

SAN DIEGO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL
1998 JOHNS FELLOWSHIP AWARD-
EE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize John Fee as he is honored by the San Diego County Building & Construction Trades Council at the September 19, 1998 John S. Lyons Memorial Banquet for his contributions to the labor movement, his community and to the nation.

John Fee, a Chicago native, has been an active and involved member of his community since early in his life. In high school, he participated in the football and cross country athletic programs, and, at age seventeen, he enlisted in the United States Navy. Fee's twenty year career in the Navy involved operation and maintenance of Naval nuclear power plants and service on nuclear submarines, cruisers and aircraft carriers. It was during his service in the Navy that he earned an undergraduate degree in Mechanical and Nuclear Engineering and a Masters in Business Administration.

John is an avid traveller and has visited every continent. He planted a U.S. flag during a visit to the North Pole and assisted the Russian Government with building a nuclear power plant.

Following his retirement from the Navy in 1984, John went to work at the San Onofre Nuclear Generating Station (SONGS) in San Diego County and currently serves as its Maintenance Manager. John is responsible for maintenance of the dual reactor plants and supporting systems, and in this capacity, has developed a close relationship with members of the San Diego Building and Construction Trades by relying on them for their skills and expertise.

John has been instrumental in improving the safe working conditions at the SONGS site and has kept the interest of the building trades membership balanced with the multitude of challenges as the electric utility industry goes through the process of deregulation.

John Fee exemplifies the high values, standards and principles of the work of the late John S. Lyons in community service and it truly deserving of the San Diego County Building and Construction Trades Council's 1998 Johns Fellowship Award.

AZERBAIJAN ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. SMITH of New Jersey. Mr. Speaker, on October 11, presidential elections will take place in Azerbaijan. At the moment, the leading opposition parties are boycotting the election, largely because of continuing disagreements with the government over the composition of the Central Election Commission. They have embarked on a series of rallies and demonstrations, and the atmosphere in Baku has become quite tense. In fact, Reuters has re-

ported from the opposition that about 100 people were hurt on Saturday during a long rally in the capital's city center.

The National Democratic Institute (NDI) has observers in Azerbaijan in preparation for the October election. According to NDI's statement, "NDI representatives witnessed the attempts of political parties to conduct a publicly-announced rally. The rally was obstructed by police and others who used violence against the demonstrators to prevent a public gathering and disperse them . . . NDI condemns the use of violence by police and others against demonstrators. Such actions violate the Azerbaijani Constitution's guarantees of the rights of free assembly and expression. They raise substantial doubts about whether the official respect for law and dissent that are indispensable for democratic elections exist in Azerbaijan."

Against this background, five Members of the Helsinki Commission, of which I am Co-Chairman, recently sent a letter to President Aliiev, urging him to continue talks with the opposition and find a formula that would permit broad participation in the election. I would like to enter the full text of that letter into the RECORD.

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC, August 25, 1998.

His Excellency HEYDAR ALIEV
President, Republic of Azerbaijan, Baku, Azerbaijan

DEAR MR. PRESIDENT: The Helsinki Commission has been closely monitoring the preparations for the October 11 presidential election in Azerbaijan. This election is particularly significant and will have major ramifications both on your country's democratization and on the prospects for peace in the Caucasus region.

After years of mutual suspicion and recriminations between the government and the opposition, the upcoming election offers a chance for reconciliation and the establishment of much-needed consensus within Azerbaijani society. An election deemed free and fair by Azerbaijanis and international observers will endow the government with unquestioned legitimacy and help to undo the consequences of the flawed parliamentary election of November 1995.

Moreover, a process of government-opposition reconciliation in Azerbaijan is essential to facilitate a resolution of the Nagorno-Karabakh conflict. Though the 1994 cease fire remains in effect, the peace process, unfortunately, has bogged down. In order to restart the negotiations, the parties to the conflict will have to make difficult choices, which will not be politically feasible without strong backing from their electorates.

It is therefore all the more regrettable that major Azerbaijani opposition parties have not found it possible to take part in the election. We recognize that the election law originally passed by parliament, which the opposition found unacceptable, has been substantially modified over the last few months, with input from experts at the OSCE/ODIHR and the National Democratic Institute. Various demands put forward by the opposition have been met. Particularly important was the recent announcement of the abolition of censorship, which, we hope, will be consistently implemented, and will, in fact, signal the end of all political censorship in Azerbaijan.

