

sovereign immunity under the 11th Amendment. However, after the Supreme Court ruled that the intent to abrogate based on Article I must be explicitly evident in the relevant statute, some district courts held that the 1976 Copyright Act did not effectively abrogate state sovereign immunity.

To close this loophole, Congress enacted three laws between 1990 and 1992 to abrogate state sovereign immunity: the Copyright Remedy Clarification Act; the Patent and Plant Variety Protection Remedy Clarification Act; and the Trademark Remedy Clarification Act.

In 1993, the Copyright Remedy Clarification Act was challenged. Before the 5th Circuit made a final ruling, the Supreme Court handed down several decisions that had a direct impact on the case. In *Seminole Tribe of Florida v. Florida*, the Court overruled previous case law and held that Congress could not use its Article I powers to abrogate state sovereign immunity. In *Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank*, the Court voided the Patent and Plant Variety Protection Remedy Clarification Act. While the Court held that abrogation was possible under the Enforcement Clause of the 14th Amendment, the Act was not a proper exercise of that power. Finally, in *College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board*, the Court voided the Trademark Remedy Clarification Act to the extent it abrogated state immunity with regard to false advertising claims. Based on these rulings, the 5th Circuit subsequently held that the Copyright Remedy Clarification Act was unconstitutional.

The import of these decisions is very serious for intellectual property owners, since states now have the ability to infringe copyrights, patents, and trademarks with impunity. These potential infringements add up to millions of dollars of lost revenue to intellectual property owners. Adding to the unfairness of the situation is the fact that states can and do own copyrights, patents, and trademarks. A state may bring an infringement suit in federal court against a private individual but a private individual may not sue that state for the same transgression. This result creates an uneven playing field and otherwise conflicts with the spirit of Article 1, Section 8 of the Constitution.

In conclusion, this hearing is not intended to focus on a definitive solution to this problem, rather, it represents the first step in doing so. The hearing is intended to educate the Subcommittee about this important issue: its background, the implications of current case law on the subject, and those efforts to find a solution to the problem of consistently protecting intellectual property rights in a constitutionally permissible manner.

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#### HONORING JAN C. MENNIG

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Jan C. Mennig for his extensive career in public service. Mr. Mennig has decided to retire after serving in many capacities in the public and private sectors.

Mennig has a notable educational background. He graduated with honors from the University of Southern California with a degree in Public Administration. He went on to earn

his M.S. and Ph.D. degrees. He also completed many advanced courses while a Colonel in the United States Army Reserve. Mennig is a U.S. Army Certified Logistician and received an Honorary Doctor of Laws Degree from August Vollmer University.

While living in Southern California, Mr. Mennig served as Assistant Chief and Chief of Police in the Culver City Police Department for over twenty years. While in Culver City, he served on many boards, including the Executive Committee for the California Police Chiefs Association and the Los Angeles County Regional Criminal Justice Planning Board. Mennig also served as President of the Culver City Lions Club and Chairman of the Board of Culver Palms Family YMCA.

In 1987, Mennig retired from the Culver City Police Department and the U.S. Army Reserve and moved to Mariposa, California. Since relocating to Mariposa, Mr. Mennig has served in many positions, including President of the Mariposa Wine Grape Growers Association and as a member of the Mental Health Board of Mariposa County. Mr. Mennig retired as the Executive Director of the Mariposa County Chamber of Commerce on June 30, 2001.

Mr. Speaker, I wish to congratulate Jan C. Mennig for his extensive career as a public servant. I urge my colleagues to join me in wishing Jan C. Mennig a happy retirement and continued success.

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#### THE WORLD OF AFGHAN WOMEN

#### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. CUMMINGS. Mr. Speaker, imagine a world where you are: banned from revealing any skin and are required to be fully covered even in stifling heat; and banned from wearing white shoes because it is the color of your nation's flags; or shoes that are high heels because they may make noise.

Imagine a world where you are: unable to leave your home without permission; and where working and gaining education are illegal.

Imagine a world where a woman is: banned from men-only hospitals, even in the severest of medical emergencies and the hospitals that are available have no oxygen, clean water, intravenous equipment, medicine, or x-ray machines.

Imagine a world where: you attend a sporting event but cannot display any emotion and may experience the interruption of the event for the purpose of a "public execution" of a woman; possibly carried out by her own family member and witnessed by her children and other children in attendance.

Finally, imagine a world where: it is taboo to read the religious book that is used to set these rules.

For some people this is not an imaginary world. For Afghan woman this is their reality. Women in Afghanistan have suffered an assault on their human rights during more than 20 years of war and under the repressive rule of the Taliban, which emerged as a military force in 1994 and declared itself the government of Afghanistan.

Taliban decrees have basically restricted women in all aspects of their lives. These re-

strictions are religiously and institutionally sanctioned and include: (a) Dress codes; (b) prohibitions against work and education; and (c) various acts of violence against women. In fact, violence against women in Afghanistan has reached pandemic proportions. Women and girls are systematically subjected to rape, kidnapping, forced marriage or prostitution. As expected, the mental health of these women has severely deteriorated and some have committed suicide.

