"(A) the frequency and persistence of non-compliance by such person;

"(B) the nature of the noncompliance;

"(C) the extent to which such noncompliance was intentional; and

"(D) in the case of any class action, the number of consumers adversely affected.

"(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ELECTRONIC TERMINAL.—The term 'electronic terminal'—

"(A) means an electronic device, other than a telephone operated by a consumer, through which a consumer may initiate a consumer credit transaction in payment for any money, property, or services obtained by the consumer; and

"(B) includes point-of-sale terminals, automated teller machines, and cash dispensing machines.

"(2) GAMBLING DEVICE.—The term 'gambling device' has the meaning given to such term in section 41311(b) of title 49, United States Code.

"(3) GAMBLING ESTABLISHMENT.—The term 'gambling establishment' has the meaning given to such term in section 1081 of title 18, United States Code."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

"140. Prohibition on initiation of extensions of credit in certain gambling areas within gambling establishments."

DEATH OF HON. GEORGE E. BROWN, JR.

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. LUTHER. Mr. Speaker, Congressman George Brown will be sorely missed not only by his constituents in California but also by those of us who had a chance to work with him here in Washington.

George will always be remembered as someone who looked to the future. As a member, and later chairman, of the Science Committee, he showed his devotion to new technology and space exploration. He fought hard for solar energy and fuel alternatives. I had the pleasure of serving on the Committee with him, and I can say I am indebted to him for his responsible, far-sighted leadership.

Equally important, George brought solid values to Washington—devotion, honesty, and hard work. He shunned petty personal attacks and negative political games. His dignity and decency earned him the respect of his colleagues. He leaves a void that will not easily be filled. Thank you George, for setting a high standard for public service in America.

IN MEMORY OF THE HONORABLE GEORGE E. BROWN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a dedicated public servant and friend of many years, George Brown. We met and began working together in this great body when he joined me here in 1963. Almost from the start, George began following his own path in Congress, but in doing so he served his constituents, country, and friends as well as any Member has served those that they represent.

George was truly an advocate for all people. Even when it was unpopular, he pursued his belief that all people were created equal and he championed the civil rights legislation that transformed America. As a patron of the working men and women of this country, he worked to bring workers protection from hazardous working conditions. And he believed that all citizens should be able visit federal parks. Due in part to this vision, the citizens of this great nation have access to more federal parks than ever before.

With George's passing, this institution and the American people have lost part of their history. George was a repository of institutional knowledge and a person that has contributed greatly to our country as a whole. I know I speak for all of the Members of Congress when I say that this body will miss George Brown. I would also like thank his family and the citizens of the 42nd District of California for sharing him with us for so long.

TRIBUTE TO THE LIFE OF JUDGE
FRANK M. JOHNSON, JR.

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. ADERHOLT. Mr. Speaker, I rise today to pay tribute to Judge Frank M. Johnson, Jr. a native of my hometown of Haleyville, Alabama. On July 23, 1999, Judge Johnson passed away at the age of 80.

After graduating from the University of Alabama in 1943 at the top of his class, Frank Johnson enlisted in the Army as a private. Soon, he received a commission as an infantry lieutenant. During World War II, he served during the Normandy invasion, and won a Bronze Star as a platoon leader in Gen. Patton's Third Army. Twice he was wounded in battle during the war. After he recovered, he was transferred to England and served out the war as a legal officer in the Judge Advocate General's Corps, eventually being promoted to Captain.

Judge Johnson was first promoted to the bench in 1954, then the youngest serving federal judge in the nation. In 1955, he was elevated to U.S. Middle District Judge in Montgomery, Alabama, and in 1979 he was named to the U.S. Court of Appeals.

His career on the bench was marked by many pivotal rulings. In 1956, in his first major ruling, Judge Johnson joined the majority on a three-judge panel in the case concerning the Rosa Parks case. This decision brought the end of segregated bus systems. With this ruling, Judge Johnson staked his place in the civil rights battle, fighting for equality for all Americans during his judicial career.

Judge Johnson participated in rulings that desegregated all types of public places and services, from schools to museums, from airports to restaurants from libraries to parks. Even in the face of harsh criticism and resistance, Judge Johnson stood firm in his belief in equality and justice for all Americans.

