

## EXTENSIONS OF REMARKS

### INTRODUCING THE LABOR RECRUITER ACCOUNTABILITY ACT OF 2003

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MILLER of California. Mr. Speaker, I rise today to introduce the "Labor Recruiter Accountability Act of 2003."

As has been well documented in the press, the abuse of recruited workers has become a very serious problem in many areas of our nation. Labor contractors lure workers to the U.S. by promising them a better life with decent wages and good jobs in exchange for thousands of dollars in fees. Instead, tens of thousands of workers arrive in the U.S. only to find that they were cruelly deceived. If they are paid at all, they earn unlivable wages for menial jobs to which they never agreed, with no insurance or health care. And in addition to earning little, they are bound deeply in debt to the recruiter for bringing them to their new home.

This is not employment opportunity: it is indentured servitude. It is modern slavery. Hard as it may seem to believe, this form of indentured servitude is the disturbing reality for thousands of workers, and it should not be occurring in the United States in 2003.

Today, I am introducing the "Labor Recruiter Accountability Act of 2003" to fight this cruel practice by providing for tighter accountability for foreign labor contractors and employers.

The "Labor Recruiter Accountability Act of 2003" holds recruiters and employers responsible for the promises they make to prospective employees, and discourages employers from using disreputable recruiters. The bill requires employers and foreign labor contractors to inform workers of the terms and conditions of their employment at the time they are recruited. It makes employers jointly liable for violations committed by recruiters in their employ. It imposes fines on employers and recruiters who do not live up to their promises and authorizes the Secretary of Labor to take additional legal action to enforce those commitments. Employers and recruiters are prohibited from requiring or requesting recruitment fees from workers and are required to pay the costs, including subsistence costs, of transporting the worker.

The bill discourages disreputable labor contractors by requiring the Secretary of Labor to maintain a public list of labor contractors who have been involved in violations of the Act and by providing additional penalties if employers use a contractor listed by the Secretary as having been involved in previous violations of this Act and that contractor contributes to a violation for which the employer may be liable. The remedies provided under the "Labor Recruiter Accountability Act" are not exclusive, but are in addition to any other remedies workers may have under law or contract.

Is it too much to ask that people who live on American soil, making products for American consumption, be treated like American workers? Even the most basic respect for human rights demands that we act now to protect these workers.

I am pleased that over 30 of our colleagues have joined me as original cosponsors of this bill. I am hopeful that all of our colleagues, on both sides of the aisle, will add their support to this critical legislation to end this kind of despicable exploitation of workers in the United States once and for all. This legislation is also supported by the AFL-CIO, the National Council of La Raza, and the Farmworker Justice Fund. Mr. Speaker, I urge Members of the House to join me and co-sponsor the "Labor Recruiter Accountability Act of 2003."

### RECOGNIZING THE 5TH ANNIVERSARY OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. HOYER. Mr. Speaker, I am pleased to rise in support of H. Res. 423, recognizing the 5th anniversary of the International Religious Freedom Act of 1998, legislation that established the Office of International Religious Freedom within the Department of State.

This office is most often associated with its Annual Report on International Religious Freedom, which describes the status of religious freedom in each foreign country, government policies violating religious belief and practices, and U.S. policies to promote religious freedom around the world.

This document serves as an important tool for both Congress and the administration in making policy decisions regarding our relations with, and support for, countries around the world.

But in addition to the report, and frankly just as importantly, the Office develops strategies to promote religious freedom, both to attack the root causes of persecution and as a means of promoting other fundamental U.S. interests, such as protecting other core human rights, and encouraging the development of mature democracies.

The importance of this work cannot be overstated—the promotion of religious freedom is intimately connected to the promotion of other fundamental human and civil rights, as well as to the growth of democracy.

A government that acknowledges and protects freedom of religion and conscience is one that understands the inherent and inviolable dignity of the human person, and is more likely to protect, the other rights fundamental to human dignity, such as freedom from arbitrary arrest or seizure, or freedom from torture and murder.

But our interest in promoting religious freedom runs deeper than our support for democ-

racy and stability—it is, simply put, our most important core value, the very reason the 13 colonies were established. American support for religious freedom abroad certainly predates passage of this legislation in 1998. I am particularly proud of the role I played during my tenure as the Chairman and Ranking Member of the Helsinki Commission to raise awareness of religious persecution in Eastern Europe and the former Soviet Republics, and the work of the Commission to promote the protection of religious minorities in the Eastern Bloc and elsewhere around the world.

Religious freedom is the first of the freedoms enumerated in the Bill of Rights—a reflection of the founders' belief that freedom of religion and conscience is the cornerstone of liberty.

As Thomas Jefferson wrote in 1803, "It behooves every man who values liberty of conscience for himself, to resist invasions of it in the case of others; or their case may, by change of circumstances, become his own."

I was an active supporter of the original legislation, I am proud of the work done by the office since its creation, and am pleased to help commemorate this important anniversary.

### PAYING TRIBUTE TO CHERYL CHITTENDEN

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to a remarkable woman from my district. Cheryl Chittenden has dedicated her life to ending domestic violence and assisting victims of domestic abuse. For her service, Cheryl was recently recognized as Advocate of the Year and it is my honor to rise and pay tribute to her contributions before this body of Congress today.

Cheryl has been battling the terrors of domestic violence for fifteen years. In 1985, she became the Director of the Latimer House Domestic Violence Shelter. During that time, Cheryl acted as chairperson of the Domestic Violence Task Force, and was one of the founders of the Sexual Assault Nurse Examiner program.

Currently, Cheryl is a Victim Advocate in Mesa, Colorado. Each day, she goes beyond the call of duty for the betterment of domestic violence victims. Cheryl takes each victim's case to heart and treats him or her as though they were family. The Mesa community is truly a better place as the result of Cheryl's contributions.

Mr. Speaker, it is my honor to rise and pay tribute to Cheryl Chittenden before this body of Congress and this nation. Cheryl has dedicated her life to helping others while maintaining her devotion as a loving wife and caring mother. I am honored to join all of those Cheryl has helped in thanking her for her service.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this legislation.

We all know that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy. To lessen this dependence and to protect our environment, we must pass a bill that helps us balance our energy portfolio and increase the contributions of alternative energy sources to our energy mix.

Unfortunately, this bill doesn't provide that balance. And for the most part it not only falls short of meeting the challenges of our time, in many ways it can be described as an energy policy for the nineteenth century.

Of course just as no bill is perfect, even this bill is not totally bad.

For example, I am pleased that legislation I've initiated is being considered as part of this bill.

The bill includes the Federal Laboratory Educational Partners Act of 2003, legislation I introduced with my colleague Rep. BEAUPREZ that would permit the National Renewable Energy Laboratory and other Department of Energy laboratories to use revenue from their inventions to support science education activities in their communities.

The bill includes the Distributed Power Hybrid Energy Act, a bill I introduced to direct the Secretary of Energy to develop and implement a strategy for research, development, and demonstration of distributed power hybrid energy systems. It makes sense to focus our R&D priorities on distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix.

The bill includes my High Performance Schools Act, which would enable our school districts to build school buildings that take advantage of advanced energy conservation technologies, daylighting, and renewable energy to help the environment and help our children learn. As included in the conference report, my bill would be expanded to help state and local governments improve not only energy efficiency in schools, but also in public buildings in general.

I am also pleased that this bill includes the Clean School Buses Act, a bill that Chairman BOEHLERT and I drafted that authorizes grants to help school districts replace aging diesel vehicles with clean, alternative fuel buses.

But despite these bright spots, most of the bill is bad policy—bad for the environment, bad for the taxpayers, and bad for the country.

Like its predecessor in the last Congress, this bill puts all its eggs in one basket, the wrong basket. For every step the bill takes to move us away from our carbon-based economy, it takes two in the opposite direction.

The bill fails to take any steps whatsoever to require that the nation reduce its dependence on oil or improve the fuel economy of our cars, trucks, and SUVs. In fact, the bill makes it more difficult to update fuel economy

standards by adding new requirements for redundant studies to the National Highway Traffic Safety Administration's CAFE standards-setting process.

By contrast, just today we learned that China is preparing to impose minimum fuel economy standards on new cars for the first time—rules that will be significantly more stringent than those in this country. This is great news for the world—but what an embarrassing proof that we won't even do as much for our own national security and the environment.

That contrast speaks volumes about this bill's priorities, which are the priorities of this Administration.

This bill not only does nothing to decrease our dependence on oil—it also does almost nothing to control demand. But increasing production while ignoring demand is a recipe for disaster.

The Administration boasts that this bill is a balanced approach because it would promote the development of renewable energy and energy efficiency technologies. But aside from a few provisions on electrical appliances and heating systems, the bill does little to promote energy conservation. And although there are some tax incentives for renewable fuels, they pale in comparison to the lavish tax breaks the bills gives the oil and gas industry.

And for all we hear from the Administration about the hydrogen provisions, the bill doesn't go far enough. It's all well and good to authorize billions of dollars to deploy hydrogen fuel cell vehicles, but the bill includes no production or deployment requirements or even goals to ensure that a meaningful number of hydrogen vehicles will be delivered to consumers.

As co-chair of the Renewable Energy and Energy Efficiency Caucus in the House, I define a balanced bill as one that gives more than a passing nod to the development of alternative sources of energy. The Senate version of this bill included sensible provisions to require large utilities to get modest amounts of their power from renewable sources. Although 13 states have already passed their own versions of such a Renewable Portfolio Standard, and although the energy bill conferees just yesterday voted to include the RPS in the conference report, the Republicans stripped it out late last night. If this were really about jobs, as the Republicans claim, they would have retained the RPS provision—which experts say could create millions of new jobs in this country.

I won't even get into some of the other egregious provisions, such as the incentives in the bill for new nuclear and coal development, and the repeal of the Public Utility Holding Company Act, the main law to protect consumers from market manipulation, fraud, and abuse in the electricity sector.

Nor will I complain in detail about process—the fact that Democrats were shut out of conference proceedings, that we don't even know the cost of this 1100-page bill that we were able to review in its entirety only last night, that Republican conferees have essentially been buying votes over the last week to ensure the bill's passage.

An example of this vote-buying is the bill's language to allow polluted areas to have more time to reduce smog pollution but without having to implement stronger air pollution controls, placing a significant burden on states and communities down-wind of these urban areas.

There are other provisions related to public health that should never have been included in this bill. The bill eliminates protections for underground drinking water supplies from potential damages caused by hydraulic fracturing. The bill also provides a special liability waiver for MTBE producer who face lawsuits from states and localities for polluting their water supplies, thereby shifting cleanup costs to taxpayers.

Bad for the country, the bill is particularly bad for the West.

Many of its provisions will directly and immediately affect Colorado and other western States. We have important resources of oil and gas, as well as great potential for solar energy and wind energy. I support energy development in appropriate places and in ways that balances that development with other uses and such other vital resources as water and the people, fish, and wildlife that depend on it. Unfortunately, here again this bill does not reflect the needed balance.

Instead, it combines big subsidies for energy development with lessening of the procedural and substantive requirement that have been established to protect our lands, water, and environment.

Overall, the oil and gas title of the bill is intended to stimulate increased production from both the Outer Continental Shelf and onshore lands. It combines a series of royalty reductions, so companies will pay the public less for the oil, gas, and other energy resources developed on publicly-owned lands.

It also would completely exempt oil and gas construction activities—including roads, drill pads, pipeline corridors, refineries, and other facilities—from the stormwater drainage requirements of the Clean Water Act.

It also has provisions designed to speed up establishing rights-of-way and corridors for oil and gas pipelines and electric transmission lines. Under section 350, within 2 years the federal agencies are to designate new corridors for oil and gas pipelines and electricity transmission and facilities on Federal land in the eleven contiguous Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. And it provides for a pilot project to speed up the processing of federal permits related to oil and gas development in several parts of the BLM lands. This includes the Glenwood Springs Resource Area in Colorado as well as areas in Montana, New Mexico, Utah, and Wyoming.

Nothing in the bill would increase the resources available to BLM or the other federal land managing agencies to carry out their other responsibilities in connection with management of the affected lands. As a result, this bill has the potential to essentially repeal multiple-use management and to make energy development the dominant use on the public lands.

Similarly, the bill includes a requirement for a study and report on opportunities to develop renewable energy on the public lands and National Forests as well as lands managed by the energy and defense departments—including units of the National Wilderness Preservation System and wilderness study areas, National Monuments, National Conservation Areas, and other environmentally-sensitive areas. At best, this is a prescription for controversy. At worst, it threatens to open the door for incompatible development on lands that should be left as they are.

These are big steps backward. So is the provision that would allow geothermal-energy leases to be in effect converted into claims under the Mining Law of 1872.

In conclusion, Mr. Speaker, we need a well-designed policy to meet the challenges of our time, not a policy that will diminish our energy security. With the Middle East—the world's main oil-producing region—in turmoil, we must question the predictability of future foreign oil supplies. Fully 30 percent of the world's oil supply comes from the volatile and politically unstable Persian Gulf region. Yet with only 3 percent of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

This bill does nothing to tackle this fundamental problem. I only wish my colleagues in the House could understand that a vision of a clean energy future is not radical science fiction but is instead based on science and technology that exists today.

In much the same way that America set about unlocking the secrets of the atom with the "Manhattan Project" or placing a man on the moon with the Apollo program, we can surely put more public investment behind new energy sources that will free us from our dependence on oil.

This bill would continue our addiction to finite and politically unstable energy resources, while undermining public health, the environment, and ultimately our national security itself. It should be rejected.

SUPPORT OF THE CONFERENCE  
AGREEMENT ON THE DEFENSE  
AUTHORIZATION ACT (H.R. 1588)

SPEECH OF

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 2003*

Ms. McCOLLUM. Mr. Speaker, I rise today in support of the Conference Agreement on the Defense Authorization Act (H.R. 1588), and in support of our armed forces and the service men and women who defend our great country, and their families.

Unlike the Iraq War Supplemental, which I opposed, the FY04 Defense Authorization bill is not a "blank check" for the Administration. Rather, this bill was carefully drafted to address many of our military's most pressing needs. This legislation provides a substantial pay raise for service members, boosts military special pay and extends enlisted and reenlistment bonuses. Additionally, this legislation extends the military's TRICARE health coverage to National Guard and Reservists and their families if such service members have been called to active duty. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well being of the men and women in uniform as well as their families.

The FY04 Defense Authorization bill also addresses the disabled veterans tax, or "concurrent receipt", by ensuring a significant number of disabled veterans will no longer be subjected to this unjust tax. As a cosponsor of H.R. 303, the Retired Pay and Restoration Act, I would have preferred the Defense Authorization bill include full concurrent receipt for all disabled veterans. However, this compromise is an important step forward and will allow the House to continue working toward the full elimination of the disabled veterans tax.

While I am supporting passage of this authorization, there are several provisions of this legislation that I oppose. The first regards civil service protections for civilian employees at the Department of Defense (DOD). H.R. 1588 gives the DOD broad authority to strip almost 700,000 civilian employees of fundamental rights relating to due process, appeal and collective bargaining rights. This means the DOD will be able to fire employees with no notice and no opportunity to respond, prevent discrimination actions from being heard by the Equal Employment Opportunity Commission, strip employees of their right to join a union and repeal the laws preventing nepotism. Civil service employees at DOD have defended our nation bravely and made enormous sacrifices to support the military effort in Iraq. DOD should not be given unlimited authority to trample on their basic rights.

H.R. 1588 also unnecessarily weakens long-standing environmental protections at our military facilities by lowering the accountability standard DOD must follow when recovering imperiled species under the Endangered Species Act. The new standard fails to ensure the DOD's conservation plans are actually effective in assisting the recovery of imperiled species. H.R. 1588 also creates a far less protective definition of "harassment" of marine life by military activities under the Marine Mammal Protection Act. This new definition allows DOD to avoid ensuring its activities are conducted in a manner to minimize harm to marine life such as whales, dolphins, and sea lions.

Although I fully appreciate the importance of military training and readiness, the DOD has not made the case that exemptions to important and long-standing environmental laws are necessary or that training is greatly impaired because of those laws. Furthermore, the President already has the authority to waive environmental laws if he deems it a matter of national security, and not once has a waiver requested by the President been turned down. Until our national security is at stake, no government agency—including the DOD—should be above laws that preserve our air and water and sustain America's wildlife.

This measure also authorizes \$9.1 billion for the unproven and untested National Missile Defense system. This costly program fails to address the rising threat of a chemical or biological weapons attack by terrorists and will divert precious resources away from the very real human investments needed to keep our military, intelligence agencies and domestic security agencies strong. I have voted time again to remove funding for the National Missile Defense system, but the Republican Majority defeated each attempt. It is a mistake to fund this unproven program while our citizens at home are without the appropriate resources they need to respond to a terrorist attack on American soil.

I have met with National Guard members, Reservists and regular military personnel who have chosen to put their lives on the line to protect our freedoms. They have sacrificed a tremendous amount, even when their service means putting their family's financial solvency at risk. We owe them our support and our gratitude.

As I stated above, this is not a "blank check" for the President. Rather, this legislation will go a long way toward helping our troops in their time of need.

TRIBUTE TO COLONEL MICHAEL  
VACCA

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MILLER of California. Mr. Speaker, I rise to pay tribute today to one of our Nation's finest young men who demonstrated exceptional courage and concern for our troops. Colonel Michael Vacca of the United States Marine Corps is to be commended for his actions, and I applaud him for his dedication to the American spirit.

On the morning of August 26, 2003, one of the many brave soldiers from my district, Private First Class Daniel Humphreys, was injured while riding in a two-vehicle convoy heading north to Baghdad. When an Improvised Explosive Device hit the rear vehicle of this mission, the vehicle's tires were blown out, the engine and steering systems were destroyed, and Private First Class Humphreys was severely wounded along with other Marines. Private First Class Humphreys and his fellow Marines were taken to hospitals in Germany and Iraq for treatment, and Colonel Michael Vacca showed a tremendous amount of support for his Corpsmen that extended beyond the call of duty.

Not only did Colonel Vacca make regular visits to the hospital, he also notified the wounded soldiers' loved ones and kept them informed of their progress. When a soldier was unable to send word home, Colonel Michael Vacca did so with hope, enthusiasm and pride.

The men and women of our armed forces have been away from their families and friends defending democracy and freedom. Colonel Michael Vacca has not only put his life on the line for his country, he has also brought the spirit of his fellow Marines back home to their families.

Mr. Speaker, Colonel Michael Vacca is a true American hero, and this Congress should celebrate his outstanding service and loyalty to the Marine Corps and the United States of America.

CLEAN WATER ACT ROLLBACKS

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to bring attention to efforts by the Environmental Protection Agency (EPA) to rollback the Clean Water Act.

Several days ago, in the Los Angeles Times and other newspapers, an internal EPA memo was quoted saying that the EPA is preparing a rule that would eliminate Clean Water Act protections for, "Streams that flow for less than six months a year . . ." State and federal officials have estimated that up to 20 million acres of wetlands would be lost.