Many women were educated before the Taliban took power and they represented 70 percent of all teachers, 50 percent of civil servants, and 40 percent of medical doctors. These same women can no longer practice their trades or work at all and have been basically relegated to non human status.

I am sure it is difficult for many Americans to imagine the existence of these women. But we must attempt to understand their pain. America is a land that stands for justice and human rights and as the leaders of this great nation, I ask my colleagues to be committed to maintaining these principles in our nation and around the world. We must work to safeguard women's human rights and ensure that individuals, terrorist groups, government forces and armed groups are prevented from committing human rights violations. That is why I commend my colleague in organizing this Special Order to bring this grave and serious issue to light.

September 11, 2001 has changed all of our lives. We are fighting a war against terrorism and in defense of our homeland. However, we must remember that terrorism comes in various forms and includes violations of human rights. The Afghan women are currently being terrorized by the Taliban. It is my hope that, as we fight this war we are not only fighting against the Taliban because they may harbor terrorists, but also because their restrictions and atrocities against women in Afghanistan are, in fact, terrorist acts.

It is my hope that we will one day be able to imagine a world where Afghan women are able to live freely as first class citizens of a progressively democratic society, a world where we are free of terrorism, and a world where peace is the norm. I urge my colleagues and the international community to unite towards this goal and make it a reality.

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#### CONGRATULATING GUAM LITTLE LEAGUE AND GUAM SENIOR LEAGUE ALL STARS

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. UNDERWOOD. Mr. Speaker, as this year's baseball season comes to a close, I would be remiss if I failed to make mention of the accomplishments of a number of impressive young individuals from Guam. This year Guam's Little League and Senior League competed in the World Series tournaments of their respective leagues. Guam's Little League All Stars finished third in the annual tournament held in Williamsport, Pennsylvania while their Senior League counterparts finished fourth in the tournament held at Kissimmee, Florida. Both tournaments were held last August.

After winning the Guam Major Little League All-Island Tournament, Guam's Central Little

League All Stars went on to represent the island in the Pacific Tournament held in Hong Kong between July 26, and August 3, earlier this year. Guam emerged from this tournament as the Pacific champions earning this group of enthusiastic ballplayers a trip to the annual Little League World Series in Williamsport, Pennsylvania. By beating the Philippines at the 2001 Major Little League Pacific Tournament at Tsingyi Sports Ground in Hong Kong with a score of 15–0, the Central All Stars earned for Guam its first ever berth in the Little League World Series. This evoked much pride for the island as the young men competed at a higher level of competition.

The Guam team made an impressive debut as they beat Mexico with a score of 6–5 in their opening game. Their next game was a shut out—beating the European champions, Russia with a score of 5–0. They went on to overcome a 3-run deficit in their third game to beat Canada 6–5. After advancing to the semi-finals with a 3–0 record, the Central All-Stars were defeated by Curacao to finish third in the series. Although there were some feelings of disappointment among this group of little leaguers, they have come to a consensus that their performance was nothing short of exceptional.

Their Senior League counterparts also have a reason to hold their heads up high. Already the five-time defending Far East champions, Guam's Senior League team, earned its fifth consecutive trip to the Annual Senior League Baseball World Series by beating the Commonwealth of the Northern Mariana Islands in a best-of-three series during the Senior League Far East Tournament. Out of the nine teams that participated, Guam, representing the Far East, finished fourth.

Upon their homecoming, the young men received a heroes' welcome at the A.B. Won Pat International Airport. For their performances in and out of the ballfield, they were hailed as goodwill ambassadors for the island. They came back as better players after having been exposed to a higher level of competitions while, at the same time, being acquainted with extra-ordinary discipline, gaining self respect, and learning how to perform under pressure in front of thousands of spectators. Under the direction of former Mayor Greg Calvo, the Guam Little League Baseball, Inc., along with the support of the teams' managers, coaches, family members and the community should be commended for all of their support and commitment to the local baseball program.

Baseball is truly the American past time. This is best demonstrated by young men playing the game competitively while still untainted by cynicism and commercialization. As illustrated by the Senior League and Little League World Series Tournaments, the game brings friends, families, communities, and the world together. I am both proud and pleased that young men from my home island of Guam are able to contribute and participate in this experience and in the end take pride in their performance.

Mr. Speaker, I commend and congratulate these young men along with their managers and coaches for their accomplishments and for giving the island of Guam additional reasons to be proud of their island. I would like to submit for the RECORD the team rosters of the 2001 Far East Senior League Champions and the 2001 Pacific Little League Champions.

2001 GLL SENIOR DIVISION  
 Central LL President: Frank J.C. Camacho.  
 Central LL Vice-President: Lurline White.  
 Manager: Tony Calvo.  
 Head Coach: Joe Hernandez.  
 Assistant Coach: Andy Quintanilla.  
 Players: Michael Dene Aguon, Jaylon Alvarez, Keith Castro, Eric Cepeda, Joshua Cruz, Chris Duenas, Joe Guerrero, Tommy Hernandez, Brian Manibusan, R.J. Miner, Mark Reyes, Luis San Nicolas, Gerald Santos, Miller Santos.

