

and stayed in touch with many students with whom he had worked during his thirty-five years in education. His dedication to public service in its most pure form—the education and nurturing of our children—is an example for all of us to strive for.

Beyond his professional life, Ralph Laird was also well known for his ability to tell a story or a joke on almost any subject. His obituary stated, "He never met a pun he didn't like." He brightened any room he walked into, and was the patriarch of a wonderful family. He will be sorely missed not just by his community, but by his family—including his wife of 54 years, Dorothy; his sons, John, James and Thomas; and three grandchildren. All those touched by him during his life will miss his friendship, leadership, good humor, and guidance.

REGARDING THE RESOLUTION OP-  
POSING THE IMPOSITION OF  
CRIMINAL LIABILITY ON INTER-  
NET SERVICE PROVIDERS BASED  
ON THE ACTIONS OF THEIR  
USERS

**HON. DAVID DREIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. DREIER. Mr. Speaker, as the Internet has grown in importance to our economy and our culture, Congress has considered a succession of bills addressing unsavory conduct on the Internet. While many of these proposals have been well-intentioned, they have proposed widely differing, sometimes technologically unrealistic, or unconstitutional approaches to this important issue.

The Internet offers Americans an unprecedented avenue for communication and commerce, changing the way we work, play, shop, and communicate. This phenomenon, referred to by the United States Supreme Court as the "vast democratic fora of the Internet" can be attributed chiefly to the policy embraced by the House in an amendment to the Telecommunications Act of 1996 offered by my distinguished colleagues CHRIS COX and RON WYDEN, and that I was pleased to support.

The Cox-Wyden amendment ensures that Internet service providers, website hosts, portals, search engines, directories and others are not burdened by the threat of civil tort liability for content created or developed by others. This measure has provided welcome certainty and uniformity with regard to civil tort liability on the Internet, while in no way limiting remedies against the provider of illegal content.

However, criminal bills continue to take widely varying and often quite different approaches to this issue. In addition, foreign nations and courts in Europe and Asia are stepping up efforts to hold U.S. companies liable for website content located in the United States that is criminal under their laws, but entirely lawful under our First Amendment. There is even a Cyber-crime Treaty that the Clinton Administration has been negotiating with countries that are part of the Council of Europe that could restrict Congress' ability to legislate in this area if we do not act soon.

For these reasons, I believe that the 107th Congress must act to preserve strong criminal

penalties against criminals on the Internet, while creating a uniform and sensible structure limiting service providers' liability for content that third parties have stored or placed on their systems, but that may violate some criminal law. Given the importance of U.S. global leadership in the Internet industry, and of keeping the Internet open so that individuals can communicate and do business with one another, we cannot afford to cede the initiative or authority in this important area.

ON RE-INTRODUCTION OF THE NO-  
TIFICATION AND FEDERAL EM-  
PLOYEE ANTI-DISCRIMINATION  
AND RETALIATION ACT

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

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. SENSENBRENNER. Mr. Speaker, today I am making good on a promise I made during the last days of the previous Congress. During a press conference on October 24th last year announcing the introduction of H.R. 5516, the Notification and Federal Employee Anti-discrimination And Retaliation Act (the No FEAR Act) of 2000, I pledged to reintroduce this legislation on the first day of the 107th Congress. That day has arrived. I am pleased to introduce the No FEAR Act of 2001.

During that press conference, a spokesman for the NAACP noted the NAACP Task Force on Federal Sector Discrimination and other civil rights organizations are supporting this legislation. It was hailed as the first civil rights legislation of the 21st Century. I would like to thank the courageous individuals and organizations, which have spoken out on the need for this legislation for their support.

I would also like to thank Representative SHEILA JACKSON-LEE and Representative CONNIE MORELLA for their support of this bill when it was first introduced. This year I have made some modifications to the bill which ensure that its contents do not otherwise limit the ability of federal employees to exercise other rights available to them under federal law. The new draft also requires federal agencies to report their findings to the Attorney General in addition to Congress. Finally, the legislation makes more explicit references to reimbursement requirements under existing law. I believe that these changes make a good bill better.

As the Chairman of the Committee on Science during the last Congress, I was very disturbed by allegations that EPA practices intolerance and discrimination against its scientists and employees. For the past year, the Committee on Science has investigated numerous charges of retaliation and discrimination at EPA, and unfortunately they were found to have merit.

The Committee held a hearing in March 2000, over allegations that agency officials were intimidating EPA scientists and even harassing private citizens who publicly voiced concerns about agency policies and science. While investigating the complaints of several scientists, a number of African-American and disabled employees came to the Committee expressing similar concerns. One of those employees, Dr. Marsha Coleman-Adebayo, won a \$600,000 jury decision against EPA for discrimination.

