

HONORING AGENT BLAKE L.  
BOTELER

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 23, 2000*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional man, Blake L. Boteler, of Colorado Springs, Colorado. In June, Mr. Boteler was recognized as one of America's finest at the seventh annual "TOP COPS" awards. The "TOP COPS" award recognizes law enforcement officers that have demonstrated outstanding acts of heroism and exceptional service to their community. Mr. Boteler won the award because of his considerable efforts to help his community in the war against drugs. Mr. Boteler personifies the goals that this award stand for and we all can learn from the example he has set.

Mr. Boteler is an agent with the Bureau of Alcohol, Tobacco and Firearms who was recognized for the "Top Cop" award because of the heroism he showed in fighting the flow of narcotics and weapons in to this country by a well known outlaw motorcycle gang. Using his tactical skills, he successfully infiltrated the gang and helped apprehend several suspects, effectively ending the gang's reign. His perseverance eventually paid off and as his efforts were instrumental in helping the State of Colorado serve 26 warrants and prosecute 40 defendants. The gang was eventually disbanded and Agent Boteler seized over 225 weapons and other paraphernalia.

Agent Boteler had this to say when he learned that he was a recipient of this award: "I was honored to have this investigation considered so highly, especially considering the fact of all the hard work and sacrifices made on a daily basis by members of this nation's law enforcement community that are equally deserving of this award." Because of the dedication of this outstanding American, I think it is all together fitting that this distinguished body pay tribute to him.

It is obvious why Mr. Boteler was chosen as the recipient of the "TOP COPS" award. I think that we all owe him a debt of gratitude for his service to the state. Due to Mr. Boteler's dedication, it is clear that Colorado is a better place.

IN HONOR OF ANDERSON COUNTY,  
AN ALL-AMERICA COMMUNITY

**HON. LINDSEY O. GRAHAM**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 23, 2000*

Mr. GRAHAM. Mr. Speaker, it gives me great pleasure to rise today to honor Anderson County, South Carolina, a recipient of the 2000 All-America City Award, a distinction that recognizes communities whose citizens work together to identify and tackle community-wide challenges and achieve uncommon results. This award recognizes communities where true American spirit is hard at work, where safety and quality of life are priorities. The community of Anderson County exemplifies all of these characteristics.

The All-America City Award program was founded in 1949, and is one of our country's

oldest and most respected community recognition award programs. Only ten communities in the United States are chosen each year for this prestigious award. Anderson County is one of those communities, and has done much to improve the lives of the people who reside there.

Some examples of how the citizens of Anderson County work together to better their community are through the Hanna-Westside Extension Campus, the Anderson Sports and Entertainment Center, the Alliance for a Healthy Future campaign, Anderson Area YMCA, the Anderson Free Clinic, the Westside Community Center, Partners for a Healthy Community and AnMed Healthy Futures Trust. These organizations have all made dramatic and innovative improvements in the lives of the people of Anderson County.

In particular, Anderson County's Hanna-Westside Extension Campus was created to improve the learning environment and education at an inner-city high school. This initiative transformed the high school into a career and technology center where students learn to be successful in the work place.

The Alliance for a Healthy Future campaign also worked to raise \$12 million for six organizations and helped build the state's first residential home for the terminally ill, transformed an abandoned elementary school into a community center, expanded medical services for the poor and made a new YMCA complex a reality.

Anderson County is one of only two communities from the Southeast to win this prestigious award this year. The recipients of this award are the communities that represent the "backbone of America", and are great examples of success. Anderson County, as well as the other winning communities, shows how citizens, government, businesses and non-profit organizations can join together to address their local issues and achieve unparalleled results.

The community of Anderson County has made an invaluable contribution to development in the state of South Carolina and the United States as a whole. I am proud to honor Anderson's achievement as a 2000 All-America City and wish them continued success and prosperity.

A TRIBUTE TO THE NATION OF  
GUYANA

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 23, 2000*

Mr. TOWNS. Mr. Speaker, on this the 34th anniversary of the independence of Guyana, I would like to pay tribute to the government and people of the extraordinary nation. Although this year marks the 34th anniversary of Guyana's independence, it would be misleading to assume that Guyana's sense of nationhood only began with the grant of independence 34 years ago.

Guyana's sense of nationhood existed over 500 years ago, among the Amerindian tribes that inhabited its tropical rainforest. It existed among the African warriors such as Kofi, Attah, Accabree, who launched their war of liberation in 1763. It existed among Indian indentured workers such as Rambarran,

Pooran, Harry, and Surajballi who forfeited their lives in the struggle to improve working conditions on the sugar plantations.