This preliminary rule would devastate the Southwest where many streams flow only seasonally or after rain or snowmelts. In Los Angeles County, our rivers are often only a trickle, since our community gets an average of 15 inches of rainfall a year. And we are not alone.

Interior Secretary Gale Norton notes that, "The American West is facing a serious crisis. In the long run, we will not have enough water to meet the fast-growing needs of city residents, farmers, ranchers, Native Americans, and wildlife. The demand is increasing; the supply is not." Unfortunately, the EPA must have not gotten that memo because if our limited water supply is jeopardized, no one's needs will be met.

I encourage the Bush Administration to throw this rule draft away and start fresh with guidelines that will protect our water supplies so that our families are not left out to dry.

CONDEMNING THE RISE OF HIGH-TECH ANTI-SEMITISM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. PORTER. Mr. Speaker, I rise today to bring to the attention of the House an issue that this House bravely stood against earlier this year, the rise of anti-Semitism. While we understand the danger of anti-Semitism, I rise today to remind the House of the possible consequences of anti-Semitism in the developing world.

Last month the House unanimously passed House Resolution 409, condemning the anti-Semitic remarks of the former Prime Minister of Malaysia, Doctor Mahathir Mohamad. This House joined international condemnation of the hate-speech and stereotypes contained in Doctor Mahathir's speech. It seemed inconceivable that a man of such education and leadership could sink to so low a level.

Little noticed amid the well-earned condemnation of Dr. Mahathir's comments was the rest of his speech. It surprised many to see that the remainder of the speech was a call for advanced technical research, social and political modernization, and the development of first-rate communications in the Islamic world. These things are the very things that our country has been urging as a means of integrating these countries into the international community. How can Dr. Mahathir share the means and yet call for such a different end?

Since the end of the Second World War, anti-Semitism has not been seen as a disease that modern countries are susceptible to. Many have forgotten how scientifically advanced Hitler's Germany was, and how increases in knowledge were used to increase the murdering power of hate. Despite our hopes to the contrary, science proved to be values free, and the minds that could improve the lot of all mankind were put to the work of killing as many defenseless people as possible.

For 50 years after the end of the war, we kept close watch on the spread of technology, and trained scientists on how not to become a tool for evil. Science has brought the world closer together than ever, and technology has allowed the flowering of commerce and the arts. Yet the lesson remains, that this is because we make it so, not because of any moral value in technology itself.

While our Nation prides itself on the great advances being made in developing countries, and the ease with which technophobia around

the world is dispelled, we cannot rest comfortably. Every invention, every improvement, can be used for evil when held by men with hate-filled minds. The periodic table and computer code do not contain hidden lessons on rooting out anti-Semitism and murder. New ministries and parliaments can be elected as fairly, and corrupted as easily, as the Reichstag that brought Hitler to power.

This Nation, and every nation of goodwill, must not be satisfied with spreading democracy and development. Without a commitment to fighting anti-Semitism, bringing murderers to justice, refusing to collaborate with evil, and speaking out for the truth, true peace and freedom in the Islamic world, and the rest of this planet, cannot be obtained.

TRIBUTE TO DR. EDWARD ROZEK

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor a great American, Dr. Edward Rozek, for his years of dedicated service to the cause of freedom and democracy as a soldier, scholar, author, and college professor.

Edward Rozek was 18 years old when Adolf Hitler conquered Poland. He decided to join the Allied forces in the west and escaped through Slovakia to Hungary, where he was captured by the Nazis and spent several months in a slave labor camp.

Upon escaping from the Nazi camp, Rozek made his way to England, where he joined the First Polish Armored Division. He became a tank officer in the Armored Division's Reconnaissance Regiment and fought from Normandy through Belgium. Achieving the rank of Major, Rozek was wounded four times and received four Purple Hearts, three Crosses of Valor, as well as numerous other decorations.

In 1948 Dr. Rozek arrived in the United States without family, money, or profession. He was admitted to Harvard after earning money to pay tuition by working on a dairy farm and then at a gasoline station. In 7 years, he earned a Bachelor of Arts, Magna cum Laude and Phi Beta Kappa, Master of Arts, and his Doctorate of Philosophy.

After leaving Harvard, Dr. Rozek became a Professor of Comparative Governments at the University of Colorado. He was Director of Slavic Studies for 25 years and Deputy Editor for one of the most prestigious publications on Eastern Europe in the world, *Journal of Central European Affairs*. His best-known book is *Allied Wartime Diplomacy*, for which he received the National Foundation Book Award. The students at the University of Colorado selected him as Professor of the Year and Distinguished Faculty Member.

During the 1980 Presidential campaign, Rozek was a member of Ronald Reagan's Advisory Council on Defense and Foreign Policy and is currently a member of the Reagan Associates. He is an honorary member of Solidarity, and received Knighthood in the Venerable Order of St. John from Queen Elizabeth.

Presently, Dr. Rozek holds the Endowed Garnsey-Rozek Professorship in Economic and Political Freedom at the University of Northern Colorado. He will retire at the end of this year. Dr. Rozek is married to Elizabeth and has two sons and four grandchildren.

On behalf of the countless number of students, citizens, and legislators he has touched, I want to thank Dr. Rozek for his years of dedicated service to liberty through classical liberal education. As the famous philosopher Sidney Hook said of Dr. Rozek in the dedication to his book, *Academic Freedom and Academic Anarchy*, Ed is truly an "embattled fighter for free men, free society, and a free university against fascism, communism, and totalitarian liberalism."

May God bless Dr. Edward Rozek and his epic legacy of service to free people everywhere.

EXPRESSING APPRECIATION TO THE ROMAN CATHOLIC CHURCH FOR ITS SUPPORT OF STRONG ANTI-DRUG POLICIES

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SOUDER. Mr. Speaker, I rise to express my deep thanks and appreciation to Pope John Paul II and the Roman Catholic Church for their unwavering support of a strong and balanced anti-drug strategy. Last month, at a European Union conference held in Dublin, Ireland, the Holy See submitted a statement outlining the Catholic Church's approach to drug policy. As chairman of the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have long supported a vigorous but multipronged approach to reducing the scourge of drug abuse, emphasizing tough law enforcement, effective prevention, and treatment that works. I am submitting the Holy See's statement for the RECORD, as I believe it provides an eloquent and timely defense of those policies.

As the Vatican's statement makes clear, the problem of drug abuse is deeply rooted in the spiritual crisis that has gripped much of modern society. We live in a culture that often finds itself incapable of educating our young people in the values that give them an alternative to drugs. "One of the most important factors leading to drug abuse," warns the statement, "is the lack of clear motivation, the absence of values, the conviction that life is not worth living." We must ensure that our children are raised with the knowledge both of their own self-worth and of their responsibility to work for a better world. That knowledge is the best bulwark against drug abuse and other self-destructive behavior, and prevention efforts in our schools and communities must be grounded in such an approach.

But we must also make sure that we don't send the wrong message to young people by suggesting that governments tolerate the use of drugs. I strongly agree with the Catholic Church in its rejection of drug legalization. Legalizing the use of even the so called "lighter" drugs will only lead to the greater use of stronger drugs. Nor can we afford to condone drug abuse in a misguided attempt at "harm reduction." As the Vatican's statement notes, "The State should not assist its more vulnerable citizens to alienate themselves from society and ruin their lives."

Mr. Speaker, the problem of drug abuse is one of the most difficult facing lawmakers and

parents today. It is deeply rooted, and will require a great and continuing effort to keep it under control. But we must not give up—there is simply too much at stake. I thank the Catholic Church for its ongoing support of that effort.

INTERVENTION OF THE DELEGATION OF THE HOLY SEE AT THE MINISTERIAL CONFERENCE ON "NEW CHALLENGES FOR DRUG POLICY IN EUROPE"

(Dublin, October 16–17, 2003)

MR. CHAIRMAN: The Holy See is pleased to participate in this Ministerial Conference sponsored by the Pompidou Group, for it sees this as a fitting and encouraging opportunity to discuss and analyze the strategies in the fight against the threat represented by drug abuse, as the Conference theme aptly suggests.

The data provided by the European Observatory for Drugs and Drug Addiction in the 2002 Annual Report on the Evolution of the Drug Phenomenon in the European Union and Norway continue to raise alarms and indicate that the situation, instead of improving, is growing worse.

Great concern is caused both by the constant increase in the use of synthetic drugs and by the ever decreasing age at which drug abuse is observed.

Pope John Paul II, already in 1984, noted that "among the threats facing young people and all of society today, drug abuse is one of the greatest, since it is a danger that is as insidious as it is invisible, and one that is not yet properly recognized according to the extent of its seriousness".

If politics is at the service of the human person and society, it must not fail to go to the root of problems. This means grappling with the anxiety, that is, the existential crisis or apprehensions, that in a consumerist and materialistic society finds rich soil for shattering the inner equilibrium in subjects who are particularly weak, fragile and sensitive. There is no doubt that the phenomenon of drug abuse is connected with a crisis of civilization and with great dejection. One of the most important factors leading to drug abuse is the lack of clear motivation, the absence of values, the conviction that life is not worth living.

Among the political measures to be adopted in the fight against this phenomenon, my Delegation would point out in the first place those aimed at combating illicit trafficking in drugs, controlled by powerful criminal organizations. This takes place in the larger context of arms trade, terrorism and trafficking in human beings. Such criminal activity goes beyond national borders and therefore requires a concerted policy of international cooperation.

Faced with the many suggestions and decisions made in different national contexts for the purpose of resolving the problem, the Holy See does not agree with the proposal to legalize the circulation and distribution of drugs, not even so-called light drugs. We must not fail to take into account the risk of moving from the use of light drugs to the use of those with more destructive effects. The State should not assist its more vulnerable citizens to alienate themselves from society and ruin their lives.

Rather, the Holy See encourages above all the promotion of preventive information and education, and the possibility of the proper treatment and reintegration into society of those who unfortunately fall prey to drug addiction.

More resources should be destined to the application of preventive and educational measures in the family, in schools, in sports clubs and in society in general. There is a need for placing renewed emphasis on the human values of love and life, the only val-

ues capable of giving meaning to human existence.

As far as treatment and reintegration into society are concerned, my Delegation places great importance on the work of assistance and recovery communities. This is a matter of helping drug addicts, in the midst of their inner suffering and their state of anxiety, to rediscover dignity, to take control of their lives once more and to reintegrate themselves into their families and into society.

An integrated system of services offered by local agencies, institutions and educational groups (family, school, community) should increase the ability to bring effective aid to the lives of young people who, once they are freed from drug addiction, will be able to avoid a relapse. Only the desire to be reborn and the ability to heal will ensure that "recovered" young people can return to a normal life after having passed through the frightening tunnel of drug addiction.

An adequate policy in this regard must also address the ethical questions involved, seeking to place the problem in a wider anthropological, ethical, social, political and economic context. Means and resources need to be set-aside for this purpose.

Mr Chairman, allow me to conclude by reaffirming the willingness of the Holy See and the Catholic Church—with their extensive networks of institutions and structures devoted to the education, assistance and rehabilitation of drug addicts—to work with European institutions in seeking together paths and means for a policy in the fight against drug abuse and addiction that will not only resist the criminal and subversive phenomenon but will also take into consideration the moral issue of drug addiction and of a society that promotes a culture of solidarity for life.

Thank you, Mr. Chairman.

#### PAYING TRIBUTE TO GREAT SAND DUNES' OUTDOOR EDUCATION PROGRAM

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

MR. McINNIS. Mr. Speaker, I would like to take a moment to honor the Great Sand Dunes National Park in Colorado for its award-winning Outdoor Education Program. Recently, the Colorado Alliance for Environmental Education awarded the Great Sand Dunes with the Governmental Environmental Education Award for Excellence for 2003. The Outdoor Education Program is an excellent source of information and entertainment for all who enjoy nature and have an interest in wildlife. I would like to join my colleagues here today in recognizing the tremendous service provided to the Colorado community by the Great Sand Dunes Outdoor Education Program.

The Great Sand Dunes have offered education programs for almost twenty years. Staff members and volunteers enthusiastically provide research and expertise for service-learning projects, field trips, outreach events and workshops that encourage environmental awareness in the community. The educational program works in conjunction with the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Nature Conservancy, in order to provide students and instructors with the latest and most accurate information.

Mr. Speaker, the Great Sand Dunes Outdoor Education Program is an exciting and in-

structional educational tool for the Colorado community. This program has shown extraordinary dedication to teaching adults and children about the environment and conservation. It is my great honor today to recognize the devotion and commitment of those involved with the program. Congratulations on a well deserved award.

#### CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 2004

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

MR. UDALL of Colorado. Mr. Speaker, I rise in support of this bill. But I do have reservations about a number of provisions included in it.

As co-chair of the Renewable Energy and Energy Efficiency Caucus in the House, I have worked for years to increase—or at a minimum, hold steady—funding for DOE's renewable energy and energy efficiency research and development programs. So I am disappointed that for yet another year, the bill shortchanges these important clean energy programs.

Given our finite supply of fossil fuels and increasing global demand, investing in clean energy is more important than ever. DOE's renewable energy programs are vital to our Nation's interests, helping provide strategies and tools to address the environmental challenges we will face in the coming decades. By reducing air pollution and other environmental impacts from energy production and use, they also constitute the single largest and most effective federal pollution prevention program.

Investments in sustainable energy technologies meet multiple other public policy objectives. Far from decreasing, U.S. dependence on imported oil has increased to record levels over the past 25 years. These programs are helping to reduce our reliance on oil imports, thereby strengthening our national security, and also creating hundreds of new domestic businesses, supporting thousands of American jobs, and opening new international markets for American goods and services.

While these technologies have become increasingly cost-competitive, the pace of their penetration into the market will be determined largely by government support for future research and development as well as by assistance in catalyzing public-private partnerships, leading to full commercialization.

For our investment in these technologies to pay off, our efforts must be sustained over the long term. This bill does not do that. This bill is fully \$75 million less than last year's bill in the area of research energy research. Much of this reduction is used to fund a new Office of Electricity Transmission and Distribution. Cuts to renewable energy accounts are also used to boost hydrogen programs fully \$38 million above last year's levels. Although I'm certainly supportive of both the electricity and hydrogen programs, I believe they should be additive to take advantage of the synergies they present with the other important and established programs at DOE. Instead, the bill cuts biomass/biofuels by \$14.4 million, solar energy by \$9.4 million, and geothermal by \$3.8 million.

I believe that the reductions in funding levels for the core renewable energy programs are ill-advised at a time when the need for a secure, domestic energy supply is so crucial. Clean energy technologies have a critically important role to play in promoting public health and enhancing the energy security of the nation by promoting fuel diversity, harnessing safe and abundant domestic resources, and expanding the use of small-scale, dispersed technologies.

Overall, the bill provides necessary funding for some important Army Corps of Engineers projects and for DOE's Office of Science and non-proliferation programs. It also includes critical funding for defense environmental management programs—in particular, funding for Rocky Flats, the former weapons production site in Colorado. Funding in this bill keeps Rocky Flats on track for finishing cleanup and closure by the end of 2006.

So on balance, Mr. Speaker, I believe this bill contains more good than bad. Although I am not satisfied with the levels of funding in this bill for DOE's clean energy programs, I will continue to work to increase funding for these programs in years to come.

#### RECOGNIZING THE SACRIFICE OF OUR VETERANS

##### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. McCOLLUM. Mr. Speaker, earlier this month our Nation took the time to honor and recognize the tremendous sacrifice our veterans have given to protecting our freedom and safeguarding democracy for us all. During this special time, it is important we remember all our veterans and thank them for their service.

Today, however, I would like to specifically recognize our Korean War Veterans and their service to the United States.

The Korean War resonates deeply with many Minnesota families. Through the duration of the conflict, close to 95,000 Minnesotans served their country with honor and courage, with 749 paying the ultimate sacrifice. Countless others lost their lives training for service in Korea. One hundred seventy remain missing. They were our fathers, mothers, brothers and sisters. Their service was integral in ensuring that the long arm of communism would stretch no farther than the 39th parallel and their sacrifices enabled countless numbers of Americans and Koreans to raise their families and live their lives in freedom.

As we reflect on their service, it is important to remember that the armistice ending military action in Korea signaled an end to the fighting, but not the war. Today, 37,000 U.S. military personnel remain in South Korea to supplement the 650,000-strong South Korean armed forces. These men and women serve to protect America's economic and political interests in the region, while ensuring our national security by providing a counter-balance to North Korea. The dangers our U.S. soldiers in South Korea face are very real and the merits of their courage is tested everyday.

In Minnesota, the Korean War veterans remain very active. They visit hospitals, are active in their local VFW and American Legion

and participate in parades. Many take time to visit schools in their area, talking to students about the Korean War and answering questions about military service. Recently, a large group ascended on Washington, D.C. to participate in Veterans Day events and to mark the 50th anniversary of the end of the Korean War. In D.C., they participated in the wreath-laying ceremony at Arlington Cemetery and took a tour of the U.S. Capitol, among other things. I am inspired by their continued patriotism and commitment to their families, the United States, and each other.

As a former Minnesota State Legislator, I had the distinct privilege to help enable the creation of a memorial to Minnesota's Korean War veterans, that stands today at the Minnesota State Capitol. Near this grand memorial is a time capsule, to be opened 100 years after its burial. In it lie a U.S. flag, pictures and other memorabilia commemorating our war veterans and the important news of our day. The capsule also holds a letter to future generations of Americans. The letter asks those who read it to never forget the events of the past, and expresses hope that when the capsule is opened, our nation and the world will be at peace. I, like all Americans, share the optimism that when this letter is next read, the hope of its authors has become reality.

I ask all Americans to never forget those of the "forgotten" war in Korea. At a minimum, Congress should grant the Korean War Veterans Association a Federal Charter, allowing the Association to expand its mission and further its charitable and benevolent causes. Specifically, it will afford the Korean War Veterans Association the same status as other major veterans organizations and would allow it to participate as part of select committees with other Congressional chartered veterans and military groups. While they seek no recognition for what they have done, it is important their story is told and the debt of their service is remembered.

Thank you to all our Korean War Veterans. Your commitment to our country is greatly appreciated.

#### TRIBUTE TO THE CITY OF LA HABRA HEIGHTS, CALIFORNIA

##### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute today to the City of La Habra Heights, California, as their community celebrates 25 years of cityhood this year.

Since incorporating on December 4, 1978, La Habra Heights has succeeded in maintaining a quality environment for its residents by providing excellent municipal services and keeping a strong community spirit alive. The citizens of La Habra Heights continually demonstrate their enthusiasm for their City by actively participating in local government and future city planning. It is indeed my honor to represent the residents of this beautiful city, who have contributed much of their time towards the betterment of their community.

Mr. Speaker, on this very special year for the City of La Habra Heights, please join me in commemorating their twenty-fifth anniversary.

