

## EXTENSIONS OF REMARKS

### A TRIBUTE TO ROBERT AND KAY SCHATTNER AND THE JEWISH PRIMARY DAY SCHOOL

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. VAN HOLLEN. Mr. Speaker, I rise today to call the attention of the House of Representatives to the upcoming dedication of the new home in Washington, D.C. of the Jewish Primary Day School of the Nation's Capital (JPDS-NC) and to pay tribute to the contributions of Dr. Robert and Kay Schattner in enabling JPDS-NC to dedicate their new home.

On Sunday, December 21 JPDS-NC community will dedicate their new building at 6045 16th St., NW, Washington, DC. After a three year hiatus JPDS-NC has returned to Washington, DC. This makes JPDS-NC the only Jewish Day school in our Nation's Capital. JPDS-NC is an independent, pluralistic, co-educational Jewish day school for students in pre-kindergarten through sixth grade.

It is particularly fitting that this Jewish day school is moving to this address because this same building was constructed to be the home of the Hebrew Academy from 1951-1976. JPDS-NC will add greatly to the cultural richness and diversity of the Nation's Capital.

It is particularly pleasing to recognize and pay tribute to my constituents Robert and Kay Schattner's for helping make this new building possible. Their \$2 million contribution to this school building facilitated JPDS-NC moving back into the District. When this building is dedicated later this month it will be named the Kay and Robert Schattner Center.

This generous contribution is not the first major charitable gift of the Schattners. Only last year the University of Pennsylvania School of Dental Medicine dedicated the Robert Schattner Center in Philadelphia.

The Schattner family has deep roots in the Metropolitan Washington area. Kay Schattner grew up in Washington, DC and once hosted a popular local radio program named "Kay's Korner." Her work earned her the title of National Radio Star of the Year in 1959. She also worked for the Washington Daily News as a columnist.

Robert Schattner has had a distinguished career as a dentist, entrepreneur, and inventor. He developed the widely used throat spray, Chloraseptic as well as other medical products. He currently serves as president of Sporicidin International, a company which develops medical, dental and household antimicrobial products.

Mr. Speaker, Kay and Robert Schattner are the type of civic minded couple that has made this country great. It is my honor to rise and pay tribute to their contribution which will allow a great educational institution to thrive in our Nation's Capital.

Mr. Speaker, I am submitting for the RECORD an article published on 9/11/03 in the Washington Jewish Week which announced

the Schattner gift and the move of the JPDS-NC.

[From the Washington Jewish Week]

JPDS GETS \$2 MILLION GIFT DONATION, IS BETHESDA COUPLE'S LARGEST TO JEWISH CAUSE

(By Teddy Kider)

Robert and Kay Schattner have had quite a year. Twenty minutes after students and officials of the Jewish Primary Day School of the Nation's Capital (JPDS-NC) raised the flag and hung mezuzot at their new home in the District last week, the Bethesda couple signed on to contribute \$2 million to the facility, naming it the Kay and Robert Schattner Center.

The facility, the former Owl School on 16th Street N.W. in the District, provided JPDS-NC with its first permanent home in the District since the school became independent of Adas Israel Congregation in 1999.

"What interested us most is the school accommodates all sectors of Judaic affiliations and backgrounds," said Robert Schattner. "You can be chasidic or Reform, and the school will take you and accommodate you."

The Schattners' gift to JPDS-NC comes less than one year after the Nov. 1 dedication of the Robert Schattner Center at the University of Pennsylvania in Philadelphia.

The Schattners' contribution, the largest in the history of Penn's dental school, provided the campus with a \$22 million, 70,000-square-foot building that connected two previously built structures and created the largest dental school facility in the United States. Robert Schattner is an alumnus of the dental school.

With the finishing touches still being completed in Philadelphia, the Schattners were reluctant to take on another project.

"We just have too many involvements," said Robert Schattner.

Last spring, the Schattners were approached by Lisa Silver, a friend who has three children at JPDS-NC and knew that the couple might want to contribute to a Jewish day school. Silver was initially turned down, but was persistent in showing the Schattners what JPDS-NC had to offer the community.

"I say this as a good thing: she's a great saleswoman," quipped Robert Schattner.

Eventually, the Schattners decided that providing funds for the 16th Street campus let them support a worthy cause while maintaining a minimal involvement with the already-completed building.

The \$2 million gift fulfilled more than half of the JPDS-NC Coming Home Campaign's goal of \$3.8 million, and will be used to support new programs like a prekindergarten and an Intergenerational Jewish Arts Program. A dedication ceremony will be held in November.

"We are so grateful to Kay and Robert Schattner for stepping forward with their \$2 million lead gift to launch our Coming Home Campaign," said former president and chair of the campaign Margaret Hahn Stern. "The first step is always the hardest, and we hope that many others will now be inspired to join the Schattners at whatever level they can afford. . . . Widespread participation in this campaign will firmly position our premiere Jewish day school in the nation's capital."

The Schattners may have no previous ties to JPDS-NC, but they are deeply rooted in the Washington community.

Kay Schattner, who grew up in Washington, D.C., has a background in the media, having worked on a one-hour daily radio broadcast called "Kay's Korner" from 1953 to 1961. The show earned her the title of National Radio Star of the Year in 1959.

She also worked for the Washington Daily News, writing the "Gourmet Guide" dining supplement from 1960 to 1969 and producing columns for the paper from 1960-1970.

A member of the Academy of Television Arts & Sciences and of American Women in Radio & Television, Kay Schattner also did interviews for Curtis Circulations, which enabled her to be the self-proclaimed "only person to interview Robert Kennedy and Jimmy Hoffa in the same afternoon."

Robert Schattner grew up in Bronx, N.Y., and earned a bachelor's degree in chemistry from the City University of New York before going to Penn's dentistry school.

While practicing dentistry in Queens, N.Y., he developed Chloraseptic, a throat spray. After 10 years in private practice, Schattner created The Chloraseptic Company and moved to the District, where he sold the revolutionary product to The Norwich Pharmacal Company.

Robert Schattner now serves as president of Sporicidin International, which develops medical, dental and household antimicrobial products, and he's been involved in several attempts to purchase sports teams in the area or move teams to the area.

Recently, Schattner introduced Masticide, a new product that treats mastitis, or the inflammation of a cow's udder, and is supposed to help farmers who annually lose about \$3 billion due to mastitis in their herds.

While Robert Schattner has been honored for his work outside of the office by the Association for Physical and Mental Rehabilitation, the President's Committee for Physical and Mental Rehabilitation and the Columbia Lighthouse for the Blind, his wife has worked with numerous organizations to better the community, including heart, cancer and multiple sclerosis associations.

### INTRODUCTION OF THE IDENTITY THEFT INVESTIGATION AND PROSECUTION ACT OF 2003

#### HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. SCOTT of Virginia. Mr. Speaker, today, I am introducing in the U.S. House of Representatives the "Identity Theft Investigation and Prosecution Act of 2003" with my colleagues Rep. HOWARD COBLE, the gentleman from North Carolina, Rep. JOHN CONYERS, the gentleman from Michigan, Rep. ED CASE, the gentleman from Hawaii, Rep. MARTIN FROST, the gentleman from Texas, Rep. BARNEY FRANK, the gentleman from Massachusetts, Rep. HOWARD BERMAN, the gentleman from California, Rep. JAN SCHAKOWSKY, the gentleman from Illinois, Rep. BARBARA LEE, the gentlewoman from California, and Rep. DENNIS KUCINICH, the gentleman from Ohio, as original cosponsors. This bill will address the issue of identity theft and fraud immediately by

• 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.

providing the Department of Justice, DOJ, with resources specifically for that purpose.

With the advent of the Internet, identity theft has grown exponentially in recent years. The Federal Trade Commission, FTC, recently released a survey showing that 27.3 million Americans have been victims of identity theft in the last five years, including 9.9 million people in the last year alone. According to the release, last year's identity theft losses to businesses and financial institutions totaled nearly \$48 billion, with consumer victims reporting \$5 billion in out-of-pocket losses.

While most identity thieves use the information to make purchases, according to the FTC release, 15 percent of victims—almost 1.5 million people in the last year—reported that their personal information was misused in non-financial ways, such as to obtain government documents, for tax fraud, and other non-financial purposes. The most common nonfinancial misuse took place when the thief used the victim's name and identifying information upon routine stops by law enforcement officials, or while attempting or committing a crime. Identity theft prevention and detection can assist in preventing terrorism, as well.

The Identity Theft Investigation and Prosecution Act would provide 100 million dollars to the Department of Justice, DOJ, for dedicated enforcement of the laws against identity theft and credit card fraud. While states can enforce similar state laws, today's interstate travel, Internet and technology realities make it difficult and cumbersome for state prosecutors to effectively address national and international identity theft and credit card fraud scams.

We already have sufficient laws to address identity theft. It is a serious crime to use someone else's identity and credit to steal money, goods, services or to use the information to perpetuate other frauds. The problem is that there are not sufficient dedicated resources where they are most needed to have a significant immediate impact on the matter. We have developed the "Identity Theft Investigation and Prosecution Act of 2003" to do just that.

Much effort is underway to prevent and limit identity theft and fraud through consumer education, consumer hotlines, public service announcements, more sophisticated identity theft detection and cutoff mechanisms, law enforcement and consumer advocacy training, etc. Yet, it is not enough to effectively address the problem. Although credit card companies wipe out most credit card fraud debts for the victims, the thieves are rarely pursued or prosecuted. The DOJ devotes some resources and enforcement toward identity theft, but it is not a high priority in its law enforcement scheme to pursue enough cases to have an impact. Identity thieves know they can pursue their crimes with a high degree of impunity. This bill would enable the DOJ to establish a large, national enforcement program to go after identity theft and abuse.

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INTRODUCTION OF THE CLEAN  
AIRWAVES ACT

**HON. DOUG OSE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. OSE. Mr. Speaker, I rise to introduce the Clean Airwaves Act, legislation designed

to prohibit seven profane words from being broadcast over America's airwaves. Existing guidelines and standards that govern our airwaves and communications mediums allow profane language to infiltrate the hearts and minds of our nation's youth. I rise today to protect our children from existing rules and regulations that leave them vulnerable to obscene, indecent, and profane speech through broadcast communication.

The purpose of the Clean Airwaves Act is to amend section 1464 of Title 18 of the United States Code from which the Federal Communications Commission derives its authority to regulate the use of profane language used in broadcast communications. This legislation will help close the loophole on profanity on our public airwaves, leaving our children free from exposure to offensive and crude speech broadcast over America's airwaves.

In *FCC v. Pacifica Foundation*, the U.S. Supreme Court stated, "Among the reasons for specially treating indecent broadcasting is the uniquely pervasive presence that medium of expression occupies in the lives of our people. Broadcasts extend into the privacy of the home and it is impossible to completely avoid those that are patently offensive". Subsequently, public broadcasting is more accessible to children.

The current FCC guidelines regarding indecency determinations aren't strong enough to stop harmful, indecent, and profane language broadcast over America's airwaves. It is wholly necessary to give the FCC the tools it needs in order to protect our broadcast airwaves. Currently under FCC policy, indecency determinations hinge on two factors. First, material must describe or depict sexual or excretory organs or activities. Second, the material must be patently offensive as measured by contemporary community standards for the broadcast medium. The vagueness of this stipulation creates a loophole that inevitably allows specific profane language to be broadcast.

One notorious example of a profane broadcast aired at the Golden Globe Awards program in January of 2003. In this broadcast, performer Bono uttered a phrase that may not be repeated at this time and qualified as indeed profane and indecent by a rational and normal standard. The FCC has in its authority, the power to enforce statutory and regulatory provisions restricting indecency and obscenity. However, in the Golden Globe Awards example, the FCC concluded that the use of the word as an adjective or expletive to emphasize an exclamation did not meet their threshold for indecency. The FCC further stated in the October 3, 2003 Memorandum Opinion and Order that "in similar circumstances, we have found that offensive language used as an insult rather than as a description of sexual or excretory activity or organs is not within the scope of the commission's prohibition of indecent program content." As a result, the use of particular profane language was aired to the public and no action was taken to ensure it would not take place in the future.

Therefore, I reiterate the necessity to act upon this loophole in the U.S. Code to ensure that the public is free from inappropriate communications over public broadcasts and that our airwaves be clean of obscenity, indecency, and profanity.

GOOD NEIGHBOR SETTLEMENT  
HOUSE

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a very special organization in Brownsville, Texas: Good Neighbor Settlement House, a non-profit related to the Global Ministries of the United Methodist Church.

They have been serving the needy people in the Brownsville-South Texas area for 50 years, and I commend them for their longevity in doing the most important work neighbors can do: taking care of each other. December 11 marks their 50th anniversary, and their work will be celebrated in Cameron County.

Just last year, Good Neighbor Settlement House served meals to 57,000 men, women and children in our community. They provided a variety of services to over 100,000 people—including rental assistance, clothing, food, after-school programs, children's summer programs, and referrals to other social service agencies.

In 1953, with the guiding principle "Helping People Help Themselves," Good Neighbor Settlement House launched themselves into the business of their mission: to provide the basic necessities of life such as food, clothing, meals, housing assistance and educational programs to the needy.

Just a few examples of their unique offering to the low-income families in Brownsville: the Mother's Club, a gathering of women who quilt to help supplement their income; family budgeting classes (with American Express) to help families maximize their resources and be self-sufficient; and Las Culturas (with Cameron Works/United Way) offers music and dance classes for young children.

In today's economy, our need for the Good Neighbor Settlement House is every bit as urgent as it was 50 years ago. Because of our government's reductions in social programs to help the needy—in favor of tax cuts to the wealthiest Americans—the less fortunate are facing ever more serious economic hardships.

Today we celebrate both Good Neighbor Settlement House's dedication to the less fortunate on this anniversary . . . and their commitment to the principle of giving people what they need to fend for themselves: if you give a man a fish, you feed him for a day—if you teach a man to fish, you feed him for a lifetime.

I ask my colleagues to join me in celebrating this 50th anniversary of Good Neighbor Settlement House's work in South Texas.

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SEC. 115 OF THE ENERGY & WATER  
APPROPRIATIONS BILL—KING  
COVE ACCESS PROJECT

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. GEORGE MILLER of California. Mr. Speaker, the Republicans have done it again: a nefarious rider was slipped onto the fiscal year 2004 Energy & Water Appropriations Bill. The Republicans have, once again, shut

Democrats out of the legislative process and provided neither an opportunity to debate the amendment, nor the chance to show this amendment for what it really is: an unacceptable invasion of our Nation's public lands and an assault on our public process. I oppose this clandestine.

The King Cove Access Project rider is an affront to our nation's environmental laws. Section 115 of the Energy & Water Appropriations Bill directs the construction of a road from the village of King Cove, Alaska through the sensitive Izembek National Wildlife Refuge and right to the boundary of the fragile and internationally significant Izembek Wilderness Area. The provision waives all environmental laws governing construction of such a road in the process. The amendment was not included in either the House or Senate bills.

Other government agencies have raised concerns about this project as part of the mandated inter-governmental coordinate. Congress dealt with this issue five years ago when I was the ranking member of the Resources Committee in the 105th Congress. The King Cove Access Project was defeated then and should have been defeated now.

In 1998, proponents attempted to add the provision to an appropriations bill but were not successful. A compromise was later reached with the King Cove Health and Safety Act which was included as Section 353 of Public Law 105-277, the Department of Transportation and Related Agencies Appropriations Act. The measure appropriated \$40 million to address the access needs of the communities of King Cove and Cold Bay; however, the Act did not approve a road through the Izembek refuge or the Izembek Wilderness. In fact, the legislation specifically required that expenditure of the funds allocated in the bill "must be in accordance with all other applicable laws."

It is outrageous that five years after a satisfactory compromise was agreed upon, we must return to this issue.

The Izembek National Wildlife Refuge, on the Alaska Peninsula, is internationally recognized as one of the most important wetland reserves in the Northern Hemisphere. Home to threatened and endangered species, as well as millions of migratory birds, the Izembek National Wildlife Refuge and Izembek Wilderness are keys in the fight to conserve the natural diversity of wildlife populations and habitats.

The King Cove Access Project rider inappropriately short-circuits the public process. An administrative decision on a project to enhance marine-road access for the community of King Cove is proceeding in a timely manner and does not require intervention by Congress. However, the King Cove Access Project mandates one alternative in the EIS, thereby effectively ignoring the advice of the U.S. Fish & Wildlife Service, other federal agencies and the American public.

The King Cove Access Project ignores environmental laws, threatens important wildlife habitat and sets a dangerous anti-wilderness precedent. It is shameful that it was part of this legislation.

RECOGNIZING ST. HYACINTH  
BASILICA

**HON. RAHM EMANUEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. EMANUEL. Mr. Speaker, on behalf of more than 111,000 of my constituents who are of Polish descent, I proudly rise to recognize the official designation of St. Hyacinth's Church on 3636 West Wolfram as a basilica for the Chicago Archdiocese.

My hometown of Chicago was once said to contain more Poles than any city outside Warsaw. Still today, in St. Hyacinth's parish, the area's largest and most prominent Polish Catholic parish, residents are just as likely to speak Polish as English.

St. Hyacinth's was founded in 1894 with less than 50 members and has grown tremendously over the years. Today, St. Hyacinth's serves over 8,000 worshippers each week under the guidance of the Resurrectionist Fathers, who have served the congregation since its founding.

Under the leadership of its rector since 1995, Rev. Michal Osuch, St. Hyacinth's has actively engaged in the sacramental life of the church by developing programs of evangelization that emphasize connecting adults, particularly with the sacraments of confirmation and marriage. The church also provides a welcoming home for new immigrants every month by hosting free English-as-a-Second Language classes, a Polish language school for children and many other community activities for adults, youth and children.

In becoming a basilica, St. Hyacinth's was recognized for its prestige, its beauty, and its ability to accommodate large numbers of parishioners since a basilica is a community's focal point for worship and evangelization. Cardinal Francis George validated these features last Sunday by formally proclaiming it as "a place of frequent and exemplary liturgical celebration."

The petition for basilica status was reviewed by the U.S. Conference of Catholic Bishops and approved by the Congregation of Divine Worship in Rome. As a basilica, it maintains an obligation to uphold a high level of both worship and religious instruction, particularly through conferences and speakers.

Mr. Speaker, I wish to congratulate St. Hyacinth's on this high honor and its upcoming 110th anniversary next year. In earning the distinction of becoming a basilica, it has again proven its importance as a pillar of Chicago's Polish American community. On this day, I am proud to join the people of my district, as well as those of Polish descent around the City, in celebrating this historic achievement.

THE VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT OF 2003

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HOLT. Mr. Speaker, today I rise to reiterate the importance of my "Voter Confidence and Increased Accessibility Act of 2003" to the

integrity of democracy in the United States. Although I am deeply gratified by the substantial groundswell of support among my colleagues and cosponsors, I regret that this session draws to a close for the year without this critical piece of legislation having been meaningfully addressed by this Chamber.

When I introduced the Voter Confidence Act in May of this year, I did so without cosponsors. I had been told that no one wanted to reopen HAVA. I had been told that adding paper records back into the electoral process would generate fraud. I had been told that access for the disabled and voter verified paper trails were mutually exclusive—you can have one or the other, but you can't have both. I had been told that there is no complaint that existing electronic voting machines are not functioning properly. But it seemed obvious to me, given that all computers are subject to error, failure and tampering, that computers upon which elections are conducted would be as well. I also believed that voter verification mechanisms, just like voting machines themselves, could readily be made accessible to disabled voters. Although I supported HAVA, and continue to support the many groundbreaking improvements it ushered forth, I was troubled to see that HAVA funding fueled an unintended consequence—the wide-scale purchase of unauditible electronic voting machines—and threatened the very integrity of the electoral system in the United States. Earlier this session, I introduced the Voter Confidence and Increased Accessibility Act to enhance HAVA's accessibility requirements, to increase participation among all voters, and to restore faith in the electoral system and in the government itself by giving voters a means by which they themselves could be certain that their votes are being counted.

From the moment my press release announcing the bill was released, my telephone began to ring with calls from voters around the country expressing their profuse thanks. Within a week, one of my local metropolitan papers ran an editorial saying that the bill "proposes urgent and sensible measures to preserve the sanctity of the ballot" and suggested that Congress "shift into high gear and enact this legislation without delay." Within two or three weeks, I was joined on the bill by eight of my Colleagues. In another week or two, I was joined by eight more. More editorials ran—New York Newsday said that although "many election officials . . . resist the paper trail idea . . . the purpose of voting reform isn't to make life easier for election clerks. It is to make elections fairer and restore the frayed confidence of voters—the people who are supposed to count most of all." The Bismark Tribune asserted: "One thing the committee should insist on is a paper 'receipt' that lets the voter check his work and is available for a re-count, if necessary." The Star News of North Carolina opined: "By the time this is over, we might be nostalgic for hanging chads. At least they were cheap. It turns out those expensive high-tech voting systems based on computers can be stuffed like ballot boxes in Chicago. My, what a surprise. . . ." Most recently, the New York Times said, "[T]he public must feel secure that each vote is counted. At this stage, a voter-verified paper trail offers the public that necessary security."

