must look in the mirror and ask ourselves whether there is a sound justification for having two parallel justice systems.

Americans should not be subject to different, competing law enforcement systems, different penalties depending on which system brings them to trial, and an ever-lengthening possibility that they might be tried for the same offense more than once.

Mr. Speaker, much of what I just stated is contained in the findings of the bill I introduced today—the Federalization of Crimes Uniform Standards (FOCUS) Act of 2000.

The bill is simple. It lays out what the appropriate Federal activity—response—is an offense against the Federal Government. Under the bill, section 6, an offense, or federal crime, is an activity with respect to which a clear need for uniform Federal law enforcement exists. This includes an activity that involves conduct of an interstate or international nature, or of such magnitude or complexity that a State acting alone cannot carry out effective law enforcement with respect to that conduct; or that involves conduct of overriding national interest, such as interference with the exercise of constitutional rights. The criminal conduct must be an offense directly against the Federal Government, including an offense directly against an officer, employee, agency, or instrumentality of the Federal Government. Seems pretty basic.

The idea behind this section is to set a standard definition to what constitutes a federal crime. The current method seems to be that a federal crime is whatever Congress deems it to be, without any true consideration of the constitutional issues involved. Therefore, under the current methods, political will is the only thing that keeps us from federalizing crime. Political weakness in the face of media sound bite criticisms force Congress to act again and again to federalize crime—even when there is nothing but rhetoric to suggest that ''something must be done!'' to fight crime.

Sometimes less is better. In 1999, the Senate Governmental Affairs Committee held hearings on the issue of ''controlling the federalization of crimes that are better left to state laws and courts to handle.'' The hearings were held in part as a response to questions raised by Supreme Court Chief Justice William Rehnquist regarding the federalization of criminal law. The hearings also focused on the American Bar Association's Task Force on the same issue. The Task Force, which was chaired by former Attorney General Edwin Meese, concluded that in order to maintain balance in our Constitutional system of justice, there must be a ''principled recognition by Congress for the long-range damage to real crime control and to the nation's structure caused by inappropriate federalization.''

Inappropriate federalization. Now, some will say that this is a Republican's attempt to weaken the laws of the land. My reply is simply that federalization of crime does not make anyone safer. Simply adding more laws to the federal code will not necessarily help the citizenry. On the contrary, it could end up hurting those we want to help.

Consider that increased federalization has caused a significant case backlog in our federal courts. Those people with cases pending in the federal system for things other than criminal purposes are impacted. Their rights to due process for fair hearings on their issues are delayed. The rights of those who are criminal victims are often delayed, too, due to the length of time it takes at the federal level to hear a criminal case. The backlogs are real. The delays are frustrating. Justice is not being served.

Some say, let's add more money so we can get these cases to trial. Again, my response to that is, why should we have two entirely parallels systems of justice in our country? Money is not the answer. Better utilization of our constitutional system of federalism and separation of powers is a good place to begin.

Let the states work their will. The Federal Government doesn't always have the best answers. We effectively have 50 different constitutional republics that can and do serve as policy laboratories. The electorate in these states are the very same people that elect us all to Congress. They can take control of what is happening in their states and compare outcomes with 49 other state jurisdictions (not to mention the District of Columbia and the territories). With a federal system, will we ultimately move to a single federal criminal code? It would appear that way. It may not happen this year, this decade or even this century. However, over the course of time, the trend indeed is moving that way.

This bill is a common sense approach to checking the Congress' penchant for federalizing crimes. It sets guidelines for Congress, which will certainly debate crime again in the legislative branch. The standards state that no federal criminal legislation shall be enacted unless and until certain criteria are met: the legislation must center on the core functions discussed earlier; the States must be inadequately addressing the perceived need; the Federal Judiciary is able to meet the needs without restructuring and without affecting efficiency; and, the bill includes a federal law enforcement impact statement. We pass bills all the time to address certain needs. Let's put the rhetoric to a test.

Finally, the bill sets up a Commission to Review the Federal Criminal Code. This commission will review, ascertain, report, and recommend action to the Congress on the following matters: the Federal criminal code (Title 18) and any other federal crimes as to compliance with the standards in this Act; recommend changes, either through amendment or repeal, to the President and Congress where appropriate to the offenses set forth in said criminal code (Title 18) or otherwise; and such other related matters as the Commission deems appropriate.

Finally, for each piece of legislation passed out of congressional committees of jurisdiction that modify or add to federal criminal code, the commission must submit a report to Congress. This report will be called a Federal Crimes Impact Statement that shall be included in the reports filed prior to consideration by the House and Senate.