#### THE PASSING OF REGINALD ARTHUR STONE

##### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. SOLIS. Mr. Speaker, I rise to pay tribute to Mr. Reginald Arthur Stone who passed away on November 12th at the age of 67. Mr. Stone was a loving husband to his wife Judy, the father of two and the grandfather of five. In addition to being a community leader, Mr. Stone was known as a person who could create compromise out of chaos.

Reginald "Reg" Stone was the longtime chairman of the Main San Gabriel Basin Water Master Board of Directors, where he was a key figure in negotiations that led to a \$250 million cleanup agreement with industrial companies that polluted the area's groundwater. Because of his gentle, yet determined efforts, thousands of homes will have cleaner water and the health of working families will be improved.

In addition to serving on the Main San Gabriel Basin Water Master Board of Directors, he worked for 43 years at Suburban Water Systems. Starting off as a meter reader, Mr. Stone rose to senior Vice President at the time of his death. More importantly than his title, however, is that he is remembered as a person who was liked and appreciated by all and was able to bring even the most adversarial people together with the belief that you should start to negotiate from common ground.

Reg Stone will be missed by all who knew him and our prayers are with his family during this time of mourning.

#### HONORING DON LAUGHLIN, FOUNDER OF LAUGHLIN, NEVADA

##### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. PORTER. Mr. Speaker, I rise today to honor the founder and namesake of one of the fastest growing, most dynamic communities in my district, Don Laughlin. On Friday the community of Laughlin will join together to celebrate the unveiling of a statue of Don that will greet visitors to the many gaming, entertainment, and recreational opportunities in the city along the Colorado River he created just a few decades ago. Don is a visionary leader, and I urge the House to join with the thousands of residents, and millions of visitors to Laughlin who celebrate his permanent contribution to the landscape and culture of Nevada and our country.

#### TRIBUTE TO CONAGRA FOODS— LONGMONT FACILITY

##### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mrs. MUSGRAVE. Mr. Speaker, I rise today to recognize the outstanding achievement of

ConAgra Foods—Longmont Facility in Longmont, Colorado in the field of occupational safety and health. I also commend Ms. Stephanie Sparks, the Complex Safety & Health Manager for this facility, and her team for their continued excellence.

Recently, the Occupational Safety and Health Administration (OSHA) awarded this facility with the agency's approval as a Merit participant in the Voluntary Protection Program (VPP). This exceptional facility joins fewer than 850 worksites under Federal jurisdiction that have received this prestigious award.

To achieve important recognition, ConAgra has demonstrated an exemplary record of workplace safety and health, achieving injury and illness rates well below the industry average.

ConAgra continually exceeds industry performance records and sets extremely high standards for their competition. I am very proud to represent such a commendable Colorado facility. Congratulations to ConAgra for another job well done.

#### THE IMPACT OF LEFT-WING SPECIAL INTEREST GROUPS ON THE JUDICIAL NOMINATION PROCESS

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 2003

Mr. SOUDER. Mr. Speaker, yesterday I introduced into the RECORD several memos written by Democratic Congressional staff illustrating how deeply politicized the process of appointing new judges to the Federal bench has become. Today I am introducing two more such memos—which were reported by the Wall Street Journal last week—which further reveal the damage that a handful of liberal special interest groups are inflicting on that process.

The memos show how much influence is being wielded by left-wing fringe groups like the so-called People for the American Way and the Alliance for Justice, and extreme pro-abortion groups like the National Abortion Rights Action League (NARAL). These groups apparently were called on to dig up dirt on President Bush's judicial nominees, and were allowed to dictate which nominees to oppose and when to schedule them. One nominee was only supported because another liberal special interest group, the trial lawyers' lobby, wanted to remove him from the trial bench to the appellate bench. Taken together, these memos show the unhealthy influence these groups are having on the federal judiciary—a judiciary that is supposed to serve all the American people, and not just a few special interests.

MEMORANDUM

JUNE 4, 2002.

To: Senator Kennedy.  
Subject: Meeting with Groups on Judges—  
Wednesday, 11:50 a.m.

As you know, the meeting with the groups to discuss the strategy on judicial nominations is scheduled for tomorrow at 11:50. Both Senator Schumer and Senator Durbin will be able to attend. The six principals who will attend are: (1) Wade Henderson, (2) Ralph Neas, (3) Leslie Proll of the NAACP LDF, (4) Nancy Zirkin, (5) Nan Aron, and (6) Kate Michelman. It turns out that neither

Marcia nor Judy can make it tomorrow—Marcia has a board meeting and Judy, a family emergency.

We expect that the agenda will include a discussion of: (1) delaying a hearing for Dennis Shedd, a nominee to the Fourth Circuit, who Sen. Leahy would like to schedule on June 27th; (2) which circuit court nominees should be scheduled prior to adjournment; and, (3) our next big fight.

#### SCHEDULE

At present, there is only one noncontroversial circuit court nominee (with a complete file and blue slips) who has not already been scheduled for a hearing. This nominee is John Rogers (6th Circuit), who Senator Leahy will likely schedule for a hearing on June 13th. In addition, there have been two recent nominees to the 2nd Circuit and to the Ninth Circuit, whose records are now being researched, and who may prove to be noncontroversial.

Senator Leahy would then like to schedule Dennis Shedd on June 27th, Judge Priscilla Owen after the July 4th recess, and Miguel Estrada in September.

The groups should be encouraged to propose some specific nominees who can be moved forward before adjournment. Clearly, there are few nominees who are noncontroversial, but the groups should be pushed on whether they would agree on a hearing for some controversial nominees such as Steele, Tymkovich, or Michael McConnell (for whom Leahy has already promised a hearing), on the theory that these nominees are less problematic than others.

#### SHEDD

Senator Leahy has told the groups that he would like to have a hearing on Dennis Shedd this month. Senator Hollings is supportive of Dennis Shedd's nomination and is, reportedly, pressuring Senator Leahy to move forward on a hearing. The groups have strong concerns about Shedd. He is quite bad on civil rights and federalism issues, and he has hundreds of unpublished opinions that have not yet been reviewed. The groups are opposed to having a hearing on him this month in part because they do not believe that they will be able to do an adequate review of his extensive record by June 27th, particularly given that they are gearing up to oppose Judge Owen.

We believe that you should hear the groups' concerns regarding Shedd, but that you should strongly encourage the groups to work with South Carolina groups and individuals to apply pressure on Senator Hollings. We know that some of the groups, including LCCR and the NAACP will meet with Sen. Hollings on Thursday regarding Shedd, but more pressure will likely need to be applied because Sen. Hollings is quite committed to moving Shedd this month.

Recommendation: Encourage groups to work with South Carolina groups to influence Sen. Hollings.

#### OUR NEXT BIG FIGHT

The current thinking from Senator Leahy is that Judge Owen will be our next big fight, after July 4th recess. We agree that she is the right choice—she has a bad record on labor, personal injury, and choice issues, and a broad range of national and local Texas groups are ready to oppose her. The groups seem to be in agreement with the decision to move Owen in July.

Recommendation: Move Owen in July.

#### MEMORANDUM

To: Senator Durbin.

From:

Date: June 5, 2002.

Re: Meeting with Civil Rights Leaders to Discuss Judicial Nominations Strategy  
Thursday, June 6, 5:30 p.m., Russell 317.

Senator Kennedy has invited you and Senator Schumer to attend a meeting with civil rights leaders to discuss their priorities as the Judiciary Committee considers judicial nominees in the coming months. This meeting was originally scheduled for late Wednesday morning.

This meeting is intended to follow-up your meetings in Senator Kennedy's office last fall. The guest list will be the same: Kate Michelman (NARAL), Nan Aron (Alliance for Justice), Wade Henderson (Leadership Conference on Civil Rights), Ralph Neas (People For the American Way), Nancy Zirkin (American Association of University Women), Marcia Greenberger (National Women's Law Center), and Judy Lichtman (National Partnership).

The meeting is likely to touch upon the following topics:

—Their floor strategy for opposing D. Brooks Smith, who was voted out of Committee 12-7.

—Their concerns with Dennis Shedd, a controversial 4th Circuit nominee from South Carolina—Under pressure from Senator HOLLINGS—who apparently is backing SHEDD because the trial lawyers want him off the district court bench—Chairman Leahy is planning to hold a hearing in late June. The groups would like more time to read through SHEDD's many unpublished opinions, which were only recently provided to the Committee, and to request court transcripts. Based on a preliminary review, this nominee poses a number of problems: he has narrowly interpreted Congress's power under the 14th Amendment (in one instance, he was unanimously reversed by the Supreme Court); he has a long track record of dismissing civil rights claims; he once revoked indigent status for a litigant who used her mother's computer and fax machine to file pleadings; and he has made insensitive comments about the Confederate flag.

—The Judiciary Committee's schedule for the summer and fall. In spite of the White House's intransigence, the Committee continues to schedule hearings at a rapid pace—every two weeks through the end of the session. Bruce Cohen has outlined the following schedule:

June: Rogers (6th Circuit-KY); Shedd (4th Circuit-SC)

July: Owen (5th Circuit-TX); Raagi (2d Circuit-NY)

Sept: Estrada (DC Circuit); possibly Bybee (9th Circuit-NV) (backed by Reid)

Oct: McConnell (10th Circuit-UT)

Leahy has effectively promised that OWEN, ESTRADA, and MCCONNELL would get hearings this year. Like SHEDD, these three will generate significant opposition and controversy. The groups feel that OWEN is vulnerable to defeat, but ESTRADA and MCCONNELL will be hard to vote down in Committee.

—The White House's unwillingness to compromise. On NPR this week, White House Counsel Alberto Gonzalez said:

I'm not sure this [judges] is an area where there should be a great deal of compromise on principle. Regrettably, . . . we may have to be patient and wait to see what happens in the November election. And that may be viewed as a sort of crass political assessment but that is in fact true. One way to get this thing moving is to take back the Senate so that we can at least get our judges onto the full Senate floor.

At the moment, a number of Democrats—Edwards, Graham, Nelson (FL), Levin,

Stabenow—are in stalled negotiations with the White House over judges.

HONORING SAMUEL FISHER FOR  
HIS HEROIC SERVICE IN WORLD  
WAR II

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. PORTER. Mr. Speaker, I rise today to honor my constituent, Samuel Fisher, for his heroic service in World War II. As a rifleman with Company B, 49th Armored Infantry Battalion, Eighth Armored Division he helped participate in the final drive of the American and Allied armies that drove the Nazis from France and ended Hitler's rule over Germany. He, and the other brave soldiers of the 49th Armored Infantry, were instrumental in capturing the Ruhr Valley, the center of the German armament industry. By capturing the Ruhr, they deprived the Nazis of the weapons they had used for so long to bring oppression and death across Europe. I am proud to represent Samuel Fisher, and so many other American heroes from the Second World War, and urge this House to join me in thanking Samuel Fisher and all World War II veterans for saving our country, and the world, from fascism.

PAYING TRIBUTE TO NANCY  
RATZLAFF

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a talented artist from Craig, Colorado. Nancy Ratzlaff uses her creative gift to inspire people to think outside the box. Her enthusiasm spirals through the community as she passes her knowledge of art to her students. I would like to join my colleagues here today in recognizing Nancy's tremendous service to the Craig community.

At sixty-one years old, Nancy Ratzlaff has been painting for more than 4 decades. She is both a commissioned artist and a teacher of her trade. Three years ago, Nancy suffered a heart attack that caused her to lose her leg and spend 5 months in the hospital. However, despite cumbersome crutches and an artificial leg, she continues to find time to teach painting at Craig's Colorado Northwest Community College. Nancy encourages her students to learn from each other and let art open them up to new challenges. She maintains that everyone has a creative drive inside because anyone who can dream can create.

Mr. Speaker, Nancy Ratzlaff is a dedicated individual who uses her talent to enrich the lives of members of her Craig community. Nancy has demonstrated a love for art that resonates in her compassionate and selfless service to her town. Nancy's enthusiasm and commitment certainly deserve the recognition of this body of Congress.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. ISAKSON. Mr. Speaker, I was unavoidably detained yesterday and missed the votes. Had I been present I would have voted as follows: Rollcall number 620—"yes"; rollcall number 621—"yes"; rollcall number 622—"yes"; and rollcall number 623—"yes."

AMERICANS PUSH FOR RENEWED  
FIGHT AGAINST DRUNK DRIVING

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mrs. LOWEY. Mr. Speaker, Congress has made good progress over the past 20 years in combating drunk driving, culminating when we passed legislation creating a national .08 blood alcohol content level in 2000. I am pleased that New York recently passed .08, which will save 500–600 lives in the U.S. annually when it is adopted by all states. All but a handful of states have .08 laws on the books—a testament to the effectiveness of the sanction.

Despite this progress, a disturbing complacency about drunk driving seems to have settled upon the nation. In 2002, alcohol-related fatalities rose for the third year in a row, and now account for well over 40 percent of all traffic fatalities. Last year, drunk driving took nearly 18,000 lives. Public policy experts are now beginning to grasp the full economic costs of drunk driving. When one factors health care costs, lost work time, collision repairs, and insurance, the price tag exceeds \$200 million annually.

Almost 6 years ago, a constituent, Burton Greene, was killed by a repeat offender with a .18 blood alcohol content. Mr. Greene's death inspired me to introduce legislation requiring tougher penalties for repeat offenders and high-BAC drivers.

About one-third of all drunk drivers are repeat offenders. Unfortunately, the lack of a national minimum standard for punishing repeat offenders and high-BAC drivers has created an easily exploitable, unwieldy patchwork of laws that varies from state to state. My legislation would require states to pass laws that employ a comprehensive approach to fighting drunk driving, including license restrictions, effective vehicle sanctions, treatment programs, ignition interlocks, fines, and imprisonment. This comprehensive system of penalties builds on the recommendations of numerous studies, as well as measures proven to be effective on the state and local level.

I am proud that Good Housekeeping magazine, which has always tackled the leading issues of the day, has become a partner in the effort to combat drunk driving. An article about Brigid Kelly, a young woman killed by an impaired driver with a suspended license, appeared in the July 2003 issue of the magazine. Brigid's senseless death, which has brought untold grief to her family and friends, is a wake up call to the nation and a powerful reminder of the stakes in the battle against drunk driving.

I was also touched by the response to the article. Over 6,000 readers took the time to write Good Housekeeping in support of national minimum standards for punishing repeat offenders. This outpouring leaves no doubt about where Americans stand on tougher penalties for chronic drunk drivers.

More than 40 people die daily from drunk driving. We should do all we can to prevent such tragedies. I encourage my colleagues to listen to the voices of Good Housekeeping's readers and support swift passage of the Burton Greene bill.

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Ms. BALDWIN. Mr. Speaker, yesterday, this House considered H.R. 6, the Energy Policy Act of 2003. Our country has been waiting almost three years for a sound and comprehensive energy bill, and I am sad to say that they will still be waiting if H.R. 6 is signed into law.

It was my hope that rolling blackouts in California three years ago, the terrorist attacks on September 11 two years ago, and the massive blackouts in the northeast this past August would have provided Congress with the will and fortitude to pass a truly comprehensive energy bill. This bill should have presented a clear vision of what our energy policies should be well into the 21st century; provided us with the tools and resources to reduce our dependence on foreign oil and improve the security of our nation; and made investments in alternative and renewable fuels to provide better answers to our energy needs than simply encouraging more drilling and more pollution. It is crystal clear that H.R. 6 fails on all these counts.

The Republican leadership crafted this 1,700-page bill in secret and sold out to special interests. For months, Republican leaders presided over meetings in which they were supposed to be laying the foundation for the nation's long-term energy priorities. Instead, they chose to negotiate the bill alone, refusing even to tell their Democratic colleagues where or when important sessions were being held. I believe that covering under the cloak of darkness and cutting backroom deals are not the ways a bill of this magnitude should be debated, discussed, and crafted.

The Energy Policy Act makes a number of changes to our nation's electricity system. The blackouts that wreaked havoc across parts of the Midwest and Northeast four months ago prompted legislators to include much-needed electricity reliability standards in the final bill. I believe this is a good first step in improving the transmission and distribution of the electricity that powers our homes and businesses. Despite this sound provision, H.R. 6 is wrong to repeal the Public Utility Holding Company Act (PUHCA). PUHCA was designed to oversee mergers and prevent power companies from investing in unrelated businesses. PUHCA has been the linchpin in protecting investors and consumers from market fraud and abuse by utilities. By repealing PUHCA and not replacing it with a better alternative, the

risk of future Enron-type abuses increases exponentially and our constituents will be the victims.

I am pleased H.R. 6 does not include language that would allow drilling in the Arctic National Wildlife Refuge (ANWR) or allow for an inventory of oil reserves in our nation's Outer Continental Shelf—but, any benefits of this bill provides our environment stop there. The bill expedites the approval of permits for drilling and mining on federal lands. H.R. 6 also exempts oil and gas drilling activities from some of the major tenants of the Clean Water Act, such as exempting the industry from certain requirements when they inject diesel fuel and other harmful chemicals underground when drilling.

The most egregious provision of this bill grants the producers of MTBE, a gasoline additive that pollutes underground drinking water, a liability waiver. While the bill phases out the use of MTBE over the next decade, it makes taxpayers pick up the bill for cleaning up the mess. More incredulously, the bill provides the producers of MTBE \$2 billion in subsidies to help them convert MTBE into other types of chemicals. I believe this is simply unacceptable. Polluters should be made to clean up and pay for their messes, not the American taxpayer.

Altogether, the energy proposal includes \$23 billion in tax giveaways over 10 years and calls for tens of billions of dollars in additional spending. The Republican leadership rejected Senate provisions that would have partially paid for these costs, despite a deficit in the federal budget that could top \$500 billion this year. Two-thirds of the tax breaks would go to the oil, natural gas and coal industries, helping to perpetuate the country's dependence on fossil fuels. Less than a quarter of the tax breaks would promote the use and development of renewable-energy sources, and less than a tenth would reward energy efficiency or conservation.

It makes no sense to lavish billions of dollars in subsidies to companies that consistently earn large profits every year. The bill does encourage the use of some alternative fuels such as ethanol—which I strongly support—and \$2.5 billion to boost development of hydrogen-powered vehicles. However, the money allocated for renewable and alternative fuel development is a mere pittance of what is given to producers of traditional sources of energy.

This bill is equally bad for what it does not contain: the legislation does almost nothing to reduce the nation's dependence on foreign gas and oil and nothing to reduce global warming. For example, this bill does not increase the fuel efficiency standards for cars and trucks. The bill may even wind up lowering the current 27.5 miles per gallon average since it discourages tougher standards. It also scraps a Senate plan that would have required electric utilities to generate more of their power from renewable sources like wind and solar energy by 2015. Finally, outside of a few provisions on electrical appliances and heating systems, the bill does not significantly encourage energy conservation.

Instead of creating and carrying out a vision in this bill, lawmakers have put together a jigsaw puzzle with hundreds of unrelated pieces crammed together. A few initiatives are worthwhile, but most look more like a laundry list of special-interest subsidies. Together, they do

not add up to a policy that I believe will come close to meeting our future energy needs. While it took three years to finish this energy bill, it is my fear that Congress will spend the next several decades fixing the problems this bill could eventually create.