Nationalism has existed in the literature of the Guyanese people. It has existed in the poetry of Martin Carter and Arthur Seymour; in the novels of Edgar Mittelholzer, Wilson Harris and Jan Carew; in the patriotic music of R.G.G. Potter, Valery Rodway, and Halley Bryant; in the rhythm of the Indian Tassa drums and the African bongos drums; and the call and response of the Guyanese folk songs.

Nature has been generous to the nation of Guyana. It has endowed her with an extensive network of over 40 rivers and creeks, and over 276 waterfalls, including Kaieteur Falls, which has a direct perpendicular drop of 741 feet. The land is richly endowed with natural resources—fertile agricultural lands; extensive savannahs; rich fishing and shrimping grounds; over 500 species of tropical hardwoods including greenheart, mora, baromalli, purpleheart, and crabwood, and a wide variety of minerals including gold, diamonds, bauxite, manganese, titanium, columbite/tantalite, copper and nickel.

In spite of its rich history of struggle and extensive natural resources, Guyana faces formidable political, social and economic problems. In the 1950s, Guyana had one of the most progressive movements in the Caribbean, based upon the principles of Guyanese nationalism and socialism. However, in 1955 the political movement split, ushering in two decades of racial antagonism. Racial divisions have stymied economic development, creating an environment of instability and uncertainty. In spite of an impressive growth rate during the last decade, Guyana still remains one of the poorest and least developed nations in the Western hemisphere.

The Guyanese people are a resourceful, gifted and resilient people who are capable of confronting and overcoming the formidable problems that confront them. The historian Rodway described agricultural cultivation in Guyana as a daily struggle with the sea in front and the flood behind. The historian Walter Rodney has noted how the African slaves built the sugar plantations by moving "one hundred million tons of heavy water-logged clay with shovel in hand, while enduring conditions of perpetual water and mud." The historian Eusi Kaywana has noted that the Berbice rebellion of 1763 predated the American Revolution of 1776, the French Revolution of 1789, the French Revolution of 1791, the Paris commune of 1848 and the Russian Revolution of 1917.

Ironically, the policy of the U.S. government has been one of suspicion and hostility towards the governments of Guyana. We conspired with the British in 1960 to suspend the constitution, and to destabilize the government of Cheddie Jagan between 1957 and 1964. When President Burnham implemented socialist policies in the 1970s, we discouraged U.S. foreign investment, bilateral aid and multilateral loans to Guyana.

It is time for the U.S. government to change its policy towards the nation of Guyana. Guyana has become an attractive location for foreign investment. There is a stable political environment that is committed to private enterprise; there is a system of Parliamentary democracy with free elections and an independent Judiciary; there is a substantial natural resource base; there has been radical

and substantial economic growth over the last decade; there is preferential access to the Caribbean, Latin America, North America and European markets; there is a skilled and trainable labor force proficient in the English language. Guyana is an investment opportunity whose time has come.

#### FOREIGN TRUST-BUSTING ACT

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing the Foreign Oil Trust-Busting Act, H.R. 4731.

Crude oil prices are going through the roof, and gasoline prices are following them.

Do illegal activities by foreign oil producers lie at the heart of the problem? I believe they do. Can we do something about those illegal activities? I believe we can.

Every day the activities of American firms are subjected to antitrust examination in foreign countries. Every day the activities of foreign entities are subject to examination by the competition authorities of our Nation. This is so because if a price fixing cartel, or other restraint on trade adversely affects our Nation, we are entitled to act to protect our own interests.

Yet, even though everyone knows that the Organization of Petroleum Exporting Countries openly and blatantly manipulates the price of oil, no action is taken against it. OPEC likes to keep energy prices high enough to fund their own economies, yet not too high, so as to keep us "hooked" on oil and to keep us from making renewable or other alternatives economical. By the same token, they are not adverse to periodic and temporary diminutions in energy prices. Those gyrations cause havoc in our own oil patch, as wells are taken out of production and production is in fact lost permanently.

Given these open manipulations of the market, which clearly seem to violate the antitrust laws, and which certainly have an impact on the American economy, why is not legal pressure brought to bear on the members of OPEC?

During the energy crisis of the 1980's the International Association of Machinists did in fact bring suit against OPEC. It was dismissed because the so-called "Act of State" doctrine was invoked by the United States Court of Appeals in *IAM v. OPEC*, 649 F.2d 1354 (9th Cir. 1981).