The membership of the commission is important to consider. The bill calls for 5 appointed members—1 each from both sides of the aisle in the House and Senate, and one appointed by the Chief Justice of the United States, who shall chair the Commission. This will being a new, and much needed, dimension to the debate. Under the bill, the commission would be charged with obtaining official data directly from any department or agency of the United States necessary for it to carry out this section—unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

Finally, the bill would subject certain legislation to a point of order—if it has not met the conditions set out in the legislation. This would provide additional time for Congress to debate the merits of legislation being considered.

In effect, this bill is about considered and appropriate debate for federalizing crime. It will help educate Congress to make more informed decisions that impact the daily lives of all of our constituents. It will help take some of the politics out of the important issues that we face with regard to protecting people from crime.

Mr. Speaker, we need to act. The Judiciary has made subtle and not so subtle pleas for Congress to refrain from and restrain its penchant to federalize the criminal code. Most recently, in a decision concerning the Violence Against Women Act, the Chief Justice writes,

> [t]he Constitution requires a distinction between what is truly national and what is truly local, and there is no better example of the police power, which the Founders undeniably left reposed in the States and denied the central government, than the suppression of violent crime and vindication of its victims. Congress therefore may not regulate non-economic, violent criminal conduct based solely on the conducts' aggregate effect on interstate commerce. [*U.S.* v. *Morrison et al. decided May 15, 2000 (Syllabus*)]

Clearly, there is a message in those words about the federalization of crime. It is time that Congress heeds it.

MEMORIAL DAY 2000

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BOYD. Mr. Speaker, every year on Memorial Day, small replicas of our Star-Spangled Banner appear in cemeteries across our Nation. They mark the final resting places of those who gave their lives to defend the helpless, to let democracy flower around the world, and to defend the freedoms and liberties we enjoy as Americans.

These honored dead have not died in vain, as Abraham Lincoln solemnly pledged during the most divisive, soul-rending war this nation had yet faced. We have a long, proud history of service and sacrifice given by those men and women who quit the safety of everyday life and friends ''to hazard all in freedom's fight.'' Today, we have such men and women deployed around the world, and we hold them and their families in our hearts and prayers.

That oath to defend the Constitution has been sworn by every soldier, sailor, flyer, and Marine, living and dead. On Memorial Day, we recall with bittersweet fondness, those who gave everything to preserve the security and liberty of those they loved and those they never knew. What wonderful people we have lost! What gifts might they have given the world, had war not shortened their lives! And yet they gave the dearest gifts they had, and now they lie beneath small flags of red, white and blue in grassy fields all around us.

We have honored their graves and their lives on Memorial Day since the end of our own Civil War. In 1866, spontaneous rites of remembrance were held in Carbondale, IL, in

Columbus, MS, and Waterloo, NY. The families of the men killed in that war came together to place flowers by their gravestones. The veterans joined this practice, honoring their fallen comrades with their own recollections of courage and devotion on stricken fields. Ever since then, veterans and their families have led the observance of Memorial Day.

There have been times, during and right after wars, when most Americans have known some of these honored dead. Those who defend this country, after all, are men and women from every town and every walk of life. They are as ordinary as the earth they lie beneath, and more precious than diamonds.

But in prolonged times of peace, children are born and grow up never knowing anybody who fell in war. While peace is an immeasurable blessing, not to have known any of these honored dead is a loss. Some feel it in never knowing a father or other relative lost in combat. Others have no connection beyond gratitude.

Memorial Day brings that connection to our consciousness. On this day we are all aware of the service so many have given this Nation, and of what risk those who defend this nation share. This is a day, I would hope only one of many, on which the living remember and salute those who served our Nation in uniform and now lie at eternal rest.

On this Memorial Day, I would like to remember two fallen heroes from the Second Congressional District of Florida, which I have the distinct honor of representing in the House of Representatives. Air Force Master Sgt. Sherry Lynn Olds, of Panama City and Marine Sgt. Jesse N. Aliganga, of Tallahassee, made the ultimate sacrifice in the service of their country. These soldiers were two of 12 Americans that gave their lives in the August 7th, 1998, terrorist bombing of the United States Embassy in Nairobi, Kenya. On this day, we honor them and the many others that have gone before them, and the contributions all of them have made for us.

Service of this country in uniform has been, since the beginning, one of the greatest sources of unity and equality, in our national life. More than half a century ago, President Franklin Roosevelt reminded the American people that, ''Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them.'' I hope on this Memorial Day 2000, we as a nation, and each of us as individuals, will take to heart President Roosevelt's reminder that it is the sacred duty and great privilege of the living to honor and remember those who have died to protect the American ideals of freedom, democracy, and liberty. The men and women who have died in service to America and to all of us deserve no less.