IN REMEMBRANCE OF LILLIAN  
KESSLER

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. STARK. Mr. Speaker, I rise to pay tribute to my longtime friend Lillian Kessler. It is with sadness that I announce Lillian's recent passing. She resided in my 13th congressional district and I was pleased and proud to have her support and friendship for many years.

As a truly committed political and community activist, Lillian spent years volunteering in the community and working tirelessly to elect individuals to public office. She was proud to call herself a Democrat for more than 50 years. Lillian and her husband Mike were the first two people to encourage me to seek my present office in Congress.

Lillian was an active member in the Hayward Demos Democratic Club. Her fellow club members describe her as "a tower of strength for their club, the Democratic Party and progressives everywhere. She was a quintessential activist, organizing precinct walking, phone banks, fundraisers, all the necessary jobs to run and win grassroots campaigns."

I shall remember with fondness and admiration Lillian's passion, strength and perseverance to make a difference. She believed that just one progressive idea or action, no matter how small, could strengthen each and every community for the better.

Lillian will be sorely missed by me and all who knew her. My thoughts and condolences are with her husband Mike and her children, Civia and Stuart.

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to this conference report. H.R. 6 contains several harmful provisions including exempting the producers of MTBE from product liability claims and repealing the Public Utility Holding Company Act, which limits mergers between utilities companies. Additionally, the conference report does not prioritize the use of renewable resources by large utilities to generate power. H.R. 6 rolls back important safeguards in the Clean Water Act and the Safe Drinking Water Act which are critical in keeping the nation's waterways safe for people and wildlife. The country needs an energy policy that reduces pollution, protects consumers, and reduces the burden on the nation's electricity grid. This bill fails to meet those standards. I regret that we were not given the opportunity to vote on legislation that

would reduce our dependence on foreign sources of oil.

PERSONAL EXPLANATION

**HON. STEVE KING**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. KING of Iowa. Mr. Speaker, I was absent during rollcall votes 620, 621, 622 and 623. Had I been present, I would have voted "aye" on 620, 621, 622 and 623.

PAYING TRIBUTE TO MARILYN A.  
HALL

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a remarkable woman from my district. Marilyn Hall of Cortez, Colorado is a dedicated public servant who has devoted many years to promoting safety and order in her community. Marilyn has a friendly soul and touches the heart of everyone she meets. I would like to join with my colleagues here today in recognizing Marilyn's tremendous service to the Cortez community.

Marilyn served the Cortez Police Department for 29 years. She began as a dispatcher and then moved to records before retiring. Marilyn was excellent at her job and was instrumental making the system of city and county record keeping significantly more efficient. In her retirement, Marilyn is an active community member who is a vigorous advocate for Mothers Against Drunk Drivers. In addition to volunteer work, Marilyn will spend her retirement with her many loving family members and friends.

Mr. Speaker, Marilyn Hall has shown incredible dedication in her service to the Cortez community. Marilyn's friendly assistance to others is a shining example of what it means to be a good citizen. It is my great honor today to recognize her excellent work ethic and selflessness before this body of Congress. Thanks Marilyn, you will be missed.

H.R. 2205: NATIONAL MUSEUM OF  
AFRICAN AMERICAN HISTORY  
AND CULTURE ACT

**HON. GREGORY W. MEEKS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MEEKS of New York. Mr. Speaker, I rise to express my unparalleled support for this bill. However, I do not feel that this bill is complete in its entirety. Provisions concerning a feasibility study for a future sister museum facility at the site of the African Burial Ground in New York City, which were present in the Lewis/Watts bipartisan piece of legislation in the last session, are not included in this current bill. The erection of the African Burial Ground International Memorial Museum and

Research Center in lower Manhattan is a goal that I intend to work feverishly on with my New York colleagues and others. Such a facility would pay homage to those souls who were brought to this country to help build it, while under enslavement. Such a facility would join the Statue of Liberty, Ellis Island, the Museum of the American Indian, the World Trade Center site, and other great New York City landmarks as a national and international symbol that tells America's full story of freedom, the quest for freedom, and the openness of our society. Most important, the study of African culture through the results of DNA testing on the African Burial Grounds will help to further educate and enlighten our citizens to a culture that is central to the building of this proud nation.

As the Lewis/Watts bill reflected in a Finding, the Secretary of the Smithsonian declared in 1998 that the African Burial Ground site provided the "perfect" opportunity to dissect the institution of slavery in this country—urban, rural, northern, and southern—including the aspects of the international trade. The Burial Grounds in New York are home to the remains of 20,000 enslaved Africans. These men and women were first generation African Americans, who had to endure inhumane conditions aboard slave ships, before they were forced into labor.

I attended the ceremonies of October 3rd and 4th at the African Burial Ground commemorating the reinterment of some 430 sets of remains that had been under study at Howard University for the last decade. Thousands of people were also in attendance for this event, signaling a clear indication of the powerful feelings of respect that lies with our citizens for an African sanctum in lower Manhattan.

I feel that, ultimately, the new national museum should follow the model of the National Museum of the American Indian, with facilities at both Washington and New York City. The facility in New York, in combination with the magnificent facility to be created here in Washington, would have an overall national and international impact of breathtaking scope and scale. As evident during the ceremonies, an African Burial Ground museum facility would also play a significant role in the revitalization of lower Manhattan in this post-9/11 world, with the hopes that it will become a major national and international visitor's mecca that would join with other New York sites in bringing millions of people, and with them, an economic boom to the entire area.

I wholeheartedly believe that the African Burial Ground is a true national treasure. It is unique in this nation and all the world as an archaeological site, and a site of unparalleled significance, symbolism, and power. A site and museum facility of this magnitude of importance must be part of any national museum, and it must be part of New York's African Burial Grounds.

I would like to thank John Lewis for his long fight to make the dream of a National Museum of African American History and Culture a reality. I would also like to thank my distinguished colleagues from Kansas and Connecticut, Senators BROWNBACK and DODD, for leading these efforts in the Senate.

MOTION TO GO TO CONFERENCE,  
OBEY MOTION TO INSTRUCT

**HON. ROBERT T. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MATSUI. Mr. Speaker, yesterday's CONGRESSIONAL RECORD reflects my vote as "yea" on rollcall Vote 624, Representative OBEY's motion to instruct conferees on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2004. I would like to state for the RECORD that my vote should have been "nay."

I have long opposed the reimportation of prescription drugs because it creates a significant safety risk for consumers. A recent examination of several mail facilities by FDA and U.S. Customs reinforces these concerns. After six days in four cities, these examinations found drugs being reimported that have never been approved by the FDA, without labeling or instructions for safe use, and even some that the FDA has withdrawn from the U.S. market for safety reasons. In addition, expanding the importation of prescription drugs increases the likelihood that seniors will receive counterfeit drugs, a potentially very serious health hazard.

Finally, liberalizing the importation of prescription drugs does not address the underlying problem of high prescription drug costs. There are other legislative remedies that can decrease prescription drug costs without undermining consumer safety. For these reasons, I oppose the Obey motion to instruct conferees on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004.

RECOGNIZING THE PUBLIC  
SERVICE OF DON MOCK

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Don Mock for his exemplary public service as a member of the Boulder City Council from 1996 through 2003. I would like to thank him on behalf of all Boulder's citizens for the depth and diversity of contributions he has made to ensure that our city remains a very special place to live.

Raised in Florida, Don received his BS and MS in Physics from the University of Florida, and his PhD in Atmospheric Sciences from the University of Washington. He has worked as a Research Assistant in the Department of Atmospheric Sciences at the University of Washington and as a Support Scientist for the Physical Oceanography Group of the NASA/Caltech Jet Propulsion Laboratory. In 1989, Don moved to Colorado to work as Systems Manager for the Cooperative Institute for Research in Environmental Sciences at the University of Colorado in Boulder. Since 1991 he has been a Systems Manager and later a Director of Computing and Network Services at the Climate Diagnostics Center of the National Oceanographic and Atmospheric Administration's Environmental Research Laboratories.

In 1996, Don was appointed to the Boulder City Council and elected a year later to an-

other term. On the Council, he quickly earned the respect of his colleagues for his intelligence, sound judgment, and moderate approach to a wide range of issues. He provided thoughtful and skilled leadership in the areas of budget policy, taxes, transportation, affordable housing, school overcrowding and the environment. Don was actively engaged in resolving the status of the 9th and Canyon hotel site and was a strong proponent of the comprehensive rezoning project to address commercial growth issues.

He has served successfully in such diverse organizations as the Denver Regional Council of Governments, the Bureau of Conference Services and Cultural Affairs, the Boulder Community Celebrations, and the Dairy Center for the Arts. An important part of his focus on Council has been sensible growth management, sustainable use of resources, and a strong, stable economy.

Prior to his appointment to Council, Don was chair of the City's Parks and Recreation Advisory Board and served four years as a co-chair of the Whittier Neighborhood Association, as well as two years on the Steering Committee for the Pine Street/Whittier Traffic Mitigation Project. In 1995, he was especially effective in working with the Citizens for Parks and Recreation to successfully pass the Parks Ballot Issue which led to new acquisitions of park land in the city of Boulder. Over the years, Don has been unwavering in his commitment to policies that serve the environment, the education and health of people, and principles of integrity and fairness.

I ask my colleagues to join with me in expressing our gratitude to Councilman Mock for his years of public service and his contributions to the people of Boulder, Colorado. I wish him continued success in all his future endeavors.

PERSONAL EXPLANATION

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. MCCOLLUM. Mr. Speaker, due to a scheduling conflict, I was unable to vote on rollcall votes 620 to 623. Had I been present, I would have voted the following:

On rollcall vote 620, S.J. Res. 22—Recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service, I would have voted "aye".

On rollcall vote 621, S.J. Res. 18—Commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years, I would have voted "aye".

On rollcall vote 622, H. Con. Res. 299—Honoring Mr. Sargent Shriver for his dedication and service to the United States of America, I would have voted "aye".

On rollcall vote 623, on hour of meeting, I would have voted "aye".

“FOR THOSE WHO HAVE FALLEN”—A NATIONAL TRIBUTE SONG

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I would like to recognize “For Those Who Have Fallen,” a national tribute song written by Tonia Barnes (Arpke) of Clyman, Wisconsin. At a time when our brave men and women in uniform are fighting to protect freedom and democracy in the Middle East, it is important for citizens across the country to support their efforts, and remember America’s fallen heroes who have secured peace in battles past. This song is an eloquent tribute to all those who sacrificed for our nation, and it is with great honor that I submit the following lyrics for the RECORD.

Working in an office or on the beat  
Looking from a window, from a city street  
The heart of a stranger giving his all  
Doing what he can when he got the call.

America hold your head up high  
The Eagle is still the pride of the sky  
She shed many tears today  
And spread her wings as if to say.

For those who have fallen  
I will never forget  
The sacrifice you’ve given  
When the face of God you met  
For those who have fallen  
I will never forget.

Searching through all the rubble  
Knowing that lives are on the line  
Hands that never get tired  
Paws, though bloody, never whine.

A strong shoulder to lean on  
An ear listening to the horrible tale  
America will keep on living  
And our pride will always prevail.

For those who have fallen  
I will never forget  
The sacrifice you’ve given  
When the face of God you met  
For those who have fallen  
I will never forget.

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When the face of God you met  
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For those who have fallen  
I will never forget.

**THE TRANSPORTATION EQUITY ACT: LEGACY FOR USERS**

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. OBERSTAR. Mr. Speaker, for most of the 20th Century, the primary focus of surface transportation policy was constructing a safe, efficient highway system, the Interstate and Defense Highway System, to connect our cit-

ies, farms, and defense bases. We invested more than \$114 billion in constructing the 42,800-mile Interstate system and that investment has paid phenomenal returns in mobility, productivity, and economic growth. It is an unparalleled success: 1 percent of highway miles carry 24 percent of traffic. Today, the vision of that system is complete.

As the Interstate era came to a close, a new vision of transportation began to emerge—shifting from a focus on moving vehicles to providing transportation choices. The early framing of this vision was embodied in Congress’ passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. The “highway bill” became more than that as we focused new efforts (and funding) on transit, congestion mitigation, intelligent transportation systems, and transportation alternatives such as pedestrian and bike paths. The landmark achievement of ISTEA was its vision for transportation policy: moving beyond where highways now lead us, to where it is people want to go and how we can give them choices to get there.

In 1998, Congress built upon ISTEA by ensuring that we would begin to make the necessary infrastructure investment to achieve this vision. With passage of the Transportation Equity Act for the 21st Century (TEA 21), we authorized \$218 billion for our highway, transit, and highway and motor carrier safety programs—the highest surface transportation funding levels in U.S. history and 44 percent more than ISTEA. However, we knew too well that increased “authorization levels” meant nothing if they did not become a reality. We unlocked the Highway Trust Fund and codified a principle: the highway user fees collected from the traveling public will be invested in our surface transportation infrastructure each and every year. That is the landmark achievement of TEA 21 and, over its life, we invested \$214 billion in our Nation’s surface transportation infrastructure—\$100 million more in that 6-year period than in the 40 years of building the Interstate.

On the first anniversary of TEA 21, I joined our Committee Leadership (then-Chairman SHUSTER, Chairman PETRI, and Subcommittee Ranking Member RAHALL), then-Senator Chafee, Senator VOINOVICH, and Secretary of Transportation Rodney Slater and said: “Although the legacy of the surface transportation system of the 21st Century is far off, we have begun the journey of writing that legacy here and now. ISTEA and TEA 21 have set the framework for the beginning of the new century. Nevertheless, we must continue to develop innovative solutions if we are to overcome our Nation’s many transportation problems.”

The journey of writing that legacy continues here today. The “Transportation Equity Act: A Legacy for Users” bill builds upon the vision of ISTEA, maintains the guaranteed funding principle of TEA 21, and outlines its own landmark achievement: providing the investment levels necessary to maintain and begin to improve our Nation’s highway and transit infrastructure. The bill provides a 72 percent increase in funding over TEA 21. We increase investment in highway and highway and motor carrier safety programs from \$177 billion under TEA 21 to \$306 billion under this bill. Similarly, for transit, we almost double the investment over 6 years: growing from \$36.2 billion guaranteed under TEA 21 to \$69.2 billion under the introduced bill.

Although these funding levels are significant increases over current levels, it is important to note that they are not our numbers, they are the Department of Transportation’s own estimates of the Federal investment necessary to maintain and begin to improve our Nation’s surface transportation system. These funding levels recognize what the Texas Transportation Institute has repeatedly told us: congestion is beginning to cripple our largest cities, the primary engines of our Nation’s economic growth. In 75 large metropolitan areas alone, the cost of congestion is \$69.5 billion—including 3.5 billion hours of delay and 5.7 billion gallons of excess fuel consumption. The average annual delay for every person in these cities has climbed to 26 hours. While these statistics are startling, the average American family does not need them recited—they are stuck in traffic on their way home from work, picking up the kids at daycare, or running the endless errands that seem a part of today’s society, and they lose what precious little time they have together.

More importantly, our Nation’s highways, bridges, and transit systems are not as safe as they need to be and the highway death toll is unacceptably high. Over the past 25 years, 1.2 million have died on our roads. Last year, 42,815 people died and 2.9 million more were injured on our highways. Highway fatalities remain the leading cause of death of our youth (people ages 4 to 33). In addition to the personal tragedy of each of these deaths and many of the injuries, the economic cost of these accidents is more than \$230 billion per year.

Considering the congestion and highway safety impacts of insufficient investment in transportation alone, our economy is losing \$300 billion per year because we are not investing the necessary resources to maintain and improve our Nation’s transportation systems. We cannot afford to continue to short-change our Nation’s transportation systems. To effectively reduce congestion, to increase mobility, to truly improve highway safety, and to achieve continuing long-term increases in productivity and economic growth, we must invest in our Nation’s transportation future. And we must do it now. That is why we join together today to introduce this bill to authorize \$375 billion over 6 years.

The bill increases the minimum guarantee rate of return from 90.5 percent in FY2003 to 95 percent in FY2009. The bill also provides significant increases for the core highway programs. The National Highway System increases from \$27.4 billion under TEA 21 to \$39 billion under this bill. In addition, after a portion of the minimum guarantee funds are distributed to the core highway programs, NHS funding increases to \$49.3 billion over the next 6 years. Similarly, the Bridge program grows from \$19.3 billion under TEA 21 to \$34.3 billion with the redistributed minimum guarantee funds. Finally, the CMAQ program almost doubles—growing from \$7.9 billion to \$13.9 over the next 6 years.

Moreover, the bill provides similar increases for transit. Guaranteed transit funding increases 92 percent to \$69.2 billion. The core transit formula programs increase to \$34 billion and the transit capital program (new starts, rail modernization, and bus capital investment) increases to almost \$30 billion over the 6 years of the bill.

Beyond building upon the success of ISTE and TEA 21, as I said at the TEA 21 anniversary, we must continue to develop innovative solutions if we are to overcome our Nation's many transportation problems. Let me touch on a couple of new programs included in the bill that propose new and different way to address transportation issues.

As I have traveled the country over the last several years to review the condition of our Nation's infrastructure, I have noted that, despite the significant funding increases of TEA 21, current levels of surface transportation investment are insufficient to fund critical high-cost transportation infrastructure facilities that address critical economic and transportation needs. These projects, whether it is Alameda Corridor East or Chicago's CREATE, have national and regional benefits, including facilitating international trade, relieving congestion, and improving transportation safety by significantly improving freight and passenger movement in critical transportation bottlenecks. The bill creates a \$17.6 billion Projects of National and Regional Significance program to enable the Secretary of Transportation to competitively select such projects of national significance (project cost of more than \$500 million).

I also want to touch on a much smaller, but equally important, new program: Safe Routes to School. Several years ago, I began working with two communities, Marin County, California and Arlington, Massachusetts, to develop a program to enable and encourage children to walk or bike to school. These two pilot projects have been incredible successes. With this experience in hand, the bill creates a new \$1.5 billion Safe Routes to School formula program to enable and encourage children to walk or bike to school; to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and to improve safety and reduce traffic, wasted fuel, and air pollution in school neighborhoods.

Finally, the Committee's proposal will provide badly needed economic stimulus. The Federal Highway Administration reports that every \$1 billion of federal funds invested in highway infrastructure creates 47,500 jobs and \$6.2 billion in economic activity. When enacted, the Committee's introduced bill will create and sustain up to 3.6 million family-wage construction jobs, including 1.7 million new jobs.

Moreover, a recent study found that the Committee's bipartisan proposal to invest \$375 billion in surface transportation over the next 6 years would add \$290 billion more to the Nation's Gross Domestic Product than the administration's proposal to invest only \$247 billion. The Committee's proposal would also lead to an additional \$129 billion of household disposable income and an additional \$98 billion in consumer spending—millions of new, good-paying jobs, billions of dollars of new consumer spending: now that's the way to get the economy growing again.

