

Eliminate the cap on civil penalties for violations of product safety laws.

Under current law, the CPSC cannot assess more than \$1,650,000 for a related series of violations against a company that knowingly violates consumer product safety laws. The legislation would eliminate this maximum civil penalty. Many of the cases in which the Commission seeks civil penalties involve very large corporations that can easily absorb a \$1.65 million fine. For them, it is a cost of doing business. More substantial civil penalties would provide a needed incentive for those and other companies to notify CPSC of dangerous products so that the agency can take timely action to protect consumers. Other agencies, including the Federal Trade Commission, enforce laws with no "cap" on the amount of the penalty.

Increase the penalty for a "knowing and willful" criminal violation of product safety laws from a misdemeanor to a felony and eliminate the requirement that the agency give notice to the company that is criminally violating the law.

The legislation would increase the potential criminal penalties for a "knowing and willful" violation of consumer product safety laws from a misdemeanor (up to one year in prison) to a felony (up to three years in prison). It would also increase the maximum monetary criminal penalty in accordance with existing criminal laws. These heightened penalties are commensurate with the seriousness of product safety violations, which can result in death or serious injury to children and families. Other agencies have authority to seek substantial (felony) criminal penalties for knowing and willful violations of safety requirements, including the Food and Drug Administration for prescription drug marketing violations and the Department of Transportation for the transportation of hazardous materials.

The legislation would also eliminate the requirement under the Consumer Product Safety Act that the Commission give notice of non-compliance before seeking a criminal penalty for a willful violation of the Act. The notice requirement makes it all but impossible to pursue a criminal penalty for violations of the Act, even in the most serious cases. The threat of a criminal felony prosecution would create an additional strong incentive for companies to report product defects to the Commission.

Give CPSC clear authority to overrule the remedy chosen by a manufacturer to address a defective product in a product recall when the Commission determines that an alternative remedy would be in the public interest.

Under current law, a company with a defective product that is being recalled can elect the remedy to be offered to the public. The company can choose repair, replacement, or refund "less a reasonable allowance for use."

The legislation would continue to permit the company to select the remedy in a product recall. However, the legislation would allow the Commission to determine (after an opportunity for a hearing) that the remedy selected by the company is not in the public interest. The Commission may then order the company to carry out an alternative program that is in the public interest.

Sometimes companies try to choose a remedy in a recall that does not further public safety. For example, a manufacturer may argue it can choose to refund the purchase price of a product, less a reasonable allow-

ance for use even though the product has been on the market for a long time and the amount due consumers may be so insignificant that there is no incentive for the consumer to take advantage of the recall. This is especially true where the hazardous product is still useful to the consumer and the cost of replacement for the consumer is substantial. Companies may try to choose an insubstantial refund even though people have been at risk for a number of years, thousands of products are still in use, injuries are continuing to occur and a repair is available and feasible. In this example, a refund is no remedy at all, and offering a minimal refund would not serve the public interest.

#### AGRICULTURAL BIOTECHNOLOGY AMENDMENT TO H.R. 2646

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to introduce an amendment to H.R. 2646, the Farm Security Act of 2001. Please print the amendment in the CONGRESSIONAL RECORD.

My amendment establishes a program under the Foreign Agricultural Service in the Department of Agriculture to award grants for the research and development of biotechnology on agricultural products that can be grown in the developing world. Eligible grant recipients include historically black or land grant colleges or universities, Hispanic serving institutions, and tribal colleges or universities that have agriculture or the biosciences in its curricula. Non-profit organizations or consortia of for-profit institutions with in-country agricultural research institutions are also eligible. Grants are awarded on a competitive merit-reviewed basis.

If you have any questions about this amendment, you may contact John Tustin at 225-8885. I appreciate your attention to this matter.

#### SALUTE TO PULASKI

**HON. MARK FOLEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. FOLEY. Mr. Speaker, as American Polish clubs across the state prepare to celebrate the Pulaski Day Celebration, I would like to recognize General Casimir Pulaski and all Polish Americans.

General Pulaski came to America in 1777 to aid our fledgling Nation during the Revolutionary War. As a cavalry general, he earned the title "Father of the American Cavalry" leading many successful campaigns and directly contributing to our overall victory.

Pulaski understood that America would become a beacon of freedom. In the wake of recent events, and as we assemble an international coalition, it is my sincere hope we can find individuals that have the same dedication and courage as Casimir Pulaski to assist us in seeking justice.