2001 CENTRAL DIVISION ALL-STARS (LITTLE LEAGUE)  
 Manager: Ramon C. Aguon.  
 Head Coach: Michael R. Aguon.  
 Assistant Coach: Stephen Barcinas.  
 Players: Derwin Aguon, Eugene Aguon, Matthew Barcinas, Freddie Cepeda, Derek Daga, Darryl Delgado, Alejandro Diaz, Kurt Diaz, Kristopher Kaneshiro, Michael Paredo, Samuel Roberto, Henry Salas, Aaron Sanchez, Robert Weekly.

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#### COMBATING ILLEGAL GAMBLING REFORM AND MODERNIZATION ACT

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#### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today legislation that represents a bipartisan effort to address the ever increasing problem of illegal Internet gambling in our Nation.

The Internet is a revolutionary tool that dramatically affects the way we communicate, conduct business, and access information. As it knows no boundaries, the Internet is accessed by folks in rural and urban areas alike, in large countries as well as small. The Internet is currently expanding by leaps and bounds; however, it has not yet come close to reaching its true potential as a medium for commerce and communication.

One of the main reasons that the Internet has not reached this potential is that many folks view it as a wild frontier, with no safeguards to protect children and very few legal protections to prevent online criminal activity. The ability of the World Wide Web to penetrate every home and community across the globe has both positive and negative implications—while it can be an invaluable source of information and means of communication, it can also override community values and standards, subjecting them to whatever may or may not be found online. In short, the Internet is a challenge to the sovereignty of civilized communities, States, and nations to decide what is appropriate and decent behavior.

Gambling is an excellent example of this situation. It is currently illegal in the United States unless regulated by the States. As such, every state has gambling statutes to determine the type and amount of legal gambling permitted. With the development of the Internet, however, prohibitions and regulations governing gambling have been turned on their head. No longer do people have to leave the comfort of their homes and make the affirmative decision to travel to a casino—they can access the casino from their living rooms.

Since 1868, the federal government has enacted federal gambling statutes when a par-

ticular type of gambling activity has escaped the ability of states to regulate it. For over one hundred years, Congress has acted to assist states in enforcing their respective policies on gambling when developments in technology of an interstate nature, such as the Internet, have compromised the effectiveness of state gambling laws.

The negative consequences of online gambling can be as detrimental to the families and communities of addictive gamblers as if a bricks and mortar casino was built right next door. Online gambling can result in addiction, bankruptcy, divorce, crime, and moral decline just as with traditional forms of gambling, the costs of which must ultimately be borne by society.

Gambling on the Internet is especially enticing to youth, pathological gamblers, and criminals. There are currently no mechanisms in place to prevent youths—who make up the largest percentage of Internet users—from using their parents' credit card numbers to register and set up accounts for use at Internet gambling sites. In addition, pathological gamblers may become easily addicted to online gambling because of the Internet's easy access, anonymity and instant results. Dr. Howard J. Shaffer, director of addiction studies at Harvard, likens the Internet to new delivery forms of addictive drugs: "As smoking crack cocaine changed the cocaine experience, I think electronics is going to change the way gambling is experienced." Finally, Internet gambling can provide a nearly undetectable harbor for criminal enterprises. The anonymity associated with the Internet makes online gambling more susceptible to crime.

I have long been a champion of the Internet and an advocate of limited government regulation of this new medium. However, that does not mean that the Internet should be a regulatory free zone or that our existing laws should not apply to the Internet. I think we can all agree that it would be very bad public policy to allow offline activity deemed criminal by states to be freely committed online and to go unpunished simply because we are reluctant to apply our laws to the Internet.

Gambling on the Internet has become an extremely lucrative business. Numerous studies have charted the explosive growth of this industry, both by the increases in gambling websites available, and via industry revenues. A study by the research group Christiansen/Cumming Associates estimated that between 1997 and 1998, Internet gambling more than doubled, from 6.9 million to 14.5 million gamblers, with revenues doubling from \$300 million to \$651 million. More recently, Bear, Stearns & Co. Inc. reported that there were at that time as many as 1,400 gambling sites, up from 700 just a year earlier. Other estimates indicate that Internet gambling could soon easily become a \$10 billion a year industry.

Most of the more than 1,400 Internet gambling sites are offshore. Virtual betting parlors accepting bets from individuals in the United States have attempted to avoid the application of United States law by locating themselves offshore and out of our jurisdictional reach. These offshore, fly-by-night Internet gambling operators are unlicensed, untaxed and unregulated and are sucking billions of dollars out of the United States.

In addition, the FBI and the Department of Justice recently testified that Internet gambling serves as a vehicle for money laundering activities and can be exploited by terrorists to