MARTHA MATILDA HARPER'S BUSINESS ACCOMPLISHMENTS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. SLAUGHTER. Mr. Speaker, today I speak in honor of Small Business Week. As we salute the entrepreneurial engine of our country, it is my distinct privilege to inform you that I represent the district where modern franchising was first conceived in Rochester, NY.

In 1888, Martha Matilda Harper, an impoverished Canadian immigrant who came to the United States to change her destiny, developed a new business model to share the economic opportunity of business ownership with former servant women, her working-class sisters. She demonstrated how to use business for social change. Ultimately, Harper had over 500 healthy hair and skin care salons throughout the world, delighting world leaders, including our presidents, first ladies, suffragists, and socialites. President Woodrow Wilson went for nightly scalp massages in the Harper Paris salon to relax his tired nerves, while he was negotiating the Treaty of Versailles.

As we go forth in the new millennium, I hope we remember to credit the early innovators in our country, especially when they were poor women such as Martha Matilda Harper who changed the face of our business models. It is particularly fitting that May 26th in Rochester, NY, is being declared Martha Matilda Harper Day as a new museum exhibit and book reveal the extraordinary feats and principles of this remarkable woman. May her wisdom and leadership guide us as we compete in our global economy.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. McKINNEY. Mr. Speaker, I am strongly opposed to recognizing, as normal, China's persistent violations of fundamental human rights, labor rights, reproductive rights, religious freedom, political rights, social and economic rights, as well as their export of sophisticated and destabilizing weapons, and their overt threats to Taiwan, by granting them Permanent Normal Trade Relations.

To be sure, some people will benefit from granting PNTR to China. If you can shut down your production lines in the United States, turn out your employees, and move your production to China where you can pay workers 25 cents an hour in sweatshop conditions—and have no moral qualms about that—then this deal can be a sweet one, indeed. But I thought the United States was supposed to stand for more than just making a quick buck.

I thought the United States was supposed to stand for what is good in the world.

It used to be that we did stand for good in the world. And because of that, we gained the respect and the moral integrity to make our word prevail throughout the world. Indeed, our power and authority went well beyond our ability to rattle sabers and exercise gunboat diplomacy. But it is obvious now to me, that by negotiating agreements like this that are devoid of moral content, my country has completely abdicated its professed concern for human rights.

My vote against PNTR is not a vote against trade. However, my vote against PNTR is a vote against the terms of trade that are being employed today by U.S. firms in China and elsewhere. By granting Permanent Normal Trade Relations, we now eschew one of our most important tools for examining the human rights practices of China. Unfortunately, the human rights record of China will likely get worse before it gets better. And the presence of U.S. corporations has not had and will not have a positive impact on the human rights record of China or on workers' rights.

Each year, the State Department submits to the Subcommittee on International Operations and Human Rights, where I serve as Ranking Democrat, its Country Reports on Human Rights. This is our government's formal assessment of basic human rights practices around the world. The record is clear. China's human rights record has markedly deteriorated as we have expanded trade. In fact, this year, my friend and Chairman of the Subcommittee, Congressman CHRIS SMITH and I had to hold two hearings on the State Departments annual human rights report—one for China, and one for every other nation in the world because China's record is so deplorable and is getting worse.

But after a historic look at rhetoric versus reality, that should not surprise us. After all, we had robust trade with the Nazis before World War II, extensive trade with Iraq just prior to Operation Desert Shield and we maintained an extensive trading relationship with South Africa during the dark years of apartheid.

In fact it was the people of this country—not the corporations—that put South Africa's human rights record on the national agenda. By focusing on South Africa, the people demanded the opposite of normal trade relations—an embargo! U.S. corporations had nothing to do with changing South Africa's internal policy toward its black majority nor U.S. policy of supporting the racist apartheid regime in South Africa. The U.S. corporate community, in fact, protested the embargo and some never abided by it. If we had waited for U.S. corporations to export democracy, Nelson Mandela would still be on Robben Island. On this issue, the people were heard over the high-priced lobbyists in Washington, DC.

And that is what now scares the high-priced lobbyists in Washington.

The way to keep China's human rights record on the national agenda is through our annual NTR review. That is one way that human rights activists in China and in the United States can inform the public of China's human rights record. The fancy lobbyists have squelched that now, so that there is no possibility of the American people becoming informed of what is happening in China, thereby thwarting the kind of action against China that was done against the racists in South Africa.

America's right to know has been severely damaged as a result of this vote.

Freedom, equality, human dignity, and human rights are not for sale. And that's one reason why I chose to vote against this tremendous human rights give-away.

Many proponents of PNTR, including Governor George Bush, say that ''Trade is the way to export freedom.'' A recent study entitled, ''Dollars and Democracy'' shows the post-Cold War decline of US trade and investment in developing democracies. In other words, US corporations are running away from the countries that are struggling to institute democracy—the countries we say we do like—