We commend your willingness to make these changes in the law, and your pledge to hold free and fair elections, in accord with OSCE commitments. Nevertheless, the opposition boycott remains in effect, primarily

because of continued differences over the composition of the Central Election Commission. A presidential election without the leading opposition parties—no matter how many other candidates take part—will not promote stability to resolve the most pressing issues facing Azerbaijan at this historic juncture. With the election now less than two months away, very little time remains to reach agreement. We urge you to redouble your efforts and continue the negotiations which your representatives have already begun with opposition leaders to find a mutually acceptable formula that will permit broad participation in the election.

Sincerely,

CHRISTOPHER H. SMITH,
M.C.,
Co-Chairman.
FRANK R. WOLF, M.C.,
Commissioner.
BENJAMIN L. CARDIN, M.C.,
Commissioner.
ALFONSE D'AMATO, U.S.S.,
Chairman.
STENY H. HOYER, M.C.,
Ranking Member.

TRIBUTE TO EDWARD C. SMITH

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. COBLE. Mr. Speaker, the American Dream is alive and flourishing. If you do not believe it, just examine the life of Eddie Smith of Lexington, North Carolina.

Eddie celebrated his 80th birthday on September 13, with 400 friends, dancing to the beat of his favorite beach music. Smith might be one of the few octogenarians around who scuba dives, races Ferraris, and flies his own plane.

Eddie Smith was born in Wake County, North Carolina. Orphaned at the age of 10, he was brought to Lexington with his sister and two brothers to live at the Junior Order Orphanage. After graduation in 1937, he remained in Lexington where he began working as an usher at the Carolina Theater, and it was there that he met his future wife, Sarah Lanier.

After his job at the Carolina Theater, Eddie drove a taxicab before starting his own business, National Wholesale Company in 1952. As his business prospered, Eddie shared his good fortune with the community that helped to raise him. He has served as Mayor of Lexington, on the City Council, as Chairman of the Chamber of Commerce, Chairman of Davidson County Community College, Chairman of First Union National Bank, and Chairman of Lexington Memorial Hospital.

An eternal optimist and visionary, Smith refused to see the old Carolina Theater become a pornographic theater and led an effort to restore the building and create one of the most beautiful Civic Centers in our state. He has been Chairman of the Civic Center, which is named in his honor, for 20 years. He is presently chairing a fund drive to further renovate the Civic Center to make it a state-of-the-art facility.

An inveterate jogger, Smith found a woman in the street, on one of his early morning jogs, who had run away from an abusive husband during the night after being severely beaten. After hours of trying to find a shelter for this

woman, he realized that there was a tremendous need in Davidson County for a Domestic Violence Shelter and spear-headed the effort to establish Family Services of Davidson County. This organization assists hundreds of abused families each year.

Through the Edward C. Smith Foundation, he has given many young people the opportunity to earn the college education which he never had. He is an avid supporter of the University of North Carolina at Chapel Hill where both of his children graduated. Eddie Smith, Jr., lives in Greenville, North Carolina, and is Chairman and CEO of Grady-White Boats. Lynda Smith Swann lives in Lexington and is co-owner of the National Wholesale Company. Eddie was married to his wife, Sarah, for 58 years until her death on January 24, 1998. He has 3 grandchildren and three great grandchildren.

A colleague once described Eddie Smith's life in this way. "Eddie Smith has been richly blessed by God, and he has chosen to use his blessings to bless others." These are just a few examples of the tremendous contribution that Eddie Smith has made during his 80 young years. I want to take this opportunity to wish Eddie a happy 80th birthday and to thank him for his many years of service to the citizens of North Carolina. Without a doubt, Eddie epitomizes what our forefathers envisioned when they established this great country over 200 years ago.

TRIBUTE TO THE 40TH ANNIVERSARY OF OUR LADY QUEEN OF ALL SAINTS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BONIOR. Mr. Speaker, today I would like to recognize a parish that has dedicated four decades to the service of God and community. On Sunday, August 23, 1998, Our Lady Queen of All Saints will celebrate its anniversary.