The United States is a country with many Polish Americans that live their lives in the tra-

dition of Casimir Pulaski. It is this tradition that makes our country great and will assure our victory once again.

Mr. Speaker, again, I pay tribute to all Americans of Polish ancestry as we celebrate Pulaski Day.

#### HONORING FALLEN FIREFIGHTERS

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BENTSEN. Mr. Speaker, I rise today in support of the Resolution to honor the brave men and women who lost their lives while shielding others from fire. Everyday at firehouses across America, thousands of men and women shelve fear and self-interest, strap on boots, and await the alarms or cries for help. They form the frontline of our homeland defense. They enter blazing buildings and risk their lives to save strangers—knowing full well that each day at work could be their last. These heroes are the veterans of domestic tragedies.

On September 11th, while thousands of workers raced from the blazing twin towers, hundreds of New York City's bravest stormed in—pushing aside fear and clearing paths to free those trapped inside the rubble. For many of New York's firefighters, their service during the fires of September 11th was their last heroic acts. Their lives of courage and selflessness exemplify the meaning of compassion and concern for others.

September 11, 2001 is a day in history that all of us wish we could erase. The visions of our symbols of capitalism and security ablaze are permanently etched in our memories. We cannot wipe out these horrific images, nor can we forget the tragic tales of lost loved ones. But we can choose to move on and carry with us the memories of bravery and brotherhood that so embody the American spirit. The fallen firefighters leave behind a legacy of valor and an unyielding commitment to the common good.

Mr. Speaker, it is only fitting that we lower our nation's flags each year in honor of these individuals so that we never forget the sacrifice they made for the betterment of the rest of us. As a result of the egregious attack on our nation many fathers, mothers and children were killed. Our burning tears of sorrow will never be forgotten. We will be eternally grateful for the courageous sacrifice of these men and women.

#### IN RECOGNITION OF THE PRESERVATION OF THE ISLAND FOX

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the preservation efforts for endangered Island fox. This unique species inhabits San Miguel, Santa Rosa, Santa Cruz, San Nicolas, Santa Catalina, and San Clemente Islands in the chain of Channel Islands off the coast of Southern California, and its once thriving population has declined in recent years.

The Channel Islands have been called the "Galapagos of North America" and I believe that this is an accurate description of the extraordinary natural resources that exist on the islands. Each of the islands has a unique ecosystem, which is home to numerous indigenous species.

The island fox is one of these distinct species. It is found only on the Channel Islands and is a distant relative of the gray fox. These playful animals have spent most of the last 10,000 years thriving at the top of the island food chain. However in recent years they have become threatened due to a variety of circumstances.

However I am happy to report that extraordinary efforts are being made to reverse this trend towards extinction. In the last month the U.S. Fish and Wildlife Service has proposed listing the Island Fox as an endangered species. That act was an important step forward in the work to reestablish this species.

Finally, I would like to recognize the inspirational efforts of the fifth grade students at Mound Elementary School in Ventura. They have chosen the preservation of the Island Fox as their G.A.T.E. project, and have formed their own organization, "Save Our Species," which is an affiliated educational unit of Jane Goodall's "Roots and Shoots" organization. I believe that we should all follow the example set by these devoted young people and work together to ensure the Island Fox population returns to its historic levels.

#### SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of the Air Transportation System Stabilization Act. This is far from an ideal bill, because it does not address the crisis faced by tens of thousands of air travel industry workers who have also been devastated by the terrorist acts of September 11. But as we know, America is in crisis and these are not ideal times.

The fact is that our aviation industry is a vital part of a strong and robust economy and it is facing unique and dire consequences as a result of the recent brutal terrorist attacks on our nation. It is therefore important that Congress take action now to stave off the financial calamity facing this industry and the resulting impact it could have on the entire nation.

This bill, however, must only be the first step. To succeed in strengthening our economy, it is essential that we address the needs of related businesses, and America's hard working men and women, who have also been devastated by the tragic events of September 11. Just as we are helping our ailing aviation industry today, we must also help the tens of thousands of workers affected by the economic impact of this national tragedy.

We must provide assistance to workers who have lost or will lose their jobs because of the crisis—assistance such as worker retraining programs, health insurance and unemployment insurance.

It is only because Congressional leaders have committed to quickly bring forth legisla-

tion to address the needs of workers that I will support this legislation. And I challenge our leaders to keep their word.

