

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 that the Commission give notice of noncompliance before seeking a criminal penalty for a violation of the Consumer Product Safety 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 the authority to overrule the remedy chosen by a manufacturer for fixing a defective product in a product recall when the Commission determines that an alternative would be in the public interest.

Under current law, a company with a defective product that is being recalled has the right to select 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 choose a remedy in a recall that does not further public safety. For example, if a manufacturer chooses to refund "less a reasonable allowance for use" the purchase price of a product that has been on the market for a long time, the amount due consumers may be so small 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 is substantial. Companies may choose an insubstantial refund even though people have been at risk for a number of years, thousands of products are still in use, and injuries are continuing to occur. In this example, a refund would do little, if anything, to stop consumers from using the dangerous product and the public interest would not be served.

HONORING THE LATE ERNESTO  
ANTONIO PUENTE, JR.

**HON. CARLOS A. ROMERO-BARCELO**

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday June 6, 2000*

Mr. ROMERO-BARCELO. Mr. Speaker, on this occasion I express our sadness over the

death of Ernesto Antonio Puente, Jr., June 2, 2000, the man everyone around the world knew as Tito Puente, the King of Mambo. His achievements in pursuit of a higher musical ground and his legendary flamboyant style have left an indelible mark on our nation's musical heritage.

To his fellow Puerto Rican-Americans, Tito Puente was more than a legend, more than just the Mambo King. He was a trailblazer in the world of music, fusing Afro-Caribbean rhythms with jazz, mambo, salsa. He created an explosion of inspiration for entire generations of aspiring musicians and for generations of youths who learned by watching that it was possible to make something of yourself if you worked hard.

In commemorating the late "timbalero," Tito Puente, I would also like to honor the countless other Puerto Ricans who have enriched our nation's diverse musical culture and those Puerto Ricans who continue to rise on the world stage.

IN HONOR OF THE 20TH ANNIVERSARY  
OF THE MAKE-A-WISH  
FOUNDATION

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 6, 2000*

Mr. WOLF. Mr. Speaker, I am proud today to honor the 20th anniversary of the Make-A-Wish Foundation, a non-profit organization that fulfills the wishes of children fighting life-threatening illnesses.

In 1980, a 7-year-old boy named Chris, from Arizona, who was fighting leukemia wished to be a police officer. Friends of Chris's family worked to fulfill his wish and in April that year, Chris spent a day learning about being a police officer and was even sworn in as the first-ever and only Honorary State Trooper in Arizona history.

Shortly after Chris's wish, the Make-A-Wish Foundation was created to help bring happiness to more children. From this humble start, the Make-A-Wish Foundation has grown and now has 80 chapters in the United States and 20 international affiliates. More than 80,000 children fighting life-threatening illnesses worldwide have had their wishes fulfilled. Popular wishes include visiting Walt Disney theme parks, getting home computer systems, taking family vacations, and meeting celebrities.

Two months ago, one of my constituents had his wish fulfilled by Make-A-Wish Foundation of the Mid-Atlantic, Inc. Last year, 7-year-old Ryan Davidson of Ashburn, VA, was diagnosed with a life-threatening illness. It was devastating to him and his family.

When the Make-A-Wish Foundation asked Ryan what his greatest wish was, it didn't surprise anyone that he wanted to meet NASCAR driver Bobby Labonte. Ryan learned about auto racing while playing video games and became an instant fan. Of all the drivers, Labonte is his favorite. On April 26, Ryan, his father Kirby, his mother Amy and his sister Mallory traveled to California where they visited a NASCAR racetrack, watched the action close up and met Labonte. Ryan came home with loads of memories and souvenirs, including his favorite—an autographed collector's edition of Labonte's car. Ryan's wish was a

great success. "This is the best day of my life," he told his parents after meeting Labonte.

The Make-A-Wish Foundation gives children fighting life-threatening illnesses a positive break from a world of doctors, hospitals and medicine. I salute the Make-A-Wish Foundation's volunteers and supporters who work to make wishes come true not only in Virginia's 10th Congressional District, but literally all over the world. I invite those interested in learning more about the Foundation to contact them at 1-800-722-9474 or on the Internet at [www.wish.org](http://www.wish.org).

BETTI LIDSKY CELEBRATES 50  
YEARS

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 6, 2000*

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Betti Lidsky on her fiftieth birthday celebration.

Betti Lidsky is an exemplary woman who personifies love and self sacrifice. As the mother of three children who suffer from Retinitis Pigmentosa, an eye degenerative disease which may lead to blindness, she battles valiantly everyday to seek ways in which to increase funding for finding a cure and save the eyesight of her children and others like them. A true heroine, she selflessly devotes her time and energy to her family, to the national Foundation Fighting Blindness where she serves as a board member, and to the South Florida community where she is highly admired and respected.