I join with Chairman YOUNG, Subcommittee Chairman PETRI, and Subcommittee Ranking Member LIPINSKI, and the Members of the Committee on Transportation and Infrastructure, in introducing this bipartisan bill today. We will continue to work together on the journey of writing the legacy of our surface transportation future.

#### TRIBUTE TO PAUL SCANNELL

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished Californian, Paul Scannell, as he retires from his service as Assistant County Manager of the County of San Mateo, California.

Paul Scannell has served as Assistant County Manager since 1982. During that time he has represented the County in complex and sensitive negotiations with other governmental agencies, companies, and persons doing business with the County. He's also worked in cooperation with County department managers to recommend County programs and activities, and managed the County team responsible for public financing issues. He has served on a wide variety of committees, as well as advising and staffing the Charter Review Committee. He has also acted as the County Manager in the Manager's absence.

Paul Scannell prepared for his career by earning a Bachelor's degree in Economics from the University of San Francisco and a Master's of Public Administration from Golden Gate University. He also pursued graduate studies in Economics at the University of California, Berkeley. He held positions of increasing importance with the City and County of San Francisco between 1964 and 1982, including serving as Deputy Director of the Clean Water Program, Assistant to the Chief Administrative Officer and as Senior Departmental Personnel Officer at San Francisco General Hospital.

I had the honor to work with Paul Scannell for ten years as a Member of the Board of Supervisors, and I saw and experienced firsthand his professionalism, his integrity and his extraordinary knowledge of County government.

Mr. Speaker, I ask my colleagues to join me in honoring Paul Scannell for his superb service to our community and our country and wish him every blessing in the years ahead. He has established the gold standard for public service and we are grateful to him for it.

#### PAYING TRIBUTE TO BOB GERLER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to an extraordinary public servant from Otero County, Colorado. Bob Gerler is a compassionate mental health advocate who has dedicated his life to improving the quality of care at Southeast Mental Health Services. I would like to join my colleagues here today in recognizing Bob's contributions to Otero County.

In recognition of his 24 years of service, Bob has been named the Colorado Behavioral Healthcare Council's 2003 Outstanding Board Member of the Year. Over time, Bob has been instrumental in implementing numerous programs for the betterment of patient's lives. His dedication, integrity and intelligence have truly made Bob a tremendous asset to the board.

In addition to his service to Southeast Mental Health Services, Bob has also served as a

County Commissioner, a member of the South Sink Water Company Board of Directors, and chairman of Otero Junior College Council.

Mr. Speaker, Bob Gerler is a dedicated community leader who willingly devotes his time to improving the lives of those in need. Bob has been a reliable and innovative administrator over the course of his many years of public service and I am honored to pay tribute to him for his many contributions to the Colorado community. Congratulations on a well deserved award Bob.

#### TRIBUTE TO SPENSER HAVLICK

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Spenser Havlick, who this month is retiring from membership on the Boulder, CO, City Council. Elected to the council in 1982, Spense has had 21 years of distinguished public service.

Born in Oak Park, IL and raised in Green Bay, WI, he received his B.A. Degree from Beloit College, his M.A. from the University of Colorado in limnology and his Ph.D. in environmental planning and water resource management from the University of Michigan.

He became the Assistant Dean and Director of the College of Environmental Design at the University of Colorado in Boulder in 1975. His research and teaching focused on natural hazard mitigation, the citizen's role in the planning process, and the impact of urbanization on the environment. He has written on ecology and design and is preparing another book on transportation management and traffic calming.

He has taught at the University of Michigan and Murdoch University in Western Australia, consulted for the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Science Foundation and the U.S. Information Agency.

With this outstanding academic background, Spense has been a champion of the values that embody the spirit of Boulder. His commitment to defending these values made him a distinctive member of the council.

A passionate environmentalist, Spense had a two-decade struggle with transportation problems and worked diligently to promote public transportation, rail service between Denver and Boulder, bicycle paths, city open space and pedestrian walkways.

In his role as professor of environmental design at the University of Colorado, Spense encouraged his students to adopt Boulder's environmental values. He urged students to give up their cars, get more exercise and walk, or use alternative transportation.

A top vote getter in all his elections, Spense promoted a strategy to find more affordable housing, worked on growth management, led the effort for the largest purchase of open space in the history of Boulder and worked to streamline the city's budget in tough economic times.

Spense's civic commitment is demonstrated through his service on the City Council Environmental and Transportation Committees, as an Eco-cycle block leader, and as a Commissioner for the Boulder Urban Renewal Authority.

The City Council of Boulder, CO, has been fortunate to have had Spenser Havlick as a member for the past 21 years. On behalf of Boulder's residents, I wish him well as he continues to pursue his commitment to a better community and State.

#### PERSONAL EXPLANATION

### HON. MIKE MCINTYRE

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 19, 2003*

Mr. MCINTYRE. Mr. Speaker, on Thursday, November 6, 2003, I was unavoidably absent for rollcall vote 612, final passage of H.R. 1829, the Federal Prison Industries Competition in Contracting Act. Had I been present I would have voted "yes" on rollcall vote 612.

#### HONORING JEROME HOLTZMAN

### HON. HENRY J. HYDE

OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 19, 2003*

Mr. HYDE. Mr. Speaker, I rise today to recognize Jerome Holtzman, who on November 20 will receive the prestigious Chicago Athletic Association Ring Lardner Award. Jerome Holtzman has forgotten more about baseball than most will ever know and he is well deserving of the award. Chicago Sun-Times sports columnist Ron Rapoport honored Mr. Holtzman in his column on November 11—a column I am pleased to share with my colleagues:

#### FOR HIS SCOOPS AND SAVES, HOLTZMAN AWARDED HONOR

The major exhibit in Jerome Holtzman's baseball legacy always will be his invention of the save rule, but my favorite story about him is the time he scooped the judge.

Charlie Finley was suing baseball commissioner Bowie Kuhn, and Holtzman, who had covered every day of the trial for the Sun-Times, got the word that Finley had lost. Holtzman rushed the story into the last edition of the paper, which so infuriated people at the Tribune, they roused the judge out of bed after midnight to demand some information.

"But I haven't even written the decision yet," the judge protested.

Holtzman, who receives the Chicago Athletic Association's Ring Lardner Award on November 20, and I tried to figure out Monday how many baseball games he has covered in his life. The best we could come up with was about 200 a year for 28 years and maybe 100 a year for the decade after that. So how many is that—7,000 or 8,000? A lot, anyway.

"We never had any days off," said Holtzman, who joined the old Chicago Times as a copy boy in 1943, before it merged with the Sun. "Maybe if I didn't go to the All-Star Game, I'd have a two- or three-day break, but otherwise it was every game from spring training to the World Series."

Holtzman was more than just a sports-writer, though. He became our trade's historian, with his classic book "No Cheering in the Press Box" and his beautifully bound reprints of sports books, such as "Eight Men Out, The Boys of Summer and Babe."

When Holtzman invented the save rule, he received a bonus of \$100 or \$200 from The Sporting News. The best closers soon became

rich men because their performances came with numbers attached. Or as former Expos relief ace Jeff Reardon once said, "Jerome Holtzman is a friend of mine."

Mine, too.  
The Lardner Awards dinner will be a star-studded affair, with David Halberstam presenting an award to Bob Costas, Ira Berkow giving Holtzman his plaque and Bill Jaus honoring former Chicago Daily News sports editor John Carmichael.

#### HIV/AIDS EPIDEMIC IN DALLAS-FORT WORTH AREA

### HON. EDDIE BERNICE JOHNSON

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 19, 2003*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the steady meteoric rise of the deadly epidemic of HIV/AIDS in the Dallas-Fort Worth area. The HIV/AIDS epidemic is proving to be one of the most devastating social conditions of our time.

In my home state of Texas, the numbers have been steadily rising since 1998 at a rate of about 7 percent per year. In fact, according to the Texas Department of Health, Dallas County reported the highest number of new HIV positive individuals in Texas, that's just ahead of Harris County (which includes Houston) which reported 1,212 new HIV cases.

So far in 2003, Dallas County has reported 609 new HIV cases and 355 new AIDS cases. Moreover, so much work needs to be done to inform the public about this disease's disproportionate impact on African Americans.

Dallas County Health and Human Services chief epidemiologist announced that there were 1,271 new HIV cases and 548 new AIDS cases reported in 2002. African Americans, comprise 20 percent of the Dallas County population, but 41 percent of the new HIV cases and 46 percent of the new AIDS cases in 2003.

As reported by the Centers for Disease Control and Prevention (CDC), although African Americans make up only about 12 percent on the U.S. population, cumulatively they have accounted for half of the new HIV infections reported in the United States in 2001.

African Americans have accounted for more than 320,000, or 38 percent, of the more than 833,000 estimated AIDS cases diagnosed since the beginning of the epidemic. In addition to experiencing historically higher rates of HIV infection, African Americans continue to face challenges in accessing health care, prevention services, and treatment. Race and ethnicity are not, themselves, risk factors for HIV infection. However, African Americans are more likely to face challenges associated with risk for HIV infection, including poverty, denial and discrimination, partners at risk, substance abuse, and sexually transmitted disease connection.

Globally more than 16 million people have died of AIDS and more than 16,000 people become newly infected each day.

It is imperative for us to take immediate steps to address these alarming statistics. As a former nurse and Chair of the Congressional Black Caucus, I supported funding increases for the Minority AIDS Initiative and the Housing Opportunities for Persons, which is the only federal housing program that provides

comprehensive, community-based HIV-specific housing programs.

I have always supported the four main lines of action created by an International Partnership against AIDS: encouraging visible and sustained political support; helping to develop nationally negotiated joint plans of action; increasing financial resources; and strengthening national and regional technical capacity.

We must make an ongoing commitment toward working diligently to find a cure for this very fatal epidemic. We must strongly encourage more widespread support for those who are living with this horrifying disease.

#### CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. JOHN CONYERS, JR.

OF MICHIGAN  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, November 18, 2003*

Mr. CONYERS. Mr. Speaker, for the first time in history Congress has voted to protect known polluters from legal liability. H.R. 6, the "Energy Policy Act of 2003", not only implements a restructured energy system that would harm consumers and provide unaffordable subsidies to energy companies, but Title XV of the bill, the Ethanol and Motor Fuels title, would particularly immunize the producers of a toxic contaminant from liability for its effects on those people who have been harmed by it. These provisions were unilaterally inserted into the conference report without the benefit of a single committee hearing or markup.

MTBE (methyl tertiary butyl ether) has been classified by the EPA as a possible human carcinogen and can render water undrinkable in concentrations as low as two parts per billion. Due to the synthetic chemical properties of MTBE, when it leaks into water, it moves and dissolves through water rapidly, resists natural degradation, and causes water to take on the taste and smell of turpentine. According to the General Accounting Office, MTBE, a chemical which has been shown to cause liver damage, kidney damage, and even cancer in humans, has now been detected in the groundwater and drinking water in every state in the nation.

The Ethanol and Motor Fuels title in H.R. 6 contains an outright and retroactive liability waiver for MTBE producers that knowingly polluted the tap water of millions of Americans. Specifically, the title would:

Protect responsible parties from liability—The title would give MTBE producers a special liability waiver from strict product liability suits. Because these strict product liability suits have been the only effective measure of holding MTBE producers accountable for polluting public water supplies, denying water districts and city and county governments the right to bring defective product lawsuits against the MTBE polluters would effectively end their accountability.

Shift cleanup costs to taxpayers—The MTBE provisions in the bill would shift the burden of paying for the cleanup of the polluted water to the water consumers. An estimated \$29 billion in clean up costs will fall squarely on states, cities, and their citizens. MTBE manufacturers and gasoline companies will

not have to pay for the contamination of the water supplies that they caused, nor will they have to pay to acquire new water sources for hundreds of thousands of customers.

Nullify pending litigation against MTBE producers, leaving hundreds of thousands of people without recourse—There are currently 130 communities and water suppliers across the nation that have litigation pending to reclaim damages for MTBE pollution of public drinking water sources. Because this bill is retroactive, taking effect for lawsuits pending on September 5, 2003, all of these lawsuits would be nullified.

The MTBE provisions contained in the Energy Policy Act of 2003 benefit the wrongdoers and have a number of harmful consequences for the victims of drinking water contamination. Any policy that has the effect of leaving hundreds of thousands of victims without any recourse against their wrongdoers is bad policy.

#### NATIONAL DIABETES MONTH

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. OSE. Mr. Speaker, as a member of the Diabetes Caucus, I rise today in honor of National Diabetes Month. Diabetes is a growing concern in this country as each year increasing numbers of Americans are being diagnosed with the disease. The disease does not discriminate; children, adults and senior citizens alike are realizing the devastating impact of diabetes and its tragic effects have touched the lives of Americans across the country.

Diabetes itself is debilitating, but it can also lead to heart, kidney, nervous system or dental diseases, as well as blindness, high blood pressure, complications during pregnancy, strokes, and even death. Today, 17 million people live with diabetes and approximately 1 million new cases are diagnosed each year in people over the age of 20. It is the sixth leading cause of death in the United States, with 19 percent of Americans over the age of 25 losing their lives to diabetes each year. The statistic that 1 million children have been diagnosed with juvenile diabetes is particularly unnerving.

In my home state of California, every half-hour a life is lost due to causes directly or indirectly linked to diabetes. Currently, there are two million Californians who have been diagnosed with diabetes, putting California's average above the national rate. That number is expected to double by the year 2020.

Organizations such as the Juvenile Research Fund are vital to research efforts to find a cure for diabetes. In addition to conducting its own research, JDRF provides valuable outreach programs in schools and the community to educate the public on diabetes related issues.

This past June, the Sacramento chapter of JDRF sent two of my constituents, Juleah Cordi and Gianna Gallo, to the Children's Congress. At this conference, children afflicted with diabetes spoke with Members of Congress to raise awareness of this debilitating disease. As a congressional co-chair of this event, I would like to thank Juleah, Gianna and other Children's Congress participants for their help in bringing attention to this issue.

The cost of diabetes is rising, both in terms of the cost to treat the disease and the number of American lives lost resulting from complications relating to the disease. We must support the National Institute of Health's funding for diabetes research so that organizations like JDRF may continue to provide preventative education and help curb the spread of the disease. Education is a key component in preventative efforts, by encouraging individuals to make life-style changes that will reduce their risk of getting diabetes.

Mr. Speaker, we have made great strides over the years in diabetes research and outreach education. I applaud the many organizations that have contributed to this effort and I urge my colleagues to join me in honoring National Diabetes Month. Let's help give those Americans living with diabetes hope that one day soon, we will find a cure to diabetes.

#### PAYING TRIBUTE TO RICHARD WREN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I pay tribute today to Police Captain Richard Wren of La Junta, Colorado. Recently, Richard was honored by the La Junta City Council for two decades of honorable service. Richard has dedicated his life to serving and protecting the citizens of Colorado and it is my honor to call his many contributions to the attention of this body of Congress here today.

Richard was born in Denver, Colorado and moved to La Junta to attend Otero Junior College in 1980. Upon graduation, Richard attended the Law Enforcement Academy in Trinidad and in 1983 he became a patrolman for the La Junta Police Department. He rose quickly through the ranks to achieve his status as Captain.

Richard has achieved a great deal in his tenure with the La Junta Police Department. Richard is an expert in canine police work. During his career, he established the La Junta canine program and attended two national competitions for the United States Police Canine Association. In 2002, Richard furthered his law enforcement education by attending the National Federal Bureau of Investigation's Academy in Quantico, Virginia. In addition, Richard is an expert in firearms and patrol procedures, and he holds teaching certificates in both of those disciplines.

Mr. Speaker, it is my honor to rise and pay tribute to Captain Richard Wren before this body of Congress and this nation. Richard has managed to balance his tireless dedication to the citizens of La Junta, while gladly serving as a loving father and husband as well. The Citizens of La Junta Colorado are safer as the result of Richard's tireless dedication to their well-being and it is my honor to join them in thanking him for his service.

H.R. 1588, DEFENSE AUTHORIZATION CONFERENCE REPORT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. UDALL of Colorado. Mr. Speaker, when this House voted on H.R. 1588 in May, I voted against it. I didn't think the bill as it stood then was one I could endorse. The conference report that we are considering today is marginally better. Although I still have strong reservations, I will support the conference report.

We are 2 years into our war on terrorism and still engaged in military action in Iraq. There is no doubt that we must continue to focus on defending our homeland against terrorism, we must support our military personnel, and we must give our military the training, equipment, and weapons it needs to beat terrorism around the world.

That's why I'm in favor of provisions in the bill that support those men and women who have put their lives on the line in Afghanistan and Iraq. The bill provides an average 4.15 percent pay raise for service members, boosts military special pay and extends bonuses, and funds programs to improve living and working facilities on military installations.

I am pleased that the report includes provisions recognizing the importance of non-citizen soldiers and the many sacrifices and contributions they have made. The report eases the naturalization process for these soldiers and their families, reducing to one year the length of service requirement for naturalization during peacetime; allowing soldiers to apply and take oaths for citizenship overseas; and granting permanent resident status to the surviving family of U.S. citizen soldiers who are granted posthumous citizenship as a result of death incurred in combat.

I'm also pleased that this bill will allow approximately one-third of eligible disabled military retirees to receive both their retirement and disability benefits. I would have preferred that the bill extend this "concurrent receipt" to all disabled retirees, but this is a great improvement on the bill the House considered earlier this year—which included no such provisions. I am also pleased that the bill extends the military's TRICARE health coverage to National Guard and reservists and their families if servicemembers have been called to active duty. These are all necessary and important provisions that I support.

I do have a number of serious reservations about the bill.

I don't believe it addresses 21st century threats as well as it could. With the exception of the Crusader artillery system, the Administration and Congress have continued every major weapons system inherited from previous administrations. So although the bill brings overall defense spending to levels 13 percent higher than the average Cold War levels, it doesn't present a coherent vision of how to realign our defense priorities.

The bill still includes provisions that would exempt the Department of Defense from compliance with some requirements under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). There is broad-based support for existing environmental laws—as there should be—and these laws already allow case-by-case flexibility to

protect national security. The Pentagon has never sought to take advantage of this flexibility, so it strains belief that these laws are undermining our national security. Indeed, the General Accounting Office has found that training readiness remains high at military installations notwithstanding our environmental laws. I am not persuaded that the changes to these acts proposed by the military are justified.

The bill still includes worrisome provisions to overhaul DOD's personnel system. Although they are improved from the bill the House considered earlier this year, these provisions would still strip DOD's civilian employees of worker rights relating to due process, appeals, and collective bargaining.

Most disturbingly, the bill still includes provisions on nuclear weapons development. This bill provides funding to study the feasibility of developing nuclear earth-penetrating weapons and authorizes previously prohibited research on low-yield nuclear weapons. Low-yield nuclear weapons have an explosive yield of five kilotons or less—"only" a third of the explosive yield of the bomb dropped on Hiroshima. Our obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) require the United States to work towards nuclear disarmament, rather than further increase the size and diversity of our arsenal. By continuing the development of new U.S. nuclear weapons at the same time that we are trying to convince other nations to forego obtaining such weapons, we undermine our credibility in the fight to stop nuclear proliferation.