It further appears EPA has gone so far as to retaliate against some of the employees and scientists that assisted the Science Committee during our investigation. In one case, the Department of Labor found EPA retaliated against a female scientist for, among other things, her assistance with the Science Committee's work. The EPA reassigned this scientist from her position as lab director at the Athens, Georgia regional office effective November 5, 2000—a position she held for 16 years—to a position handling grants at EPA headquarters. In the October 3 decision, the Department of Labor directed EPA to cancel the transfer because it was based on retaliation.

EPA's response to these problems has been to claim that they have a great diversity program. Apparently, EPA believes that if it hires the right makeup of people, it does not matter if its managers discriminate and harass those individuals.

Diversity is great, but in and of itself, it is not the answer. Enforcing the laws protecting employees from harassment, discrimination and retaliation is the answer. EPA, however, does not appear to do this. EPA managers have not been held accountable when charges of intolerance and discrimination are found to be true. Such unresponsiveness by Administrator Browner and the Agency legitimizes this indefensible behavior.

Subsequent to the hearing, other federal employees have contacted me with information regarding their complaints of harassment and retaliation.

Federal employees with diverse backgrounds and ideas should have no fear of being harassed because of their ideas or the color of their skin. This bill would ensure accountability throughout the entire Federal Government—not just EPA. Under current law, agencies are held harmless when they lose judgements, awards or compromise settlements in whistleblower and discrimination cases.

The Federal Government pays such awards out of a government-wide fund. The No FEAR Act would require agencies to pay for their misdeeds and mismanagement out of their own budgets. The bill would also require Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws and report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency. Additionally, each agency would have to report on the total cost of all whistleblower and discrimination judgements or settlements involving the agency.

Federal employees and Federal scientists should have no fear that they will be discriminated against because of their diverse views and backgrounds. This legislation is a significant step towards achieving this goal.

NO TO A WORLD COURT

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully and submit the following editorial from the December 30, 2000, edition of the Omaha World-

Herald, entitled "No to a World Court" into the CONGRESSIONAL RECORD.

[From the Omaha World-Herald, Dec. 20, 2000]

#### NO TO A WORLD COURT

America's political leaders are being wooed with a siren song they would do well to resist. Foreign governments, political activists and academics are sounding that song with the aim of enticing the United States into ratifying a treaty to create an International Criminal Court. The song goes something like this:

Turn away from old notions. Turn away from your antiquated allegiance to national sovereignty. Embrace a higher moral order. Recognize that if nations are to promote true justice, they must swallow their pride and bow to a higher authority, a court, that will decide questions of war crimes and genocide and see that wrongdoers receive the punishment they deserve.

If a treaty establishing the court is approved by 60 nations, the world would finally have a permanent international forum with the authority to prosecute masterminds of genocide and war crimes.

It is superficially appealing. But behind the high-minded sentiments lies an agenda hostile to U.S. interests.

Foreign governments and activists organizations have sent strong indications that they envision the court largely as a tool for reining in the assertion of U.S. power. Through its ability to prosecute American officials and military people, the court would give anti-American critics a powerful new instrument for undermining U.S. military operations and intimidating U.S. leaders from launching future ones.

Creation of the court would also aid its boosters in their efforts to create a new standard for military operations, an "enlightened" standard that would, in effect, severely restrict U.S. military options under threat of international prosecution.

The eagerness of international activists to promote such extravagant legal claims was demonstrated this year when human rights groups tried unsuccessfully to haul NATO officials before an international tribunal investigating war crimes from the Yugoslav civil war. The activists claimed, without foundation, that NATO's 1999 bombing campaign violated international law in reckless disregard for civilians.

That air campaign, ironically, was marked not be callousness on the part of NATO officials but by the extraordinary lengths to which they sought to minimize casualties, civilian as well as military. Regrettable losses of civilian life occurred nonetheless, fanning the criticism of such interventions.

As if all this weren't enough, the proposed procedures for the International Criminal Court would place it in direct opposition to civil liberties guaranteed under the U.S. Constitution. Proceedings before the court would allow no trial by jury, no right to a trial without long delays, no right of the defendant to confront witnesses, no prohibition against extensive hearsay evidence and no appeals.

David Rivkin and Lee Casey, two American attorneys with extensive experience in international law, note that the court would serve as "police, prosecutor, judge, jury and jailer," with no countervailing authority to check its power.

Rivkin and Casey also point out that trying Americans under such conditions was precisely the sort of injustice that Thomas Jefferson warned against in the Declaration of Independence more than 200 years ago.