Located in Roseville, MI, Our Lady Queen of All Saints has been a center of religious and social activity for 40 years. During those years, the congregation of Our Lady Queen of All Saints has joyfully celebrated Christmas and Easter, baptisms and weddings, while lending a warm shoulder to those suffering. Our Lady Queen of All Saints has been a faithful friend to all who have walked through the front doors.

When the parish was founded in 1958, the church service was held in a rented store front on Utica Road in Fraser, MI. Since then, a new church has been built and 1,300 families have joined the parish. The clergy and membership have given their time and talents to serve God and their community.

Our Lady Queen of All Saints has been the center of many people's lives for 40 years. Al-

though history and time has changed the congregation, the spirit of the church has remained strong. I would like to personally congratulate the parishioners on this historic milestone. Best wishes in the next 40 years.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. HYDE. Mr. Speaker, I submit, for inclusion in the CONGRESSIONAL RECORD, the following two letters exchanged between myself and BILL ARCHER, Chairman of the Committee on Ways and Means, regarding H.R. 2281, the "Digital Millennium Copyright Act."

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

July 22, 1998.

HON. BILL ARCHER,

*Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN ARCHER: Thank you for your letter of July 21 in which you address the jurisdiction of the Committee on Ways and Means as it relates to H.R. 2281, the "WIPO Copyright Treaties Implementation Act and Online Copyright Infringement Liability Limitation Act," as reported from the Committee on the Judiciary.

Based on the jurisdiction of the Committee on Ways and Means in certain provisions contained in H.R. 2281 which are described in your letter, the Speaker of the House referred sequentially the bill to that Committee for consideration.

Your understanding is correct regarding the amendment to section 337 of the Tariff Act of 1930 contained in section 103 of the bill. Representative Coble, Chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, will be offering a manager's amendment which will strike from the bill the portion of section 103 adding a new section 1201(c) to title 17.

Your understanding is also correct regarding the import ban contained in section 103 of the bill. The bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under the World Intellectual Property Organization Treaty.

I appreciate your determination that a markup in the Committee on Ways and Means is unnecessary in light of the foregoing and agree that the absence of such a markup should not prejudice that Committee's jurisdictional prerogative on the measures described in your letter.

I would be pleased to place a copy of your letter, along with this response, in the Congressional Record during floor consideration of H.R. 2281. Thank you for your valuable input and cooperation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS

July 21, 1998.

HON. HENRY J. HYDE,

Chairman, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to address certain issues with respect to H.R. 2281, as reported by the Judiciary Committee on May 18, 1998. The bill contains an amendment to section 337 of the Tariff Act of 1930 as well as an import ban, both of which fall within the jurisdiction of the Committee on Ways and Means.

With respect to the amendment to section 337, section 103 of H.R. 2281, as reported by the Judiciary Committee, amends Title 17, United States Code, by adding a new section 1201(c) which makes the importation of any product, service, or technology that is primarily designed to circumvent a technological protection measure subject to action under section 337 of the Tariff Act of 1930. However, the underlying framework of section 1201, in terms of actionable conduct, affected parties, and available remedy, is not compatible with the structure of section 337. In light of this inconsistency, I understand that you will be offering an amendment, as part of a manager's amendment, to strip from the bill the portion of section 103 adding a new section 1201(c) to Title 17.

With respect to the import ban, section 103 of H.R. 2281, as reported by the Judiciary Committee, adds a new section 1201 to Title 17, United States Code, to prohibit the importation of any product, service, or technology that is primarily designed to circumvent a technological protection measure; section 103 also adds a new section 1202 to prohibit the importation of any product that has had its copyright management information removed or altered. Because these import ban provisions fall within the Committee's jurisdiction, the Committee would ordinarily meet to consider the bill. However, the bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under the World Intellectual Property Organization treaty.

Based on your assurance to this effect, and in order to expedite consideration of this legislation, I do not believe that a markup by the Committee on Ways and Means will be necessary on either of these issues. However, this is only being done with understanding that it does not in any way prejudice the Committee's jurisdictional prerogative on this measure or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2281, and would ask that a copy of our exchange of letters on this matter be included in the record during floor consideration. Thank you for your cooperation and assistance on this matter.

With best personal regards,

BILL ARCHER,
Chairman.