Mr. Speaker, I am very disappointed that this conference report rolls back civil service protections, environmental protections, and our work in the area of nuclear nonproliferation. But some of these provisions were improved in conference, and the addition of concurrent receipt provisions for our nation's veterans is critical. In view of these changes to the bill, added to my belief in the importance of supporting our men and women in uniform, I will support the conference report today.

TRIBUTE TO SAGINAW VALLEY  
STATE UNIVERSITY, SAGINAW,  
MICHIGAN

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the Saginaw Valley State University in celebration of its 40th Anniversary.

Founded in 1963, Saginaw Valley State University has quickly become one of the fastest-growing universities in Michigan. The university's humble beginnings as a community college in the late 1950s have encouraged the rapid growth and expansion of the university as demonstrated by their recent additions. From holding early classes in the basement of Delta College, to its current situation on a 782-acre campus, Saginaw Valley State University has become an unrivaled success story in mid-Michigan.

I am honored today to recognize Saginaw Valley State University for its many accomplishments, and to thank the many staff, faculty, students, and families who have endeavored to support Saginaw Valley State University.

VETERANS MEMORIAL AT THE  
KOOTENAI COUNTY ADMINISTRATION BUILDING

**HON. C.L. "BUTCH" OTTER**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House the creation of a Veterans Memorial at the Kootenai County Administration Building in Coeur d'Alene, Idaho. Former commissioner Ron Rankin has spearheaded the effort to pay tribute to Kootenai County's brave veterans with memorials honoring their sacrifice.

The first phase of the Veterans Memorial, dedicated on Veterans Day 1998, is a striking seven-by-five-foot, 8,000-pound black granite monument naming Kootenai County veterans killed in action from the Spanish American War through the Vietnam War. Their names are etched in large gold letters followed by their branch of service, and the war in which they served. "In God We Trust" is etched above all the names in three-inch gold letters. The monument is strategically placed at the main entrance of the new administration building to remind visitors of the heroes who gave their lives for our freedom.

On Memorial Day 1999, the county dedicated 13 unique murals for the outside of the new courthouse. The 39-by-42-inch granite plaques depict historically significant military events in the 20th century. They are reproductions of photographs and paintings that were laser-etched in color on polished granite slabs. The first two were completed at a cost of \$2,000 each while the remaining 11 will have been added at a cost of \$3,000 each. The scenes include: Pearl Harbor, the Bataan Death March, the Battle of Midway, the flag raising on Iwo Jima, Army rangers climbing a 100-foot Normandy cliff on "D" Day, troops assaulting the beach at Normandy, gun ships off the coast of Vietnam, and "Dust Off" helicopters retrieving the wounded in Vietnam. When the entire project is completed, there will be pamphlets in the foyer of the new administration building describing each scene in detail. The foyer already includes interesting information, photos and paintings of our heroic armed forces from battle scenes of 20th century wars.

A Purple Heart Honor Roll now is in place in the courthouse foyer, and a wall of gold-framed certificates of veterans who were awarded medals of valor will complete the project. The display was dedicated at a ceremony on November 10, 2003. The event's keynote speaker was Idaho Supreme Court Justice Daniel Eismann, who earned two Purple Hearts and three Air Medals during the Vietnam War. I would like to submit the speech Justice Eismann delivered at the dedication for the RECORD.

HALL OF HEROES DEDICATION—KOOTENAI COUNTY

(Hon. Daniel T. Eismann, Nov. 10, 2003)

I first want to commend the citizens of Kootenai County for this impressive memorial to those who have served in the United States military. As a veteran, I thank you. I also commend Ron Rankin, who was the driving force behind this growing monument.

The words "Keeping America Free" on the murals outside summarize the primary mis-

sion of the United States military. The freedom we enjoy today did not come cheaply. It was purchased during the Revolutionary War with the blood of American soldiers; for over two hundred years it has been guarded and defended both here and abroad by the blood of American soldiers; and it will be preserved in the future by the blood of American soldiers. In the words of Daniel Webster, "God grants liberty only to those who love it, and are always ready to guard it and defend it."

It is because of our God-given freedom that we are the most prosperous and powerful nation on earth. It is the desire for that freedom that causes many from other countries to flock to our borders. It is envy of that freedom, and the prosperity and power it produces, that causes others to hate and want to destroy us.

With oceans to our east and west and good neighbors to our north and south, we have for many years felt secure in our freedom. We may even have taken it for granted. No nation on earth could be powerful enough to invade us. The tragic events of September 11, 2001, however, shattered that security. Although the enemies of freedom cannot take ours by force, they showed that they will try to destroy it by fear. Those tragic events confirmed that to preserve our freedom here, we will sometimes have to root out evil and tyranny in other parts of the world. We cannot be truly free unless people around the world are free. The enemies of freedom will always desire to extinguish the beacons of liberty shining around the world, and ours shines the brightest. The tragic events of September 11th also rekindled a deep appreciation and respect for those who have donned the uniform of the United States military.

We are here today to honor some of those who have helped to preserve our freedom. We have come together to dedicate the Hall of Heroes, to honor those from Kootenai County who have been awarded a medal for heroism while serving in our nation's military. By honoring them, we are not in any way minimizing the sacrifice and contribution of all others who have served in uniform. Any of you who saw the movie "We Were Soldiers" may remember the helicopter pilot in the movie whose nickname was "Too Tall." The real "Too Tall" is a friend of mine named Ed Freeman who lives in Boise. The movie does not do justice to what Ed actually did during that battle.

On November 14, 1965, after LZ X-Ray had been closed to helicopters because of intense enemy fire, Ed flew fourteen missions into and out of that landing zone delivering ammunition, water, and medical supplies to the troops on the ground and evacuating 30 seriously wounded soldiers. For his actions, Ed was awarded the Congressional Medal of Honor, our nation's highest award for heroism. Ed's Medal of Honor was certainly well-deserved, but he could not have made the impact he did without the help of others. He could not have delivered the much-needed ammunition, water, and medical supplies to the men on the ground unless others had worked to have those items waiting at his base to be loaded on his helicopter. Few if any of the seriously wounded soldiers that he rescued would have survived had it not been for the medical personnel who were waiting to care for them.

The military is a team, with every person doing his or her part. Those of us who served in combat would not have lasted long without others who kept us supplied with needed materiel—weapons, munitions; equipment, fuel, medical supplies, and food—or who equipped and directed the planes, artillery, and ships that rained bombs, missiles, and shells on the enemy. Thus, by honoring those who have been awarded medals for heroism

we are in no way forgetting or diminishing the contribution made by all who have faithfully served our nation as members of its armed forces.

Because we are honoring those whose names will be in the Hall of Heroes, it seems fitting to ask, "What is a hero?" The first time someone called me a hero, my reaction was, "I am no hero. I just did my duty." As I have thought about it, however, maybe that is part of what a hero is. It is someone who puts duty above self—someone who exhibits selfless dedication to a noble cause.

Another characteristic of a hero is courage. But, what is courage? British author C.K. Chesterton aptly described courage as follows:

"Courage is almost a contradiction in terms. It means a strong desire to live taking the form of a readiness to die. 'He that will lose his life, the same shall save it,' is not a piece of mysticism for saints and heroes. It might be printed in . . . a drill book. The paradox is the whole principle of courage. . . . A soldier surrounded by enemies, if he is to cut his way out, needs to combine a strong desire for living with a strange carelessness about dying. He must not merely cling to life, for then he will be a coward, and will not escape. He must not merely wait for death, for then he will be a suicide, and will not escape. He must seek his life in a spirit of furious indifference to it; he must desire life like water and yet drink death like wine.

In combat, you have no future. You have no past. You have only the present. To survive, you must consider yourself already dead, and then fight with all that is in you to stay alive, and to keep alive those who are fighting alongside you.

I first learned this truism not long after I started flying as a crew chief on a Huey gunship. As a crew chief, my job was to maintain the helicopter and to be a door gunner when we were flying. One afternoon, as we were returning from a mission, I moved from my normal position literally two seconds before a 51-caliber round tore through my helicopter. Had I not moved, it would have hit me right in the Adam's apple, and would have taken my head off. There was no reason for me to have moved, other than the intervention of God.

I pondered that event for a little while. Before then, being killed in combat had been an abstract possibility. I now realized that as long as I was flying in gunships, being killed was a distinct probability. Perhaps what was most disconcerting was that the bullet came without any warning. It was like a bolt out of the blue. We were not even in a place where we were expecting enemy fire. I realized that on any given day, I could be killed by one bullet coming without warning out of nowhere. I concluded that I could either worry about dying and get ulcers, or simply choose not to worry about it. I chose the latter course. From that day on, I simply considered myself already dead. Those who have accepted their death need not fear it.

Certainly, those who willingly risk their lives in combat while fighting for our country are heroes. The people we are honoring today, however, did more than merely risk their lives. The military does not award medals for valor simply for risking one's life. That is expected in combat. I was on a Huey gunship during most of my two years in Vietnam. Our job was to find the enemy and engage them. We did not have any high-tech equipment to help us locate the enemy. Our most sophisticated electronics were our two-way radios. To find the enemy, we simply tried to be an attractive target so that they would shoot at us. We would fly as low as we could, sometimes only a few feet above the ground, over or near places where the enemy

may be hiding, trying to draw their fire. Once the enemy opened fire, we would know where they were and could take them on. Having the enemy shoot at us was simply part of our job; it was all in a day's work. That is the same for anyone who serves in combat.

Those we are honoring today did not merely risk their lives in combat. They went far above and beyond the call of duty, putting their lives at extraordinary risk. They may have done so to rescue wounded or trapped comrades, or to accomplish the mission. Firefights are decided, battles are won, and victory is gained because of soldiers like these—who put themselves at extraordinary risk to save others, to accomplish the mission, and to defeat the enemies of freedom.

One of God's blessings upon this nation has been that throughout her history, in times of great trials, ordinary people have come forward and done extraordinary deeds. Today, we are honoring some of those people. On behalf of my fellow Americans, I thank them and I salute them.

TRIBUTE TO A GOOD FRIEND AND  
LOYAL PUBLIC SERVANT, JAMES  
J. MANCINI

**HON. JIM SAXTON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SAXTON. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to one of my greatest friends and one of Ocean County's finest, Ocean County Freeholder and Long Beach Township Mayor James J. Mancini.

Upon hearing of his passing, I was deeply saddened, given the tremendous impact he had on my life and those he served in Ocean County. To say that Jim will be missed is an understatement; he touched the lives of so many around him and spent every day of his life helping others.

A champion for seniors and veterans, Mayor Mancini's dedication to his community and his genuine interest in reaching out to others was unparalleled. As one of Ocean County's best advocates for seniors, his commitment to providing retirees with quality health care was unwavering. Every chance he had, Jim worked to make life better for every senior who lived in Ocean County.

Additionally, as a Veteran of World War II, Mayor Mancini made it his top priority to work on behalf of our local veterans. In fact, as a result of his efforts, services to tens of thousands of veterans were increased and improved.

Many of us from south Jersey remember the two "nor'easter" storms in the early 1990's that severely damaged the beaches of Long Beach Island. As a result of the threat to property and lives, Mayor Mancini made it his mission to guarantee these beaches would be rebuilt.

After ten years of work—including securing 3 million federal dollars, 8 years of study and design, and overcoming hurdles that prevented new beach replenishment projects from starting—just yesterday we found out that Jim's long-sought after funding to begin replenishing Long Beach Island's beaches came to fruition. This funding was included in the House-passed final version of the 2004 Energy and Water Appropriations Bill.

How ironic. After more than a decade, the project was approved by the House of Representatives on the same day as Mayor Mancini's passing. Without his persistence, it likely would not have happened.

Beginning from his election as Mayor of Long Beach Township in 1964 to his serving as a State Assemblyman in the 1970s to his becoming an Ocean County Freeholder in the 1980's, Mayor Mancini lived his life to serve and help others, and his legacy will live on for many years to come.

Throughout my life, I have met few people as compassionate and as selfless as Jim Mancini; it was an honor and privilege to be his friend. I extend my deepest sympathies to Madeline Mancini and the rest of their family, and know we will remember this caring friend, wonderful father and grandfather, admired leader, and dedicated public servant for the rest of our lives.

PAYING TRIBUTE TO DON  
SCHNEIDER

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I pay tribute to Retired Lieutenant Colonel Don Schneider from Grand Junction, Colorado. Don has dedicated his life to the betterment of his family, country and community, and I am proud to call his contributions to the attention of this body of Congress here today.

Don moved to Colorado Springs, Colorado in 1959. Between 1959 and 1964, he accomplished a great deal. He attended the Air Force Academy, completed Airborne Jump School, Officer Training School, and earned a degree from the University of Denver, eventually working with Martin-Marietta on the Titan II missile program. In addition, Don met and married his wife Judy and had three wonderful children during this period.

After his training, Don was transferred to Tennessee, where he served as a navigator and instructor at Stewart Air Force Base. While stationed in Tennessee, Don acquired 2000 hours of flying time on deployments worldwide. Between 1970 and 1971, Don flew 180 combat missions in the Vietnam conflict. In a time of war, Don's patriotism and valor shone through, proving him a true hero. At war's end, Don's honorable service had earned him numerous decorations, including the Distinguished Flying Cross and the Meritorious Service Medal.

Following the war, Don was stationed in Myrtle Beach, where he was a pilot, safety officer, and instructor who trained a number of National Guard units, including the Colorado Air Squadron stationed at Colorado's Buckley Air Force Base. Don completed his service to the United States Air Force in 1985. After entering the private sector for some time, Don and his family moved to Grand Junction in 1998. In Grand Junction, Don has continued his service to his country. He currently serves as the President of the Western Colorado Chapter of Military Officers, and is an active member of the Order of the Dandelions, the Red River Valley Fighter Pilots Association and the Aircraft Owners and Pilots Association.

Mr. Speaker, I am proud to pay tribute to Don Schneider's courageous service before this body of Congress and this nation. His selfless desire to protect the freedom of all Americans is a reflection of his unwavering love for our country and his continued service to his community is further illustration of a lifetime of devotion to our nation. Thank you, Don, for your service.

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003

SPEECH OF

**HON. W.J. (BILLY) TAUZIN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. TAUZIN. I rise to elaborate on the colloquy I had with Mr. Norwood during consideration of the conference report for H.R. 6 regarding section 1242 (relating to participant funding). Section 1242 ("Voluntary transmission pricing plans") adds a new section 219 to the Federal Power Act. Under this section, any transmission provider ("TP"), regardless of whether the TP is a member of an RTO or ISO, is eligible to submit a transmission pricing plan to the FERC. In the case of a participant funding ("PF") plan, the Federal Energy Regulatory Commission ("FERC") must approve the plan if it meets the requirements of the section, regardless of whether a TP is in an RTO or ISO, because the native load customers of the TP should not be penalized by being compelled to pay for unneeded generator interconnection transmission upgrades.

The provision requires the FERC to approve a PF plan if the plan is just and reasonable and meets other requirements relating to cost responsibility and allocation. The rates referenced means rates as they affect the TP's shareholders and native load customers. The rate must not be so low as to be confiscatory of the TP-shareholder's property. At the same time, the rate must not unjustly shift costs to the TP's native load customers. The just and reasonable requirement here operates in the context of a clear policy choice by Congress in favor of PF where an application meets the other requirements of this section. The requirements of (b)(2)(B) constitute a limitation or channelling of the FERC's discretion within the bounds of the just and reasonable standard, which the courts have held does not require a specific formula, method, or single numeric result in any given case. In determining the zone of reasonableness, the FERC is required to comply with the policy of allowing PF as provided in (b)(2)(B).

PF ensures just and reasonable rates in three ways. First, the TP fully recovers (in charges assessed to all transmission customers) the costs of any monetary credits it must grant to the party requesting the upgrade. Second, PF protects consumers from bearing costs for facilities they do not need, by ensuring that the party causing the upgrade costs is assigned those costs. Third, rates are kept at reasonable levels by ensuring that generation and transmission are sited in an economically efficient manner.

Subsection (b)(2)(B) provides that the upgrade costs are "assigned in a fair manner." The costs "assigned" or "paid" here means

the costs initially allocated at the time of the upgrade. If a cost is assigned to the TP, the TP rolls that cost into its embedded cost rate base and recovers the entire cost in a transmission charge assessed to all its own transmission customers. If a cost is assigned to, or paid by, the requesting party, the requesting party makes a lump-sum payment at the outset, financed by whatever means the requester arranges. Subsequently, the requesting party pays the same embedded cost transmission charge assessed to and paid by any transmission customer—this charge is not considered a "payment" in this context.

Subsection (b)(2)(B)(i) means that if, at the time of the request, the native load customers had no need for the upgrade, they do not have to pay for it. The phrase "such transmission service related expansion or new generator interconnection" refers to the specific upgrade requested. Thus, if the TP would not have built the same upgrade at the same time to serve its own customers, such customers should not have to pay for it. The phrase "would not have required" means that, at the time the upgrade is requested, the native load customers would not have needed the upgrade to reliably meet their load. Projected or hypothetical future "needs" or other "benefits" in no way qualify as upgrades required by these customers for the purposes of this provision.

Going forward, the requester would be charged the same embedded cost transmission service charge as any other transmission customer—a charge that includes the cost of any monetary credit (as it is used) or any other item in the embedded cost ratebase. This point is made clear in subsection (b)(2)(B)(iii)(I), which provides that a monetary credit would be "against the transmission charges that the funding entity or its assignee is otherwise assessed [by the TP]."

Clause (ii) is a clarification of precisely what costs are assigned in the up-front allocation of the upgrade costs. Clause (ii)(I) references the requirement that the requesting party "pay for" the "assigned" cost of the upgrade as set forth in clause (i). This language means that the requesting party makes a lump sum payment at the time of the upgrade for the costs of constructing the upgrade and any costs associated with completing the upgrade. Clause (ii)(II) makes clear that the requester is not also assigned, as part of this initial, lump-sum payment, certain future costs, resulting from the upgrade, that are later included in the TP's embedded cost rate base. The initial cost of the "physical" upgrade is not directly or immediately included in the embedded cost because the upgrade itself is paid for (assigned to) up front by the requesting party. The term "embedded cost" is a term of art typically defined as funds already expended for investment in plant and operating expenses, as shown on the utility's books.