In listing the injustices committed by the British government, the Declaration heaped

particular scorn on the way Americans had been abused by British vice-admiralty courts. Such courts, the Declaration said, had subjected American defendants "to a jurisdiction foreign to our constitution, and unacknowledged by our laws." The courts denied people "the benefits of Trial by Jury" and involved transporting them "beyond Seas to be tried for pretended offenses."

When the U.S. Constitution was drafted in the late 1780s, it specifically required that criminal trials be by jury and held in the state and district where the crime was committed.

The appropriate course for the United States would be to continue supporting international courts on an ad hoc basis, such as the Yugoslav tribunal, to meet the needs of particular situations. Such bodies have powers far more modest than that of the proposed court.

A chorus of foreign governments, advocacy groups and commentators has a far different agenda, however. They are urging the United States to sign and ratify the treaty creating the International Criminal Court. To hinder the court's creation, they say, would be the opposite of progressive.

But the siren song ought to be resisted. Otherwise, by bowing to foolhardy legal restrictions, the United States would be handing its clever critics the very chains with which they would bind this country. And so we would lose some of our ability to defend not only our own interests but the freedoms of others.

#### RECOGNIZING MRS. ANN HEIMAN OF GREELEY, COLORADO

#### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. SCHAFFER. Mr. Speaker, today I wish to recognize one of my constituents, Mrs. Ann Heiman of Greeley, Colorado. Last autumn, Mrs. Heiman received The Daily Points of Light Award for her community action and acts of generosity.

Mrs. Heiman's story is remarkable. A cancer survivor of 47 years, she has never stopped in her service to her fellow citizens. Mrs. Heiman was a founding member of the original Eastside Health Center, served on the task force for a family assistance organization, and was a founding board member of the Weld Food Bank—which distributes 37 tons of food weekly to those in need. She was also one of the first board members of A Woman's Place, a center for abused women, and she is a member of the local board of education.

I am extremely proud of Mrs. Heiman. I am proud to recognize her as an outstanding Coloradan. Her dedication to our western community and her compassion for all have made an enduring difference in the lives of her neighbors. I ask the House to join me in extending congratulations to Mrs. Heiman of Colorado.

#### TRIBUTE TO MARQUETTE POLICE CHIEF SAL SARVELLO ON THE OCCASION OF HIS RETIREMENT

#### HON. BART STUPAK

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. STUPAK. Mr. Speaker, as you and our House colleagues are aware, I have worked

since my first day in Congress to bring a broad awareness of the needs and concerns of law enforcement officials to the floor of this chamber. I experience the great joy of this personal mission when I can speak, as I do today, to celebrate the career and dedication of a law enforcement officer at the house of this retirement.

Police Chief Salvatore Sarvello joined the Marquette, Michigan, Police Department as a patrolman in 1971, about the same time that I was joining public safety department in the nearby community of Escanaba. Our careers took different paths—I became a Michigan State Trooper and eventually entered politics, while Sal worked his way up through his department, becoming chief in 1995. Despite our different paths, we had numerous opportunities to work together, perhaps most significantly on the issue of methcathinone, an illegal drug that plagued northern Michigan for several years. Production of this drug, commonly known as CAT, took root in our area. With the help of Sal and other investigators in the region, I was able to develop legislation—my very first piece of federal legislation signed into law—that took the claws out of this highly addictive substance.

Sal has always been a supporter of the COPS program, the wonderfully ambitious and successful plan to help cities, counties, townships and other municipalities hire additional law enforcement officers. I have worked hard in Congress to ensure this program continued to receive funding until the goal of hiring 100,000 new officers by the 2000 was reached, and the support grass-roots support of officers like Chief Salvatore was essential in accomplishing this task. I worked with Sal for the visit of Vice President Al Gore, first in 1992 as part of a campaign swing for the Clinton-Gore ticket, and again in '94. I appreciate and applaud his professionalism in dealing with the complications, uncertainties and last-minute decisions associated with a visit on short notice of a national political to a small community.

A recent article in the Marquette *Mining Journal* notes that Chief Sarvello's law enforcement career actually goes back to the mid-60s, when he served as a U.S. Air Force Security police officer in Vietnam. This lifetime of public service, the article notes won't end with the Chief's retirement, because he plans to remain active with the Marquette West Rotary Club and with his parish, St. Michael's Catholic Church.

The chief looks forward to spending more time with Joan, his wife of 34 years, and his sons, Michael and Scott. At a special gathering Friday, the community will have a chance to wish the best to its retiring chief. Mr. Speaker, I ask you and our colleagues to join me in offering our thanks to this dedicated public servant, Chief Sal Sarvello, for a job well done.

#### INTRODUCTION OF BILL TO AMEND CLEAR CREEK COUNTY, COLORADO, LANDS TRANSFER ACT

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I am today reintroducing a bill to provide additional