

Throughout his career Mr. Smith has displayed continued leadership and community involvement in the Cleveland area. He spent 10 years beginning in 1959 as a Councilman in the city of Highland Heights, the last three as President of the Council. He has served as an officer and member of the board of directors of many Cleveland based corporations as well as a member of various civil organizations.

James M. Smith's educational background, professional experience and extensive community involvement in Cleveland made him an ideal candidate to serve as President of the Cuyahoga County District Board of Health. His leadership, vision and genuine concern for the people of Cuyahoga County have led the department to be a leader in public health issues statewide. On behalf of the residents of Cuyahoga County and the city of Cleveland I would like to express sincere gratitude to the years of devoted service by James M. Smith.

I ask my colleagues to join me in rising to honor this truly remarkable public servant for his distinguished years of service to the Cleveland community.

H.R. 1542, THE INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BOUCHER. Mr. Speaker, I rise today in full support of the Tauzin-Dingell bill, H.R. 1542. Included as a part of that bill by means of the Manager's Amendment is an antitrust savings clause. This is an important addition to the bill and the authors, the Chairman of the Committee on Energy and Commerce and the Chairman of the Committee on the Judiciary, are to be congratulated on the development of this amendment.

Regulatory and antitrust laws serve different functions. This amendment recognizes and embraces that fact as it preserves the antitrust laws and it indicates that these laws are not affected by H.R. 1542, the Telecommunications Act of 1996, nor the Communications Act of 1934. Second, and equally important, is the fact that it does not overrule nor affect any court case interpreting those laws including the Goldwasser case. The savings clause preserves this case law as well. Third, when the savings clause uses the term antitrust laws, such term includes antitrust defenses and immunities.

Congress and the courts have recognized how ill-equipped antitrust courts are to serve as regulatory agencies. That's why the 1996 Act replaced judicial supervision under the AT&T consent decree with regulatory supervision of the process through which competition in the telecom industry would be jump-started. If we had simply abolished the AT&T consent decree and left all these details to antitrust enforcement agencies, private litigants, and the courts, five bad results would have occurred.

First, the courts would have been flooded with regulatory tasks they are not suited to handle. It was a formidable task having one federal judge trying to micromanage the telecommunications industry under a consent de-

creed. We did not repeat that experiment by authorizing many state and federal antitrust courts to undertake the same tasks.

Second, the antitrust enforcement agencies, including the Department of Justice, would have been called on to duplicate, second guess, and perhaps contradict the telecommunications policy decisions Congress instead decided to entrust to the FCC and to the state commissions. We need the enforcement agencies to enforce the antitrust laws, not establish telecommunications policy or duplicate the regulatory expertise of other agencies.

Third, incumbent carriers would not have been subject to many of the requirements they now face. By this bill, we limit regulation in the broadband segment of the industry, but we leave in place many regulatory requirements imposing on carriers duties they do not have under the antitrust laws.

Fourth, as courts reached different and inconsistent conclusions in different cases, chaos would reign in an infrastructure industry critical to our economy and our nation's security.

Fifth, we would bog down the deregulatory process through the protracted process of antitrust litigation in which cases often drag out for many years and, in some cases, decades.

The 1996 Act assigns responsibility for working out the difficult details of interconnection and other transitional arrangements to private parties, state regulators, and the FCC. Antitrust laws are not expanded or diminished in any way by the 1996 Act or this Act. Among the antitrust laws preserved by the savings clause in the Managers' Amendment are the well-crafted and carefully applied judicial doctrines that govern the manner through which antitrust courts coordinate their activities with those of the regulatory agencies to avoid potential incompatibilities that might otherwise occur. We did not expand or diminish the antitrust laws, or the manner in which the courts apply those laws, when we enacted the Telecommunications Act of 1996. We will not do so now by enacting this Act.

PAYING TRIBUTE TO CLARA HORAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor a woman whose passion for life and whose incredible human spirit is an inspiration to us all. Clara Horan, a Colorado resident of almost sixty years, who will soon achieve an extraordinary milestone, celebrating her one-hundredth birthday with four generations of her friends and family.

Clara was born on April 11, 1902 in Elba, Nebraska. She was raised by her parents, Peter and Katherine Andrzejewski, on a cattle, corn and wheat farm with her eight brothers and sisters. On December 7, 1921, Clara married Lloyd Horan of Cotesfield, Nebraska. The couple relocated to Mesa, Colorado in 1943, and then moved to Clifton, Colorado five years later. Her friends and family fondly refer to her as "Grandma."

Incredibly, Clara is the matriarch of a family that includes 3 children, 8 grandchildren, 16

great-grandchildren and 10 great-great-grandchildren. It is an impressive lineage of which she is extremely proud, and which, more importantly, is extremely proud of her. She has been a member of St. Ann's Church in Palisade, Colorado for nearly 25 years, and continues to volunteer on a weekly basis at the Migrant Center in Palisade. She still loves to attend to her garden, and finds time to fish on Grand Mesa. The remarkable longevity of Clara's life is a testament to the extraordinary passion for life that she has always carried with her, and her family and friends are all fortunate to be able to share in a life as rich and varied as hers.

Mr. Speaker, it is with great pleasure that I bring to the attention of this body of Congress the life and spirit of such an incredible woman. She has lived her life with extraordinary passion and kindness, and possesses an innate ability to brighten and invigorate the lives of those around her. She is truly an inspiration to all of us, and I, along with the many people whose lives she has touched, am honored to recognize her tremendous accomplishment in reaching her one-hundredth birthday, and more importantly, her passion for life and indomitable human spirit.

RECOGNIZING JOHN PLACK AS TOP STUDENT VOLUNTEER IN PRUDENTIAL FINANCIAL'S SPIRIT OF COMMUNITY AWARDS

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in recognition of John Plack, my constituent from New Hyde Park who has been chosen as a top student volunteer in Prudential Financial's Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. John is one of only nine students from New York chosen for this award. He will receive an engraved bronze Distinguished Finalist medallion in the Prudential Spirit of Community Award ceremony.

John is a sixteen-year-old junior at New Hyde Park Memorial High School. John's project was to create the "Children Helping Children Remembrance Quilt." He headed the worldwide effort to make remembrance quilts from squares displaying personalized messages of condolence and hope for children affected by the September 11 terrorist attacks.

Thanks to John our community will always remember the support and help given by the world to New York during a desperate time. Children everywhere will always be aware of the contributions made by many to a city in need. Our community can rest assured that its future is in good hands with people like John demonstrating outstanding public service.

The awards, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honor young people for outstanding community service. This year, a record 28,000 youth volunteers across the country were considered for these awards.

John's ideas and creativity show his vision and determination to make the world a better place. It is refreshing to see such a young person with such a mature outlook and it bodes