Mr. Speaker, America's workers deserve the same quick attention we are providing the aviation industry today. We must answer this moral call and come to their aid.

WILLIAM BANACH HONORED AS  
OUTSTANDING AMERICAN OF  
POLISH DESCENT

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. KLECZKA. Mr. Speaker, on Friday, October 12, 2001 William Banach will be honored as the Outstanding American of Polish Decent at the Milwaukee Society's Pulaski Day Banquet.

This annual event celebrates the life and achievements of local individuals who embody the spirit of Casimir Pulaski. Appointed a brigadier general by George Washington, Pulaski was engaged in a number of major Revolutionary War battles. He was killed in the fight to capture Savannah on October 11, 1777 and today Americans and Polish Americans celebrate his legacy of heroic service and ideals of freedom.

Bill has demonstrated a commitment to his family and to service of his community throughout his lifetime. He served the City of Milwaukee Bureau of Engineers for 31 years. While he no longer works a traditional full time job, he nevertheless remains extremely active in the community. He is on the Board of Directors of SHARE, a self-funding food program that provides food to needy families.

Active with the Boy Scouts of America for over 60 years, Bill has served as a Cubmaster, Scoutmaster, Explorer Scout Advisor and Merit Badge Advisor. In "semi-retirement" he remains very active with the Cub Scouts.

Bill has dedicated 14 years to the Milwaukee Society Polish National Alliance Lodge 2159 as chair of the Christmas Basket Program. Under his leadership, the Lodge collected, packaged and delivered Christmas goodie baskets to those most in need of holiday cheer, and did so without the families ever knowing the identity of their generous benefactors. In addition, he is an active member of American Legion Post 444 and the Knights of Columbus Cardinal Stritch Council 4614.

A wonderful husband and devoted father, Bill and his wife Janet will celebrate their 50th wedding anniversary this year. They have three wonderful children and three beautiful grandchildren.

So it is with great pride that I join with the Milwaukee Society Polish National Alliance in celebrating Bill's many achievements and years of community service. Congratulations William Banach, Polish American of the Year for 2001.

THE VISIT OF MINISTER JASWANT  
SINGH

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CROWLEY. Mr. Speaker, I rise today to welcome to the United States India's Minister of External Affairs and Minister of Defense, Jaswant Singh.

As a leader of the world's largest democracy, Minister Singh's visit to America is timely. In light of the tragic events of September 11, it is increasingly important for leaders of the world's great nations to unite to protect the freedoms and liberties of democracy.

On behalf of the United States government and the American people, I would like to thank Minister Singh and the government of India for strongly condemning the terrorist attacks on the United States, and for expressing their unconditional willingness to assist in fighting the new global war against terrorism. Sadly, approximately 250 Indian nationals and persons of Indian origin were killed in the September 11th attacks. To the victims and their families I extend my deepest sympathies.

As has America, India has experienced firsthand the devastating consequences of cross-border terrorism. In the past fifteen years, approximately 53,000 civilians in India have been killed by indiscriminate terrorist acts. The global nature of terrorism and its far-reaching effects require concerted global action. We trust that future cooperation with India's leaders to combat terrorism, not only in South Asia and here in the U.S., but together around the world, will strengthen and will reinforce the important relationship between our countries.

In recent years, the United States and India have moved towards increased cooperation and improved understanding. The trend towards improved bi-lateral relations is evidenced by the US-India Summit Meetings held in New Delhi in March of 2000, and the formation of our Joint Working Group on Counter-Terrorism early that same year.

In light of the current situation in the U.S. and instability in South Asia, we recognize that open communication, dialogue, and partnership between our democratic nations must be maintained and enhanced as we strive together to achieve common goals and to promote peace in the region. We remain committed to cooperating with the government and people of India on issues of common interest, and we commend India for the role that she has undertaken in working towards greater prosperity and stability in South Asia.

Of particular importance now, however, is the return of Pakistan to a democratic government, and the establishment of peace in the Kashmir region. Such shared goals offer opportunities for collaboration, and indeed, require international collaboration if they are to be realized. Clearly, these issues remain central to South Asia's future stability.

The war on terrorism aside Mr. Speaker, as a member of the India Caucus, I look forward to continuing work to improve America's trade, investment, and military cooperation with India. It is my hope that we will continue the processes begun in past years to construct a valuable working relationship with India, one that is mutually beneficial to both our countries. We recognize India's role as a political,