And as we all know, this is not just a matter of opinion. A team of computer scientists from Johns Hopkins and Rice Universities released

a report in July disclosing “stunning, stunning flaws” in the security of certain electronic voting machines widely in use, precipitating an avalanche of further studies and reviews, raising further red flags among jurisdictions considering new equipment purchases, and generating further uncertainty and concern about the use of privately owned and controlled voting equipment that produces results that cannot be meaningfully audited in any way. Reports of irregularities on voting machines abound, but I will mention just one. In a recent election conducted in Boone County, Indiana, a “computer glitch” reportedly “spewed out impossible numbers.” In a jurisdiction that had fewer than 19,000 registered voters, 144,000 votes were reported. The County Clerk said she “just about had a heart attack.” Although a “corrected” count of about 5,300 votes was eventually produced, how can we know it was in—fact correct? The fact is, without an independent voter verified paper trail, we can never know.

The New York Assembly passed a law in June mandating voter verified paper trails. The State of Illinois passed a similar law in August. In November, the Secretary of State of California mandated voter verified paper trails. Legislation requiring voter verified paper trails is also pending in Maine, and I have been told that similar bills are imminently to be introduced in Maryland and Virginia. Broad coalitions of public interest groups are now taking definitive action to lobby in favor of voter verified paper trails. The Communications Workers of America passed a resolution in August stating that the CWA “endorse and support the use of only DRE and ‘touch screen’ machines with the ability to provide the voter with a view of a paper ballot that is stored and available for audits.” A large New York-based coalition including at least five disability advocacy groups issued a statement in the fall urging that “New voting machines should provide a ‘voter-verifiable paper audit trail’ and incorporate ‘data-to-voice’ technology to ensure full access by all.” Grass roots organizations lobbying for my bill and for voter verified paper trails are forming all over the country. The resolution in favor of voter verifiable audit trails posted by Verifiedvoting.org has more than 1,000 endorsers. An online petition in favor of my Voter Confidence Act which had 50 signatures in July has more than 4,000 signatures now. An online petition in favor of voter verified paper trails sponsored by Martin Luther King III, the Southern Christian Leadership Conference and Investigative Journalist Greg Palast has more than 60,000 signatures.

I introduced this legislation because I think that if we don’t have an election system that voters can trust, voter participation will decline and our democracy will deteriorate. Citizens from all over the country, sharing this concern, have spoken out, indeed shouted out, that we should act. The extent and depth of discussion on the Internet and in town meetings is striking.

This is not a partisan issue. I stand today with 90 Members from both sides of the aisle, who are just as deeply concerned about the integrity of our electoral system as I am. They are just as deeply troubled by the prospect of private ownership and control of the vote count as I am. They have heard from and responded to the concerns of their constituents about insecure, un-auditable voting equipment just as I have. Some of them have even told

me that—second only to the Iraq conflict—the issue of the verifiability of election results is the one most frequently raised in public forums. And one thing that has been reiterated to me time and again—even by people who have not made their minds up on the issue—is that the issue is not going to go away.

We have a responsibility to demonstrate that our democracy stands above all others in its unimpeachability. New York Times columnist Paul Krugman concluded his recent column, entitled “Hack the Vote,” by saying, “Let’s be clear: the credibility of U.S. democracy may be at stake.” When the results are in after the next election, there must be no question. There must be no doubt. We must all feel certain that the voice of the people, as expressed in the voting booth, was heard. November 2004 is just around the corner. When this body reconvenes in January, I urge it to consider this legislation a top priority.

#### AUGUST 14TH BLACKOUT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. TOWNS. Mr. Speaker, I rise to comment on the Bush Administration’s report on the August 14 blackout that left millions of people in New York without power, some for days.

The U.S.-Canadian outage task force on November 19 issued a report titled “Causes of the August 14th Blackout in the United States and Canada,” saying 50 million people from Indiana to Massachusetts and Canada went without electricity because of untrimmed trees and a computer glitch. But the New York Times reported on November 25 that “a variety of experts now say the [report’s] findings were too narrow, ignoring the federal government’s role in the recent reshaping of the power industry.”

We need to know what the truth is. The Times has reported on the blackout as thoroughly as anyone, so this report is very important. Maybe we need an impartial investigator to follow up on what they are reporting.

In the November 25 article, Alan Richardson of the American Public Power Association says that maybe the federal government didn’t address what mistakes the Federal Energy Regulatory Commission (FERC) made in breaking up the utility industry “because the answer is not one that’s comfortable politically.”

Commenting on the organization the FERC approved to run the transmission wires in the Midwest, transmission expert Robert Blohm is quoted in the article as saying “How come nobody has examined this horror story, of how they set up an entity 10 times more complex than any known one, in such a short period of time?”

John Casazza, a retired executive from a New Jersey utility, says in the article that “There are a lot of aspects in this blackout that have not been touched by [the Administration’s] report. . . . The root causes are what has happened as a result of our government policy.”

If the experts think policy set by the government is the cause of the blackout, why are the government officials who made these bad pol-

icy decisions the ones that are writing the report on what caused the blackout?

Back on September 23, the Times reported that “Experts now think that on Aug. 14, northern Ohio had a severe shortage of reactive power, which ultimately caused the power plant and transmission line failures that set the blackout in motion. Demand for reactive power was unusually high because of a large volume of long-distance transmissions streaming through Ohio to areas, including Canada, that needed to import power to meet local demand.” These long-distance transmissions were mainly by “independent power producers,” or IPPs, who often do not produce any reactive power. The article quoted Raymond Palmieri, who is responsible for transmission reliability in the Midwest, as saying reactive power “is definitely a contributor” to the blackout.

Who has been pushing for these long-distance transmissions by IPPs? The FERC. They had experts saying for at least two months before the official blackout report came out that it was a problem. But what did that official blackout report, which FERC and the DOE directed and wrote, say about the role of reactive power and IPPs? “[T]he suggestion that IPPs may have contributed to the difficulties of reliability management on August 14 because they don’t provide reactive power is misplaced.”

There is nothing wrong with independent power producers. They perform a valuable role in meeting the nation’s electricity needs. But if the government’s blackout report barely even mentions the role of reactive power, and doesn’t mention at all whether, in light of more long distance transmissions, someone should have changed the rules to make sure there was enough of it, when experts say it was “definitely a contributor,” something isn’t right.

While the FERC has been pushing for more long-distance transmission, Congress has been hearing from experts that the transmission system wasn’t designed to operate that way, and that using it for long-distance transmission reduces reliability. At the House Energy and Commerce Committee’s blackout hearing on September 4, Gene McGrath, the CEO of Consolidated Edison, said “I think as an engineer and as an operator having the generation as close to the load center as it can be done is the best interest of everybody. . . . [A]s you separate generation from load you introduce another component. As you introduce other components you can introduce costs and you can introduce reliability problems.” That is, generating the power two or three States away causes problems. We need to have the power generated close to where it is used.

Is that issue even discussed in the Administration’s blackout report? No—not even a little bit.

Mr. Speaker, my constituents went without power on August 14. It’s not just an inconvenience, it’s a danger in many cases to be left without electricity. Life-support equipment, traffic signals, elevators, and so many other important devices all depend on electricity. But we seem to have a situation where our own government’s review of the blackout steers away from even looking into what seem to be very important contributing factors.

FERC Chairman Pat Wood testified before the House Energy and Commerce Committee many times in the past couple of years, telling

us that to maintain reliability for the wholesale markets his policies promote, we need to beef up the transmission grid. But now that we've had the biggest blackout in our history, FERC doesn't admit its policies that stress the grid had anything to do with it. Chairman Wood's Senate testimony on November 20 was "the [transmission] operator's primary charge is to work the system you've got. . . . Markets do not compromise reliability." So no matter if FERC sprayed water on the road in the freezing cold, it's your fault if you crash your car.

If we don't get an accurate picture from government investigators about the causes of the blackout, we will be dooming ourselves to more disruptions, dangers, and inconveniences in the future. I am not willing to allow that.

I ask that we consider whether we need an independent investigation of the causes of the blackout so we can do what needs to be done to prevent the next blackout from occurring.

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HONORING LAGUARDIA  
COMMUNITY COLLEGE

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. CROWLEY. Mr. Speaker, I rise to acknowledge the good work of LaGuardia Community College of Long Island City in Queens, New York. LaGuardia Community College serves one of the most diverse student bodies in the U.S. within one of the most vibrant neighborhoods in the U.S. Over the years, men and women from all over the world have called LaGuardia Community College their home. Over the years, LaGuardia Community College has quietly and diligently provided a first-class education for students of all economic, ethnic, and religious backgrounds.

LaGuardia Community College has served my community and the world for decades, and its mission has earned it the title of The World's Community College. However, they recently earned another distinction—nationally recognized community college. The Community College Survey of Student Engagement studied approximately 300 colleges, looking at 10 different categories. This non-profit found that LaGuardia Community College ranked in the top 3 of 13 large community colleges in North America. This ranking confirms what so many of us have known for so long—that LaGuardia Community College is not only The World's Community College. It is also the world's premier community college.

Of course, this distinction would not be possible without the work of countless administrators, professors, students, and friends from around the community. I would particularly like to thank LaGuardia Community College President, Dr. Gail O. Mellow for her vision. It is because of leaders like her that LaGuardia Community College can achieve such an incredible level of success.

Our world needs an understanding, dedicated, well-educated populace now more than ever. Our world is dependant on the students that come out of LaGuardia Community College and the good work that they do. For those reasons, we all owe the school our respect and gratitude.

INTRODUCING A RESOLUTION COMMENDING THE GOVERNMENTS OF INDIA AND PAKISTAN FOR IMPROVED DIPLOMATIC RELATIONS BETWEEN THE TWO COUNTRIES, AND FOR OTHER PURPOSES

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**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution commending the governments of India and Pakistan for their efforts to achieve peace and stability in the South Asian region.

For years, India and Pakistan have been the victims of numerous terrorist attacks, which have greatly heightened religious and ethnic tensions in the troubled region. Discord amongst Hindu and Muslim populations has led to a war of attrition, whereby insurgents on both sides sneak across the border to commit murder and destruction before sneaking back across.

India and Pakistan have a history of disputes going back decades. The most prominent amongst these conflicts has been the territory of Kashmir. India and Pakistan each claim Kashmir as their own, despite the territory having its own distinct population agitating for autonomy. Indian and Pakistani forces have routinely engaged in minor skirmishes along the border. The conflict, more than any other, has led to a destabilizing nuclear arms race in the region, resulting in threats of war and the severing of political, diplomatic, and economic links.

In recent months, however, diplomatic overtures between India and Pakistan have resulted in laudable agreements to improve relations. Since April 2003, India and Pakistan have sent ambassadors, reestablished bus links, and declared the first real cease-fire in the 17-year-old border conflict. Most recently, the two countries resumed air travel and over-flight rights with one another. Further, Indian Prime Minister Vajpayee has agreed to attend in the near future a regional economic summit in Islamabad, a sure sign of progress.

The resolution I am introducing today congratulates India and Pakistan on their efforts to achieve stability and to seek a peaceful means to resolve their disputes. The resolution also recognizes both countries' efforts in the global war on terrorism and their close partnerships with the United States.

Though both nations still have a long way to go to fully achieve a lasting peace, the House of Representatives should be pleased with their determination to seek a peaceful, economically prosperous road to stability.

Mr. Speaker, I conclude by once again referring to the unconscionable acts of violence and terror wrought on both India and Pakistan. I further express my support and encouragement to both nations for their efforts to rebuild diplomatic relations despite trying circumstances.

I urge my colleagues to support this resolution, and I ask the House leadership to bring it swiftly to the floor for its consideration.

COMMEMORATING THE 50TH ANNIVERSARY OF THE YOUNG ISRAEL OF NEW HYDE PARK

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. ACKERMAN. Mr. Speaker, I rise today in honor of the 50th anniversary of Young Israel of New Hyde Park, the only Orthodox synagogue in northeast Queens. The synagogue, which boasts a vibrant multi-generational membership, plays a central role in increasing the presence and awareness of Orthodox Judaism in our community.

For half a century, Young Israel of New Hyde Park has provided its members and visitors with many of the things that an Orthodox family looks for and needs: from classes to daily minyanim to a local Boy Scout troop. Now under the leadership of Rabbi Binyamin Hammer, the synagogue, which is just around the corner from Long Island Jewish Medical Center, Hillside Hospital and Schneider Children's Medical Center, has long been known as a place where families and friends of patients can find religious support and Shabbat and Yom Tov hospitality. To this end, a bikur cholim apartment was recently added through the purchase of a house next door to the synagogue. To date it has provided temporary lodging for people from all over the United States, Russia, Italy, Israel and Canada.

Those familiar with this congregation, those who, for 50 years have made it a place of civic support and spiritual development, know that Young Israel is more than just a temple—but a shul, a spiritual home, a place that reflects the highest aspirations of an ancient people living proud and free in this great nation.

I commend Young Israel of New Hyde Park for its continued dedication to our community. I ask my colleagues in the House of Representatives to please join me in congratulating the synagogue on the occasion of its 50th anniversary and in wishing Young Israel best wishes for another 50 years.

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NOBEL PEACE PRIZE LAUREATES

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. MARKEY. Mr. Speaker, last week the 4th Nobel Peace Laureates Summit was held in Rome. At the conclusion of the Summit, the Laureates issued a statement on behalf of this extraordinary gathering that is printed at the end of these remarks. There are too few places in our public dialogue where a universal perspective is encouraged and lauded. The Nobel Peace Prize is one of them. Such civil society institutions are to be encouraged because they are needed to work on global challenges.

The Laureates reinforced in the most eloquent terms the message sent at a recent panel convened by the Bipartisan Task Force on Non-proliferation of which I am Co-chair with my colleague CHRISTOPHER SHAYS (R-Conn.). This panel on "The Limits of Unilateralism" included the world-renowned

anthropologist Dr. Jane Goodall, former Ambassador Thomas Graham, and Mr. Michael Douglas, actor and U.N. Messenger of Peace. In his remarks, Mr. Douglas stressed that not only Americans, but all people on the planet, are faced with enormous challenges to our security and survival which can only be effectively met through international cooperation. He reminded us that we are tasked with "ensuring bio-diversity and ending the destruction of thousands of species; reversing the depletion of fishing stocks; controlling ocean dumping; preventing ozone depletion; halting global warming; controlling and eliminating terrorism and weapons of mass destruction; fighting pandemic diseases; ending the tragedy of crushing poverty and lack of clean drinking water; and addressing crises arising from failed states. No nation or even a small group of nations can succeed in addressing these issues alone."

Jonathan Granoff, who helped organize our Task Force event here in Washington as President of the Global Security Institute (GSI), also attended the Summit of the Nobel Peace Laureates in Rome as a representative of the International Peace Bureau, a Nobel Peace Laureate organization.

The Summit took place from the 27 to 30 November 2003. It was convened upon invitation by Mikhail Gorbachev and Walter Veltroni, Mayor of the City of Rome. The following Nobel Peace Laureates—individuals and organizations—participated in the Summit: The XIV Dalai Lama Tenzin Gyatso, Mikhail Gorbachev, Mairead Corrigan Maguire, Shimon Peres, Joseph Rotblat (represented by Professor Robert Hinde), Oscar Arias Sanchez, Lech Walesa, Betty Williams, Jody Williams, American Friends Service Committee, Amnesty International, Doctors Without Borders, International Campaign to Ban Landmines, International Labour Organization, International Peace Bureau, International Physicians for the Prevention of Nuclear War, International Law Institute, Pugwash Conferences, Quakers Peace and Social Witness, United Nations, United Nations Children's Fund, United Nations High Commissioner for Refugees, and United Nations Peace Keeping Forces.

The theme of the gathering was "Ethics and Policy." It is a subject we discuss often in this chamber as we apply policies to our domestic affairs. It is also needed, perhaps even more so, in international affairs. For this reason, I would like to submit the Final Statement of the Summit into our record for your review and consideration:

ETHICS AND POLICY—4TH GLOBAL SUMMIT OF NOBEL PEACE LAUREATES ROME, CAMPIDOGLIO, NOVEMBER 30, 2003  
FINAL STATEMENT

We are the first generation making decisions that will determine whether we will be the last generation. We have an ethical responsibility to future generations to ensure that we are not passing on a future of wars and ecological catastrophe. For policies to be in the interest of humanity, they must be based on ethical values.

We express our profound anxiety that current policies are not creating a sufficiently secure and stable world for all. For this reason, we need to reset our course based on strong ethical foundations.

Compassion and conscience are essential to our humanity and compel us to care for one another. Cooperation amongst nations, multilateralism, is the logical outgrowth of

this principle. A more equitable international order based on the rule of law is its needed expression.

We reiterate our conviction that international politics need to be reformed to address effectively three critical challenges: ending wars and violence, eliminating poverty, and saving the environment.

We call upon everyone to join us in working to replace the culture of war with a culture of peace. Let us ensure that no child is ever again exposed to the horrors of war.

Recent events, such as the escalation of the conflict in the Middle East, bloodshed in Afghanistan, Iraq and Chechnya, as well as in parts of Africa and Latin America, confirm that problems with deep economic, social, cultural or religious roots cannot be resolved unilaterally or by armed force.

International terrorism is a threat to peace. Multilateral cooperation and the promotion of human rights under the rule of law are essential to address terrorism and its underlying sources.

The threat of weapons of mass destruction remains with us. We call for an immediate end to the newly resurgent arms race, which is being fueled by a failure to universally ratify a treaty banning nuclear testing, and by doctrines that lower the threshold of use and promote the creation of new nuclear weapons. This is particularly dangerous when coupled with the doctrine of preemption.

For some to say that nuclear weapons are good for them but not for others is simply not sustainable. The failure of the nuclear weapons states to abide by their legal pledge to negotiate the elimination of nuclear weapons, contained in the Nuclear Non-proliferation Treaty, is the greatest stimulus to their proliferation.

Nuclear weapons are immoral and we call for their universal legal prohibition. They must be eliminated before they eliminate humanity.

We support the treaty to ban landmines and call for effective agreements to limit conventional weapons and arms trade.

Trillions of dollars have been spent since the end of the Cold War in developing military approaches to security. Yet, the daily lives of billions remain bereft of adequate health care, clean water, food and the benefits of education. These needs must be met.

Humanity has developed sophisticated technologies for destruction. Appropriate social and human technologies based on cooperation are needed for survival.

The international community has a proven tool, the universality of the United Nations. Its work can and must be improved and this can be done without undermining its core principles.

We assert that unconditional adherence to international law is essential. Of course, law is a living institution that can change and grow to meet new circumstances. But, the principles that govern international relations must not be ignored or violated.

Ethics in the relations between nations and in government policies is of paramount importance. Nations must treat other nations as they wish to be treated. The most powerful nations must remember that as they do, so shall others do.

Economic hardship is often the result of corruption and lack of business ethics, both internationally and locally. Through utilizing more effective ethical codes of conduct the business community can contribute to protecting the environment and eliminating poverty. This is both a practical and moral necessity.

The scientific community could serve human interests more fully by affirmatively adopting the ethical principle of doing no harm.

The international community has recently recognized the importance of establishing an ethical framework. Leaders of States issued the Millennium Declaration at the United Nations and set forth common values of freedom, equality, solidarity, tolerance, respect for nature and shared responsibility. From these values, a plan to address sustainable development and poverty, the Millennium Development Goals, emerged. We urge all to join in implementation of these goals and prevent any retreat from specific commitments. Moreover, we share the principles of the Earth Charter and urge governments at all levels to support this important document.

For globalization to enhance sustainable development, the international community needs to establish more democratic, transparent, and accountable forms of governance. We advocate extending the benefits of democracy and self governance but this goal cannot be achieved through coercion or force.

After a special session, the Nobel Peace Prize Winners have agreed that the death penalty is a particularly cruel and unusual punishment that should be abolished. It is especially unconscionable when imposed on children.

We affirm the unity of the human family. Our diversity is an enrichment, not a danger. Through dialogue we gain appreciation of the value of our differences. Our capacity to work together as a community of peoples and nations is the strongest antidote to violence and our reason for hope.

Our commitment to serve the cause of peace compels us to continue working individually and together on this path. We urge you to join us.

TRIBUTE TO FORMER U.S. SENATOR PETE WILLIAMS OF NEW JERSEY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. HOLT. Mr. Speaker, thousands, even millions, of American workers today have their fingers, eyesight, even their lives because of the legislative work of former U.S. Senator Harrison "Pete" Williams of New Jersey. They will never know who they are.

Millions of Americans have adequate retirement pensions or health care coverage because of the legislative work of Sen. Williams. They don't remember Pete Williams when they open their monthly benefits checks.

As the author and champion of landmark legislation, Pete Williams gave the country the Occupational Safety and Health Act (OSHA), which is the single most important step in workplace safety in history, and he created the Employee Benefit Retirement and Income Security Act (ERISA) which helped guarantee minimum benefits for all working Americans.

Two years ago, former Senator Williams, who would have been 84 years old this week, died. He was retired after 4 years in this body and almost 24 years in the U.S. Senate. Since his death, neither body has given appropriate recognition to him and his contributions to America. A cloud has obscured his many great contributions.

