The Marine Corps will award Brian the Silver Star Medal after receiving several personal accounts from the wounded Marines of Lima Company that he pulled from the battlefield at Hue City. Working alone and without regard for his own safety, Brian drove a four-wheel drive mule into the middle of the raging firefight, loaded the dead and wounded on the mule and sped them to safety. Within minutes, Brian was back, evacuating more wounded Marines to the aid station. Two days later, Brian again rode his mule into a raging firefight to rescue wounded Marines. Again, he was successful in delivering his precious cargo to an aid station. But not without a price. Brian was wounded during that battle, and the scars of that injury have never fully healed.

Because Brian was attached to a different Marine battalion, the men of Lima Company did not know their rescuer. If not for the determination of Sgt. Joe McLaughlin, whose witness to Brian's actions inspired a 30-year search for the Marine who pulled so many injured men from that Vietnamese battlefield, this Nation may never have had the privilege of honoring Brian's heroism in service to his country. Brian's sense of patriotism and duty have been passed along to his son, Craig Mayer, a second lieutenant in the U.S. Marine Corps.

Mr. Speaker, even words of praise from this esteemed Chamber cannot carry the weight of gratitude offered by Dennis Freed, one of the Marines whom Brian Mayer saved during the Battle for Hue City, who said: ''Brian Mayer is a true American hero, whose sacrifices and heroism will always remain an inspiration to us all. He is truly deserving of, and long overdue for recognition of that heroism and sacrifice.'' Mr. Speaker, I ask my colleagues to join me in honoring Brian Mayer, who was willing to lay down his own life, ultimately sacrificing his own well-being on the field of battle, in an effort to save the lives of his fellow U.S. Marines. Brian Mayer is a true American hero.

SALUTING THE STUDENTS OF ARCADIA HIGH SCHOOL

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. DREIER. Mr. Speaker, on April 26–28, over 1,250 high school students from 50 States and the District of Columbia came to Washington, DC to compete in the national finals of ''We the People . . . The Citizen and the Constitution.'' After the first round of competition, the top ten teams met on Capitol Hill on April 28 where they demonstrated their knowledge of the Constitution before constitutional scholars, journalists, and lawyers. The competition simulated a congressional hearing in which students' oral presentations were judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues. That night, the winners were revealed, and I am proud to announce that the team from Arcadia High School in Arcadia, CA, took second place in the national competition.

The young scholars worked diligently to reach the national finals and place second overall. The distinguished members of the team that represented Arcadia High School were: Jon Baker, Joseph Cheung, Winne Ching, Anna Chung, Annie Chung, Steve Chung, Karen Dickinson, Scott Esposito, Nathan Flowers-Jacobs, Susan Fu, Jae Vyn Gan, David Han, Tracy Huang, Seoyoung Kim, Jonathon Lee, Michael Lee, Richard Lim, Winston Lin, Tsung-Lin Liu, Maggie Loo, Magaret Ng, Jina Noh, Margarita Ortiz, Harvard Pan, Nikka Rapkin, Christopher Tokeshi, Alexander Trifunac, Jack Wang, Jennie Wang, Wing Yung. I would also like to congratulate their teacher, Ron Morris, whose diligence and sacrifice greatly contributed to the success of the team.

The ''We the People . . . The Citizen and the Constitution Program'' is the most extensive education program in the country developed specifically to educate young people about the Constitution, the Bill of Rights and the principals and values that they represent. Clearly, the team from Arcadia High School showed their extensive knowledge on the significance of the Constitution and its place in history, and I salute them for their excellent showing at the national competition.

TRIBUTE TO JOSEPH GEMBUS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to honor Joseph Gembus of Rossford, OH who has taken from this life on Thursday, April 10, 1997 at the age of 85 years.