Betti Lidsky is an advocate whose services and kind spirit have touched the lives of many, and on this very special occasion, I ask that my colleagues join me in wishing Betti Lidsky a very happy fiftieth birthday.

OLDER PEOPLE DO NOT NEED  
CHAPERONES

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 6, 2000*

Mr. FRANK of Massachusetts. Mr. Speaker, in the May issue of SeniorScope, the newspaper published by the city of New Bedford dealing with issues of particular importance to older people, editor Rona Zable has an excellent column. Ms. Zable effectively refutes those who would interfere with the rights of older people to make their own decisions, specifically in this case with regard to their choice to gamble if they wish in legal establishments. I have been struck by the degree to which people who usually respect the rights of others to make their own choices make an exception for gambling, and for some reason, people seem often ready to use a caricature of older people as an excuse for this. Indeed, some who believe that we should make a radical change in the Social Security system and have people be dependent on their stock picks for retiring income draw an inexplicable line against letting them go to a casino every so often with some of that retirement income.

As Rona Zable trenchantly asks, "are older people perceived to be so witless, so gullible, that we need to be protected from ourselves lest we buy too many lottery tickets or play bingo too often? . . . If Congress is really concerned about senior citizens, they ought to do something about the sky high cost of prescription drugs. Because, chances are, we're more apt to blow the family inheritance at the drug-store counter than we are at the casinos!"

Mr. Speaker, Ms. Zable is exactly right and I submit her very thoughtful essay here.

#### DO YOU NEED A CHAPERONE AT THE CASINO?

There are folks out there who are quite concerned about you. They worry that one of these days, you might gamble away your kid's inheritance.

"Are Casinos Preying On Our Elders?" was the headline of a recent story in the AARP Bulletin. Noting the popularity of bingo halls, lotteries and casinos, the article asked, "Is it harmless entertainment? Or are older Americans being targeted deliberately by advertising and marketing efforts designed to ensure that they keep pumping large sums of money into the gambling industry."

The focus of the article was a study published in the Law Journal of the University of Illinois College of Law. The author stated that older people are at greater risk than others for problem gambling because of circumstances that make them vulnerable . . . namely, loss of a spouse loneliness and boredom. The study concluded that "the casino industry targets its marketing to older people because they are reliable spenders with leisure time to visit casinos often."

Well, duh! Like—we didn't know that?

Apparently, our legislators also believe that seniors are more at risk than other age groups for problem gambling. Timothy A. Kelly, executive director of a commission appointed by Congress to examine the economic impact of gambling, believes state and federal lawmakers should consider halting the expansion of gambling around the nation pending further research. Kelly, whose National Gambling Impact Study Commission spent two years examining the issues, says, "We heard a lot of stories about elderly parents gambling away the family inheritance."

Aw, come on, guys. Seriously—does any SeniorScope reader know of any elderly parent who gambled away the family inheritance? (Maybe some younger folks have done that, but not the old folks).

To me, this is one more instance of the Dumbing Down of Senior Citizens. Are older people perceived to be so witless, so gullible, that we need to be protected from ourselves lest we buy too many lottery tickets or play Bingo too often? Do we need Big Brother to watch over us at the blackjack tables and slot machines?

If this sounds like I am some kind of a big-time casino player, rest assured I am not. In fact, I have never set foot in Foxwoods or Mohegan Sun. But I defend the right of anyone over age 21 to spend their money where they please—be it a casino, bingo hall, sports arena, vacation resort, ect. It so happens I am a "shopping mall" person . . . and just as some people enjoy the socialization and buffets at Foxwoods, I enjoy the clearance sales and food court at the Galleria Mall.

Nor would I like it one bit if the Senate appointed a Commission to limit the expansion of malls to curtail shopping by senior citizens. Or, for that matter, to limit the expansion of restaurants because older Americans are eating out too much and putting on weight.

If Congress is really concerned about senior citizens, they ought to do something

about the sky high cost of prescription drugs. Because, chances are, we're more apt to blow the family inheritance at the drug-store counter than we are at the casinos!