Pete Williams fought for a wide range of landmark laws to improve the quality of life for average Americans. As a member and longtime chair of the Committee on Labor and

Human Resources in the other body across the Capitol, he brought forth the Coal Mine and Health Safety Act; increases in the minimum wage in 1966, 1974, and 1977; the Vocational Rehabilitation the Alcohol Rehabilitation Act; legislation preventing discrimination against pregnant workers; legislation preventing age discrimination; the Migrant Labor Health Act; legislation for special education; the Equal Employment Opportunity Act of 1972; legislation for college tuition assistance for needy students; legislation protecting the rights of workers to organize; and Meals on Wheels. Let me repeat: many of these are landmarks in American history. And that is not all; Pete Williams also produced legislation providing elderly housing, open space, arts funding, and marine mammal protection, and he led or contributed to many other laws. As my colleagues here know, it is customary for the President to give a pen from an important bill signing to each legislator who played a significant role in the bill. Pete Williams had seventy Presidential pens.

As a young man working in the Senate, I first watched Senator Williams debate the 1964 Civil Rights Act and was impressed by his intellect and sincerity, qualities that defined his work as a United States Senator.

Sometimes called the "Voice for the Voiceless," Pete Williams spoke for many Americans who never knew him—never even knew of him. He did not need to work on the Migrant Labor Act; not many of those farm workers voted. He thought of those without privilege. He created the first standing subcommittee on aging and the first standing committee on issues related to physical disabilities. I noticed back in 1963 and 1964 that Senator Williams was a man who paid attention to those who were sometimes invisible to others like him—the cafeteria workers, the pages, the elevator operators, the support staff. He was not a showboat, although New Jerseyans were so devoted to him that he was reelected with acclaim for four terms. In fact, he was the only Democrat in the state up to that time to be re-elected to the Senate.

But he was not to be the "Senator for life" as he was sometimes called. In his fourth term in the U.S. Senate, he was implicated, along with six members of this body, in the so-called Abscam bribery sting and resigned under a cloud and served time in prison. His colleagues and historians have not known how to remember this man, how to tell his complicated story, how to commemorate his legacy—a legacy that includes what is one of the greatest legislative records for the benefit of Americans.

Fighting expulsion from the Senate, Senator Williams averred his innocence and maintained that "time, history and Almighty God [would] vindicate" him. I hope historians will find the way to do justice to this man and his work.

Senator Daniel Patrick Moynihan described his friend and colleague Sen. Pete Williams as "thoughtful, decent, and determined in all he did." Many colleagues wondered how sad a man could fall from grace. One might try to blame judgment weakened by alcohol or perhaps overzealous or dishonest federal agents or simple political vindictiveness. His is a cautionary tale for anyone in elective office or public service. The lesson is that there are always those who would take advantage of one's weaknesses. Pete Williams, author of

the Vocational Rehabilitation Act and the Alcohol Rehabilitation Act, learned that there was no political rehabilitation act for him. But there is a more positive lesson, too; one person who works hard and shows compassion for others can improve the lives of others. History should not lose that more positive lesson of the career of Senator Pete Williams.

CONFERENCE REPORT ON H.R. 2417,  
INTELLIGENCE AUTHORIZATION  
ACT FOR FISCAL YEAR 2004

SPEECH OF

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 20, 2003*

Mr. MOORE. Mr. Speaker, I rise in opposition to one provision of the conference report before us today, which causes me to vote against the entire measure.

This legislation authorizes classified amounts in fiscal year 2004 for 14 U.S. intelligence agencies and intelligence-related activities of the U.S. government—including the CIA and the National Security Agency, as well as foreign intelligence activities of the Defense Department, the FBI, the State Department, the Homeland Security Department, and other agencies. H.R. 2417 covers CIA and general intelligence operations, including signals intelligence, clandestine human-intelligence programs and analysis, and covert action capabilities. It also authorizes covert action programs, research and development, and projects to improve information dissemination. All of these are important and vital programs, which I support.

I am voting against this measure today, however, to draw attention to a provision which I believe should have been the subject of more rigorous congressional analysis than merely an up-or-down vote as part of a larger conference agreement. This measure expands the definition of "financial institution" to provide enhanced authority for intelligence community collection activities designed to prevent, deter and disrupt terrorism and espionage directed against the United States and to enhance foreign intelligence efforts. Banks, credit unions and other financial institutions currently are required to provide certain financial data to investigators generally without a court order or grand jury subpoena. The conference agreement expands the list to include car dealers, pawnbrokers, travel agents, casinos and other businesses.

This provision allows the U.S. government to have, through use of "National Security Letters," greater access to a larger universe of information that goes beyond traditional financial records, but is nonetheless crucial in tracking terrorist finances or espionage activities. Current law permits the FBI to use National Security Letters to obtain financial records from defined financial institutions for foreign intelligence investigations. While not subject to court approval, the letters nonetheless have to be approved by a senior government official. The PATRIOT Act earlier had altered the standard for financial records that could be subject to National Security Letters to include the records of someone "sought for" an investigation, not merely of the "target" of an investigation.

While this new provision of law included in the conference report does not amend the PATRIOT Act, I agree with the six Senators who recently wrote to the Senate Intelligence Committee and asked them not to move ahead with such a significant expansion of the FBI's investigatory powers without further review. As they stated, public hearings, public debate and legislative protocol are essential in legislation involving the privacy rights of Americans. As a member of the House Financial Services Committee, I am concerned that these new provisions of law could be used to seize personal financial records that traditionally have been protected by financial privacy laws. The rush to judgment following the attacks of September 11, 2001, led to the rapid enactment of the PATRIOT Act, a measure which has caused substantial concerns among many Americans who value our constitutionally-protected liberties. Now that we are able to legislate in this area with a lessened sense of urgency, I urge my colleagues to step back and return this provision of H.R. 2417 to committee, where it can undergo the rigors of the normal legislative process so that Congress, and all Americans, can pass an informed judgment upon its merit.

REMEMBERING PEARL HARBOR

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. ROTHMAN. Mr. Speaker, 62 years ago yesterday, our nation was suddenly attacked by the Imperial Japanese Naval Forces and drawn into World War II. This unprovoked act of war killed 2,338 military personnel and civilians, and wounded 1,178. The attacks sank or heavily damaged 21 ships and destroyed or damaged 323 aircraft. December 7, 1941 is a date which continues to live in infamy.

Mr. Speaker, the brave servicemen and women who served that day are responsible for our presence here today. Sadly, on September 11, 2001, this nation tragically experienced another Pearl Harbor whereupon our nation again sacrificed innocent Americans who woke up that morning, entirely unaware that they would never see their loved ones again. During that most difficult time we drew strength and courage from those who served this great nation before and from the leaders who led this great nation through our darkest hours.

On December 8, 1941, President Franklin Roosevelt addressed the nation and declared, "no matter how long it may take us to overcome this premeditated invasion, the American people, in their righteous might, will win through to absolute victory." These are words that ring true today. On a day when many Americans feared for our nation, FDR's words of confidence, determination, and purpose did indeed carry this nation to absolute victory. Those same words will carry this nation to absolute victory once again as our brave men and women of the armed services are stationed in and around Iraq and Afghanistan fighting to preserve our freedom, security and democracy. Like those who served before, we are forever grateful for their courageous and heroic acts and we will never forget their sacrifices.

On the anniversary of the attack on Pearl Harbor, we must remember the difficult times our brave servicemen and women went through to defend our nation, and we mourn the deaths of the military personnel and civilians who died that day. Mr. Speaker, today we must ensure that our children, grandchildren, and great grandchildren learn about the lives of our veterans, including those of the Greatest Generation who served in World War II. Our commitment to our veterans must remain strong because they are a symbol of the greatness of our country.

President Kennedy once said that you can judge a nation not just by the people—the men and women—that it produces, but also by the people that a nation remembers. Today, Mr. Speaker, we remember true heroes.

TRIBUTE TO MR. HARRY SHASHO—  
A CITIZEN DEDICATED TO THE  
IMPROVEMENT OF HIS COMMUNITY

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HOYER. Mr. Speaker, in Southern Maryland we are blessed to have so many exemplary citizens who invest their time, energy and talent in making it a special place to live. One such citizen who has gone above and beyond and exemplifies the true spirit of American entrepreneurship is Harry Shasho. Harry believes in the community and has worked hard to improve the lives of Charles County residents now and in the future.

Mr. Speaker, it is my honor to acknowledge the deeds and fortunes of this outstanding citizen, Harry Shasho. Harry got an early start in business and in fact, says he has been a businessman since he was 12 years old. In 1976 when Harry moved to Charles County, he owned a small chain of camera and electronics stores on F St. in Washington, D.C. In 1985, he sold his portion of the business and began selling real estate; first residential, then commercial. In 1989, Harry went to work for Baldus Real Estate and started their Commercial Division. Now, Baldus is the best known Commercial Company in Southern Maryland.

As a businessman, Harry recognized the need to train future leaders and became involved in helping young men through Boy Scouts. Over the years, he has not only guided boys into becoming more effective and productive citizens, but has also trained adults to become better leaders. During his tenure as Scoutmaster, his scout troop has produced 12 Eagles Scouts, yet another tribute to his compassion. Mr. Shasho continues to serve on fundraising committees for the Boy Scouts of America.

Mr. Shasho has been a leader in the Charles County Chamber of Commerce for over 10 years, holding positions as Board of Director, Secretary, Treasurer, Vice President, President Elect, and is currently serving as the 2003 President. Under his direction as President, he has increased membership and built a strong alliance between the Chamber and County and State government officials. They have worked together on many issues which impact the business community.

In addition to serving with the Charles County Chamber of Commerce, Harry is

Chairman of the Southern Maryland advisory board for BB&T Bank, a committee member of the Charles County Economic Development Commission, Member of the National and State Association of Realtors and has received a National Leadership award from the National Republican Congressional Committee.

Mr. Speaker, it is my pleasure to honor Mr. Harry Shasho, as he retires as President of the Charles County Chamber of Commerce on January 12, 2004. We are all so proud of the work he has done to improve the lives of everyone in Charles County and I am very proud to call him my friend.

CELEBRATION OF THE OFFICIAL  
OPENING OF THE BUILDING OF  
WEILL CORNELL MEDICAL COLLEGE  
IN QATAR

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mrs. MALONEY. Mr. Speaker, on October 12, 2003, Weill Cornell Medical College and the Qatar Foundation for Education, Science and Community Development embarked on an historical venture that brings the best of American medical education to the Middle East. I was privileged to participate in this extraordinary event along with Qatar Foundation Leadership: Her Highness Sheikhha Mozah Nasser al-Misnad; Saif Ali Al-Hajari, Vice Chairperson; H.E. Yousef Hussein Kamal, Member Board of Directors; H.E. Hajar Ahmed Hajar, Member, Board of Directors; Sheikhha bint Abdullah Al-Misnad, Member, Board of Directors; Mohammed Fathy Saoud, Member, Board of Directors; and, Cornell University Leadership: Peter C. Meinig, Chairman, Board of Trustees; Sanford I. Weill, Chairman, Board of Overseers Weill Cornell Medical College; Jeffrey S. Lehman, President; Antonio M. Gotto, Jr., Provost for Medical Affairs and Stephen and Suzanne Weiss Dean, Weill Cornell Medical College; Daniel R. Alonso, Dean, Weill Cornell Medical College in Qatar. Together with these esteemed colleagues, we marked the opening of a model institution that I hope will be replicated throughout the region.

I first visited Doha, Qatar in 1999 for the historic municipal elections where women were first granted the right to vote. At that time, I met with Her Highness Sheikhha Mozah Nasser al-Misnad who requested help in bringing a U.S. medical school to Qatar. I did not have to look far to find an extraordinary medical institution that is located in my Congressional district. As a result, I took a small part in working to forge the relationship between Her Highness and Dean Gotto, Provost for Medical Affairs at Cornell University. Just a few short weeks ago, the Qatar branch of the Weill Cornell Medical College celebrated its inauguration.

In a very short period of time, Doha has been transformed into an academic hub of the Middle East and has become a strategic ally of the United States. Under the leadership of Her Highness, Qatar has made significant advancements in education, medicine, and science with the opening of the Education City. I strongly believe that the opening of WCMC-Q marks the beginning of an impor-

tant exchange between the West and the East . . . at a time when the value of mutual understanding is at a premium. Qatar offers a superb environment and facilities for both teaching and studying, backed by an outstanding technological center. It has been an honor to be involved in the development of the Weill Cornell Medical College in Qatar, and I look forward to marking the evolution of the entire Education City.

Weill Cornell Medical College in Qatar is a pioneer in medical education as well as in diplomatic exchange. The College offers a complete medical education, leading to a Cornell University Doctor of Medicine (M.D.) degree, with teaching by Cornell faculty. It is the first American university to offer its M.D. degree overseas, and the first higher education institution in Qatar to be coeducational; women made up 70 percent of the inaugural class for the Pre-medical Program. These points are very important. Prospective students are subject to the same entrance requirements as in the United States and are awarded the same degree as students in the U.S. While WCMC-Q teaches in a coeducational forum, the students and faculty are learning together about cultural differences that only serve to enhance the learning environment. WCMC-Q aims to further the University's commitment of education, research, patient care and the advancement of the art and science of medicine while supporting the work of the Qatar Foundation in serving the community. WCMC-Q trains the physicians of the future and will research medical problems of concern in the region.

His Highness the Emir Sheikh Hamad bin Khalifa al-Thani and Her Highness Sheikhha Mozah Nasser al-Misnad have made an ambitious and visionary investment in their people and their economy by creating the Education City. Recognizing that development and advancement will only come with an upgrade to the educational system, they have succeeded in fostering the interaction of various disciplines, cultures, and ideas through the Education City. The Qatar Foundation logo, the Sidra tree, represents nourishment for these ideals and serves as a reminder that Qatar is forging the way for democracy, freedom, and human rights in the region.

I feel privileged to have participated in this revolutionary event and I would like to reiterate my praise for both the Qatar Foundation and for Weill Cornell Medical College in Qatar. You have built a bridge that will have a far-reaching impact into the future and will serve as a model of achievement for many to follow.

RECOGNIZING THE APPOINTMENT  
OF CADET CLIFFORD T. JACKSON  
TO CHIEF PETTY OFFICER

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. LANGEVIN. Mr. Speaker, I proudly rise today to congratulate Clifford T. Jackson on his announced appointment to Chief Petty Officer in the United States Naval Sea Cadet Corps, which is scheduled to occur on January 9, 2004. Cadet Jackson, of Westerly, Rhode Island, is an honor roll high school senior and has been a member of the Nautilus Division at the Sub Base in New London since

March 2001. Cadet Jackson has risen to the rank of Chief Petty Officer faster than any other cadet in the 26 years of the Nautilus Division. This accomplishment is only bestowed upon one half of one percent of approximately ten thousand Naval Sea Cadets in the program and reflects exceptional leadership skills and a masterful grasp of seamanship training.

I hope our colleagues will join me in congratulating Clifford Jackson for his achievement, and I wish him great success in his future endeavors.

IN MEMORY OF U.S. ARMY SPECIALIST REL ALLEN RAVAGO IV

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the memory of my constituent, United States Army Specialist Rel Allen Ravago IV of the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade of the 101st Airborne Division, who was killed in action on November 23, 2003 in Mosul, Iraq when hostile forces attacked his Army vehicle.

After graduating from Hoover High School in Glendale, Specialist Ravago soon joined the United States Army and was deployed to Iraq in May 2003. He was due to return home next March at the end of his four-year tenure in the Army. From all accounts, he was a dedicated and enthusiastic soldier who served our country with courage and distinction.

A talented artist and honorable soldier, Specialist Ravago's family, friends and fellow servicemen have spoken with admiration and veneration of his commitment to duty, his dedication to his unit and his love of country and family.

Students at Hoover High recently erected a patriotic memorial of red, white and blue carnations mixed with American flags, containing a short, but poignant message attached: "You'll be missed."

Friends, family and loved ones remember Ravago as a popular student who played in Hoover High's drum corps and studied martial arts. His former teachers describe him as "radiating joy and a love of life" with a "smile that you could see from miles away."

I recently had the opportunity to meet with Specialist Ravago's parents and grandfather following his death. They told me how proud they were of their son and grandson, how proud he was to serve his country and how much they would always miss him. Our nation owes his family a debt we can never repay and Specialist Ravago will never be far from our thoughts. His sacrifice and those of other soldiers who have fallen on the field of battle have kept our nation free.

On behalf of the United States Congress, I wish to once again, bestow our most heartfelt appreciation for Army Specialist Rel Allen Ravago's service and sacrifice for the United States of America. To his family and loved ones: your son, your brother, your grandson, your nephew, your cousin and your friend, served our country with honor and nobility and he will be missed.

INTRODUCTION OF NATIONAL SECURITY LANGUAGE ACT

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HOLT. Mr. Speaker, we can no longer keep our nation safe if we do not commit ourselves to learning the languages and cultures of critical areas around the world. The security of our troops overseas and the American people here at home demand that we act quickly to eliminate the severe shortage of critical need language professionals in this country. Inaction on this issue is not only irresponsible; it's dangerous.

That's why I rise today to introduce legislation, the National Security Language Act, which would significantly expand our investment in foreign language education on the primary, secondary, and post-secondary level.

Al Qaeda operates in over 75 countries, where hundreds of languages and dialects are spoken. However, 99 percent of American high school, college and university programs concentrate on a dozen (mostly European) languages. In fact, more college students currently study Ancient Greek (20,858) than Arabic (10,596), Korean (5,211), Persian (1,117), and Pashto (14) put together. We need to do more to make sure that America has the language professionals necessary to defend our national security. This cannot be done overnight. We are already years overdue.

As reported by the 911 Joint Inquiry in July, our intelligence community is at 30 percent readiness in languages critical to national security. Despite this alarming statistic, we do not appear to be taking aggressive action to address this problem. When I asked a panel of intelligence experts at a recent Intelligence hearing what the federal government is doing to increase the pool of critical need language professionals, they answered with silence. Two years after the events of September 11, we are still failing to address one of the most fundamental security problems facing this nation.

Changing our recruiting methods alone will not solve the problem. To meet new security needs, we need to create a new domestic pool of foreign language experts and we can only do that by investing in the classroom.

The National Security Language Act would expand federal investment in education in foreign languages of critical need, such as Arabic, Persian, Korean, Pashto, and Chinese. Specifically, my bill would provide loan forgiveness of up to \$10,000 for university students who major in a critical need foreign language and then take a job either in the federal workforce or as a language teacher. It would provide new grants to American universities to establish intensive in-country language study programs and to develop programs that encourage students to pursue advanced science and technology studies in a foreign language.

My bill would also establish grants for foreign language partnerships between local school districts and foreign language departments at institutions of higher education. And it would authorize a national study to identify heritage communities here in the United States with native speakers of critical foreign languages and make them targets of a federal marketing campaign encouraging students to pursue degrees in those languages.

Just as the National Defense Education Act of 1958 created a generation of scientists, engineers, and Russian linguists to confront the enemy of that time, the National Security Language Act will give us a generation of Americans able to confront the new threats we face today.

CONFERENCE REPORT ON H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

SPEECH OF

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. MOORE. Mr. Speaker, I rise today in support of the conference report on H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003 (the FACT Act). As a member of the House Financial Services Committee and as a member of the conference committee that drafted the final version of this legislation, I was deeply involved in the drafting and consideration of this measure.

I was pleased to join with my colleagues, Representatives BACHUS, HOOLEY and BIGGERT, in introducing this bipartisan measure. This bill was approved in subcommittee on a vote of 41-0, in full committee by a vote of 63-3 and by the full House by a vote of 392-30 with one voting present. Earlier this week, the Senate approved a similar version of this bill by 95-2.

Mr. Speaker, this is the way Congress should work. This is the way our constituents want us to conduct their business. Consideration of this bill consistently has been bipartisan and thoughtful. All members of the committee with opinions and proposals on the issues raised by H.R. 2622 were able to offer amendments and participate in debate. The way in which this measure was handled made this a stronger piece of legislation than the version we introduced. I commend our committee's leadership, Chairman OXLEY and Ranking Democrat FRANK, for making this possible.

Mr. Speaker, the problems of inaccurate and incomplete information that plague the current credit reporting system are of great personal concern to those of our constituents who have suffered them. I'm sure each of us could relate instances involving constituents who have faced tremendous difficulty and aggravation in correcting inaccurate credit histories.

This legislation directly addresses these very real problems faced by people every day of the year. Our credit system is the envy of every other country in the world. Our country, overall, does an excellent job of making credit available quickly and fairly to consumers and businesses. Enactment of H.R. 2622 will preserve and strengthen this system. This conference agreement permanently extends those provisions of the 1996 version of the Fair Credit Reporting Act (FCRA) that prevent states from enacting stronger credit laws, thereby extending the federal standards in those areas—including those rules dealing with how affiliates can share consumer information.

The measure also provides new consumer protections against identity theft, including the

following new provisions of law. The FACT Act will:

Provide consumers with a free credit report every year from each of the three national credit bureaus, from a single centralized source;

Give consumers the right to see their credit scores;

Provide consumers with broad new medical privacy rights;

Give consumers the ability to opt-out of information sharing between affiliated companies for marketing purposes;

Establish a financial literacy commission and a national financial literacy campaign;

Ensure that consumers are notified if merchants are going to report negative information to the credit bureaus about them; and

Extend the seven expiring provisions of the Fair Credit Reporting Act.