A man of integrity, humility, and true grit, Joe was a glassworker who gave of his energies to his profession, his family, and his community. Always a staunch and dignified defender of working people, he served as his union local's financial secretary for 23 years, retiring in 1977. Upon his retirement and in recognition of his tireless efforts on their behalf, his brothers and sisters in the union named the United Glassworkers Local 9 hall the Joseph F. Gembus Hall. Throughout his tenure with the union, he also served on the Toledo AFL–CIO Executive Board and as Vice-President of the State of Ohio AFL–CIO Executive Board. He served on the Wood County Democratic Executive Committee, MidAm Bank Advisory Board, and the City of Rossford Charter Commission.

Fiercely loyal to our Nation, Joe served in the U.S. Army during World War II, fighting in the China-Burma-India Theater. After his service, he joined the Rossford American Legion Post #533 and the Northwood VFW, where he was a life member. Never one to let his years slow him down, Joe was also a member of the Lady of Fatima Council of the Knights of Columbus, the Wood County Committee on Aging, and the Glassworkers Local 9 Cullet Club.

Joe now joins with his wife Mary, but leaves to this earth his sister, Angela Gembus, sisters-in-law Betty Torda and Kate Eckhart, and many nieces and nephews. They, and we, will miss him and cherish his memory and contributions in making our community a finer place in which to live.

WORKERS' COMPENSATION AND STRUCTURED SETTLEMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. STARK. Mr. Speaker, I join today with Mr. SHAW, Mr. RAMSTAD, and a broad bipartisan group of cosponsors from the Ways and Means Committee in introducing legislation to make structured settlements available to men and women who have suffered severe physical injuries in the workplace.

I have been a long-time supporter of structured settlements, going back to the original 1982 legislation that enacted section 130 of the Internal Revenue Code to encourage the use of structured settlements for physical injuries in tort cases. I believe that making the structured settlements available for physical injuries suffered in the workplace is fully consistent with the original rationale and policy that lead to the enactment of the Code section 130 structured settlement tax rules.

People who suffer severe and permanently disabling physical injuries in the workplace have the same need as badly injured tort victims for long-term financial security to cover the expenses of ongoing medical care and daily life.

I look forward to working with my colleagues on the Ways and Means Committee and in the House to pursue adoption of this legislation.

TRIBUTE TO DR. J.C. LAUL

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1977

Mr. SKAGGS. Mr. Speaker, I rise today to pay tribute to and to thank Dr. J.C. Laul, a former worker at the Department of Energy's Hanford facility, and a constituent of mine.

Dr. Laul is a nuclear chemist and a nuclear engineer, with a Ph.D. from Purdue University. He spent 15 years at Hanford working on nuclear waste and environmental cleanup problems, analyzing whether that site was suitable for permanent storage of high-level nuclear waste.

Dr. Laul is also a whistleblower, and a friend of the taxpayers, who put his career on the line when he blew the whistle on fraud and mismanagement by Batelle, Inc., a DOE contractor. Five days after disclosing that Batelle inappropriately and illegally used equipment paid for by the Government, Batelle fired Dr. Laul, saying he had improperly disposed of a hazardous waste—a violation DOE later said Batelle used as an excuse to lay him off and silence him.

After losing his job, Dr. Laul brought a False Claims Act suit against Batelle and won, resulting in Batelle reimbursing DOE $330,000. Today I submit for the RECORD an article describing the case and reporting on Dr. Laul's vindication, and thank him for the important and honest work he did on behalf of this country. Dr. Laul lost his job because he had the nerve to stand up for what was right.

[From the Spokane Review, Mar. 16, 1997]

FEDS PAY IN BATTELLE FRAUD CASE

(By Karen Dorn Steele)

U.S. government investigators agreed that scientist Jagdish C. Laul was fired for turning in his managers for fraud.

A federal appeals court agreed Laul could sue the Hanford contractor for whom he worked for wrongful termination.

The government made the contractor, Battelle's Pacific Northwest National Laboratory pay back $330,000 for double-billing lab equipment—and even recommended Battelle managers be criminally prosecuted for fraud.

But who picked up the $750,000 tab for defending Battelle against Laul's lawsuit?