The physical upgrade does not immediately qualify as a cost of "plant" because the TP has not been assigned the cost in the initial upgrade—such cost is paid for in the initial cost assignment by the requester, not by the TP. The "cost of the requested upgrade" does, however, enter the TP's embedded cost basis in the form of any monetary credit given to the requester as compensation for the requester's initial payment. Because this credit is a credit against the transmission charge assessed to the requester, it is revenue foregone

by the TP that must be recovered in the TP's rolled-in transmission rate. This cost is included in the TP's embedded cost charge to all transmission customers each billing period in the form of the cost of the monetary credit. Every transmission customer's rate (including the requester's) includes the cost of such credit. The difference for the requester is that he gets a credit against the same embedded cost transmission rate as charged to all transmission customers. Clause (ii)(II) means that, in the initial cost assignment, the requester does not also pay up front for the future rolled-in cost of the monetary credit. In the initial cost assignment, the requester pays only once for the transmission upgrade—and, under a PF plan using the monetary credit approach of (iii)(1), he gets full compensation for that lump sum payment in the form of the monetary credit over a 30 year period. In this lump-sum, up-front cost allocation, the requester does not have to pay for the upgrade twice by paying in advance for the monetary credit cost of the upgrade. For clarity, subclause (II) is expressed as a formula. The "difference" between the embedded cost including the upgrade and the embedded cost absent the upgrade equals the total cost of credits associated with the upgrade. Subclause (ii), in other words, means that the requester does not, in the up-front cost allocation, need to pay for both the cost of building the upgrade and the future cost of the credits needed to compensate it for that payment.

Subsequent to the initial cost allocation, the requester, like any other transmission customer, is assessed a standard transmission service charge for accessing the transmission system. It is against this service charge that any monetary credit under (iii)(I) is applied. Nothing in the provision prevents the TP from rolling the cost of the monetary credit into the embedded cost transmission charge for the use of the system—a charge that all transmission customers must pay as they take service. Clause (ii)(II) does not say or imply that the requester should not have to pay a transmission charge for the use of the system. Such a misreading would result in an unjust and unreasonable confiscation of utility-shareholder property, as well as an absurd departure from the FERC policy requiring all transmission customers to pay an access charge derived from the embedded cost of the system, including the cost of any credits given as the requester is assessed transmission charges. In other words, the provision is not intended to give the requester a double credit or double compensation (i.e., a discounted transmission rate on top of a credit or other compensation).

Conversely, the fact that the requester is assessed this charge (including the portion of the charge attributable to the cost of the monetary credit) in no way means that the requester is having to "pay twice" for the upgrade, because the transmission service charge is entirely separate from the cost allocation provided for in clause (ii). The requester pays for the upgrade in advance, and in exchange receives the credit or rights. By contrast, the requester is assessed a transmission charge in exchange for accessing the transmission system. Thus, this is not so-called "and" pricing.

Clause (iii) provides that the requester over time shall receive a form of compensation for its up-front, lump-sum payment. This compensation may be in the form of a monetary

credit of equal value, or financial or physical transmission rights, or another form of compensation proposed by the TP. Under (iii)(I), the requirement that the crediting period be "not more than 30 years" means that, so long as the crediting period proposed in the plan is 30 years or less, the FERC has no discretion to require that the crediting period be different from the proposed period.

The term "full compensation" in clause (iii) generally means that the requester gets appropriate compensation in exchange for making the up-front payment for the upgrade. In the case of a monetary credit under (iii)(I), this compensation is specifically identified as being "equal" to the cost of the participant funded facilities (spread over 30 years). In the case of the "financial or physical rights" option under (iii)(II), the compensation need not be quantified in terms of an amount equal to the cost of the upgrade. For example, in the case of a market using locational marginal pricing ("LMP"), such amount need not (and cannot) be calculated in advance. Nevertheless, such property rights resulting from the expansion are of great benefit to the requester as a hedge against paying potential congestion charges in the future. Thus, they are appropriate compensation. Subclause (III) gives the TP the option of proposing a different form of compensation. It does not give FERC discretion to require a different form of compensation when the TP proposes a monetary credit under subclause (I) or appropriate rights under subclause (II).

To ensure that native load consumers are protected from paying for facilities they do not need, I urge my colleagues in the House and Senate to vote for the conference report.

HONORING OUR FALLEN HEROES  
STAFF SGT. LINCOLN HOLLINSAID,  
CAPT. RYAN BEAUPRE AND  
PVT. SHAWN PAHNKE

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. WELLER. Mr. Speaker, I rise today to commend the heroic actions of three service members from the 11th Congressional District of Illinois who gave the ultimate sacrifice of their life to the defense of our Nation. Army Staff Sgt. Lincoln Hollinsaid of Malden, Marine Capt. Ryan Beaupre of St. Anne and Army Pvt. Shawn Pahnke of Manhattan each served proudly and bravely.

Today, I am introducing legislation to honor their sacrifice by naming each of their hometown post offices in their name and I urge my colleagues to support these bills.

The Malden, Illinois post office would be named after Army Staff Sgt. Lincoln Hollinsaid, age 27. Staff Sgt. Hollinsaid was an engineer with the U.S. Army Third Infantry Division. He was killed April 7, 2003 while operating a crane to help clear a path allowing U.S. Army forces to penetrate the grounds of the Bagdad Airport and capture this key facility. Lincoln loved fishing, four-wheeling in his truck and was also a self taught guitar player.

The St. Anne, Illinois post office would be named after Marine Capt. Ryan Beaupre, age 30. Capt. Beaupre was a helicopter pilot with the U.S. First Marine Expeditionary Force. He

was killed March 20, 2003 while piloting a CH-46 Sea Knight helicopter in Kuwait, nine miles from the border with Iraq. Ryan enjoyed competing in cross-country and track. He was also a volunteer at "Home-Sweet-Home" mission, a homeless shelter and transitional housing program.

The Manhattan, Illinois post office would be named after Army Pvt. Shawn Pahnke, age 25. Pvt. Pahnke was a main battle tank crewman with the U.S. Army First Armored Division's First Brigade. He was killed June 16, 2003 while patrolling Baghdad in a Humvee. Shawn enjoyed playing baseball. He was also a husband and a father of a new born son.

Naming the Malden, St. Anne and Manhattan post offices after these brave soldiers is a fitting tribute to remember each of their lives, their service and the sacrifices of their families and their communities.

When we lose a soldier, it is a terrible loss for their families and for our Nation. Hardships are also felt by every family of those who are abroad who not only miss their loved ones, but may be having a difficult time making ends meet. The members of the armed forces are giving greatly to defend and protect our Nation, and we owe them an enormous debt of gratitude.

America's soldiers serve our country with honor. I hope that you will join me in honoring these soldiers who gave so much to our country.

On a personal note, my heart and prayers go out to all those who have sacrificed for this ongoing war on terror, and I urge my colleagues to support these fitting bills.

PERSONAL EXPLANATION

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 620, 621, 622, 623, had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003

SPEECH OF

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. ETHERIDGE. Mr. Speaker, I rise today to vote against the conference report to H.R. 6, the Energy Policy Act of 2003.

It is a sad day in America for today Congress has passed up an historic opportunity to craft an energy policy for the 21st century. The legislation we are voting on could have been an honest, bipartisan effort to halt America's growing dependence on fossil fuels for energy. It could have been focused on new technologies, energy efficiency, renewable energy, and the research and development that could produce the breakthroughs that would power the world of tomorrow. Instead, this bill is stuck in the past. Modeled after the energy plan developed by Vice President CHENEY's secret energy committee, H.R. 6 reflects the philosophy that there is no energy problem that cannot be solved with another oil well.

I have no objection with supporting some new or additional oil and gas exploration or production because, until we develop the energy alternatives of the future, we must continue to meet our oil and gas needs. However, it must be done responsibly. Sacrificing environmental protection for petroleum production is not responsible. Exposing our great natural treasures, especially the North Carolina coastline, to exploitation and possible degradation is not responsible. And placing the vast majority of economic incentives that H.R. 6 offers toward more fossil fuel production, instead of energy efficiency and research into new technologies, is not responsible.

H.R. 6 provides \$23.5 billion in tax breaks over the next 10 years, the majority of that for oil and gas production. That's billions in tax breaks for energy companies paid for by our children and grandchildren. I could support some tax incentives for new sources of energy, but this Administration's economic record has already created a more than \$400 billion budget deficit. I cannot support more debt for future generations to pay off. The Senate version of the energy bill offered ways to pay for these tax breaks, but the Republican leadership struck them. Why are the Republicans so opposed to fiscal responsibility?

Not all of the bill's provisions are bad. I am pleased with the provisions on ethanol. They will provide new markets for corn growers and help reduce harmful emissions. The ban on the fuel additive methyl tertiary butyl ether (MTBE) will also help ethanol users while keeping more MTBE from seeping into the Nation's water supply. But H.R. 6 provides liability protection for MTBE manufacturers. So when somebody gets sick because their products got into the water supply, these companies cannot be held accountable. That's just plain wrong.

Like the Vice President's energy plan, this bill was developed by Republican leaders behind closed doors without concern for the needs of consumers. Republicans are demanding that this House vote on a 1000+ page bill after having less than a day to review it. How many of our constituents would sign a 1000 page contract after having barely a day to read it? None. That's why organizations like the Carolina Utility Customers Association—composed of North Carolina companies like Bayer Corporation, GlaxoSmithKline, Lorillard Tobacco, and R.J. Reynolds Tobacco—oppose H.R. 6. To quote their letter, "While H.R. 6 contains positive aspects, the fact remains that many questions need to be asked and adequately answered before this bill is passed. It is simply unwise to hastily pass a bill without fully understanding its impact."

Unfortunately, the Republican congressional leadership wasted an opportunity to develop a prudent energy policy. I must oppose H.R. 6.

PAYING TRIBUTE TO JAMES FUNK

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of James Funk who recently

passed away at the age of 85. Jim was a pillar of the Hayden, Colorado community, and as his family mourns their loss, I think it is appropriate that we remember Jim's life and celebrate his contributions to our nation today.

Jim, a native Coloradan, grew up in various towns in the mountains of the West. He lived in Steamboat Springs, Hayden, and McCoy. Following high school, Jim answered his country's call to duty and served in the United States Army for four years. In 1947, Jim married Avis Hooker, his wife of 56 years.

Throughout his life, Jim was active in numerous community groups, including the Farm Bureau, the Upper Yampa River Water Conservancy Board, the Hayden School Board, and the Routt County Planning Commission. He was a member and former Commander of the Hayden American Legion Post and a member of the Hayden Congregational Church. In addition, Jim was instrumental in organizing the West Routt Fire Protection District. Despite his busy schedule, Jim managed to be a loving father, husband and friend.

Mr. Speaker, James Funk's dedication and selflessness certainly deserve the recognition of this body of Congress. It is my privilege to pay tribute to him for his contributions to the community of Hayden and our nation. I would like to extend my thoughts and deepest sympathies to Jim's family and friends during this difficult time of bereavement.

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003

SPEECH OF

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. CAMP. Mr. Speaker, I rise in support of H.R. 6.

We have pushed for and promised a new national energy policy for a decade, and it is time we deliver on that promise; a promise that tells our families they won't be left out in the cold due to skyrocketing home-heating bills, a promise that tells the American worker that an unstable and unaffordable energy supply won't force employers to reduce benefits or eliminate jobs, and a promise that tells our children that they will be able to live and grow in a clean, healthy environment.

It is on that last point, encouraging the development of environmentally friendly energy, that I rise today. Transportation accounts for more than 75 percent of total oil consumption in the United States. Accelerating the use of fuel-efficient technologies and cleaner burning fuels by the auto industry will have a profound impact on safeguarding our health and our environment.

The high costs of new technologies, however, have stalled progress in the past. And, as California's experiment with electric engines quotas proved, top-down, government-driven reforms do not work. We cannot expect results if the expectations and demands of consumers are not met. This energy bill puts consumers in the driver's seat for developing technology, and will create a sustainable effort to improve fuel efficiency and reduce pollution.

By providing tax credits directly to consumers, this bill will help offset the thousands

of dollars added to the ticket price of a hybrid or alternative fuel vehicle. Without these incentives, up to \$3,400 for the purchase of a hybrid vehicle and up to \$8,000 for a fuel cell vehicle, we will not change the status quo.

The energy bill compromise is not only fair and balanced; it is a major step forward for our country. By providing a more stable, affordable supply of energy, it will protect and create hundreds of thousands of jobs, save families money, and reduce pollution.

PERSONAL EXPLANATION

**HON. MAC COLLINS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 634, the Captive Wildlife Safety Act (H.R. 1006); rollcall vote 635, Expressing the sense of Congress regarding the importance of motorsports (H. Con. Res. 320); rollcall vote 636, National Museum of African-American History and Culture Act (H.R. 3491); rollcall 637, Berkley Motion to Instruct Conferees; rollcall 638, Mutual Fund Integrity and Fee Transparency Act (H.R. 2420); rollcall 640, Honoring the victims of the Cambodian genocide (H. Con. Res. 83); rollcall 641, Honoring the Seeds of Peace (H. Con. Res. 288); rollcall 642, Commending Afghan Women (H. Res. 393); rollcall 643, Recognizing the Fifth Anniversary of the signing of the International Religious Freedom Act (H. Res. 423); and rollcall 644, Fairness to Contact Lens Consumer Act (H.R. 3140).

Had I been present, I would have voted "yea" for rollcall votes 634, 635, 636, 638, 640, 641, 642, 643, and 644. I would also vote "nay" for rollcall vote 637.

UNITED KINGDOM FREE TRADE  
AGREEMENT RESOLUTION

**HON. MARK E. SOUDER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SOUDER. Mr. Speaker, I rise today to introduce a resolution expressing the sense of Congress that the President of the United States should enter into a free trade agreement (FTA) with the United Kingdom of Great Britain and Northern Ireland.

The United States and the United Kingdom share one of the closest and most unique cultural, economic, strategic relationships of any two countries in history. Our nations are based on the rule of law. We share a common history, language, and love of freedom and liberty. Our military alliance liberated Europe from Adolf Hitler and removed Saddam Hussein from power in Iraq. The entrepreneurial spirit of Americans and Britons is evident in the economic power our countries have exerted for over two hundred years.

I believe that it is no accident that two of the most freedom-loving countries on earth have also been the most economically successful countries. The independence and liberties Americans and Britons enjoy politically have

transferred themselves to an economic freedom to invent, innovate, and trade.

Unfortunately, that freedom to trade is often hindered by barriers and tariffs. Some barriers give unfair advantage to goods through artificially lower prices. Other barriers try to protect domestic industries, sometimes delaying much needed innovation.

Countries that open their domestic markets, remove barriers to foreign direct investment, and promote free enterprise improve the lives of their citizens. The US and the UK should encourage open markets because limiting the availability of goods or increasing the final price paid by consumers can directly inhibit consumer freedom and reduce consumer welfare.

As the largest economy in the world, the United States should lead the movement for free trade because free trade boosts our economy. An International Trade Commission report estimates that the elimination of tariffs between the United States and the United Kingdom would result in an 11 percent to 16 percent increase in American exports to the United Kingdom.

The economic relationship between the US and UK is one of the largest trading relationships in the world. Direct foreign investment flowing between our countries totals nearly \$400 billion—the largest such relationship in the world. British investment in the United States helps to sustain over 1 million American jobs.

In my home state of Indiana, there are 141 British companies doing business, including Rolls Royce and Smith Industries. These companies provide 36,000 Hoosiers with jobs. Furthermore, major Indiana companies such as Eli Lilly, Great Lakes Chemical, Biomet, and Lincoln National Corporation have substantial interests in Great Britain.

In the past few years the United States negotiated or is negotiating FTAs with a number of countries. Yet, the United Kingdom is not one of those countries. Given the depth of our relationship and that exports could increase 11 percent to 16 percent, it seems natural for Americans to push for this FTA. Increasing trade will help workers in Indiana and throughout the United States.

Furthermore, as the European Union continues to tighten its control over member states, the days when the United Kingdom is free to set its own trade policy and negotiate its own trade agreements may be numbered. A proposed EU constitution will potentially put more power in the hands of bureaucrats in Brussels rather than London.

Also, given the recent anti-American sentiment running through much of continental Europe, it is highly probable that those in control of the EU will use the organization to stymie US economic interests. The United States must take this opportunity to protect its trade with Great Britain and to help Great Britain protect its right to trade with whomever it wants, however it wants.

In an amendment offered by Senator MITCH MCCONNELL of Kentucky to its Fiscal Year 2004 budget resolution, the United States Senate expressed its support for an FTA with the United Kingdom (S. Con. Res. 23). It is time the House of Representatives expresses its support too.

PAYING TRIBUTE TO EDGAR  
STOPHER

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Edgar Stopher who passed away recently at the age of 93. Edgar was a pillar of our Colorado community, and as his family mourns their loss, I think it is appropriate that we remember his life and celebrate his contributions to our nation today.

Edgar was born in Loveland, Colorado in 1909. After his graduation from high school in 1929, Edgar continued his education at the University of Colorado, where he earned a bachelors degree in 1932. During World War II, Edgar answered his country's call to duty and served in the United States Air Force. By war's end Edgar had achieved the rank of Major and was awarded numerous decorations.

Following the War, Edgar moved to Estes Park, where he became the General Manager of the Stanley Hotel. In 1970, he joined the Sheraton Corporation as General Manager of the French Lick Springs Hotel in Indiana. Edgar's position with the Sheraton ultimately led to his relocation to Steamboat Springs, where he became the manager of the Sheraton Hotel there. He retired from that position in 1985.

Edgar was active in volunteer work in every Colorado community in which he lived. He was a member of the Chamber of Commerce, President of the Board of Education and also gave his time to the Masonic Lodge.

Mr. Speaker, Edgar Stopher's dedication and selflessness certainly deserve the recognition of this body of Congress. It is my privilege to pay tribute to him for his contributions to the State of Colorado and our nation. I would like to extend my thoughts and deepest sympathies to Edgar's family and friends during this difficult time.

TEXAS TROOPS IN IRAQ

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to the brave men and women of our Armed Forces and especially to honor those who have bravely fought and given their lives in Iraq.

Texans have a long history of serving in our military, and the same holds true today in Iraq.

There have been more men and women from Texas who have given their lives in Iraq, than from any other State other than California.

Since the U.S. launched its first airstrike in Iraq, 273 Americans have been killed in hostile action; 158 of those deaths coming after the President declared major combat to be over on March 1.

As of Friday, the Defense Department knew of 34 Texans who had been killed serving their country in Iraq.