The FACT Act also includes several significant new provisions addressing the problems surrounding identity theft. It will:

Allow consumers to place "fraud alerts" in their credit reports to prevent identity thieves from opening accounts in their names, including special provisions to protect active duty military personnel;

Require creditors to take certain precautions before extending credit to consumers who have placed "fraud alerts" in their files;

Allow consumers to block information from being given to a credit bureau and from being reported by a credit bureau if such information results from identity theft;

Provide identity theft victims with a summary of their rights;

Provide consumers with one-call-for-all protection by requiring credit bureaus to share consumer calls on identity theft, including requested fraud alert blocking.

Prohibit merchants from printing more than the last 5 digits of a payment card on an electronic receipt;

Require banks to develop policies and procedures to identify potential instances of identity theft;

Require financial institutions to reconcile potentially fraudulent consumer address information; and

Require lenders to disclose their contact information on consumer reports.

While this legislation was the product of a bipartisan consensus and a conference procedure that produced what, overall, is an outstanding measure, I would like to raise concerns with one provision of the bill that I believe may need to be re-addressed in the near future, or we may run the risk of thwarting the continued evolution of risk-based pricing in the home mortgage market. First, I would like to talk about the benefits of risk-based pricing in the mortgage market. Not too long ago, only borrowers that fit the industry's cookie cutter mold of creditworthiness were deemed qualified to purchase a home or to tap their home equity. The market was two-tiered—all those who fit the mold got credit at the same price, and those who didn't fit the mold got no credit at all.

But that has changed dramatically in recent years. More sophisticated risk measurement models were developed in the 1990s—helped in large part by the uniform credit reporting standards we are today preserving in this bill—that allow lenders to accurately measure credit risk and price it accordingly. The result has been that families previously shut out of

the home purchase and home equity markets now have access to credit from mainstream lenders at rates that reflect the underlying risk of the borrower and the property. Mortgage credit markets are now fluid and access to credit is no longer bifurcated between the haves and have-nots. As research by the Federal Reserve Board has shown, the development of risk based pricing and the non-prime lending market has contributed significantly to the recent increases in homeownership rates, especially among low- and moderate-income households.

With the growth of risk-based pricing comes the responsibility to educate consumers about the impact of less-than-timely repayment behavior and inaccurate credit report data on the cost of credit. One provision of this bill—which I strongly supported as did all of the major mortgage lenders—will require that lenders provide every home mortgage borrower with a copy of their credit score, the range of possible scores so borrowers can see where they fall in the spectrum, and the top four factors that lowered their score. The notice further advises borrowers about how credit scores are used and the need to ensure that their credit report information is accurate. The home mortgage transaction is the only one in which such information is provided to borrowers and the mortgage industry should be commended for supporting it.

I am concerned, however, that a second provision of this bill—the Section 311 Risk Based Pricing Notice—may present problems for the mortgage industry because of the complex interaction of underwriting variables that go beyond credit history and extend to property characteristics and borrower financial assets like down payment and reserves. Specifically, I have concerns with the content and timing of the notice, as well as with the difficulty of determining the circumstances under which the notice would be triggered.

There are many variables relating to the pricing and terms of mortgage loans that are unrelated to credit scores. These include whether the loan has a fixed or variable rate, the property type and the condition, the down payment and loan-to-value ratio, the debt-to-income ratio, and the presence or absence of features like prepayment penalties, mortgage insurance or balloon payments. In addition, the pricing of mortgage credit also changes frequently, sometimes several times a day, based upon market conditions or a lender's need for product to meet its production goals. Finally, the interest rate that borrowers pay—even for the exact same loan closing on the same day—will vary widely based on when the borrower locked-in the interest rate. In other words, borrowers who close on the same day may have interest rates that were set weeks apart from one another.

In addition, the final combination of rates and terms will reflect not only credit information, but the nature of the collateral, the financial assets of the borrower and choices made by borrowers based on their own personal circumstances. What is favorable to one borrower—for example, a higher rate in exchange for no closing costs—may not be for another. What is a material term? Just rates and fees? Or is a fixed rate loan better than an adjustable? If a borrower gets a lower interest rate because he or she chooses a prepayment penalty, who gets the notice—the borrower with the lower rate or the one with the prepayment penalty?

The risk based pricing notice in Section 311 asks mortgage lenders to make subjective decisions in order to determine which borrowers received "material terms" that are "materially less favorable" than the "most favorable terms" made available to a "substantial proportion of consumers." In the context of a complicated mortgage transaction, this is a truly daunting regulatory burden fraught with significant compliance and legal risk. I fear that the impact of this risk will force lenders to use fewer risk categories and eliminate product features to ensure that such comparisons are easy to make and pose little risk of compliance error. This will not be good for consumer access to credit or consumer choice.

As to timing of delivery of a notice, I note that information concerning a consumer's credit history and its relationship to the pricing of mortgage products may best be given to the consumer early in the credit granting so that this information can facilitate informed decision-making by the prospective borrower as well as timely consumer review of credit reports to ensure accuracy. Better that every mortgage borrower get an early disclosure about importance of good credit and an accurate report—before they pay application fees and get invested in a home purchase decision—than to get one at the closing table.

Recognizing the challenges associated with implementing a risk based pricing notice in the mortgage context, I urge the regulatory agencies charged with rule making under this Section to report back to the Congress with recommendations for how to make the triggering, timing and content of the risk based pricing notices work in mortgage transactions without exposing lenders to undue compliance and litigation risks. These are issues that—if not addressed through the rulemaking—will need to be reexamined by Congress.

Mr. Speaker, I congratulate my fellow conferees for the significant and important legislation we have produced—the Fair and Accurate Credit Transactions Act of 2003—and urge the House to join with me in approving this measure today.

COMMENDING BELL, BOYD AND  
LLOYD

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. KIRK. Mr. Speaker, if we relied solely on what is reported on the air and in print, we might believe that soldiers—particularly reservists—enjoy little or no support for their Iraq mission here at home. I am honored to report that this is not the case by recognizing the Chicago law firm of Bell, Boyd and Lloyd for their outstanding commitment to their junior partner, Captain Todd Pentecost, commanding officer of the 933rd Military Police company of the Illinois Army National Guard serving in Iraq.

Jack McCarthy, the firm's chairman, rallied Todd's fellow workers in support of this young soldier who has a wife and year-old daughter at home in Bartlett, Illinois. In addition to continuing his salary and benefits, Bell, Boyd and Lloyd sent 29 boxes of gifts to Todd and his unit for the holidays. When Todd left for duty in Iraq last February, the firm committed to

send packages from home every week. The boxes that just arrived for Todd and his unit include books, magazines, videos, DVD's, snacks and personal items. Best of all, 200 of Todd's fellow soldiers will receive a card of their own for 60 minutes of long distance calling time. Three weeks ago three boxes were shipped that included a Christmas tree, decorations, cards, pens and stationery for their personal use.

I applaud the partners of Bell, Boyd and Lloyd for their efforts, not only during this season, but for their caring and compassion throughout the year. Their support of the brave citizen soldiers serving in Iraq deserves recognition. The support of our troops almost always goes unnoticed. I noticed. Many of my colleagues also noticed and we offer our sincerest thanks to Captain Pentecost, his wife, and their supporters at Bell, Boyd and Lloyd.

CONGRATULATIONS TO LEONARD  
S. FIORE, INC.

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Leonard S. Fiore, Inc. on its 50th Anniversary and to thank the general contracting corporation for its numerous contributions to the community.

For more than four decades, Leonard S. Fiore, Inc. has maintained a strong commitment to people, hard work, and education. The company was founded by Leonard Fiore Sr. in 1954 upon the principle of providing efficient, top quality work at a reasonable cost, and the progress that it has made in the past fifty years confirms the company's dedication to this principle. In 1957 the company completed its first commercial construction project with the erection of the Altoona Skating Center and the St. Rose of Lima Church in Altoona. Since that date, the company has expanded its capabilities and heightened its goals tremendously, having provided jobs to over 250 people and completed over 300 commercial buildings.

As one of central Pennsylvania's leading general contractors, Leonard S. Fiore, Inc. offers demolition, excavation, concrete and steel erection, masonry, carpentry, metal stud and drywall work as well as plastering, painting, and a certified surveyor. Devoted to the belief that "no job is too large, no need too small," every job that the company undertakes receives the same enthusiasm and quality of workmanship. Regardless of the task at hand, the experience and expertise of each and every employee guarantees every project to be completed with the best possible results.

In addition to the organization's excellence in its industry, it has remained extremely loyal to the surrounding community. Leonard S. Fiore, Inc. regularly supports Saint Francis College in Loretto, PA, and Bishop Guilfoyle High School in Hollidaysburg, PA, providing them with financial assistance and volunteer services. Additionally, the company sponsors local little league baseball teams, the Tour de Toona bicycle race, and the annual Fiore Family Golf Classic, which is a popular event that raises money for various community services. Leonard S. Fiore, Inc. has demonstrated

an unyielding enthusiasm and care for the public which it serves.

For its incomparable generosity, service to the community, and unabated commitment to excellence, Leonard S. Fiore, Inc. deserves the highest recognition. The company continues to grow and maintain a high level of quality, providing an example that all businesses should follow. I congratulate Leonard S. Fiore, Inc. on its 50th Anniversary and eagerly await its future progress.

MARITIME SECURITY PROGRAM

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

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. TAUZIN. Mr. Speaker, I rise today to express my appreciation to Chairman DUNCAN HUNTER of the House Armed Services Committee for his successful efforts to reauthorize the Maritime Security Program (MSP) in the recently-passed National Defense Authorization Act for Fiscal Year 2004. The vitally important MSP program will ensure that militarily-useful, United States flag commercial vessels crewed by American citizens are available for this Nation's military and national security needs.

In the MSP program reauthorization, the Congress has ensured that no unreasonable impediments stand in the way of obtaining U.S.-flag roll-on/roll-off, container and other militarily-useful MSP vessels for the transport of military vehicles, supplies and other materiel in support of U.S. military operations around the world. Chairman HUNTER's support was vital to our efforts to clarify the original intent of certain vessel equipment provisions in the Maritime Security Act of 1996 that first created the MSP program. Specifically, it is now clear that existing vessels built to international standards may be documented under the United States flag for inclusion in the MSP program when the telecommunications and other electronic equipment on such vessels meets internationally accepted standards.

As Chairman of the Energy and Commerce Committee, and with my dear colleague from Louisiana, Congressman VITTER, we worked closely with Chairman HUNTER to ensure that appropriate telecommunications and other electronic equipment standards are applied to MSP vessels. When the MSP program was originally enacted, the law provided that a vessel that meets internationally accepted construction and equipment standards may be reflagged under the United States flag for operation in the MSP. That provision was intended to apply to all vessel equipment, including telecommunication and other electronic equipment. The National Defense Authorization Act for Fiscal Year 2004 now clarifies that matter.

Accordingly, it is now clear that a vessel may be added to the U.S.-flag commercial fleet for operation in the MSP program if it is built to international standards, and the telecommunications and other radio equipment aboard the vessels comply with applicable international Safety of Life at Sea (SOLAS) Convention requirements. This is in keeping with the elimination of financial and other burdens that the Congress specifically sought to remove through the establishment of the Maritime Security Program. I would like to again

thank Chairman HUNTER and his staff for working closely with us on this matter of critical importance to the military and national security of the United States.

IN RECOGNITION OF THE ACCOMPLISHMENTS OF GORDON PARKS

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RANGEL. Mr. Speaker, I rise today to recognize one of this nation's most distinguished talents in commemoration of his birthday. As a renowned photographer, poet, author, filmmaker and composer, Gordon Parks has secured his place in American society as a true Renaissance man of the arts. Born on November 30, 1912 in Kansas, Mr. Parks grew up the youngest of fifteen children in an environment stricken by poverty and racism. With the guidance of his loving, inspiring parents, he persevered despite his circumstances.

Gordon Parks began his photographic journey at the age of 25, when he bought his first camera, affectionately referred to as his "weapon against poverty and racism." This simple instrument did just that, allowing him to break the constraints of discrimination and rise to greatness as an artist. In 1941, Mr. Parks became the first photographer to receive a fellowship from the Julius Rosenwald Foundation and the following year, he was commissioned by the Farm Security Administration to create a visual record of the lives of America's poor in urban and rural communities. During this project, he captured one of his most popular, compelling photographs, American Gothic, the image of Ella Watson standing in front of the American flag, holding a broom.

He moved on to become the first Black photographer to work at both Life and Vogue Magazines where he coined his unique style of focusing a series on one person to convey a story of humanity. Aside from chronicling the intense emotions of America's poorest, the civil rights movement and the surge of Black Nationalism, Mr. Parks' photographic repertoire also featured images of leading societal figures such as Langston Hughes, Duke Ellington, Ingrid Bergman, Barbara Streisand, Mohammed Ali, and Marcel Duchamp.

Gordon Parks tried his hand in cinema, making eleven films, including "The Learning Tree", based on his autobiographical novel, and the 1971 film, "Shaft". Mr. Parks has also published twelve books, three about his life, and several are collections of poetry and photography. Musically inclined, Gordon Parks also composed a number of sonatas, concertos, a symphony and a ballet, all of which have been performed internationally.

Mr. Parks has also received a number of awards for his outstanding contributions, including: Photographer of the Year from the American Society of Magazine Photographers (1960 and 1985), induction into The Black Film Makers Hall of Fame (1973), induction into the NAACP Hall of Fame (1984), Governor's Medal of Honor from the State of Kansas (1985), and honorary degrees from thirteen separate academic institutions.

Gordon Parks now resides in New York City and continues to enjoy the recognition earned

by his rich legacy as the premier photo-journalist and creative mind of his time.

CENTRAL NEW JERSEY CELEBRATES THE SUCCESS OF NJ/K12 ARCHITECTS BUILD AND BELIEVE PROGRAM

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HOLT. Mr. Speaker, I rise today to recognize the success of twelve apprentice architects and their mentors. These twelve students from Trenton Central High School and Lawrence High School participated in an intensive summer program in which they learned architectural and design skills that allowed them to design two projects. Divided into three groups, each group prepared an original design for a warehouse and a renovation design for a building at Trenton Central High School. Then simulating a business world, they prepared proposals for each project to go to bid. These projects represent hours of hard work, dedication, collaboration and communication among students, mentors and community members. This program is a fine example of teaching practical math skills. It involves identifying a problem, developing an approach to solve it, testing that approach, and eventually implementing a solution.

The students worked under the leadership of three mentor architects, Vince Myers, Harvey Myers and Bob Iamello. They were divided into three studios: Latin Architects in Action, Edgar Gonzales, Byron Zacarias, Judith Rodrigues, Raykel Abreu; Professional Building Design Architects, Patrick Alvarado, Shaneeka Ingram, Edwin Zacarias, Brandon Bey; Architect Design Perfection, Leidy Toro, John Frink, Jamie Rodas, Vamey Keita. Working together as mentor and studio, each student learned many skills including design, math computation, teamwork, public speaking, critical evaluation and long-range thinking.

Programs like these reflect my values about the necessity for excellent math and science education. Math is not just another subject. Math is fundamental like reading. A mathematical framework provides us the skill for life-long learning, for creating progress itself. These are very important skills for the very complex times in which we live.

I ask that all the Members join me in congratulating these 12 students and three mentors for their excellence in using mathematics to design real buildings for real life.

TRIBUTE TO MARY DAVIS ON HER 108TH BIRTHDAY

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. SERRANO. Mr. Speaker it is with great pleasure that I rise today to pay tribute to Ms. Mary Davis, a resident of the Bronx, New York who will turn 108 this month. Ms. Davis is a living testimony to the indomitable spirit of our great nation.

Born December 12, 1895 in Florida, Ms. Davis was the granddaughter of slaves, whom

she still has very clear memories of. This incredible woman witnessed an America that almost none of us can say we truly knew; an America that wrestled to establish the ideals of democracy and freedom while continuing to oppress and terrorize those of African descent. However, like many African Americans of her time, Ms. Davis transcended that oppression and in doing so helped bring a nation closer to its great potential.

The proud mother of five daughters, grandmother of 10 grandchildren and great grandmother of 30 great grandchildren, Ms. Davis spent most of her life working as a nanny and housekeeper to support her family. Today, she lives alone in the Bronx and is described by those close to her as being a lovable, God fearing woman who still attends her church, the Great Methodist Baptist Church of Manhattan, regularly.

Mr. Speaker, Ms. Davis lived through two World Wars, the Cold War, Vietnam, and two wars in Iraq. She has seen 20 Presidents enter the White House and witnessed America's role in the world evolve from a non-influential nation to the most powerful nation the world has ever known. She was here before Henry Ford introduced the Model T, and even before the Wright Brothers took their famous flight in Kitty Hawk, North Carolina. There are only a few people on earth who can say that they have witnessed all of these events first hand and Ms. Davis should certainly be proud to be one of them.

For her many contributions to her community and to this nation, I ask my colleagues to join me in honoring Ms. Mary Davis on her 108th birthday.

40TH ANNIVERSARY OF PRESIDENT KENNEDY'S DEATH

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. PELOSI. Mr. Speaker, "A nation reveals itself not only by [the individuals] it produces, but also by [those] it honors, [those] it remembers."

President John F. Kennedy spoke these words 40 years ago, less than a month before he was tragically killed in Dallas. On the 40th anniversary of that sad month, which lives so vividly in our memory, America honors and remembers President Kennedy. In doing so, we reveal once more the nation he imagined and the country we might yet become.

Like a generation of Americans, I carry with me strong memories of President Kennedy. As a college student standing on the grounds of the Capitol on a freezing cold January day, I listened to President Kennedy's enduring challenge now known the world over: "And so, my fellow Americans: ask not what your country can do for you, ask what you can do for your country."

And I have always remembered the less well-known—but equally important—line that followed: "My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of mankind."

Those of us who lived through those awful November days 40 years ago will always remember the shock and never forget the sadness.

Yet on this anniversary we recall not how President Kennedy died, but rather, how he lived; not just the tragedy of a single day, but the triumphs of one thousand days—of a presidency and a President that guides us still.

The first American President born of the 20th Century, President Kennedy embodied the hopes, the optimism, the vigor and the vitality of a new generation of Americans. Inspired by his call to cross a New Frontier, America began a bold journey that would take us to the moon. Young, idealistic Americans entered public service and joined the Peace Corps. Courageous African-Americans became Freedom Riders, challenging the evils of segregation and leading to the greatest demonstration for justice in American history—the 1963 March on Washington.

A veteran of World War II, President Kennedy knew that in those dangerous days of the Cold War, military strength was essential, yet "war need not be inevitable." Through the crisis over Berlin and 13 days in October 1962, his resolve averted the unthinkable. And through it all he knew something we must never forget—America stands strongest when it stands with friends and allies.

Yet this Cold Warrior also knew that true and lasting peace demands the elimination of the fury of despair and instability that plagues too much of the world. President Kennedy's vision of a future where "the weak are safe and the strong are just" inspired those young Peace Corps volunteers to build a better world—combating poverty, illiteracy, disease and hunger.

A man of deep faith, President Kennedy knew that "here on earth God's work must truly be our own." And so this man of privilege challenged the nation to reject private comfort for the public interest to fight for higher wages for workers, housing and medical care for the poor, dignity and security for the elderly. And although he did not live to see the day, his vision of a more just America would come closer with the Civil Rights Act of 1964.

Ever since his death, Americans have wondered—how might the days and years that followed have been different had he lived? Perhaps the more important questions might be—have we lived up to the challenge he issued so long ago? Have we kept alive the spirit and high purpose that he kindled? Have we achieved the national greatness that he imagined?

Forty years later, President Kennedy challenges us still. As we remember his death, let us rededicate ourselves—as a people, as a nation—to the principles and vision that defined his life. On this somber anniversary, there can be no higher tribute.

LUISA DELAURO'S 90TH BIRTHDAY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. DELAURO. Mr. Speaker, I rise to congratulate my mother, Luisa DeLauro, as she celebrates her 90th birthday on December 24th. She is—in every sense of the word—a remarkable person—someone who made a good life for herself and her family from the humblest beginnings.

From her, I learned the values I carry with me to this day—she taught me the meaning of

hard work, of family and community. When I grew up, she worked in a sweatshop, sewing shirt collars for pennies. Everyday she would make me come by after school to see the horrible, cramped conditions. It is something I will never forget. The lesson was clear: work hard. Make something of yourself. Get a good education.

She took her own lessons to heart, retiring 4 years ago after 35 years on the New Haven Board of Alderman—the longest serving member in its history. During that time, she touched countless lives. I will always remember the people sitting around my parents' kitchen table in Wooster Square in New Haven. There, I witnessed firsthand how she and my father helped solve the problems of people in our neighborhood.