U.S. taxpayers.

Laul's case is the most recent example of a system that allows private nuclear contractors to rack up huge legal bills fighting whistleblowers—even when the contractor's in the wrong.

Battelle settled with Laul in January to head off a federal jury trial in Spokane.

The cost of his case to taxpayers includes the $250,000 settlement paid to Laul; $400,000 in legal fees to Battelle's outside law firm, Davis Wright Tremaine of Seattle; and about $100,000 in legal work and other Battelle costs to fight Laul.

If Laul had won at trial, taxpayers would have paid that bill, too. That's because of a Cold War agreement in which the U.S. government promised to pay all legal costs of its nuclear weapons contractors when they agreed to run the government's weapons plants.

The agreement, called indemnification, is still in effect today. It applies to Battelle, which works on Hanford cleanup and other government nuclear programs.

Under contract reforms pushed by the Clinton administration, the government plans to stop reimbursing contractors when a court rules against them, or if they're found guilty of reprisal in a whistleblower case.

The reforms don't yet apply to Battelle. Under its current contract, the company's top manager has to be involved in illegal retaliation before taxpayers won't pay their legal bills, said Carolyn Reeploeg, DOE's assistant chief counsel in Richland.

That will change in Battelle's new contract, currently under negotiation, Reeploeg said.

The reforms, which also apply to other Hanford contracts, ''broaden protections for whistleblowers,'' she said.

But they don't go far enough, said Alene Anderson, Laul's attorney from the Government Accountability Project, a group that represents whistleblowers.

''The system is stacked against whistleblowers. They still let these cases get to the courthouse doorstep. Millions of taxpayer dollars can be spent before that,'' Anderson said.

Despite its settlement with Laul, Battelle still isn't admitting any wrongdoing in his firing. The company even denies Laul's a whistleblower.

''In our view, the taxpayers are served when contractors defend themselves from frivolous lawsuits,'' said Battelle spokesman Greg Koller.

But newly disclosed reports show the U.S. Department of Energy's inspector general recommended criminal sanctions in 1993 against Battelle managers for covering up the lab fraud reported by Laul.

The confidential reports were obtained under the Freedom of Information Act.

Battelle improperly modified a $210,000 piece of lab equipment, fired Laul and then lied to the Energy Department in a cover-up, the inspector general's investigation found.

The U.S. Justice Department made Battelle repay the government $330,000. Laul got $60,800 of that for his role in identifying the fraud under the Federal False Claims Act. He brought the claim in 1995.

Battelle's treatment of Laul demonstrates the company's ''inability to conduct an unbiased investigation,'' said George Allen, the inspector general's investigator.

Battelle repaid the government with private contract revenue, not taxpayer money. The criminal charges were then dropped.

The dispute goes back a decade.

In 1987, Battelle purchased two $210,000 mass spectrometers to analyze chemicals for a government program at Hanford, Nevada and Texas to build a tomb for commercial wastes from nuclear power plants.

Laul, a 57-year-old geochemist, was a project manager doing groundwater studies for that program. It was canceled in 1988 when Congress decided to build a repository at the Nevada Test Site.

In 1990, Battelle illegally modified the spectrometer in the Hanford nuclear waste cleanup program, the inspector general's report said.

Battelle was ''double billing'' Hanford's former site contractor, Westinghouse Hanford Co., for the equipment by seeking reimbursement from both the civilian nuclear waste project in Nevada and the Hanford cleanup program, the report said.

The lab flap delayed progress in nuclear waste cleanup, including Hanford's single shell tank program, the most urgent and riskiest in the nation's weapons complex, the inspector general noted.

Those delays cost taxpayers $300,000, according to the report. That's in addition to the legal fees.

In October 1989, Laul reported the equipment misuse to DOE because he was angry his work would be jeopardized by modifying the machine.

Battelle fired Laul in May 1990, saying he had improperly disposed of hazardous waste—a violation DOE later said Battelle used as an excuse to fire him.

