

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HOEFFEL. Mr. Speaker, last night I missed the first vote (#503) which authorized a Privacy Commission. I was unavoidably detained on a train from Philadelphia which was late in arriving. If present, I would have voted "nay" on the motion.

REVIEW BY CONGRESS OF PROPOSED CONSTRUCTION OF COURT FACILITIES—H.R. 5363

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing legislation to provide for the review by Congress of proposed construction of court facilities, H.R. 5363.

I am introducing this measure in response to my experience with a proposed Federal courthouse project for Orange County, New York.

In April of this year, the Judicial Council of the Second Circuit voted to rescind its prior 1992 approval for construction of a Federal courthouse in Orange County, New York.

This project began in 1991, when then Chief Judge of the U.S. District Court of the Southern District of New York the honorable Charles L. Brient, requested the board of judges to study future planning for court facilities west of the Hudson River. Subsequently, on June 1992, the board of judges of the southern district found that there was a need for a courthouse to meet the growing demands in the mid-Hudson Valley Region of New York, and voted unanimously to authorize the chief judge to apply to the Judicial Council of the Second Circuit for approval of a Federal District Court-house west of the Hudson.

Following approval of the Judicial Council of the Second Circuit on July 28, 1992, the matter was referred to the court administration and case management committee of the judicial conference of the United States. The committee reported favorably and voted unanimously in a March 1993 session of the judicial conference of the United States to "seek legislation on the court's behalf to amend title 28 of the U.S. Code, section 112(b) to establish a place for holding court in the Middletown/Walkill area of Orange County or such nearby location as may be deemed appropriate."

Accordingly, during the 104th Congress, Public Law 104-317 was approved designating that "court for the southern district shall be held at New York, White Plains, and in Middletown-Walkill area of Orange County or such nearby location as may be appropriate."

In an attempt to proceed forward in an expeditious manner the administrative office of the courts and the U.S. General Services Administration, both concurring with the need for a courthouse in Orange County, determined that a facility could and should be constructed and paid through GSA's current funding.

This project had and still has clear evidence denoting the growth in population and eco-

nomics activity in Dutchess, Orange, and Sullivan County in New York, as well as steady increases in caseload from the mid-Hudson Valley region. In fact, current statistics suggests that the need is even greater now than previously ascertained by Congress in 1996. The number of cases in 1999 that could have gone to an Orange County Courthouse, based on the location of the litigants or the attorney's residence, increased to 312, up from 290 in 1996. Moreover, the population for the region has increased to 671,767, up from 656,740 in 1996 and the total labor force has risen to 309,100 up from 301,800 in 1996.

Furthermore, it should be noted that while Congress may have acquiesced in the closure of some courthouses which have become redundant, based on considerations of economy and efficiency, I know of no situation where a court has refused to provide judicial services at a location designated by statute, where both the need exists and there is strong local support for the service. Such was and still is clearly the case with regard to the Orange County project.

Accordingly, while it is now current practice, as denoted by title 28 of the U.S. Code, for the U.S. Administrative Office of the Courts and the GSA to develop a rolling five year plan denoting the need for courthouse construction, I believe it is important for Congress to have a say in this important matter.

The legislation I introduced today will require the director of the Administrative Office of the United States Courts to submit for approval to the Congress a report setting forth the courts plans for proposed construction. Congress will have 30 legislative days to disapprove of the proposed construction.

It has become apparent to me after the experience I have had with both the Board of Judges of the southern district and the Judicial Council of the Second Circuit that an imperialistic attitude among many of our Federal judges prevail.

The decision as to whether or not to move forward with construction of a court facility is no longer based on existing evidence and data showing the need, but instead on the personal thoughts of the judges involved.

This legislation will end that practice. Accordingly, I urge my colleagues to support H.R. 5363.

H.R. 5363

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

SECTION 1. CONGRESSIONAL REVIEW OF NEW CONSTRUCTION FOR FEDERAL COURTS.

(a) IN GENERAL.—Section 462 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g) (1) Facilities for holding court may not be constructed unless—

"(A) the Director of the Administrative Office of the United States Courts submits to the Congress a report setting forth the plans for the proposed construction; and

"(B) 30 days have elapsed and the Congress has not, before the end of that 30-day period, enacted a provision of law stating in substance that the Congress disapproves the proposed construction.