My mother knew the importance of helping people—she understood that politics was an avenue for change. She also understood that women had an obligation to participate in the political process. When I first ran for Congress in 1990, I found an article my mother wrote in the 10th ward Democratic newsletter in 1933—70 years ago. Amazingly, she wrote:

It is not my intention to be critical, rather my motive in writing this article is to encourage the female members of this organization to take a more active part in its affairs. We are not living in the middle ages when a woman's part in life was merely to serve her master in her home, but we have gradually taken our place in every phase of human endeavor, and even in the here-to-for stronghold of the male sex: politics. I have noticed that the girls, unlike the men, are timid in asserting themselves, and many a good idea is lost, having been suppressed by its creator. Come on girls, let's make ourselves heard.

And so, mom, I want to take this opportunity to say, "You made yourself heard." You continue to make us all proud. Thank you and congratulations on your ninth decade. You are your daughter's greatest inspiration.

HALLIBURTON

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. WAXMAN. Mr. Speaker, over the past two months Rep. JOHN DINGELL and I have written to the White House several times seeking an explanation for the high prices Halliburton is charging to import gasoline into Iraq. We have repeatedly expressed concern that Halliburton has been paid an average price of \$2.64 per gallon to import millions of gallons of gasoline from Kuwait into Iraq.

Halliburton's price is more than double what others have paid to import gasoline from Kuwait into Iraq, including Iraq's state-owned oil company, SOMO, and the Pentagon's own Defense Energy Support Center. In addition, independent experts I consulted have called these charges a "huge ripoff" of the taxpayer.

Gasoline imports are one of the single largest expenditures of U.S. reconstruction efforts in Iraq. To date, nearly \$450 million has been spent on gasoline imports, and an additional \$690 million has been appropriated for gasoline and other fuel imports in 2004. Literally hundreds of millions of taxpayer dollars are at stake.

Despite these enormous costs, the White House has consistently refused to address this issue. The White House has refused to respond to our inquiries or offer any explanation for the high costs being paid by the taxpayer. Today, I call on the White House to immediately investigate this matter and respond to the concerns raised in our letters.

TRIBUTE TO CAROL DODO

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a talented rancher from New Castle, Colorado. Carol Dodo is a family-oriented rancher who has been feeding the citizens of Colorado for forty years. Carol is an intelligent educator and active participant in the beef industry and I would like to join my colleagues here today in recognizing her tremendous service to the New Castle community.

The Colorado Cattlemen/Cattlemen's Association recently named Carol Dodo Cattlewoman of the Year for her long-time dedication to her trade. Carol runs a cow-calf organization at West Elk Ranch north of New Castle. She has been in the ranching business since the mid-fifties and has increased her involvement in the industry over the years by promoting and educating people about the benefits of eating beef. Despite the dwindling number of ranching operations over the years, the Dodo family maintains that raising cattle is a rewarding occupation.

Mr. Speaker, Carol Dodo is a dedicated individual who is actively involved in the organization and facilitation of the beef industry in Colorado. Carol has demonstrated a love for ranching that resonates in her compassionate and selfless service to the Colorado Community. Carol's enthusiasm and commitment certainly deserve the recognition of this body of Congress. Congratulations on your award Carol, I wish you all the best in your future endeavors.

HONORING THE PEREZ BROTHERS

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Perez Brothers upon their induction into the 2003 Stanislaus County Ag Center Foundation Ag Hall of Fame. Their contributions to agriculture have been felt across the nation. The brothers, Tom, Earl, Daniel, and Mike, will be honored at the 2003 Ag Hall of Fame Dinner on December 4 at the Stanislaus County Ag Center in California.

The Perez Brothers have been leaders in the agricultural industry since the 1940s, but the legacy was started earlier by their father, Juan, in northern Spain. In the early 1900s, the search for greater opportunities led Mr. Perez to California. In 1936, the family moved to the San Joaquin Valley and started farming 280 acres. Their father had visions of the valley being rich in agriculture. Today, with an

operation that stretches nearly 80 miles, the brothers farm over 8,000 acres of melons, beans, cotton, tree crops, and, most-notably, tomatoes. The family is one of the largest tomato shippers in the country.

The family's commitment to the environment and to agricultural and community organizations has been evident through the years. The brothers have served on several boards and committees and offer their time to numerous community organizations. Harvesting with the latest and cleanest machinery, as well as the support offered for research and improvements in farming, have earned the Perez Brothers an earth-friendly reputation.

Mr. Speaker, it is my pleasure to commend the Perez Brothers for their induction into the 2003 Stanislaus County Ag Center Foundation Ag Hall of Fame. I invite my colleagues to join me in wishing the Perez Brothers continued success.

IN MEMORY OF NARAYAN D.  
KESHAVAN

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the memory of Narayan Keshavan who passed away suddenly and unexpectedly last week.

Keshavan worked for me from January of 1998 until June of 2001. During much of that time I was the Co-chair of the Congressional Caucus on India and Indian-Americans and Keshavan helped me stay abreast of the issues facing India and Indian-Americans and stay in contact with the vibrant community here.

Keshavan had a love for two countries. His adopted home, the United States and his ancestral home, India. So few people modestly and selflessly served to help U.S.-India relations through such dramatic periods of growth and change. Keshavan was an early and vocal advocate for a different kind of relationship between the oldest and largest democracies in the world. He saw the possibility, in fact the necessity, of India and the United States working closely together well before it was evident to leaders in either country. In a clear example of bringing the two cultures closer together, Kesh was one of the Indian Americans who made the October 23, 2003 First Deepavali Event at the White House happen.

Born May 31, 1950 in Hyderabad, India, Keshavan was a graduate of Andhra University (Visakhapatnam, India) where he received a BA in Pharmacy and Osmania University (Hyderabad, India) with a BA and MA in journalism. Over his impressive career as a journalist, Kesh was respected for his vision and commitment to politics and Indo-U.S. Relations. In addition to working for the Congressional Caucus on India and Indian-Americans, he was the Founder and Executive Director of the Indian American Republican Council, and President of the Indian American Forum for Political Education (NYC and LI chapter). He also was a founder of the Indo-U.S. Parliamentary Forum. He served as a mentor to countless individuals of all ages and faiths, deeply touching the lives of many here and in

India, even those he knew only a short time. People loved Kesh for his honesty, intelligence and humor.

Kesh passed away on Thursday, November 13 after he appeared on CNN in a interview with Lou Dobbs where he defended India in the growing political issue of outsourcing. Keshavan is survived by his father and sister.

I ask all my colleagues to join me in paying tribute to a journalist, public servant and tireless community activist, Narayan Keshavan.

RECOGNIZING WOODS-VALENTINE  
MORTUARY'S 75TH ANNIVERSARY

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. SCHIFF. I rise today to honor Woods-Valentine Mortuary in Pasadena, California. Woods-Valentine Mortuary, one of the oldest African-American, family-owned and operated businesses in the twenty-ninth Congressional District, is celebrating its 75th anniversary on December 14, 2003.

The James Woods Funeral Parlor, located at 87 S. Vernon Avenue in Pasadena, was founded in 1928 by James and Annie Mae Woods. In 1950, after the death of Mr. Woods, his nephew Fred W. Valentine continued to run the business for Mrs. Woods. In 1954, Fred and his wife, Arzella, purchased the business and it became the Woods-Valentine Mortuary. The Valentines relocated the business to its current location at 1455 N. Fair Oaks Avenue in 1963 and built a new structure, which received a Pasadena Beautiful Foundation award for architectural design and color coordination.

Woods-Valentine Mortuary has a well-deserved reputation as a professional, compassionate and dignified business. The mortuary staff members serve the community not only by offering counseling and funeral services, but also by their immense community and civic involvement.

Fred and Arzella Valentine have served on the boards of many professional and civic organizations, such as the Los Angeles County Funeral Directors Association, the National Funeral Directors Association, the California Board of Funeral Directors, the Pasadena Altadena Links, and the Soroptomist Club. The Valentines are also members of many civic organizations including the San Gabriel Valley Black Business Association, the Pasadena Chamber of Commerce, the Pasadena Urban League, and are lifetime members and past board members of the Pasadena NAACP. In addition, the Valentines have sponsored Northwest Pasadena Little League teams for forty years, volunteered for many years in Pasadena's public schools and libraries, and contribute annually to many scholarship funds. They are also active in their church, Friendship Baptist Church.

Woods-Valentine Mortuary is truly a family-owned business. Fred and Arzella's daughters, Janyce Valentine and Gail Valentine Taylor, are part owners. Arzella's sister, Vannie Brown, Fred's brothers, Clifton Valentine (who died in 1999) and James Adkins, along with Laven Lanier, James Barker, Ernest Gomez, Lenston Marrow, James Ross, Leo Vaughn, Julius Henderson and Juan Wooden, are other

members of the "Woods-Valentine Mortuary family" who have greatly contributed to the success of the business.

I ask all Members to join me today in honoring Woods-Valentine Mortuary for its 75 years of dedicated service to the community.

HONORING N.A. "TURK" BAZ

**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to salute and honor Turk Baz. I have known Turk for many years, and he is a testament to the service, dedication, and diligence to his listeners on the local radio by providing daily weather updates.

Turk, a veteran radio broadcaster and owner of WDEB FM/AM, has been a fixture in Fentress County, Tennessee, for many years. He was recently honored by the National Weather Service for his more than 20 years of service by presenting him with its John Campanius Holm Award. The annual award goes to 25 individuals among the agency's 11,000 plus volunteer weather observers: The award has been given since 1959.

One of his greatest qualities is his modesty. During the acceptance ceremony, he said he was accepting the award on behalf of his radio station's staff and the many volunteers who are part of the Fentress County Emergency Service Organization. Fentress Countians are blessed to have someone like Turk looking out for them.

HONORING THE STATE WINNER  
AND NATIONAL FINALIST FOR  
RECOGNITION OF OUTSTANDING  
COMMITMENT TO THE COMMUNITY

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. WELLER. Mr. Speaker, I rise today to honor Monical's Pizza Corporation (Monical's) for being the State winner and national finalist for Recognition of Outstanding Commitment to the Community and being awarded the Restaurant Neighbor Awards. This is the 5th annual year for the award.

One day a week, for 17 weeks, youths participating in the D.A.R.E. (Drug Abuse Resistance Education) program receive an education on drug abuse resistance. Monical's saw this as an opportunity to help reach out to youths before drug addiction starts. Since 1990, the restaurant has handed out more than 200,000 free pizza certificates to children who complete the D.A.R.E. program—a contribution totaling more than \$1 million.

Monical's commitment to D.A.R.E. began with a simple collaboration with the Lincoln, Illinois, police department to donate pizzas to students who graduated from D.A.R.E. Today, Monical's extends this opportunity to every community D.A.R.E. program located near one of their 50-plus restaurants. This translates into a value of more than \$1 million. Students also receive a coupon for a Monical's Family

Pleaser so they can bring the entire family for a celebration of their graduation.

Mr. Speaker, I urge this body to identify and recognize other companies in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

CAPT GEORGE A. WOOD—A NATION  
MOURNS HIS LOSS

**HON. SHERWOOD BOEHLERT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. BOEHLERT. Mr. Speaker, the people of New York's 24th Congressional District and America suffered a terrible loss on November 20, 2003. U.S. Army Captain George A. Wood, originally of Marcy, New York, died while valiantly serving his country in the War in Iraq. He paid the ultimate price to ensure our liberty. He gave his life so that the people of Iraq could live without repression and fear—and he gave his life so that Americans could feel safe to live their lives under a blanket of freedom. That freedom comes with a high price and we are eternally grateful for his dedication and commitment to the ideals that we hold dear.

Captain Wood personified the qualities and dedication that make our U.S. military the greatest armed forces in the world. As a young man in the Mohawk Valley, Captain Wood excelled in both academics and athletics. He was known as a "history buff," going on to earn a bachelor's degree from the Ivy League's Cornell University. He continued his education by earning master's degrees at both State University of New York-Cortland and State University of New York-Albany. Captain Wood's athletic endeavors led him to captain the Notre Dame Junior-Senior High School football team in his senior year. He hoped to one day share his love of football as a coach at the West Point Military Academy.

Captain Wood was assigned to the Army's 4th Infantry Division based in Fort Hood, Texas. He was killed while on patrol when his tank rolled over an improvised explosive device.

I ask my colleagues in the House, and all Americans, to extend our prayers and sympathy to his wife Lisa and their 3-year old daughter Maria, Captain Wood's mother and stepfather Maria and Michael Babula of Marcy, New York, as well as the rest of his family. Together we honor this fallen American hero.

NATIONAL CONSUMERS LEAGUE  
PRESIDENT LINDA GOLODNER  
ENDORSES INTRODUCTION OF  
H.R. 3139, THE YOUTH WORKER  
PROTECTION ACT

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. LANTOS. Mr. Speaker, as you are aware, at the start of the 20th century the state of child labor conditions in our country was so deplorable that it was not uncommon for children to be working 60 or 70-hour weeks

in the hardest forms of labor—in our nation's mines, mills and in the farm fields. It was these conditions that the National Consumers League was created to alleviate.

Through the hard work and dedication of its members, the National Consumers League was able to secure the passage of the Fair Labor Standards Act in 1938. This monumental legislation has been the backbone for ensuring that American workers are treated fairly and humanely. Specifically, the legislation enacted sweeping reforms to the use of child labor in our country that were designed to prevent the exploitation of youth workers.

In the 60 years since the passage of this extraordinary legislation our economy has changed dramatically. It is appalling to learn that in our great country, the occupational injury rate for children and teens is more than twice as high than it is for adults. In fact, the National Institute for Occupational Safety and Health (NIOSH) estimates that every year 230,000 teens are injured on the job. I am certain that all of my colleagues will agree with me that these statistics are a national disgrace and are totally unacceptable for a civilized, advanced society such as ours.

That is why I introduced H.R. 3139, the Youth Worker Protection Act, a bill that will modernize America's child labor laws. I am also honored to report that in 2003, just like 1938, the National Consumers League was instrumental in the drafting of this legislation and I am confident that with their support we will be successful in securing its passage.

I am delighted that Linda Golodner, President of the National Consumers League and a tireless advocate to advance progressive change in our country was standing next to me when I introduced the Youth Worker Protection Act. Her eloquence on the need for reform to our nation's child labor laws should be shared with our Congressional colleagues, Mr. Speaker, and I therefore request that her statement be placed in the Congressional Record.

#### STATEMENT OF LINDA GOLODNER

Thank you for coming today. I'm Linda Golodner, president of the National Consumers League and co-chair of the Child Labor Coalition. I am joined today by Congressman Tom Lantos and Maggie Carey from Beverly, Massachusetts.

More than one-hundred years ago, Florence Kelley, first executive secretary of the National Consumers League, led a national effort to press Congress for tough laws to protect working children. Her goal was achieved in 1938 with the passage of the Fair Labor Standards Act, which includes child labor provisions. The Act addresses child labor and the workplace realities of the early 20th century—not the early 21st century. The early reformers would I am sure find it inconceivable that these hard fought child labor laws have not been revisited since that time. Updates to the Fair Labor Standards Act are long overdue. Our nation's most vulnerable workers—many of whom are too young to have a driver's license—deserve 21st-century protection from unsafe and inappropriate working conditions.

The National Consumers League and our more than 40 member organizations in the Child Labor Coalition have been working since for almost 15 years to protect the health, education, and safety of working minors. We have advocated for stronger child labor enforcement and for higher penalties for those who violate the law—especially those that result in a young worker's serious

injury or fatality. We have focused on child labor reform that reflects the realities of today's workplaces and today's educational needs.

Young people who choose to have after school jobs should not have to compromise their education to do so. Yet, many do. Under the Fair Labor Standards Act, a 16- and 17-year-old can try to juggle as much as 40 hours of work per week, in addition to their 30 hours of school. Combined, this is more work than is expected of most adults in this country. Whether short-sighted about their own education or facing coercion from employers, many young people work too many hours. Studies show that when teens work over 20 hours a week while school is in session that their grades go down and often alcohol and drug abuses escalates. Many work well over 20 hours a week in after-school and weekend jobs.

Teen worker injuries are also escalating. The National Institute for Occupational Safety and Health has raised estimates on youth worker injuries from 200,000 in 1992 to 230,000 in 1998. Every year, between 60-70 young people die in the workplace. Outdated child labor laws—written in the 1930s—cannot and do not adequately protect our nation's young workers from workplace hazards.

We have high expectations for the passage of the Youth Worker Protection Act. Our highest expectation is that passage of the bill will lead to fewer injuries, fewer deaths, and remove the too often scenario of a youth's first job being his last job. I will leave it to Congressman Tom Lantos to tell you how.

We have high expectations that the passage of the bill will put youth employment in its proper place—as a positive first experience in the world of work. But the first job of any young person today is education—Education that will prepare that teenager to be a productive worker tomorrow.

No teenager expects that they will get hurt on the after-school or weekend job. And, as a nation, we are not assuring young people that the law protects them from harm in the workplace. The passage of the Youth Worker Protection Act would be a step in the right direction. But for now, it is the National Consumers League commitment to teen workers and their parents to arm them with information they need to think twice when choosing that job. Check out [www.nclnet.org/childlabor](http://www.nclnet.org/childlabor) for new materials about laws that do exist and how to avoid dangerous work, including NCL's five worst teen jobs.

This fall, nine American families won't enjoy the back-to-school festivities as usual. Nine families are mourning the deaths of their children over this last summer. The cause of death? Workplace injuries. Every 30 seconds, a young worker under the age of 18 is injured on the job. On average, every five days, one of the injuries is fatal.

Such losses are indefensible. Especially deaths from workplace injuries, which could have been prevented with stronger laws protecting young workers and stronger government commitment to enforcement and prosecution under the law.

HONORING THE HONORABLE  
ALSON H. SMITH, JR.

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, Mr. WOLF and I rise today to honor former

Delegate Alston H. Smith, Jr., an outstanding citizen of Winchester, Virginia, who, for nearly half a century, has served his community and country.

Delegate Smith's successful career began in 1954 when he cofounded Shenandoah Foods 2000, a major employer for the Shenandoah Valley. He served on the boards of both Jefferson Bankshares and First Bank, playing a critical role in assisting the economic development of western Virginia.

Delegate Smith also faithfully served in the Virginia House of Delegates for over 20 years, where he was a Democratic leader and tireless advocate of public education. He was instrumental in the development of the Winchester/Frederick County area, bringing critical improvements to his beloved Shenandoah University.

Delegate Smith not only dedicated himself to the Winchester/Frederick County area, but also worked to bring progress to the entire Commonwealth. For nearly a decade, he served the interests of the coalfields of Virginia as chairman of the House Mining and Mineral Resources Committee.

Delegate Smith certainly has recognized that the surest way to make a difference is to begin in his local community. Additionally, he generously has donated much of his personal time to improving economic development opportunities and education for all Virginians. Delegate Smith loves the Valley and loves Virginia. All of Virginia extends their heartfelt thanks for his continuing role in improving the lives of our children, families, and seniors.

Mr. Speaker, the life and service of this Virginian serves as a shining example to all who wish to improve education and opportunity through civic and community involvement. I ask my colleagues to join me in applauding Delegate Smith.

PAYING TRIBUTE TO KAROL  
SACCA

HON. SCOTT McINNIS

of Colorado

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to an outstanding educator from my district. Karol Sacca from Carbondale, Colorado has dedicated her life to the betterment of young people and I am proud to call her contributions to the attention of this body of Congress and our nation.

Karol has been a teacher for a quarter of a century. She has spent the last eighteen years at Roaring Fork High School, where she is currently the school's librarian. In this position, Karol's endless enthusiasm and tireless dedication to her students has resulted in many accomplishments.

Karol created a student media center at Roaring Fork High School and also spearheaded the creation of many innovative reading programs as well. Karol's voluntary reading programs have attracted the participation of over half of the school's students. This level of student participation is a testament to Karol's ability to connect with her students. Karol's ability and conviction have earned her the respect of educators statewide. She is currently one of four finalists for Colorado's Teacher of the Year Award.

Mr. Speaker, it is my honor to pay tribute to the contributions of Karol Sacca. Karol has achieved a delicate balance between leadership and friendship with her students. Karol's dedication has led to many young people becoming excited about learning. Thank you Karol for your contributions.

COMMENDING SAINT AGNES  
HOSPICE FOR 25TH ANNIVERSARY

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RADANOVICH. Mr. Speaker, I rise today to commend Saint Agnes Hospice in celebrating 25 years of compassionate care. An open house was held to commemorate this milestone on Monday, November 24th in Fresno, California.

In its 25th year, Saint Agnes Hospice continues to focus on pain and symptom management in patient care, and strives to raise awareness among the public and physicians about the value of Hospice care. Since its establishment in 1978, the organization's main purpose has been to reflect the mission of the Saint Agnes Medical Center by extending Christ's love to the terminally ill and their families; recognizing that each person is unique and deserving of compassion while stewarding the human and financial resources. Their goal is to meet and serve the needs of individuals, promoting dignity, comfort, and peace to enable them to live until they die. Founded by Sister Raphael McGrath, CSC, BSN, MSNE, Saint Agnes Hospice has made it possible for terminally ill patients to live out their final days with dignity in the comfort and privacy of their own home. Hospice focuses on living and maintaining the patient and family's quality of life.