On at least two occasions, Battelle's legal spat with Laul could have been stopped.

Energy Department records show that John Wagoner, Hanford's top manager, was told by his own investigator in April 1991 that Battelle should settle with Laul because Battelle was at fault and likely would lose a jury trial.

Steve Abernethy, DOE's safety concerns manager, said in a report to Wagoner that Battelle fired Laul because he reported the fraud, not because he mishandled the chemical.

DOE should ''direct PNL (Battelle) to quit spending contract funds to defend this case'' and order a settlement with Laul, Abernethy said in his report.

Battelle strongly disagreed.

''We think there's no connection'' between Laul's firing and his reporting the lab equipment dispute to DOE, Koller said in an interview last week.

An early DOE investigation by contractor Stone & Webster supported Laul's termination. But Abernethy said Battelle's legal department ''may have obstructed'' the investigation by having Battelle lawyers present at all employee interviews about Laul's conduct.

Laul used ''very poor judgment'' in disposing of the chemical, but that didn't justify firing him, Abernethy's report said. Termination ''is a rather harsh and unprecedented punishment for a senior scientist that has had a distinguished 15-year career at PNL,'' he added.

The inspector general later agreed, saying Laul's complaints to DOE about the lab equipment led directly to his firing.

Wagoner referred the issue to an internal Battelle committee to decide whether Laul's treatment was consistent with DOE and Battelle whistleblower policies.

Battelle said the committee was ''united'' in concluding Laul was fired for ''severe misconduct,'' Koller said.

But the inspector general's report disputed that.

''At least half of the six committed members found evidence of fraudulent management of the (Battelle) Lab. However, those findings were not reported back to John Wagoner,'' by Battelle managers, the inspector general's report said.

The committee's legal counsel was from Davis Wright Tremaine, the law firm taxpayers later paid $400,000 to litigate against Laul.

''This was a conflict of interest,'' Laul said last week. Battelle's Koller said it's ''standard practice'' for Battelle to use its outside law firm on such issues.

The DOE's inspector general report recommended criminal sanctions against Battelle for ''theft, conspiracy and false statement.''

''The U.S. attorney's office intends to prosecute the violations detailed in the July 1993 report,'' the report said.

A grand jury was convened last year in Spokane to consider criminal charges. But they were dropped when Laul won his Federal False Claims Act case, forcing Battelle to reimburse the government, said Assistant U.S. Attorney James Crum.

Laul sued Battelle in 1993 for wrongful termination. His claim was initially denied in U.S. District Court in Spokane. But he appealed to the 9th U.S. Circuit Court of Appeals, which ruled in his favor and ordered a jury trial.

A whistleblower trial was justified because Laul's immediate supervisor ''drafted a memorandum only five days before Dr. Laul's termination calling for (his) termination because of his complaints to the DOE,'' the court said last June.

That's when Battelle offered to settle, Laul said.

He got the inspector general reports after he agreed in January to accept the offer.

''These reports show I could easily have prevailed at trial,'' Laul said.

Laul is now living in Boulder, Colo. He's taken loans against his house and depleted his savings in his long fight with Battelle.

Now, he's talking to Congress in an effort to make his case an issue in DOE contract reform.

''I stood up in the interest of DOE and had Battelle pay back $330,000, and then DOE turns around and pays back all the litigation costs to Battelle to fight my lawsuit.

''This just does not make any sense,'' Laul said.

AWARDING THE CONGRESSIONAL GOLD MEDAL TO FRANK SINATRA

SPEECH OF

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BONO. Mr. Speaker, I rise in support of H.R. 279 and the awarding of a Congressional Gold Medal to a great American, Mr. Francis Albert Sinatra. Or, as the entire world knows him, Frank Sinatra. I also wish to commend my colleague, Mr. SERRANO of New York, for all his efforts on behalf of this legislation.

Aside from the fact that while growing up Frank Sinatra was my total hero, and I desperately wanted him to marry my sister so I