Our hearts go out to the family members of these individuals who have made the ultimate sacrifice for their country:

Sgt. Edward Anguiano, 24, of Los Fresnos, was killed in action on March 23;

Chief Warrant Officer Andrew Arnold, 30, of Spring, was killed in action on March 22; Spc. Richard Arriaga, 20, of Ganado, was killed in an action on September 18;

Sgt. Michael Barrera, 26, of Von Ormy, was killed in action on October 28;

Staff Sgt. Gary Collins, 32, of Hardin, was killed in action on November 8;

Capt. Eric Das, 30, of Amarillo, was killed in action on April 7;

Pvt. Ruben Estrella-Soto, 18, of El Paso, was killed in action on March 23;

Master Sgt. George Fernandez, 36, of El Paso, was killed in action on April 2;

Pvt. Robert Frantz, 19, of San Antonio, was killed in action on June 17;

Spc. Rodrigo Gonzalez-Garza, 26, of Texas, was killed in action on February 25;

Pfc. Analaura Esparza-Gutierrez, 21, of Houston, was killed in action on October 1;

Chief Warrant Officer Second Class Scott Jamar, 32, of Granbury, was killed in action on April 2;

Staff Sgt. Phillip Jordan, 42, of Brazoria, was killed in action on March 23;

Cpl. Brian Kennedy, 25, of Houston, was killed in action on March 21;

Spc. James Kiehl, 22, of Comfort, was killed in action on March 23;

Chief Warrant Officer Johnny Mata, 35, of Amarillo, was killed in action on March 23;

Cpl. Jesus Medellin, 21, of Fort Worth, was killed in action on April 7;

Sgt. Daniel Methvin, 22, of Belton, was killed in action on July 26;

Pfc. Anthony Miller, 19, of San Antonio, was killed in action on April 7;

Sgt. Keelan Moss, 23, of Houston, was killed in action on November 2;

Spc. Joseph Norquist, 26, of San Antonio, was killed in action on October 9;

Staff Sgt. Hector Perez, 40, of Corpus Christi, was killed in action on July 24;

Second Lt. Jonathan Rozier, 25, of Katy, was killed in action on July 19;

Cpl. Tomas Sotelo, Jr., 20, of Houston, was killed in action on June 27;

Spc. James Wright, 27, of Morgan, was killed in action on September 18;

Pfc. Stephen Wyatt, 19, of Kilgore, was killed in action on October 13;

Pfc. Chad Bales, 20, of Coahoma, died on April 3.

Spc. Zeferino Colunga, 20, of Bellville, died on August 6.

1st Sgt. Joe Garza, 43, of Robstown, died on April 28.

Spc. John Johnson, 24, of Houston, died on October 22.

Spc. Christian Schulz, 20, of Colleyville, died on July 11.

Spc. Joseph Suell, 24, of Lufkin, died on June 16.

Sgt. Melissa Valles, 26, of Eagle Pass, died on July 9.

Sgt. Henry Ybarra, 32, of Austin, died on September 11.

These men and women gave their lives defending their country and fighting to liberate a country that has never experienced freedom.

Our thoughts and prayers go out to the family and friends of these individuals.

They served their country bravely, and they will forever be remembered as heroes.

INTRODUCTION OF THE WILSON-  
TOWNS HEPATITIS C EPIDEMIC  
CONTROL AND PREVENTION ACT

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. TOWNS. Mr. Speaker, I rise today to urge my colleagues to join me in support of

the Wilson-Towns Hepatitis C Epidemic Control and Prevention Act, which I have introduced today with Representative WILSON of New Mexico.

The virus which causes Hepatitis C was first identified in 1989. Currently, about 4 million people in the United States are believed to have the Hepatitis C virus. However, exact figures are not available because of the stealthy nature of this virus. Often called the "silent epidemic," people infected with the Hepatitis C virus can be virtually symptom-free for decades before realizing that life-threatening damage has occurred. Unfortunately, to date, there is no vaccine to prevent this disease.

When this virus first appeared, it was believed that only intravenous drug users were at risk. However, today we know that this disease is no respecter of persons. People from all walks of life have become victims of this virus. Our young people are particularly at risk because tattoos and body piercings have become the fastest growing mode of transmission for Hepatitis C. Many young people are unwittingly putting themselves at risk for contracting this disease. We must provide them with information which will enable them to make informed decisions about this risk.

Mr. Speaker, this bipartisan effort, which is modeled after a bill introduced on the Senate side by Senators KAY BAILEY HUTCHISON of Texas and EDWARD KENNEDY of Massachusetts, will direct the Secretary of Health and Human Services to establish, promote and support a comprehensive prevention, research and medical management referral program for persons suffering from the Hepatitis C virus. If passed, this bill will represent the first federal effort to provide a strategic approach to combat this disease.

Mr. Speaker, this disease has affected almost 2 percent of the population of this country. We must take concrete action now before many more are needlessly subjected to this virus. Let us not miss this opportunity to avert this potential public health threat. I urge my colleagues to support this bill.

CONGRATULATIONS, DR. ANDREW  
BELSER

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Dr. Andrew Belser of Juniata College on receiving the prestigious Pennsylvania Professor of the Year award and to thank him for the dedication and guidance with which he has provided his students.

Since 1981, the United States Professors of the Year program has rewarded outstanding professors for their invaluable work. It is the only national program to recognize college and university professors for their teaching skills, and thus, this award is a testament to Dr. Belser's commitment to his students and the dedication to teaching upon which he prides himself.

Since 1997, Dr. Belser has inspired and directed Juniata College students to study and perform to the best of their abilities. He teaches the importance of maintaining tremendous discipline, technique and skill while making theater, which is a valuable lesson that will influence and guide these students in every endeavor. An experience in the arts, such as the

one that Dr. Belser provides, contributes greatly to one's personal growth as well as the growth of the community.

Dr. Belser commands a very influential and central role in the construction of the Regional Performing Arts Center, the new theater complex at Juniata College. He has used his expertise not only to teach and enliven his students, but to entertain and educate the surrounding community as well. Dr. Belser's dedication and loyalty to the arts is uncommon in the technologically focused world we live in today, but without such invigorating mentors people would lose the rich culture that influences every action and inspires every thought.

I congratulate Dr. Andrew Belser on this great honor and hope that he continues to spread his wisdom and passion for many years to come.

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#### PERSONAL EXPLANATION

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GUTIERREZ. Mr. Speaker, I was also unavoidably absent from this Chamber on June 3, 2003. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 232. On June 9, 2003, I was absent from this chamber and I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 249, 250, and 251. I was also absent from this Chamber on June 11, 16 and 19, 2003, and would like the RECORD to show that, had I been present, I would have voted "nay" on rollcall vote 257 and "yea" on rollcall votes 258, 259, 260, 261, 276, 277, 278, and 294.

On June 24, 2003, I was also absent from this Chamber and would like the RECORD to show that, had I been present, I would have voted "nay" on rollcall vote 305.

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#### PERSONAL EXPLANATION

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. ORTIZ. Mr. Speaker, due to inclement weather and travel delays from my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 624: "yes"; rollcall No. 625: "yes"; rollcall No. 626: "yes"; rollcall No. 627 "yes."

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#### PAYING TRIBUTE TO SAM MAYNES

### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is my honor to rise and pay tribute to my friend Sam Maynes. Sam has dedicated his life to advocating for the empowerment of those less fortunate. He is a tremendous attorney, husband, father,

and friend. As Sams's 70th birthday approaches, I would like to call attention to his many contributions to the Colorado community.

Sam is the senior partner of the Durango law firm of Maynes, Bradford, Shipps and Sheftel. Formed in 1961, Sam's firm is general counsel for the Ute Indian Tribe, and special counsel for the Ute Mountain Tribe. Sam is also one of the foremost experts in water law in the United States. He is general counsel for the Southwestern Water Conservation District in Colorado and was instrumental in working to reach a compromise to make the Animas La Plata water project possible. As an attorney, Sam redefines the phrase 'zealous advocacy.' He is renowned for fighting ferociously for what he believes in. Sam is a man of conviction, and principle, when his morals dictate a position for one of his clients; he is willing to go to the ends of the earth to assure that justice prevails.

Sam's ferocious advocacy has earned him many accolades. He is the recipient of the United States Bureau of Reclamation Citizen Award, the Wayne N. Aspinall Water Leader of the Year Award, the Distinguished Achievement Award from the University of Colorado Law School, and the Citizen of the Year Award from the Durango Area Chamber Resort Association. In addition, Sam was named an Honorary Order of the Coif by the University of Colorado School of Law. Sam's many recognitions are a testament to his talent, conviction and integrity. The State of Colorado is truly a better place as the result of Sam's contributions.

The year since Sam's last birthday has been a trying one. Last winter, Sam lost his wonderful wife Jacqueline to multiple sclerosis. Jacqueline was Sam's "angel" and the mother of his four tremendous children. However, even after her death, Sam approaches each day with the knowledge that Jacqueline is there with him as he fights for those who need his help. Despite these tribulations, Sam still displays a playful zest for life each day. Those who visit Sam in his office are often treated to a piece of Sam's famous homemade apricot brandy pound cake while they are amused by Sam's charm, humor and contentment. Sam is truly a magnificent person.

Mr. Speaker, it is my privilege to come before Congress to pay tribute to a man who has dedicated his life to the "under dog." Sam's life is the embodiment of all that makes this country great and I consider it an honor to be his friend. Happy Birthday, Sam.

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#### NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE ACT

SPEECH OF

### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. KINGSTON. Mr. Speaker, I rise in support of this bill and encourage all of my colleagues to support this long overdue museum.

I would like to thank Chairman NEY, Mr. LARSON, Chairman LATOURETTE, Ms. HOLMES-NORTON for their diligence in improving this bill and bringing it before us today. It has been a pleasure working with each of you and your staffs.

I would especially like to thank my colleague from Georgia, Mr. LEWIS, for his tireless efforts over the years to ensure that a National Museum of African American History and Culture will be added soon to our Smithsonian Institution. This project would not be as close as we are today without him, and I am proud to be a part of it.

Mr. LEWIS, thank you for your steadfast commitment and leadership on this issue and for allowing me to work with you on it.

Mr. Speaker, the time has come for a dedicated, national museum to celebrate African American culture, experience, and history.

The history and culture of African Americans is our history and culture. When we learn that history—the good and the bad, the tragic and the inspiring—we learn about ourselves. By understanding our common past we can begin to envision a brighter future.

Bringing this museum into our national memory at the Smithsonian Institution is the right thing to do. And bringing this museum to a prominent and fitting home in our Nation's Capital is also the right thing to do.

There are many issues surrounding this museum which I believe have been fairly addressed by this bill. We have tried to closely follow the model recently adopted for the Native American Museum currently under construction. Issues regarding museum governance and cost sharing, for example, follow this model.

We ensure this is a true partnership with the private sector and the public at-large by capping Federal contributions at 50 percent.

We ensure the historical integrity of the project by fully integrating this museum into the Smithsonian system.

We ensure the project fits into our Nation's Capital by preserving the consultative role of the National Capital Planning Commission.

The one point that has been made many times throughout this process was that a specific site for this museum should be decided now. The Presidential Commission, authorized by the Congress, recommended five sites within the District of Columbia, four of which are included as options in this bill. Each of these sites has significant benefits as well as drawbacks. I strongly believe that is critical to the timely success of this project that a final, achievable and suitable site is agreed upon as soon as possible.

To that end, all the members who have worked so hard on this bill agreed to drop consideration of a site on the Capitol grounds which would have likely resulted in many years of further delay with no promise that the site could ever be made compatible with Capitol security and overall development plans.

This bill and this museum can serve a valuable purpose in furthering our national dialogue on race. I know that it is the intention of everyone associated with this bill to see this project move forward in a spirit reconciliation and not recrimination. I know we all believe this effort is about seeking the truth of our common history without malice. I am confident we all share the view that this museum must be a place to bring all Americans closer together and that it not be allowed to become a taxpayer subsidized headquarters for angry activists or the domain of politically correct historical revisionists. I hope that all of us here today, and those of us who will be here in the future, will remain committed to this museum in the spirit of truth, reconciliation, and respect with which we take this action here today.

Mr. Speaker, expanding our national treasure, the Smithsonian Institution, to include the National Museum of African American History and Culture is a tremendous opportunity to remember our past while looking forward our common future. I encourage all my colleagues to vote in favor of this bill.

**URGING THE PRESIDENT TO  
PRESENT THE PRESIDENTIAL  
MEDAL OF FREEDOM TO HIS HO-  
LINESS, POPE JOHN PAUL II**

SPEECH OF

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. STUPAK. Mr. Speaker, I rise to honor His Holiness Pope John Paul II as Roman Catholics throughout the world celebrate his Silver Jubilee anniversary this year.

The resolution before us, H. Con. Res. 313, recognizes the Pope for his enduring and historic contributions to human dignity and peace and urges President Bush to present him with the Presidential Medal of Freedom.

I can think of no more fitting a tribute to Pope John Paul II, our first ever non-Italian pope, in honoring his 25th year as Bishop of Rome and Supreme Pastor of the Catholic Church. His service began on October 22, 1978.

As the spiritual leader of more than one billion Catholic Christians worldwide, including 66 million in the United States alone, the resolution memorializes the gratitude of many. During his tenure he has visited more than 125 countries and traveled more than 750,000 miles making unprecedented contributions to the freedom of the world community.

The Holy Father's remarkable work has been globally reaching—from his diplomatic leadership toward the peaceful liberation of his Polish homeland and demise of the Soviet empire, to his promotion of human rights in rogue nations, to his efforts to heal historic divisions between the Catholic Church and other worldwide religions.

Mr. Speaker, whether you are Catholic or not, no one can deny the significant impact Pope John Paul II has made on world peace and freedom. His efforts have improved the lives of Christians and non-Christians alike.

I urge my colleagues to support this special resolution for the honored accomplishments of His Holiness Pope John Paul II—a positive inspiration to Catholics and all humankind.

**ESTABLISHING NATIONAL  
AVIATION HERITAGE AREA**

SPEECH OF

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 280, legislation to create the National Aviation Heritage Area and urge my colleagues to support its passage. H.R. 280 includes as one of its sections, my bill, H.R. 1594, to provide for a suitability and feasibility study of establishing a St. Croix National Heritage Area in the United States Virgin Islands.

The island of St. Croix has a long, distinguished, and varied history, including being the site where Christopher Columbus first stepped onto what is now American soil. There is significant interest in preserving and enhancing the natural, historical and cultural resources of the island on a cooperative basis and such a study would provide guidance on how we can best achieve those purposes.

National Heritage areas are places where natural, cultural, historical and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity shaped by geography.

While each island can make a good case for designation, the island of St. Croix with its two historic towns—Christiansted built in 1734 and Frederiksted built in 1752—is richly blessed with all of the attributes that would justify this designation.

The town's historic architecture matured over a 100-year period. The town of Christiansted is one of the finest examples of Danish architectural designs in this hemisphere. Its history can be traced back some 4,000 years to 2500 BC.

In 1493 Columbus arrived at what is now the Salt River National Historic Park and Ecological Preserve, making it the only site under the American flag where his men went ashore, as well as the first recorded hostile encounter between Europeans and Native Americans.

Frederiksted has the distinction of having been the first jurisdiction to have raised its flag in salute of the new republic of the United States of America, and indeed the first designed flag was done by a resident of that island.

Among the many strong ties of great national significance between St. Croix and the United States, perhaps the most significant one is that this island was the boyhood home of Alexander Hamilton, and where he began to develop the skills employed as the first Secretary of the Treasury of this country.

I want to thank Full Committee Chairman POMBO, Ranking Member RAHALL as well as Subcommittee Chairman RADANOVICH for their support is getting H.R. 1594 and H.R. 280 to the floor of the House today.

My colleagues, H.R. 1549 is a good bill, which could serve as a catalyst for reinvigorating the lagging tourism sector on St. Croix. I urge its adoption.

**INCREASING THE WAIVER RE-  
QUIREMENT FOR CERTAIN  
LOCAL MATCHING REQUIRE-  
MENTS TO AMERICAN SAMOA,  
GUAM, THE VIRGIN ISLANDS, OR  
THE COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS**

SPEECH OF

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants to American Samoa, Guam, the Virgin Islands or the Commonwealth of the Northern Mariana Islands. I want to commend my colleagues ENI FALCOMVAEGA and MAD-ELEINE BORDALLO for introducing the bill, which

would increase the matching waiver requirement for the first time in twenty years.

Last year the Resources Committee unanimously passed a similar bill jointly sponsored by our former colleague from Guam Robert Underwood, ENI FALCOMVAEGA and myself and I'm pleased that we are once again taking this action.

Mr. Speaker, as I indicated, it has been nearly twenty years since this law has been revisited. While territorial economies have improved each government, particularly my own, the government of the U.S. Virgin Islands continues to be challenged with rising unemployment, decreased government revenues, and attracting new capital for diversification. H.R. 1189 will help broaden U.S. territories' access to Federal grants by increasing the amount Federal agencies shall waive to \$500,000.

The bill also seeks to end the inconsistent manner in which 48 U.S.C. section 1469(a) is applied by clarifying that the matching waiver applies to all federal agencies and departments making grants to the U.S. territories, not just the Department of Interior (DOI). The bill also requires DOI to provide a report to Congress on the effect of the updated waiver requirement.

It is my hope also Mr. Speaker, that Federal agencies will apply the waiver not just to grants awarded to the territorial governments, but also to non-profit organizations and other eligible non-governmental entities in the territories. Non-profit organizations in the territories fulfill a significant role in our communities. Groups such as Lutheran Social Services, the St. Croix Community Foundation and the V.I. Resource Center help meet the needs of the homeless, the disadvantaged, and those whose lives are buffeted by tough economic times. Their work is often supported by federal grants. Without such Federal assistance, the non-profit organizations in the territories would struggle to meet their missions and most would not be able to maintain the current level of assistance to our communities.

In conclusion, Mr. Speaker, I want to thank Chairman POMBO and Ranking Member RAHALL for their willingness to support and shepherd this bill through the legislative process. I also want to particularly thank our former colleague Bob Underwood, who for most of his tenure in the House, made increasing the matching waiver for the territories one of his highest priorities. I urge my colleagues to support passage of this bill.

**A TRIBUTE TO A.C. LYLES**

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SMITH of Michigan. Mr. Speaker, recently I had the privilege of visiting with a great American by the name of A.C. Lyles, who has befriended many celebrities over the years. Throughout the decades that he has worked at Paramount Pictures, A.C. Lyles has become loved by studio staff, by stars, and by Presidents. He has made countless contributions to the motion picture industry and become a legendary producer, writer and partners in numerous theatrical features and television shows.

A.C. Lyles was born May 17, 1918 in Jacksonville, Florida. Even as a young boy, he

dreamed of Hollywood. Following his high school graduation, A.C. was hired by Paramount to work in the mail room. It was not long before he was promoted to a director of publicity at the tender age of 19, and eventually became a producer in 1954. Among the variety of successful features and television shows that he produced over the years, A.C. was perhaps best known for the western movies that became a Paramount trademark.

As the Hollywood liaison to Presidents, A.C. brought the culture of art to the White House. During the administration of his close friend, Ronald Reagan, and throughout the Bush Administration, he brought celebrities to entertain at presidential functions. He also served on the Presidential Board of Advisors on Private Sector Initiatives and regularly attended meetings at the White House and on Capitol Hill.

A.C. has been recognized countless times over the years for his work at Paramount.

These awards include the famed Golden Spurs award, the George Washington Award of the Freedoms Foundation, and a star on the Hollywood Walk of Fame. On behalf of the United States Congress, and his good friends the Hon. DAVID DREIER and the Hon. MARY BONO, I am pleased to recognize his extraordinary career once again in admiration of his unyielding dedication and unparalleled achievement.