Saint Agnes Hospice has grown dramatically over the years and continues to offer patients and families a variety of levels of care. During fiscal year 2003, it served 346 patients, an increase from 265 patients in 2002. The Hospice Team is staffed around the clock by an outstanding group of individuals; physicians, nurses, chaplains, social workers, and volunteers. The four levels of care available are Routine Home Care, Continuous Home Care, Inpatient Respite Care, and General Inpatient Care. FOOTSTEPS, an expressive arts support group is available for children who have experienced difficult life losses and their caregivers. Finally, Bereavement care is planned and available to support families for a year following the loss of a loved one.

Mr. Speaker, it is my pleasure to congratulate Saint Agnes Hospice on its 25th anniversary. I urge my colleagues to join me in wishing them many years of compassionate care for the citizens of the Central Valley.

THE YOUNG MASHADI JEWISH  
CENTER

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. ACKERMAN. Mr. Speaker, I rise to call to the attention of the House an important

event in my district: the groundbreaking for the Young Mashadi Jewish Center in Great Neck on December 14, 2003. I want to offer my best wishes and congratulations to all the men and women who have contributed their time, energy and support to bring this tremendous project into being.

America and New York in particular have been blessed by a growing number of Jews of Iranian descent, who have made an enormous contribution to the health and vitality of our Jewish community. Owing to their bitter experience as a persecuted religious minority in Iran, they—more than most—have come to understand the meaning of the prophet Jeremiah, "If you will remain in this land, then I will build you up and not pull you down; I will plant you, and not pluck you up. . . ." The expansion of this community's physical presence through the construction of this center is a sign of continuing growth and maturity, and one which I happily encourage.

Mr. Speaker, as always, breaking ground on a new religious center is a joyous event. Such structures are gifts to the future and expressions of our most admirable goals for our posterity. The Young Mashadi Jewish Center in Great Neck will include classrooms and a playground for children, a youth center for young adults, a recreational lounge to accommodate social, cultural, and educational programs for the community seniors, and other spaces available to host all those events which connect individuals and families to their community.

This center will be built with love, dedication, determination and an abiding faith in the future of the Jewish people. In short, it will be a center that reflects the values of the people who built it.

Mr. Speaker, in the Jewish faith, when a book of study is completed, the accomplishment is celebrated by offering encouragement to immediately return to the work ahead. The groundbreaking of the Young Mashadi Jewish Center in Great Neck is a great step forward, a real achievement. But it is a step which only promises greater things. In the days ahead, I know the whole House will join me in saying "Chazak! Chazak! v'Nitchazayk!" (Be strong! Be strong! And may we be strengthened!)

IN RECOGNITION OF THE SOUTH  
PASADENA KIWANIS CLUB'S 80TH  
ANNIVERSARY

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the South Pasadena Kiwanis Club upon its 80th anniversary.

Kiwanis is a worldwide service organization of women and men who share the challenge of community and world improvement. Since its founding in 1915, Kiwanis has grown to include approximately 9,000 clubs in more than 80 nations.

The South Pasadena Kiwanis Club, founded in 1923, consists of business and professional people who work or live in the South Pasadena area that have an interest in volunteer service. A family-oriented organization, South Pasadena Kiwanis members are committed to serving the youth, families and senior citizens of South Pasadena.

Some of the club's charitable contributions include the South Pasadena Educational Foundation, Farm City Youth, Special Olympics, the Summer Reading Program, "Terrific Kids," the Young Men's Christian Association, "Concerts in the Park," and Little League. The South Pasadena Kiwanis Club is the main sponsor for South Pasadena High School's Key Club and "Grad Night" Breakfast, in addition to providing student scholarships at the high school, middle school and elementary schools. In addition, some of the club's annual events include a Fourth of July Pancake Breakfast, a Spaghetti Dinner in conjunction with the South Pasadena Fire Department, and participation in the construction of the city of South Pasadena's Rose Parade Float.

The time, energy and care that the South Pasadena Kiwanis Club has given to the community are extraordinary, and the residents of South Pasadena have benefited greatly. At this time, I ask all Members to join with me in commending the South Pasadena Kiwanis Club for 80 years of dedicated service to the South Pasadena community.

HONORING CHANA LYMON

**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. DAVIS of Tennessee. Mr. Speaker, teaching is one of the noblest professions I can think of. I rise today to honor one of those teachers. Her name is Chana Lymon. Chana is the Director for Sylvan Career Starters in Columbia, Tennessee. She recently received the Educator Excellence Award from Sylvan Education Solutions. This award is presented to individuals who meet and exceed all of the standards of Excellence and Program Management. Award winners have developed well trained motivated teams and ensure that all service activities meet Sylvan standards.

The Career Center serves youth ages 18–21 who have dropped out of school or have not been able to complete traditional high school due to a barrier such as teen-parenting, truancy, delinquency, debilitating illness, or an academic deficiency. The centers help students prepare for the GED and State TCAP or Gateway tests. They also offer employability and work assistance as well as computer literacy training.

It has become evident through their work that Ms. Lymon and her staff strongly believe in promoting the importance of self-worth. Self-esteem is the most important factor that will go hand in hand with success. I congratulate Ms. Lymon and her staff for promoting education as the key to a better future.

TRIBUTE TO THE 2003 PEOPLE AND  
PERFORMANCE AWARD WINNERS

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. WELLER. Mr. Speaker, I rise today to honor Monical's Pizza Corporation (Monical's) for receiving the People and Performance Award (PAPA) during the Multi-Unit

Foodservice Operators 2003 National Conference.

Nation's Restaurant News and Coca-Cola North America established the national PAPA awards to honor multi-unit chains for excellence in employee recognition, retention and recruitment. Monical's President Harry Bond received the PAPA award for retention.

For the past 14 months, Monical's achieved 0 percent turnover for restaurant general managers, team leaders, regional trainers, and support center coordinators. Very few companies can boast of the same accomplishment. Monical's attributes their low turnover rate to several company incentives such as: evaluation of restaurant management at least once a year; all restaurant management and support staff team members receive the same health insurance and profit sharing benefits as the president of the company; the company's policy of a flexible scheduling strategy; and a 50 percent discount on Monical's meals for employees.

Monical's also values their employees who also have families. The majority of management personnel work between 42–45 hours per week and are eligible for two weekend days off per calendar month so their managers are able to enjoy an active and productive family life as well as a life at work. Monical's also encourages their employees to bring their children to work for the day. This allows the children to see where their parents work and have a day of fun working in a restaurant or office.

Mr. Speaker, I urge this body to identify and recognize other companies in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

STATE UNIVERSITY OF NEW YORK, ONEONTA COLLEGE NCAA WOMEN'S SOCCER CHAMPS

### HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. BOEHLERT. Mr. Speaker, I would like to take this opportunity to congratulate the State University of New York College at Oneonta women's soccer team for their come-from-behind, emotional victory to win their first ever NCAA National Championship on November 11, 2003.

The tying goal scored in the final seconds of regulation will forever remain a great moment in Red Dragon history. It will also remain a vivid moment of victory of each one of the team's members—for without their collective talent and dedication, it would not have been possible.

Head Coach Tracey Ranieri deserves special praise for leading this fine group of student athletes to the highest possible achievement in women's Division III soccer. Through Coach Ranieri's leadership these young ladies have proven that hard work and dedication on the practice field and in the classroom can produce champions on the playing field and in academics.

I take great pride in representing the State University of New York College at Oneonta. What I find truly special is while the opponent in the National Championship Game, The Uni-

versity of Chicago, boasted a lineup that featured players from across the country; Oneonta's roster was almost completely comprised of New Yorkers. What pride they bring not only Oneonta, but to the entire State of New York.

The 2003 Oneonta Women's Soccer team: Amanda LaPolla of New Hartford, NY; Jami Leiberling of Kendall Park, NJ; Laura Morcone of Mechanicville, NY; Holly Bisbee of Burnt Hills, NY; Patricia DiMichele of Centereach, NY; Alissa Karcz of S. Huntington, NY; Kelly Stevens of Rochester, NY; Cassie Perino of Patchogue, NY; Sanada Mujanovic of Centereach, NY; Patricia Jeager of Baldwin, NY; Liz Fermia of Rochester, NY; Leslie Small of Clifton Park, NY; Rose Velan of Stamford, NY; Brooke Davis of Grand Gorge, NY; Sarah Tauber of Valley Stream, NY; Cristina Gaspar of New Rochelle, NY; Alex Desousa of Blauvelt, NY; Candance Grosser of Levittown, NY; Meghan Putnam of Syracuse, NY; Colleen Wolbert of Rotterdam, NY; Corinne Tisei of New Hyde Park, NY; and Brittany Gates of Syracuse, NY.

### DEDICATING H.R. 3139, THE YOUTH WORKER PROTECTION ACT TO THE MEMORY OF ADAM CAREY

#### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Mr. LANTOS. Mr. Speaker, according to the National Institute for Occupational Safety and Health (NIOSH) an average of 230,000 teenagers are injured on the job each year and even more shocking is the fact that an average of 67 teen workers die each year from injuries sustained while on the job. That means a teen worker dies from work related injuries in this country every 5 days.

These are horrific statistics, and I believe that Congress must enact legislation to prevent these unnecessary deaths. The grave nature of these unfortunate accidents is made clearer when given a human face. While I was preparing this legislation, I discovered the story of Adam Carey, a 16 year-old boy who died while working on a golf course in Massachusetts. Adam's death was the result of an accident while he was driving a golf cart between the clubhouse and the driving range. Under Massachusetts state law, youths Adam's age were prohibited from driving golf carts.

I was honored to stand by Adam's mother, Maggie Carey when I introduced H.R. 3139, the Youth Worker Protection Act, to modernize our nation's child labor laws. Among other things, the Youth Worker Protection Act would increase the penalties for employers who violate laws designed to protect children.

I am proud to dedicate this legislation to her son's memory and I ask that her poignant story be included in the CONGRESSIONAL RECORD so that my colleagues can humanize statistics of young workers who die from injuries suffered on the job once every 5 days.

#### STATEMENT OF MAGGIE CAREY

Good Morning. I'd like to begin by telling you a little bit about myself, my family, and what has brought me here today. Again, my name is Maggie Carey. I am from Beverly, Massachusetts, a small city on the north

shore of Boston. I have worked as an Obstetrical Register Nurse, with my focus being Labor and Delivery, for over 30 years. My husband Richard works in maintenance and grounds keeping for a local hotel chain. We have been married for 30 years and were the proud parents of 3 beautiful children. Our oldest daughter Robin is 28 years old and has met the challenge of Downs Syndrome, Leukemia and open-heart surgery. Our son Jonathan who will be 27 in November has had open-heart surgery as a child as well, now works successfully in the computer software field in California. Our youngest son Adam would have been 19 this past March.

Through the years as parents, one of our roles was to teach our children the importance of responsibility for themselves and as part of a community. We hoped to show them through example, what that means and how to achieve it. In that way they would become successful, productive, and ethical young adults.

We began at an early age encouraging them to have their own paper routes. Even our daughter Robin was able to have one with our assistance. As they got older, we encouraged them to have part time jobs after school, on weekends and during summer vacations. Our daughter as a volunteer would come to work with me on weekends and collate blank charts to be used when new patients arrived. My son Jonathan worked as a bagger and cashier at a local grocery store. We continued to teach them the value of a dollar, how to earn it, save it, and manage it appropriately. Little did we know that by trying to teach these important values it would cost us dearly.

In August of 2000, our then 16-year-old son Adam began working at a local country club as a bag room attendant. On September 16, 2000, only 3½ weeks later, his life would come to an end while working at a job that seemed so perfect for him. Adam loved golf, people and being outdoors. He was driving a golf cart as part of the job. He was using the cart to retrieve golf balls, wash them, and return them to the golf barn. He had been in the pro shop just prior to the accident and we were told that when he got back on the cart he hit a deck that was only about 10 feet away. On impact Adam's heart was ruptured. Supposedly no one witnessed the accident even though it was the busiest day of the season at the club and it was right near the practice green, so exactly what happened is unknown.

What we do know is the devastating effect that the loss of our son has had on our entire family. What we also know is that child labor laws had been violated and continues to be violated every day in our country. Approximately 20 or so violations were found that day alone. Most importantly the one affecting Adam under Massachusetts General Laws, which prohibits anyone under the age of 18 from operating any type of motor vehicle of any description while employed.

Many people and agencies investigated the accident, but the only action taken against the employer was a \$1000 fine by OSHA for having failed to report the accident within 8 hours. The Attorney Generals Office opted not to pursue any action, because the only avenue they have is through the criminal courts. They rarely prosecute unless the company is guilty of grossly repetitive behavior. Supposedly this was the employer's first offense, but in reality it was the only time they were caught. Even though the law is clear, it has become acceptable practice for teens to operate these carts for many years now due to non-enforcement. Since when can a death not be considered serious enough to pursue charges? So, is it the second, third or one-hundredth death they may pay attention to.

From what I have learned, even if they had pursued the case and had found them guilty, the punishment is so minimal that it is not financially sensible to spend the money and resources to enforce these laws.

Most of the child labor laws have not been updated since the 1930's. As we all know the world we live in is very different 70+ years later. What few changes that have been made have been to weaken the laws. We as a society have had much to say about child labor in other countries, yet we do nothing about our own. SHAME ON US!!! We spend a lot of time looking at issues, making laws, but that is wasted time and energy if we aren't out there enforcing them. It is vital for our children's future to have adequate ways and means to penalize the offenders.

And then there are workman's compensation laws, which you would think would encourage employers to put child safety first. Again this is not true. For teens, the employers financial liability is minimal because the majority of them do not have dependents and their jobs are temporary and part time. This again is not an incentive for employers to obey the laws. I am not saying all employers are not concerned about teens safety. Some are very responsible. Others aren't even aware of most of these laws, although it is their responsibility.

Our family has endured many trials and tribulations through the years. We have always been able to pick up the pieces and continue on with the help of loving, supportive family and friends. The death of our beloved son Adam has been almost too much to bear. How do we fill the huge gap in our hearts that used to be Adam? He was so full of life and had so much love to give. His friends describe him as always happy with a smile on his face. He would do anything to make people laugh. We miss that smile! We miss his energy! We miss his whole being!

What do we tell his special needs sister Robin when she asks almost every day, why can't we bring him back? There are really no words that can express fully to anyone what losing a child does to your soul. I hope that none of you will ever know how this feels. We go on each day. We go to work. We maintain our home, because we must, for the rest of our family. But nothing will ever be the same.

What I am here today to say is that this should never have happened and that there are many ways that we can address these issues. The availability and easy access to educational materials for parents, young workers and especially employers must be improved.

The proposed legislation that Congressman Lantos is submitting today will address some of these issues. One of these being civil penalties in an amount that would have a significant impact on employers. If there is anything that we can do in memory of our son it would be to somehow prevent this from happening to another child, another family.

Thank you and God bless and guide you in all the decisions you make.

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TRIBUTE TO VIRGINIA LAW  
ENFORCEMENT OFFICERS

**HON. TOM DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the Virginia law enforcement officers, and those throughout the nation, who have lost their lives this year in service to

their communities. Every day, these men and women display their courage, commitment and service to their fellow man. The National Law Enforcement Officers Memorial recently held a wreath laying ceremony here in Washington, DC to honor these eight brave officers who gave their lives to protect us, the citizens of Virginia, and I would like to take a moment to recognize, remember and honor these individuals.

On January 12, Henrico County Police Officer Andre Booker was attempting to use his patrol vehicle to stop a person suspected of firing gunshots in a shopping center when his car crashed through a fence and landed in an icy pond. Six other officers at the scene were unsuccessful in freeing Officer Booker from his vehicle. He was 26 years old.

On January 16, 39-year-old Norfolk Police Officer Sheila Herring was killed after responding to reports of gunfire inside a bar. The suspects opened fire on the responding officers, fatally wounding Officer Herring. She worked with Norfolk Police Department for 11 months and had recently moved from Detroit, Michigan, where she spent 10 years as a law enforcement officer.

On January 29, Virginia State Trooper Michael Todd Blanton was killed by a drunk driver he had pulled over on Interstate 64. As Trooper Blanton attempted to reach into the car, the driver sped off, dragging Trooper Blanton until the car crashed, pinning him under the vehicle. Trooper Blanton is survived by his wife and 6-year-old son.

On May 9, 20-year law enforcement veteran Scott Allen Hylton of the Christiansburg Police Department was shot and killed after responding to a report of a hold up at a convenience store. Officer Hylton was shot and killed as he exited his cruiser at the scene. Also a member of the Army National Guard, Officer Hylton was the father of four.

On May 28, Officer Ryan Cappellety of the Chesterfield County Police Department, a recent graduate from the police academy, was shot and killed when he and other officers responded to reports of gunshots. Upon arrival, a suspect standing on his front lawn with a gun opened fire on the officers, fatally wounding Officer Cappellety. He was 23 years old.

On June 23, Officer Rodney Poceschi of the Virginia Beach Police Department was shot and killed during a traffic stop on Dam Neck Road in Virginia Beach. Officer Poceschi served the Virginia Beach Police Department for 4 years and is survived by his wife and young son.

On July 30, Richmond Police Officer Douglas E. Wendel was shot and killed by a suspected drug dealer. Officer Wendel had been with the Richmond Police Department for 5 years. He was a 41-year-old father of three.

On August 26, Sergeant Rodney Davis of the Greene County Sheriff's Department was shot and killed while serving an arrest warrant on a narcotics suspect near Standardville, VA. As Sergeant Davis and other officers searched the house, the suspect opened fire and fatally wounded Sergeant Davis. Davis worked with the Greene County Sheriff's Office for 2½ years but had been in law enforcement since he was 19 years old. The 30-year-old left behind an expectant wife and two young children.

Mr. Speaker, the eight officers killed in the line of duty this year matches the highest total of law enforcement officer fatalities in the

Commonwealth's history. Nationwide, there have been 114 law enforcement officers killed this year, a grim reminder of the vital and dangerous role these officers play in our national well-being. We are all eternally grateful for the service and sacrifice of these true American heroes.

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TRIBUTE TO THE ALAMOSA  
COUNTY CHAMBER OF COMMERCE

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to the Alamosa County, Colorado, Chamber of Commerce. The Chamber recently celebrated eighty years of service to Alamosa, and it is my honor to call the attention of my colleagues and this nation to all that the Chamber does for the citizens of Alamosa.

The Alamosa County Chamber of Commerce was incorporated in 1923. The original building was lost to fire in 1907. Recognizing the importance of the Chamber, the city rallied together and built a new building the following year.

The Chamber has a strong tradition of excellent leadership and a dedicated staff. Since its inception, the Chamber has focused on the organization and health of the County's economy. Able and dedicated staff members always greet each citizen with a smile.

In addition to traditional activities, the Alamosa Chamber of Commerce has always gone beyond the call of duty to be involved in the community. The citizens of Alamosa have traditionally used the Chamber as a meeting place for community events. There are often cribbage tournaments, banquets and charity events throughout the year. In addition, the Chamber funds scholarships for young people, has worked to improve the County's emergency response system, and is also involved in various projects such as the promotion of recycling.

Mr. Speaker, it is my privilege to rise and pay tribute to the Alamosa County Chamber of Commerce. The Chamber works tirelessly for the betterment of Alamosa County and I am honored to pay tribute to its contributions. I am pleased to join the people of Alamosa County in thanking the Chamber of Commerce for its hard work and many contributions.

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HONORING LARRY CARTER

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RADANOVICH. Mr. Speaker, I rise today to commend Larry Carter for his induction into the 2003 Stanislaus County Ag Center Foundation Ag Hall of Fame. On December 4th, he will be honored at the 2003 Ag Hall of Fame Dinner at the Stanislaus County Ag Center in California.

The Stanislaus Ag Center Foundation honors individuals who work to make agriculture Stanislaus County's number-one industry. Mr.

Carter's contributions to agriculture and his community have helped agriculture in the county achieve this status. After receiving his Bachelor of Science in Animal Husbandry from California Polytechnic University in 1952, Larry served in the United States Navy for 4 years. Between 1963 and 1972, he ran his own laying hen ranch. For the following 15 years, he served as Executive Manager of the Stanislaus County Farm Bureau while farming 25 acres of almonds. Since 1987, Mr. Carter has worked for Stanislaus Farm Supply.

Larry's dedication to the community and agriculture organizations has been evident through his work as a volunteer. He has worked with the Denair Lions Club, Hughson 4-H, Modesto Chamber of Commerce, Stanislaus County Jail Site Committee, Stanislaus Ag Foundation, and many others.

Mr. Speaker, I rise today to congratulate Larry Carter for his induction into the 2003 Stanislaus County Ag Center Foundation Ag Hall of Fame. I invite my colleagues to join me in thanking Larry for his dedication and hard work.

IN RECOGNITION OF THE MARATHON JEWISH COMMUNITY CENTER AND ITS RABBI GARY GREENE

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Marathon Jewish Community Center in Douglaston, New York and its new Rabbi Gary Greene who officially took the reins on December 7, 2003.

The Marathon Jewish Community Center is a conservative synagogue which has served the communities of Douglaston, Little Neck, Bayside and Great Neck for more than 50 years. The facility includes a religious school, a junior congregation and adult education programs.