The "Act of State" doctrine is a discretionary legal doctrine that encourages courts to withhold legal judgement regarding the official actions of foreign states. The theory is that the official acts of foreign states are more sensitively addressed by the political branches of government.

The Act of State doctrine was invoked in the 1960's to prevent actions against the government of Cuba in an expropriation case.

The Congress passed the "Second Hickenlooper Amendment" to forbid the application of the doctrine unless a suggestion that it was appropriate to apply it was filed on behalf the President of the United States; in such cases the Court would have the discretion to apply the doctrine. Thus, the Congress per-

mitted a case that had already been filed to go forward. The constitutionality of the provision was upheld in *Banco Nacional de Cuba v. Farr*, 383 F.2d 166 (2d Cir. 1966).

It is my judgement that the Courts should be allowed to proceed to try antitrust cases against states and other foreign entities manipulating the price or supply of energy without reference to the Act of State doctrine. It would not upset our foreign relations if such a case proceeded, and if it did, it would be worth it, given the potential that the enforcement of antitrust laws would have in busting up OPEC.

This judgement about foreign policy is one that the Congress and not the Courts should make.

It is one thing for high gas prices to result, as they do in Europe, in revenues flowing to the government. That is their decision to make. It is quite another thing for the profits from artificially high prices to unjustly enrich foreign potentates. That is what is happening now. Diplomatic niceties will have to take a back seat. Too much damage is being inflicted on our economy.

I recognize that there may be other barriers to a successful lawsuit against OPEC members, but those barriers need to be dealt with in other Committees, and I welcome the prospect of working on those barriers with the Committees of jurisdiction.

In the interim, we know that the barrier of the "Act of State Doctrine" must be dealt with, and I urge my colleagues who care about high oil prices to join me in cosponsoring this bill.

A copy of the bill follows:

H.R. 4731

*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 "Foreign Trust Busting Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the foreign policy interest of the United States for there to be a free market in energy on an international basis;

(2) a principal reason for high energy prices in the United States is international price fixing that has evaded review under the antitrust laws of the United States because of foreign policy considerations and technical impediments in these laws that prevent the effective enforcement of United States law with respect to international price fixing in the energy market; and

(3) among these foreign policy and technical impediments is the discretionary federal act of state doctrine which has been used to bar a lawsuit directed at stopping the manipulation of energy supplies and prices because of concern that such litigation might interfere in the foreign policy of the United States.

#### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish that the foreign policy interest of the United States would be advanced, rather than impeded or complicated, if foreign entities, including foreign cartels and foreign countries participating in such cartels, were held responsible for energy supply and price manipulation that affects the United States economy; and

(2) to eliminate barriers to the effective application of United States antitrust laws to foreign entities that have manipulated energy supplies or prices.

#### SEC. 4. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961 RELATING TO JURISDICTION OF UNITED STATES COURTS IN CERTAIN ANTITRUST CASES.

Section 620(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(e)(2)) is amended—

(1) by striking "(2) Notwithstanding" and inserting "(2)(A) Notwithstanding";

(2) by striking "": *Provided*, That this subparagraph shall not be applicable (1)" and inserting "": except, that this subparagraph shall not be applicable";

(3) by striking "or other taking, or (2)" and inserting the following: "or other taking.

"(B)(i) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits relating to an action under any antitrust laws in a case asserting the manipulation of energy supplies or prices, except that this subparagraph shall not be applicable"; and

(4) by adding at the end the following:

"(ii) In this subparagraph, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition."

#### DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes

Mr. UDALL of New Mexico. Mr. Chairman, I am disappointed with yet another poison apple that we have been given by the majority to vote on—H.R. 4635, the FY 2001 VA-HUD-Independent Agencies Appropriations Act.

Although this bill is \$2 billion more than the FY 2000 appropriation it is still more than \$6 billion below the President's request. In addition, this funding bill follows the FY 2001 congressional budget resolution, which provides for inadequate resources for discretionary investments. I agree with my colleagues and with the administration that we need realistic levels of funding for critical programs that Americans, and New Mexicans, expect their government to perform and provide. Specifically in the areas of education, law enforcement, research and technology, adequate health care, the administration of Social Security and Medicare, and veteran programs.

Mr. Chairman, this bill hurts many constituencies throughout my district, as well as those in the districts of my colleagues. The Appropriations Committee has eliminated the Corporation for National and Community Service. In doing so, 62,000 Americans, including participants in my district, would be denied the opportunity to meet pressing education, public safety, and environmental needs in exchange for help with college costs through participation in AmeriCorps. This funding bill would also prevent students from participating in