"(2) For purposes of paragraph (1), construction of facilities includes the alteration, improvement, remodeling, reconstruction, or enlargement of any building for purposes of holding court.

"(3) The 30-day period referred to in paragraph (1) shall be computed by excluding—

"(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

"(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session."

(b) CONFORMING AMENDMENTS.—Section 462 of title 28, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end the following: ", and subject to subsection (g)";

(2) in subsection (c), by inserting before the period at the end the following: ", and subject to subsection (g)"; and

(3) in subsection (f), by inserting "subject to subsection (g)," after "Director requests,".

CHINA'S HUMAN RIGHTS VIOLATIONS DISQUALIFY BEIJING FROM HOSTING THE 2008 OLYMPIC GAMES**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. LANTOS. Mr. Speaker, last Thursday, I introduced House Resolution 601, a resolution expressing the sense of the House of Representatives that the Olympic Games in the year 2008 should NOT be held in Beijing in the People's Republic of China. Joining me as cosponsors of this resolution are a distinguished bipartisan group of our colleagues who are leaders in the area of human rights the Gentleman from California, Mr. COX; the gentleman from Virginia, Mr. WOLF; the gentleman from New Jersey, Mr. SMITH; the gentlewoman from California, Ms. PELOSI; the gentleman from Illinois, Mr. PORTER; and the gentleman from California, Mr. ROHRBACHER.

Mr. Speaker, Beijing is one of five cities currently under consideration by the International Olympic Committee (IOC) to host the games in the year 2008. Four other cities are also still in the running—Istanbul, Turkey; Osaka, Japan; Paris, France; and Toronto, Canada. The decision on the venue for the 2008 Games will be made by the IOC at its meeting in Moscow in July 2001. Since the decision will be made in only nine months, it is important that any expression of the views of the House of Representatives be made known quickly.

Mr. Speaker, the human rights record of the People's Republic of China is abominable and it is getting worse, not better. It is completely inconsistent with the Olympic ideal to hold the Games in Beijing. As our resolution spells out in greater detail, according to most recent State Department's Country Reports on Human Rights Practices, the government of China "continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms."

I reject the argument that holding the games in Beijing will encourage the Chinese government to clean up its act with regard to human rights. The Mayor of Beijing, in connection with the city's bid to host the games, already informed a rally in the city that in preparation for the Games, the government will "resolutely smash and crack down on Falun Gong and other evil cults." If Beijing's bid is accepted, there will be more—not fewer—human rights violations.

Mr. Speaker, the venue of the Olympic Games has great significance. Hitler's Berlin Olympics of 1936 were nothing more than a propaganda exercise—an attempt to fool other countries into believing that Nazi Germany was a model world citizen. Holding the games in Beijing will convey a message that is inconsistent with the Olympic ideal.

Clearly the venue for the Olympic Games is a decision that will be made by the IOC, but clearly this is an issue on which the U.S. Congress can and should express its opinion. If we do not to express our views in the face of China's egregious human rights violations, we would be derelict in our responsibilities.

In 1993, as the IOC was considering the venue for the 2000 Olympic Games, Mr. Speaker, I introduced a resolution which expressed the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China. That resolution was approved by an overwhelming vote in the House of Representatives on July 26, 1993. A Short while later, the IOC voted to accept the bid of Sydney, Australia, as host to the 2000 games.

Mr. Speaker, it is imperative that we continue to call the attention of the world community to the serious violation of human rights by the government of the People's Republic of China. Holding the games in Beijing, if human rights violations continue unabated, would be so contrary to the spirit of the Olympics that the Beijing games would go down in history in much the same terms as Hitler's 1936 games. This is an issue on which this House should express its view.

Mr. Speaker, I submit the full text of House Resolution 601 to be printed in the RECORD. The text of the resolution spells out in greater detail the concerns we have regarding China's record on human rights and its inconsistency with the Olympic ideal.

HOUSE RESOLUTION 601

Expressing the sense of the House of Representatives that without improvement in human rights the Olympic Games in the year 2008 should not be held in Beijing in the People's Republic of China.