Earlier this year, the synagogue recruited Rabbi Gary Greene from Temple Shalom in Framingham, Massachusetts. Prior to his service there, Rabbi Greene served the members of Congregation B'Nai Jacob in Longmeadow, Massachusetts. While at Temple Shalom, Rabbi Greene helped to revitalize Adult Education, and for his efforts was the recipient of the Solomon Schechter Award for Adult Education. Among other accomplishments, Rabbi Greene has expanded the social and cultural programs of the Temple and introduced services and rituals, including Selichot, Tashlich, Healing Services and Meditation Services.

Rabbi Greene has also dedicated himself to teaching. Over the years, he has educated and enlightened thousands of children and adults. He taught most grades at the former United Hebrew School and served on its Board of Directors, Education Committee and Rabbis' Committee. He was instrumental in the creation of B'nai Jacob's Hebrew School and the B'yachad Hebrew High School. Rabbi Green has served on its Board of Directors, Education Committee and as the Co-Chair of the Education Committee in charge of Judaic programming. Rabbi Greene also served as a teacher and adviser to Camp Ramah in Palmers, Massachusetts.

Rabbi Green also served as the Jewish chaplain for students at Westfield State College in Westfield and Bay Path College in Longmeadow. He was also an active member of the Longmeadow Clergy Association as well as the Interfaith Council of Western Massachusetts.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in congratulating Rabbi Gary Greene and the Marathon Jewish Center for their service to the community. I am confident that the Marathon Jewish Center will continue to enrich the lives of its congregants for many years to come.

TRIBUTE TO MS. MARGARET ANN ABDALLA

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. SCHIFF. Mr. Speaker, I rise today to honor an outstanding citizen of California's 29th Congressional District, Margaret Ann Abdalla. Ms. Abdalla has served on the South Pasadena Unified School District Board of Education for 16 years and has been a positive force in the greater South Pasadena area for much longer.

A Southern California native and University of Southern California graduate, Margaret Ann moved to South Pasadena in 1969. She began her community service by volunteering with the South Pasadena Parent Teacher Association, Little League, and South Pasadena Educational Foundation. Ms. Abdalla also raised three children, Lisa, Tony and Alex, all who attended South Pasadena's public schools.

In 1987, Margaret Ann was elected to the South Pasadena Unified School District Board of Education. Ms. Abdalla has worked with several board members and four superintendents during her tenure, serving as Board President three times. Under her leadership, some of the Board's accomplishments include the passage of two school bond measures in 1995 and 2002, the formation and bonding of today's administrative team, and the transition of the junior high to a middle school program 12 years ago. In 1996, Margaret Ann was the recipient of the South Pasadena Parent Teacher Association's Honorary Service Award for meritorious service.

As a member of the South Pasadena School Board, Margaret Ann participated in organizations such as the California School Boards Association, the Downtown Revitalization Task Force and the Los Angeles Annenberg Metropolitan Project. In addition, Ms. Abdalla was a founding member of the Five-Star Coalition, a coalition of the Burbank, Glendale, La Canada Flintridge, Pasadena and South Pasadena School Districts, established for the purpose of collaborating with local legislators on issues of mutual interest to the school districts.

The time, energy and love Margaret Ann has given to the community are extraordinary, and the residents of South Pasadena have benefited greatly. At this time, I ask all Members to join with me in commending Margaret Ann Abdalla for her many years of dedicated service to the South Pasadena community.

ON THE PASSING OF WAYNE T. PALMER

**HON. LINCOLN DAVIS**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to pay tribute to one of the 4th Congressional District's finest citizens. On Saturday, November 29, 2003, Wayne T. Palmer, of Sparta, Tennessee, passed away at his home.

Wayne Palmer was not a master of business or of politics. Mr. Palmer was a man of meager means but overwhelmingly generous spirit. He was a man who cut a giant figure in his community through the devotion of his time and energy to the causes he loved.

Wayne Palmer served as a volunteer leader in the Boy Scouts of America for more than 35 years. During that long tenure, he served variously as Assistant Scoutmaster and Scoutmaster of Troop 175 in Sparta, as the camping chairman of both the Upper Cumberland and Black Fox Districts, and as a leader of the camping committee of the Middle Tennessee Council. Significantly, these are just a few of the roles he fulfilled during his many years of service to Scouting.

Mr. Palmer was honored for his guidance to young men and leadership in scouting repeatedly. He was awarded the Long Rifle Award for his leadership in both the districts he served. Mr. Palmer was honored with the Silver Beaver Award—the highest honor accorded adult leaders by the Middle Tennessee Council—for his service to the council. In addition, he was a Vigil Honor member of the Order of the Arrow—Scouting's Honor Society—and was repeatedly honored for his service to the Wa-HiNasa Lodge, including receipt of the Founders' Award and Josh Sain Memorial Award.

Mr. Speaker, if we're lucky, we encounter few people in life who have the kind of positive influence over the lives and maturation of young men that Wayne Palmer had. He was a man utterly devoid of self-interest and focused almost entirely on the education and improvement of the lives of those boys and young men who had the tremendous good fortune to be guided by his wisdom—be they Boy Scouts (his first and lifelong love), Little League baseball players or otherwise. It is rare—very rare indeed—to find a person who acts altruistically, who places the interests of others consistently ahead of his own, and who is truly selfless. Wayne Palmer was just such a person, and the lives of many Tennesseans are far richer for having known him.

Wayne Palmer was a great teacher and a great man. The lessons he taught were lessons for life. Of that, I have no doubt. Wayne Palmer taught as much or more by example, as he did through more common instruction. Mr. Palmer walked the talk. He never asked anyone to do anything he was not himself willing to do. He was, in the eyes of so many, the very embodiment of that pole star of principles, the Scout Oath and Law. Mr. Speaker, Wayne Palmer was for many Tennesseans the Great Scoutmaster of legend and myth.

White County and the Fourth Congressional District of Tennessee lost one of those rare bright lights on November 29 when Wayne T. Palmer passed from this mortal coil. Accordingly, I rise today to express my deepest sympathy to his wife, Jan, and his son, Garrett, on

their tremendous loss. We honor his memory here today so that they will know that we all share their loss. Wayne T. Palmer was a great Tennessean, a man devoted to his family and to the education of young people, and an exemplary American citizen.

Mr. Speaker, it is my privilege as a Member of the People's House to honor his lifetime of service to others.

PAYING TRIBUTE TO THE SWIFT  
FAMILY

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to a remarkable family from my District. Dean and Pattie Swift of Jaroso, Colorado have done a great deal for the preservation of the environment. Recently, the Colorado Association of Conservation Districts named the Swifts as Conservation Farmers of the Year for the work they have done as owners of the Swift Seed Company. I am honored to call the attention of this body of Congress to the contributions the Swifts have made to preserving the environment.

The Swifts began farming in the San Luis Valley in 1975. Their company sells flower seeds worldwide. The seeds the Swifts sell are used primarily for the reclamation of mining sites and the re-seeding of areas devastated by wildfire.

Dean Swift serves as the Chairman of the Rio Grande Corridor Advisory Committee. This committee is comprised of farmers and ranchers throughout Costilla County who are dedicated to the preservation of the Rio Grande on the Western border of Costilla County. In addition, Dean works in conjunction with Ducks Unlimited to promote wetland habitat on the Swift Farm.

Mr. Speaker, it is my honor to rise and pay tribute to Dean and Pattie Swift. The Swifts have done a great deal for the environment, not only on their family farm but also throughout our state. They have managed these feats while happily serving as wonderful parents to their two beautiful children. Congratulations Dean and Pattie on a well-deserved award.

RECOGNIZING KAZAKHSTAN'S  
ACCOMPLISHMENTS

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RADANOVICH. Mr. Speaker, I would like to draw the attention of my colleagues to the efforts of Kazakhstan, a predominantly Muslim secular nation that spares no effort to promote better understanding and dialogue between the Western world and the Islamic world. Some people may wonder why Kazakhstan would engage in such efforts and why it is succeeding in their efforts. I suggest they read a recent article by the Ambassador of Kazakhstan, Kanat Saudabayev, published by the Institute on Religion and Public Policy so they may learn of Kazakhstan's experience in achieving these goals. I therefore ask unan-

imous consent of my colleagues to introduce the article into the CONGRESSIONAL RECORD.

[From *www.religionandpolicy.org*, Nov. 26, 2003]

WE CALL FOR DIALOGUE, NOT HATE  
(By Ambassador Kanat Saudabayev)

Extremists often use religion to create hate and further their selfish agendas which have nothing to do with religion. But, all religions are similar in that they denounce terrorism and teach tolerance, harmony and brotherhood.

That was the message delivered to the world by participants of the Congress of Leaders of World and Traditional Religions, who gathered in Astana at the initiative of Nursultan Nazarbayev, the president of a secular Muslim-majority Kazakhstan. At the end of the Congress, senior clerics from Islam, Christianity, Buddhism, Judaism, Hinduism, Taoism and other faiths adopted a declaration stating, "extremism, terrorism and other forms of violence in the name of religion have nothing to do with genuine understanding of religion, but are a threat to human life and hence should be rejected."

"Inter-religious dialogue is one of the key means for social development and the promotion of the well-being of all peoples, fostering tolerance, mutual understanding and harmony among different cultures and religions," the religious leaders said after the closing joint prayer.

Far from the "clash of civilizations" many see as part of the world's future, this Congress was a strong response to all who spread intolerance, hate and terrorism. The Congress also showed the world the noble goals of inter-religious peace are very real and very achievable. There's convincing evidence of this in Kazakhstan, where Muslims, Christians, Jews, Buddhists and others live in peace with each other and where freedom of religion is the crucial value of our society. Pope John Paul II called Kazakhstan "an example of harmony between men and women of different origins and beliefs."

Indeed, at the whim of often cruel fate in the past, Kazakhstan, however paradoxically that may sound, has truly become a center of unique diversity and tolerance.

During much of the 20th century, Kazakhstan was under the totalitarian domination of Soviet communism. The Soviets conducted cruel experiments with our land and our people. The forced settlement of the traditionally nomadic Kazakh people was followed by a widespread famine in the 1930s. Coupled with almost 500 nuclear tests during 40 years, this led to deprivation, death and emigration of millions of ethnic Kazakhs. In the 1940s, Stalin dumped hundreds of thousands of Germans, Chechens, Koreans and others in Kazakhstan as his regime deemed them untrustworthy in the face of the invading Nazis in the West and the Japanese in the East. Thousands of ethnic Russians and others were sent to Soviet concentration camps, part of the Gulag, in Kazakhstan. Many Soviet Jews were exiled to Kazakhstan for their religious beliefs. In the 1950s, more than a million ethnic Russians, Ukrainians, Byelorussians came to Kazakhstan to farm under the Virgin Lands program.

In those difficult years, the native Kazakhs gave all these people shelter and shared bread. Official Communist ideology, however, did not encourage people in their natural yearning for a religious life. Religious life was instead suppressed; ancient mosques, churches, and synagogues were used as shops, storage areas or even discos, rather than houses of worship.

Religious reawakening and freedom of conscience returned to Kazakhstan only after our independence. During the short 12 years,

ancient mosques, churches and synagogues were restored and hundreds of new ones built across the country. In 2002, Rep. Robert Wexler (D-FL) put a cornerstone into the new synagogue currently under construction in Astana. Today, there are some 3,000 religious congregations representing more than 40 religious denominations serving the needs of 100 different ethnic groups. Recently, President Nazarbayev announced plans to build a single center in Astana which will have houses of worship of many religions.

This history of mutual respect and harmony is the background which led President Nursultan Nazarbayev of Kazakhstan to convene the recent Astana Congress. The eager response of world's religious leaders to the call for the Congress is a reflection of the respect they carry for the President and his policies.

This is also the reason why many leaders from the United States and other countries have supported our endeavors to build bridges between religions and civilizations.

President George W. Bush, in his letter to President Nazarbayev, said, "For the United States, itself a multi-ethnic and religiously diverse nation, these meetings underscore the importance of working with our friends in Central Asia to advance the values of tolerance and respect that form the foundation of democracy."

A bipartisan group of U.S. Senators and Congressmen in a letter to President Nazarbayev called the Astana forum "Kazakhstan's worthy contribution to the promotion of peace and harmony during these difficult times." Senators Sam Brownback (R-KS) and Conrad Burns (R-MT), representatives George Radanovich (R-CA), Joe Pitts (R-PA), Robert Wexler (D-FL), Eni Faleomavaega (D-American Samoa), Edolphus Towns (D-NY) and others also thanked Kazakhstan "for taking consistent and concrete steps to bridge the growing divide between Muslims and Jews at a time when tension in the Middle East is at a fulcrum, and intolerance and anti-Semitism are rising worldwide."

The recent report to Congress by the Advisory Group on Public Diplomacy for the Arab and Muslim worlds, led by Edward Djerejian, points out the need for dialogue between the Muslim and Western worlds is more important today than ever before.

Such a conclusion is obvious. Similarly obvious are difficulties in putting it into practice.

But the example of Kazakhstan, working well with the United States, the West, and the Muslim world and speaking for dialogue of religions and civilizations, gives us ground for optimism that tolerance and mutual understanding, not hate and violence, will prevail.

A BILL TO EXPAND THE WORK  
OPPORTUNITY TAX CREDIT

**HON. AMO HOUGHTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HOUGHTON. Mr. Speaker, today I am introducing a bill to add Trade Adjustment Assistance Recipients as a targeted group for the Work Opportunity Tax Credit, thereby permitting employers to receive a tax credit when hiring these individuals. Most importantly, this bill would help address the loss of our manufacturing and other jobs to foreign competitors. The bill I'm introducing is a companion to a bill offered in the Senate by my good friend, Senator OLYMPIA SNOWE of Maine.

The Work Opportunity Tax Credit (WOTC) program provides a credit of up to \$2,400 based on wages paid in the first year to a new employee for employers that hire workers from one of the targeted groups (welfare recipients, ex-felons, high-risk youths, qualified food stamp recipients, etc.). The WOTC program has been a major factor in moving the unemployed from the welfare rolls into the workforce, serving as a vital component of the welfare reform legislation.

The proposal in the bill is a very targeted approach. A Trade Adjustment Assistance (TAA) recipient is an individual who is unemployed and has been certified to receive benefits under the TAA program. TAA benefits include extended unemployment compensation and worker training.

The latter program provides benefits to individuals who have been laid off by an employer who has been disadvantaged by foreign imports or has shifted production, and jobs, to a country that has a free trade agreement with the United States or is a beneficiary country under certain other trade agreements. Thus, the proposal deals directly with the loss of jobs to countries abroad.

The TAA targeted group would be somewhat different than the other groups. The TAA group has been disadvantaged by foreign trade and competition. Even though the individuals may be skilled, they are unlikely to find jobs in their former industries because the jobs have moved offshore. Accordingly, the TAA recipient may need retraining. Qualifying as a WOTC/TAA recipient would help the person obtain a job, and the credit would contribute to the retraining costs incurred by the new employer. The TAA recipient hired by an employer would no longer receive TAA benefits, thus reducing the cost of that program.

The proposal is not the complete answer to unemployment. Nevertheless, I believe it is a step in the right direction, because it targets those workers who have lost their jobs due to foreign trade and competition. I encourage my colleagues to cosponsor this proposed legislation.

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PAYING TRIBUTE TO ANN  
CAMERON

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to an extraordinary woman from Glenwood Springs, Colorado. Ann Cameron is a wonderful person who brings warmth to the hearts of everyone she meets with her gentle laugh and remarkable sense of humor. Her enthusiasm spreads throughout the community as she passes her wisdom and knowledge on to future generations. I would like to join my colleagues here today in recognizing Ann's tremendous dedication to the Glenwood Springs community.

Ann celebrated her 101st birthday on November 12th. She was born in 1902 in the Indian Territory of Oklahoma before it became a state. As one of eight children, she grew up milking cows and picking cotton on the family farm before she went on to teacher's college. Ann became a stenographer and worked for attorneys most of her life. She credits reaching

her second century with hard work and staying busy.

Mr. Speaker, Ann Cameron is a gracious individual who enriches the lives of many members of her Glenwood Springs community. Ann has demonstrated a love for humanity that resonates in her life-long work ethic and compassionate personality that has led her to the exceptional milestone she celebrates this year. Ann's enthusiasm and dedication certainly deserve the recognition of this body of Congress. Congratulations on your 101st birthday Ann. May you have many more to come!

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ARMENIAN TECHNOLOGY GROUP  
AND CENTRAL DIAGNOSTIC LAB-  
ORATORY IN ARMENIA

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RADANOVICH. Mr. Speaker, I wish to take this opportunity to clarify a key provision in Fiscal Year 2004 Foreign Operations Appropriations which was included in the Consolidated Appropriations Act of 2004.

As you know, this Congress continues to be a supporter of strong U.S.-Armenian relations to include economic and related programs. In fact, this bill appropriates \$75 million to help Armenia with its continued progress toward a market-oriented democratic nation.

However, it is not just economic assistance that Congress is voting on today. We are also voting on a provision which expressed the intent of Congress that the U.S. Agency for International Development provides sufficient funding to establish and operate a Central Diagnostic Laboratory in Armenia that can serve the Caucasus region. Currently, there is no such resource in Armenia or the region to safeguard human health and food safety against the threat of contamination or spread of disease.

I believe it is the intent of this Congress that the U.S. Agency for International Development utilize the services of the Armenian Technology Group, a U.S.-based nonprofit organization, to work with Armenian officials to establish and begin operations of this Central Diagnostic Laboratory. Furthermore, I believe it is key that this work begin as early as possible so that the Caucasus region, and by extension the United States, can benefit from the protection provided by this Central Diagnostic Laboratory.

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HONORING THE LEGACY OF  
CONGRESSMAN DANIEL J. FLOOD

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the late Congressman Dan Flood as his legacy is honored today, November 25, 2003, at King's College in Wilkes-Barre. The occasion will celebrate the Congressman's 100th Birthday, 10 years after his passing.

Although it has been over 2 decades since he has served in the House of Representa-

tives, Congressman Dan Flood's record of accomplishments and the legacy he left are still alive and well. Congressman Flood and I worked on several legislative initiatives together. Spearheading the effort to shape the recovery package for Northeastern Pennsylvania following the floods left in the aftermath of Hurricane Agnes stands out as an example of Congressman Flood's responsiveness to the district he loved.

Mr. Speaker, I insert in my remarks at this point the complete text of a story printed in the Wilkes-Barre Citizens Voice on the legacy of Dan Flood.

LEGENDARY LEGACY

It has been 23 years since he left Washington and nine years since his death in 1994.

Congressman Daniel J. Flood became a legend in his own time while in office, and remained a much-respected popular figure for 14 years after.

The fact that old friends, public officials, and news media will gather at King's College on Tuesday to observe his 100th birthday is yet another indication of just how much his long life of service to the country and his region meant.

Much of the Flood years by way of public papers and memorabilia are housed at King's College, through an agreement Flood set up in 1964 with Mary Barrett, longtime college librarian.

In the Flood collection room are tens of thousands of pieces of correspondence, hundreds of photographs, awards, plaques, and seals of the office he held and the departments of government with which he dealt for so many years.

It is traditional in assessing the Congressman's career that consideration comes on two levels—the federal government in Washington and the 11th Congressional District in Northeastern Pennsylvania.

Until 1966, he represented Luzerne County. But after the Supreme Court's famous "one man, one vote" decision, the state's congressional districts were realigned.

Flood's territory expanded to include Carbon and Columbia counties. In 1972, as part of the decennial reapportionment, Montour and Sullivan counties were added.

Flood's lasting legacy on the national scene usually centers on his three decades of policy to keep the Panama Canal in U.S. control, the unending crusade to promote the so called captive nations of eastern Europe which were under Soviet domination, and his powers as a member of the House Appropriations Committee.

Flood secured membership on the funding panel in 1949, and kept it throughout the end of his congressional service on January 31, 1980. His senior role on the Defense appropriations subcommittee, where he served for nearly 30 years, was significant in such areas as funding new weapons systems, supporting the Vietnam War and keeping the Tobyhanna Army Depot in business.

In fact, it was his strong relations with the most senior Department of Defense military and civilian commanders that enabled him to gain permanent legend status for his role in the recovery of the Agnes disaster in 1972. The effort was led from his emergency headquarters at the Naval Reserve Center in Avoca.

In 1966, after less than three years of service on the appropriations subcommittee for Labor, Health, Education and Welfare, election defeat for two colleagues and the unexpected death of the panel's chairman thrust Flood into the chairmanship of what quickly became an awesome assignment.

Flood handled it well—for the country and his district. President Lyndon B. Johnson

called for the creation of the Great Society, a program unprecedented in scope of social, educational, and vocational opportunities, in which several million Americans benefited. The assignment for funding policy for the entire program fell upon Chairman Flood and his subcommittee. During the 14 years of his chairmanship, the National Institute of Health budget increased six-fold, research for cancer intensified new federal programs for educational development sprung up, and many national health and research centers were created.

Also, for the first time, the government offered support for psychiatric training, practical nursing and specialized education.

It was his clout in the appropriations process that had much to do with his successful leadership in the enactment of the 1969 legislation which created the Black Lung program for first retired coal miners, and later secured benefits for their widows.