Desegregation was not his only accomplishment in the Civil Rights fight. After finding rampant discrimination against blacks registering to vote, Judge Johnson issued a ruling that became the formula Congress used to ensure voting rights nationwide in the Voting

Rights Act of 1965. Also, Judge Johnson was part of a panel that ordered the Alabama State Legislature to draw its district lines by population, not by mere geography. This was the first ruling of its time, and helped ensure that citizens were not disenfranchised simply because they lived in a minority-dominated geographic area.

It was his style to stand firm on what he believed was right, often in the face of intense criticism. Judge Johnson, one of America's most distinguished jurists, is an example of dedication for all Americans. All of America—but especially Alabama—feels the loss of Judge Frank Johnson, and we are thankful for his life of public service.

A TRIBUTE TO GEORGE BROWN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. BERMAN. Mr. Speaker, it is with great sadness that I take the floor today to bid farewell to a giant in California governance and politics.

George Brown was the epitome of a great public servant. Elected as a spirited anti-war crusader, he never lost his bearings. Although he mellowed with time, he never strayed far from his Quaker roots and his strong principles.

In a recent campaign, George's opponent ran a series of ads called "Guilty as Charged," that accused him of being out of touch—a common theme of challengers. George was not out of touch, but in a very different context, he was indeed "guilty as charged."

George was guilty as charged for tireless work on behalf of those less privileged, against discrimination based on race, sexual orientation or gender; for better education, for the nation's working men and women, for children, for the environment, and always—against weapons of mass destruction, for arms control and for peace.

He will always be remembered as a man of principle, unafraid to stand alone, impervious to pressure. In 1966, George cast the sole vote in the House of Representatives against the Defense Appropriations Bill—his act of defiance against the Vietnam War.

From his time as Mayor of Monterey Park to the California Assembly, to Congress where he served as Chairman and then Ranking Member of the Science Committee, he always held his office in spite of ferocious opposition—simply because he paid close attention to his constituents and won the undying loyalty of a tight, but determined majority. They loved him and they wanted him to represent them.

Gruff, crusty and colorful, no one could turn a phrase just like George. If he disagreed with a proposal, it "bordered on lunacy." He loved the thought that he had become a virtual legend in his own time.

We hope that his family will be comforted by his legacy and by knowing that he was one of a kind and a shining example of integrity and principle. George Brown is simply irreplaceable in this House of Representatives.

SIR ARTHUR GILBERT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to honor an exceptional individual who has made an enormous contribution to the arts. In recognition of his valuable advancement of the arts worldwide, he has been knighted by the Queen of England, a great honor for both him and his wife Lady Marjorie Gilbert. This high distinction is rarely awarded to individuals outside Great Britain. It attests to Sir Gilbert's dignity, personal integrity, and contribution to Western culture. Arthur helped develop Los Angeles then went on to build one of the world's greatest collections of gold and silver art, as well as the world's premier collection of micro-mosaics. Receipt of this Knighthood represents a culmination of years of dedication, hard work, and a love for the arts.

This gentleman epitomizes the twin values of hard work and generosity. Early in his life, he began a successful career in the clothing business. He went on to settle in California where he became an illustrious developer, helping to build a bright future for Californians. However, personal success was not enough, he became not only a generous benefactor of many charities, but started a rich collection of decorative art that combines both history and beauty. Indeed, he has long shared his priceless collections with the public and recently donated it to a museum in England so that the entire world can enjoy these exquisite, and often overlooked, forms of art. Arthur Gilbert has truly worked to turn his personal success into a lasting legacy of art for everyone and has thus brought honor on himself and us all.

Mr. Speaker, I ask my colleagues to please join me in honoring this man who embodies the diligence and generosity to which we all aspire and whose dedication to the arts serves as an inspiration and a model to us all.

We must support and honor individuals, like Arthur Gilbert, who cultivate artistic enthusiasm, understanding, and appreciation. Through such enterprising and charitable individuals, we are given a glimpse of how bright our future can be. A world filled with the dedication, hard work, altruism, and dignity that his well earned title of knight represent. thanks to Sir Arthur Gilbert's contribution to the arts, we know that the future will be a beautiful one that many future generations can appreciate.

Mr. Speaker, I look forward to this October when Buckingham Palace will see the investiture of Sir Arthur Gilbert as a Knight Bachelor. I know that he, and Lady Marjorie Gilbert, will be justly proud.

IN HONOR OF THE LATE REPRESENTATIVE
GEORGE E. BROWN, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1999

Mr. TRAFICANT. Mr. Speaker, it should be easy to honor someone that you have known for almost 16 years. However, it is difficult to honor every poignant and inspiring memory of