Whereas the International Olympic Committee is now in the process of determining the venue of the Olympic Games in the year 2008 and is scheduled to make that decision at the IOC meeting scheduled for Moscow in July 2001;

Whereas the city of Beijing has made a proposal to the International Olympic Committee that the summer Olympic Games in the year 2008 be held in Beijing;

Whereas the Olympic Charter states that "Olympism" and the Olympic ideal seek to foster "respect for universal fundamental ethical principles";

Whereas the United Nations General Assembly in resolution 48/11 adopted on October 25, 1993, recognized "that the Olympic goal of the Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practiced without discrimination of any kind and the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play;

Whereas United National General Assembly in resolution 50/13 of November 7, 1995, stressed "the importance of the principles of the Olympic charter, according to which any

form of discrimination with regard to a country or a person on grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement;

Whereas the State Department's Country Reports on Human Rights Practices for 1999 reports that

(1) "The [Chinese] Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms."

(2) "Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process."

(3) "The Government infringed on citizens' privacy rights."

(4) "The Government tightened restrictions on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased."

(5) "The Government severely restricted freedom of assembly and continued to restrict freedom of association."

(6) "The Government continued to restrict freedom of religion and intensified controls on some unregistered churches."

(7) "The Government continued to restrict freedom of movement."

(8) The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions."

(9) "Violence against women, including coercive family planning practices—which sometimes include forced abortion and forced sterilization; prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems."

(10) "The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor persists."

(11) "Particularly serious human rights abuses persisted in some minority area, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified."

Whereas, according to press reports, Liu Qi, the Mayor of Beijing, told a rally called to promote Beijing's bid to host the Olympic Games that the government would "resolutely smash and crack down on Falun Gong and other evil cults" in preparation for hosting the games;

Whereas, the egregious human rights abuses committed by the Government of China are inconsistent with the Olympic ideal; and

Whereas on July 26, 1993, the House of Representatives adopted House Resolution 188 in the 103rd Congress which expressed the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China;

Now, therefore, be it Resolved that the House of Representatives

(1) welcomes the participation of Chinese athletes in the Olympic Games, notes the outstanding competitive effort of Chinese athletes in the games in Sydney, Australia, where Chinese athletes placed third in the number of medals earned, and in Atlanta, Georgia, and Barcelona, Spain, where Chinese athletes also placed third in the number of medals earned, and wholeheartedly welcomes the support of the Chinese people for the Olympic Games;

(2) acknowledges that the Chinese people and thousands of Chinese Olympic athletes have shown their strong support for the Olympic spirit through their commitment to excellence, energy, skill, sportsmanship, and good will towards their fellow athletes;

(3) expresses the sense of the House of Representatives that the Olympic Games in the year 2008 should not be held in Beijing in the People's Republic of China because the deplorable human rights record of the People's Republic of China violates international human rights standards which that Government has pledged to uphold and its actions are inconsistent with the Olympic ideal;

(4) expresses the view that the House looks forward to the day when the House can support a proposal of the People's Republic of China to host the Olympic Games at a time when the Chinese people openly enjoy the tolerance and freedoms espoused by the high ideals of the Olympic tradition; and

(5) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Chairman of the International Olympic Committee and to the United States representative to the International Olympic Committee with the request that it be circulated to all members of the committee.

RECOGNITION OF CARLEY ZELL AS GEORGIA'S OLDER WORKER OF THE YEAR

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize Carley Zell as the recipient of this year's Georgia's Older Worker of the Year award. Mr. Zell was given the award during the Georgia Older Worker Conference and 12th Annual Awards Luncheon. The award was presented to Mr. Zell by the Georgia Labor Commissioner Michael Thurmond. Mr. Zell has lived in three centuries and has yet to retire. He has continued to work and contribute to his family and community. Let me take a moment to applaud Mr. Zell's dedication and contributions.

Mr. Zell owns Zell Enterprises which he founded in 1958. His company includes rental properties that are located in Brunswick and the Jacksonville Warehouse Co. Mr. Zell started his first job at age 12 delivering newspapers for the Brunswick News. The year after he graduated from Glynn Academy, he served as an apprentice seaman in the U.S. Navy. During his time in the Navy, he managed a shipyard cafeteria that served 30,000 workers daily, as they built ships at the Brunswick shipyards during World War II.

Please join me again in applauding Mr. Zell. He represents what is best in America—he is a self-learner, and through hard work and persistence has reached the true meaning of success. Let us all take direction from him and strive to obtain his love for work. He has continually given to his community and never asked for anything back in return. Our society today needs more people like him to inspire and continually give relentlessly.