#### IN TRIBUTE TO JACK EDWARD TANNER

#### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 6, 2000*

Mr. McDERMOTT. Mr. Speaker, I rise today to honor my friend, Jack Edward Tanner, for his outstanding career as a federal judge and his unwavering commitment to ensuring that all Americans are treated fairly in our judicial system. Judge Tanner has set a standard of excellence that we all should aspire to. On May 17, 1978, the Senate of the United States did unanimously consent to the nomination of Jack Edward Tanner to serve as United States District Judge for the Eastern and Western Districts of Washington. On June 2, 1978, Jack E. Tanner took the oath of office administered by Marshall A. Neil, Chief Judge Eastern District of Washington, in Tacoma, Washington. On this date, Judge Tanner has completed 22 years on the federal judiciary. We salute him as one of this nation's "Great Native Sons."

The path to the United States District Court was paved with distinguished achievements. As the son of Trixie and Ernie Tanner, Jack and his two siblings, Erna and Bob, were shielded from poverty, but not injustice. As pioneers in the Northwest, the Tanner family was often singled out and later called upon for leadership. Like his father, young Jack excelled in sports in grade school, junior high, and at Stadium High School. For a sports career, however, young Jack was born too soon, in the mid-thirties the Major Leagues, for which he was ably qualified, was not yet integrated by Blacks.

After serving in the United States military in one of its segregated, "Jim Crow" units, Jack returned to the waterfront as a longshoreman, while attending college at the University of Puget Sound. Working on the docks in Commencement Bay as a longshoreman provided the foundation for Jack's dedication to the needs and concerns of blue-collar workers and others. This perspective has never left him and it is reflected in many of his federal decisions.

The headlines of the Tacoma News Tribune for Sunday, December 29, 1963 feature Tacoma's Top Ten Stories and Personalities. It is no wonder that a photo of Jack Tanner and the controversial "Open Housing Referendum No. 4" are prominent. Arguing for fair housing in 1963 brought to Tacoma, and to Washington State, the nation's struggle for equal rights for all.

Jack challenged Washington State to address de-facto segregation in schools and housing. As local NAACP President and national NAACP board member, lawyer Tanner believed that the direct action taken by the student demonstrators in the South also would be effective in the Northwest. With others, he led a march against discriminatory housing in the Tri-cities. This was done despite the wishes of some Blacks, who believed they would be burdened rather than benefited. As a result

of Tanner's urging, efforts undertaken in Seattle to de-segregate the public schools resulted in the First non-court ordered desegregation plan in the United States. Jack's effective approach blended the best of the strategies used by the NAACP and the student non-violent protests.

John F. Kennedy, the President of the United States, invited Jack to attend the White House on two different occasions. In June, 1963, just after the assassination of Medgar Evers, the nation was in crisis. Tanner as a leader in the Northwest, worked closely with his friend Senator Warren Magnuson, the Chair of Senate Commerce Committee, to help Kennedy's famous 1964 Civil Rights Bill get introduced. Equality in public accommodations, the core of the bill, opened the way for later legislation on voting rights, fair housing and employment.

Clarence Mitchell, Director of the Washington Bureau for the NAACP said it best, "It is a fact that the passage of the Civil Rights bill has come about because of the tremendous and consistent work that you and others have done to make it possible. It is true that there have been some magnificent contributions by Senate leaders in this fight, but it was also you and the people that you represented who used your resources to make it possible for us to get a successful vote. Therefore, I wish to thank you and to let you know that this is your time of triumph."

As Washington's First African-American member of the federal judiciary, controversy did not elude Judge Tanner. Among the first cases he decided, he drew sharp criticism: by finding conditions at Walla Walla State Penitentiary, as cruel and unusual punishment (Hoptowitz case); the unconstitutionality of the 1982 anti-busing initiative; and unequal pay for women by the State of Washington, known nationally as the Comparable Worth case. In this landmark decision, Judge Tanner decided that the state's policy of paying lower salaries in 14,000 jobs, held predominately by women, than those paid in comparable jobs held by men, "overwhelmingly constituted direct, overt, and institutionalized discrimination."

In the midst of criticism, Judge Tanner continued to rule on cases, by doing what he believes is right, and not for personal gain or popularity. But Father, he rules from the heart and the law to improve the lives of others, especially those who have been historically disenfranchised. We Thank you Judge Tanner for Being our Shining Judicial Light.

On this day, June 6, 2000 and in celebration of 22 years on the federal judiciary and for his life-time achievements, I, JIM McDERMOTT, as United States Congressman from the Seventh Congressional District, along with the entire Washington delegation, ask that the Congressional Record reflect, the "Triumph of this Native Son, the Honorable Jack E. Tanner, a Tacoman, a Washingtonian and a True American."

#### FAIR LAWN LIONS CLUB ANNIVERSARY

#### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 6, 2000*

Mr. ROTHMAN. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Fair