By the time of his retirement a decade later, his constituents alone received several hundred million dollars of benefits.

The powerful subcommittee assignment brought a multitude of benefits for the folks back home.

Funds were obtained to help construct the new library at King's College. The first family practice medicine program between Wilkes University and Hahnemann University in Philadelphia was inaugurated. Students could now take many of their medical school classes on the Wilkes University campus.

The first federally funded rural health center on Route 940 in White Haven opened, with others in the area soon to follow. The regional mental health center, headquartered in Nanticoke, was the first of its kind in the country. Marywood University's School of Social Work gained national recognition because of its network of services funded by Washington.

Beyond the realm of the Washington scene and significant projects for his district, it was another legend, that of individual constituent service, for which Flood perhaps became best known.

There was, it seemed, no aspect of human need in which the government could not play a part and that Flood did not deliver assistance.

Flood's long public career brought many types of recognition. There were 13 honorary degrees, the top national awards of the American Cancer Society, the American Heart Association, the Disabled American Veterans, the Cystic Fibrosis Foundation and hundred more.

The lasting tribute that the congressman treasured most, however, was the naming of Daniel J. Flood Elementary School in the north end of Wilkes-Barre in his honor. The school is located just a few blocks from the simple, family home where his devoted wife, Catherine, resides to this day.

The ceremony in Flood's honor will be held Tuesday at 1:30 p.m. in the King's College chapel at North Franklin and Jackson streets.

Mr. Speaker, Daniel Flood's wife, Catherine, who will be present at the ceremony today, was indeed a partner in the Congressman's career and family. His loyal staffers and allies such as Michael Clark, John McKeown and Councilman Jim McCarthy, serve as a tribute to how Dan Flood conducted himself as a Congressman.

My Colleagues, Congressman Flood serves as a model of responsiveness to the people he represented and I feel fortunate to have had the opportunity to work with him over the years. He is indeed a legend.

## PAYING TRIBUTE TO KRIS JOHNS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to a remarkable young man from my district. As Captain of a United States Coast Guard ship, Lieutenant Kris Johns has dedicated his life to the safety and security of our nation. I am honored today to call the attention of this body of Congress and our nation to Kris and his selfless and courageous service.

As a high school student, Kris set the lofty goal of becoming a ship Captain in the United States Coast Guard. Kris' teachers and friends knew that he was a special young man who would work tirelessly to make his dream a reality. Following high school, Kris attended the United States Coast Guard Academy. While there, he continued to excel and was admitted to officer training school.

Upon graduation from the Coast Guard Academy, Kris was assigned to the United States Coast Guard Cutter *Sherman*, where he began as a Communications Officer and was soon promoted to Gunnery Officer. Last June, Kris realized his dream, as he received orders to take command of the United States Coast Guard Cutter *Halibut* stationed in California.

Kris has served honorably aboard the *Halibut* and earned the respect of the men under his command. Kris and his crew spend each day undertaking missions for homeland security, search and rescue, and drug enforcement. Our nation is truly a safer place as the result of the service of Kris and his men.

Mr. Speaker, it is my honor to rise and pay tribute to Kris Johns. Kris spends his life protecting and serving all Americans. I am proud of Kris and his many accomplishments. Thank you Kris for your service.

## TRIBUTE TO PRIVATE WILLIAM SCHAUB

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Private William Schaub, a World War I veteran from New York. His son lives in XXX.

This Veterans' Day, I will have the pleasure of recognizing Private Schaub for his heroism and bravery as a United States Soldier who fought in the First World War. He was sent to the battle fields in Europe and fought in the major battles of St. Mihiel, Meuse-Argonne, and Essey-Pannes.

There are few among us who can recall the horrors of this war to end all wars that scarred an entire generation. One of the deadly innovations that typified the battles fought by our soldiers was the use of poisons gas. Mustard, Sarin, and Chlorine Gas were used offensively to debilitate Allied Troops.

Often troops were not adequately supplied with gas masks to protect them from this poison. Indeed an improvised method was developed by our troops to protect those without

masks. Taking advantage of naturally occurring ammonia, troops tied handkerchiefs over their face to destabilize the fumes.

Such method was employed by Private Schaub in a Mustard Gas attack on his division. He was treated for Bronchitis, gas exposure and sinus conditions and honorably discharged on April 15, 1919.

I will present Private Schaub's son with the Purple Heart, the oldest military decoration in the world, more than 80 years overdue.

Though he earned this honor, he never received it from the Defense Department and I am pleased to have the opportunity to present to his family the Purple Heart for his selfless devotion to duty and service to the United States.

## TRIBUTE TO CHIEF LOUIS IMPARATO

### HON. BILL PASCHELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. PASCHELL. Mr. Speaker, I would like to call to your attention the life and work of an exceptional individual who I have long been proud to call my friend, Fire Chief Louis Imparato. On Tuesday, November 25, 2003, members of the City of Passaic (NJ) Fire Department joined together with the F.M.B.A. to celebrate Chief Imparato's retirement.

During his tenure as Fire Chief, Lou Imparato used his position of leadership to serve as a powerful voice for the fire services both at home and in Washington, DC. It is therefore only fitting that Chief Imparato be recognized in this, the permanent record of the greatest freely elected body on earth.

Over the past 35 years, Lou Imparato has tirelessly served the men, women, and children of the City of Passaic. Appointed to the fire department on January 8, 1968, Lou rapidly advanced up the chain of command until 1988, when he was named Deputy Chief. Three short years later, Lou became Passaic's Fire Chief—a position that he has held with distinction for the past twelve years.

Mr. Speaker, perhaps Chief Lou's greatest achievement and lasting legacy was his work in helping me to draft the Firefighter Investment and Response Enhancement (FIRE) Act.

Early in my career in Congress, Lou came to me at one of our many meetings addressing public safety needs and asked why the Federal government spent nearly zero dollars supporting our Nation's 32,000 career, volunteer, and combination fire departments. I did not have a good answer for him, so we began to investigate what could be done.

Together, we drafted the FIRE Act—the first ever comprehensive Federal commitment to local fire departments. I introduced the legislation in Congress and, after a massive lobbying effort from fire departments across the country, it passed the House and Senate and was signed into law by President Clinton in 2000, creating the Assistance to Firefighters Grant Program.

In its first 3 years of existence, the program has distributed over \$1.2 billion directly to fire departments across the country from equipment, training, and other fire prevention activities. Chief Lou's own department in Passaic has already received close to \$200,000 through the program.

The passage of the FIRE Act, which will help fire departments across the country better serve their communities for years to come, has been one of my greatest achievements while in Congress. I trust that Chief Imparato feels the same way about this piece of history-making legislation because we accomplished it together. Fire departments across the Nation will long owe Lou an immense debt of gratitude for his inspired work.

Committed to enhancing the work environment for firefighters throughout the State of New Jersey as well as on the national level, Lou served for 3 years as the President of the Local F.M.B.A., and for 10 years as the Local F.M.B.A. State Delegate. His great dedication and personal valor has been widely noted by the people he has served and by his peers—most notably when the New Jersey State F.M.B.A. honored him by asking him to serve as the Chairman of their Valor Awards Dinner.

As you can see, every aspect of Chief Imparato's life's work epitomizes the noble spirit of selfless service that we all strive to achieve. The sense of excellence and initiative that has driven Lou's life work has made him living proof that those who dedicate themselves to helping others are among the most valued and loved members of the community.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the efforts of public servants like Lou Imparato. I ask that you join our colleagues, the men and women of the City of Passaic, fire departments across the country, and me in recognizing the invaluable service of Chief Louis Imparato.

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TRIBUTE TO THE SHILOH BAPTIST CHURCH AND THE REVEREND JAMES B. RODGERS

**HON. ROBERT T. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. MATSUI. Mr. Speaker, I rise in tribute to The Shiloh Baptist Church and The Reverend James B. Rodgers. On December 21, Reverend Rodgers will officially be installed as the twenty-seventh Pastor of the Shiloh Baptist Church, the oldest African-American church west of the Mississippi River and the first Baptist Church organized by African-Americans in Sacramento. I ask all my colleagues to join me in congratulating the Shiloh Baptist Church family and Dr. James B. Rodgers, Pastor, on this momentous occasion.

The Shiloh Baptist Church, located in the Fifth Congressional District of the State of California, was established in 1856 as the oldest African American Baptist Church West of the Mississippi River and the second oldest African American church in the City of Sacramento. Since the church had no facilities upon its establishment in which to hold religious services, it forged a strong relationship with the Chinese Americans in the area, which resulted in an offer being extended for Shiloh to hold religious services at the Chinese Chapel, located at historic Sixth and H Streets in Sacramento.

Shiloh has overcome many obstacles to its missionary services, including bank foreclosure in the 1860s; significant reductions in

its membership because of relocations; destruction of the church facility by fire in 1861 and 1905; and the inability to secure building loans on several occasions. However, today Shiloh stands firm as a testament to the strong faith, perseverance, determination, character and courage of its founders and early congregations.

Since its establishment, Shiloh has provided dedicated service to the citizens of the Capital Region, much of which was accomplished during 26 plus years of outstanding leadership by Pastor Emeritus Willie P. Cooke. Shiloh has provided many services through its many ministries and has participated in numerous community based programs, including but not limited to, establishment of an Elderly Appreciation Day; the participation in the annual Sacramento Dr. Martin Luther King, Jr. Celebration; host church for the Sacramento Children Summer Food Program; organized a prison ministry for youth incarcerated in the California Youth Authority and the Sacramento County Probation Department; and instituted a Caregiver's Program to provide services to sick and residence-bound citizens.

In recognition and appreciation of these community services, Shiloh has received numerous Presidential, Congressional, Gubernatorial, and State Legislative commendations dating back more than 40 years.

For the past 18 months, Shiloh has continued its mission under the direction of Pastor Emeritus William P. Cooke. However, Shiloh recently called on Dr. Rodgers to serve as its 27th pastoral leader and to add to the rich religious and community history it has developed over the past 147 years.

The Reverend James B. Rodgers has served faithfully in the ministry, preaching and teaching the gospel for over 32 years. In preparation for his calling to the ministry and in continuation of his ministerial duties, Dr. Rodgers commenced his academic studies with the United States Naval Academy and has earned an Associate of Arts Degree in Business; a Bachelor of Arts in Theology; a Masters of Theology; a Doctorate of Theology; and a Masters in Education Administration.

Dr. Rodgers' official installation as pastor will occur during a three-day ceremony at Shiloh Baptist Church commencing with a community night on Friday, December 19, 2003, and concluding with the installation on Sunday, December 21, 2003. These services are designed to introduce Dr. Rodgers to the Shiloh family and to the Greater Sacramento community.

Mr. Speaker, I am honored to thank and congratulate the Shiloh Baptist Church for nearly 150 years of invaluable service to the City of Sacramento. I would like to especially welcome Dr. James B. Rodgers to our community and to the Shiloh Baptist Church. I ask all my colleagues to join me in wishing the Shiloh Baptist Church and Dr. Rodgers continued success in all their future endeavors.

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PAYING TRIBUTE TO TABETHA SALSBU

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to a remarkable young

lady from my district. Tabetha Salsbury is a fifteen-year-old resident of Pueblo, Colorado who spent last summer restoring a 1935 John Deere tractor. Tabetha did a wonderful job that resulted in a finely renovated machine. Recently, Tabetha's hard work paid off when she became a national champion in tractor restoration. I am proud to recognize her accomplishments here before my colleagues today.

All summer, Tabetha worked tirelessly disassembling, fixing and reassembling the tractor. When she had finished, Tabetha and her family took the time to transport the newly refurbished tractor to its previous owner so that he could see his old machine in its newfound glory.

Through her talent and dedication in the garage, Tabetha has achieved a historic first. As national champion, Tabetha is the first female that has ever finished in the top three in the national competition. She has proven herself as capable as any young tractor mechanic in Colorado.

Mr. Speaker, it is my honor to rise and pay tribute to Tabetha Salsbury. She has proven what can be accomplished through hard work. Tabetha's tenacity and dedication set a fine example for young men and women throughout our nation and it is my honor to rise and congratulate her on a well-deserved award.

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TRIBUTE TO STAFF SGT. JOHN FOLSOM

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Staff Sgt. John L. Folsom, a Korean War veteran from Lady Lake, Florida in my Fifth Congressional District.

On Sunday, November 2nd, I had the pleasure of recognizing Staff Sgt. Folsom for his heroism and bravery as a United States Soldier who fought in the Korean War from January 1951 to February 1954. He continued his service to the Nation for 10 years after the conclusion of the Korean War, retiring in November 1964, having achieved the rank of Staff Sergeant (E-6).

On February 5, 1953 Staff Sgt. Folsom was wounded in his right leg by a sniper attack as his unit was "digging in" at the top of a hill in Seoul.

I will present Staff Sgt. Folsom with the Purple Heart, the oldest military decoration in the world, 50 years overdue.

Though he earned this honor, he never received it from the Defense Department and I am honored to have the opportunity to present to him the Purple Heart for his selfless devotion to duty and service to the United States.

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A PROCLAMATION HONORING JOSEPH BRUNO MANASSE

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. NEY. Mr. Speaker:

Whereas, Donald and Dilla Manasse are celebrating the birth of their son, Joseph Bruno Manasse; and

Whereas, Joseph Bruno was born on the Twenty-third Day of September, 2003 and weighed 3.3 kilograms; and

Whereas, the Manasse's have all occasion to celebrate with friends and family as they welcome Joseph Bruno into their family, and

Therefore, I join with Members of Congress and their staff in congratulating Mr. and Mrs. Manasse and wishing Joseph Bruno a very Happy Birthday.

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CONGRATULATING MIDDLE  
SCHOOL EDUCATORS OF THE YEAR

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize the educators honored by the California League of Middle Schools as "Educators of the Year." It is an honor to acknowledge the contributions they have made in the effort to implement education reform in California's middle school curriculum.

The California League of Middle Schools (CLMS) Educator of the Year Award Program annually recognizes the achievements of 11 educators from regions throughout California. Awardees exemplify educators who are able to inspire and motivate diverse groups of students in their educational endeavors. I am proud to nominate these eleven distinguished recipients of this award along with the thousands of educators from the State of California for the tremendous and exemplary work they do everyday in the classroom.

CLMS honors those displaying outstanding understanding of their teenage students and who are supportive of upward middle school movement. They are committed to employ the principles of Caught in the Middle, Turning Points, and Taking Center Stage, and incorporate State Frameworks and Standards into their curriculum. These leaders are dedicated to motivating and inspiring students while utilizing innovative educational tools. As enthusiastic role models, these educators are proactive in the pursuit of improving Middle School education for students now and in the future.

I am pleased to honor the following Middle School Educators: Jane Karcher, from Washington Middle School, Raiford Henry, from Roosevelt Middle School, Gabriele Calvin-Shannon, from Madison Middle School, Jami Phillips, from Woodland Park Middle School, Teresa Allen, from San Marcos Middle School, Julie Doria, from Olive Peirce Middle School, Mehrak Selby, from Marston Middle School, Steve Rodriguez, from Montgomery Middle School, John Lazarcik, from Kennedy Middle School, Lawrie Kueneman, from Oak Crest Middle School and Dr. Larry Maw from the San Marcos Unified School District.

Mr. Speaker, it is my pleasure to recognize the Middle School Educators of the year today for the outstanding contributions they have made to the education system. I thank them for their service and wish them continued success in the future.

TRIBUTE TO RUSSELL STOVER  
CANDIES

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to an outstanding business in my district. Russell Stover Candies in Montrose, Colorado recently celebrated its thirtieth anniversary. Russell Stover is dedicated to bringing smiles to Americans throughout the nation and it is my honor to call the attention of this body of Congress to their contributions.

Russell Stover first opened the doors to its Montrose factory in 1973. Since that time, the staff and management have managed to find a delicate balance between traditional hand-craftsmanship and twenty-first century technology. The dedication and artistry that Russell Stover employees put into their work results in a product that is unparalleled.

Since its inception, Russell Stover has benefited the economy of Montrose. The 600 employees at the factory love their work and there is very little turnover. The length of tenure for the factory's employees is a testament to the loyalty the company has to its employees.

In addition to bringing joy to others through its production of candies, Russell Stover is also involved in the community. Each year, the factory dedicates time and resources to various non-profit organizations and charitable activities throughout the region.

Mr. Speaker, it is my honor to call the attention of my colleagues and our nation to Russell Stover Candies. The company has done a great deal for the betterment of the Montrose community. I would like to congratulate Russell Stover on thirty years of service in Montrose and wish them the best in the years to come.

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TRIBUTE TO ROSE PELLGRIN

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Rose Pellgrin, a dedicated, loving mother in my Fifth Congressional District of Florida. At 91 years old, Rose continues to be a shining example of devotion and selflessness for mothers young and old.

In 1949 at the age of 40, Rose Pellgrin became a mother to a baby girl she named Marian. Unfortunately Marian was born with a mental disability and Rose was advised that she would not live very long. Her doctors even told her to have another child and to not worry about Marian.

Rose insisted that she would raise Marian and did just that. She raised Marian despite several obstacles. When her husband's affliction with cancer forced the family to move from her native New York to central Florida, Rose learned that there was no school in the area for mentally disabled children. She then had to drive Marian to a school at the Key Training Center, nearly an hour away.

When her husband's cancer finally took his life, Rose had to make the difficult decision to place Marian at the Key Training Center to live and return to teaching, retiring at the age of 82.

Years later a nephew of Rose's who had a fondness for Marian died and left his inheritance to the women. Rose took the inheritance and bought a house with it. The house, which will become a licensed group home, will be maintained by the Key Training Center as one of its own group homes. This made it possible for Marian, and two other disabled adults, to have a place to live.

Mr. Speaker, with this act Rose Pellgrin made an incredible donation to the Key Center and to her daughter. What's more amazing is that she views it as nothing special, but as what mothers do for their children.

I am honored to be her representative in Congress and want to take a moment before this body today to call attention to her sacrifice and devotion to her daughter. We should all be so lucky as to have a mother like Rose.

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WARS OF CHOICE

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important debates now being carried on in the United States has to do with the reasons for our war in Iraq. The administration and its defenders have argued that we had to go to war as a matter of self-defense. In varying combinations, the administration has argued that Iraq was deeply involved with al Qaeda and that the Iraqi war to a great extent was a logical next step after the war in Afghanistan, and also that Iraq possessed weapons of mass destruction that were ready to be used against us. In short, they argued that this was a war of necessity.

Many of us believe to the contrary that the linkage between Iraq and al Qaeda was slight, and that the weapons of mass destruction argument had been grossly exaggerated. Of course evidence since America's military victory have strengthened greatly the case of those of us who were skeptical on both counts.

But the debate continues to be an important one. I was therefore struck by the article in the November 23 Washington Post by Richard Haass. Mr. Haass who is now the President of the Council on Foreign Relations was a very high ranking national security official of the Bush administration from its early months in office until June of this year—after the major military activity in the war against Iraq. While he does not explicitly rebut the Bush administration's case for the war, his article is in fact a strong argument against it.

Talking of the distinction between wars of necessity—which is how the administration has characterized the war in Iraq—and wars of choice, in which countries use war as a means of policy, Mr. Haass, the Director of the State Department's policy planning team while the war was being planned and carried out, clearly asserts that Iraq was an example of the latter.

As he notes, "the debate can and will go on as to whether attacking Iraq was a wise decision, but at its core it was a war of choice. We

did not have to go to war against Iraq, certainly not when we did. There were other options; to rely on other policy tools, to delay attacking, or both. Iraq was thus fundamentally different from World War II or Korea or even the Persian Gulf War, all of which qualify as wars of necessity." Mr. Speaker, the significance of this analysis from a man who occupied so high a post in the Bush administration is great, and because of that, I ask that Mr. Haass's very thoughtful article be printed here.

[From the Washington Post, Nov. 23, 2003]

#### WARS OF CHOICE

(By Richard N. Haass)

Any number of lessons can be learned from the handling of the aftermath of the war in Iraq, but none is more basic than this: Democracies, in particular American democracy, do not mix well with empire.

Empire is about control—the center over the periphery. Successful empire demands both an ability and a willingness to exert and maintain control. On occasion this requires an ability and a willingness to go to war, not just on behalf of vital national interests but on behalf of imperial concerns, which is another way of saying on behalf of lesser interests and preferences.

Iraq was such a war. The debate can and will go on as to whether attacking Iraq was a wise decision; but at its core it was a war of choice. We did not have to go to war against Iraq, certainly not when we did. There were other options: to rely on other policy tools, to delay attacking, or both.

Iraq was thus fundamentally different from World War II or Korea or even the Persian Gulf War, all of which qualify as wars of necessity. So, too, does the open-ended war against al Qaeda. What distinguishes wars of necessity is the requirement to respond to the use of military force by an aggressor and the fact that no option other than military force exists to reverse what has been done. In such circumstances, a consensus often materializes throughout the country that there is no alternative to fighting, a consensus that translates into a willingness to devote whatever it takes to prevail, regardless of the financial or human costs to ourselves.

Wars of choice, however, are fundamentally different. They are normally undertaken for reasons that do not involve obvious self-defense of the United States or an ally. Policy options other than military action exist; there is no domestic political consensus as to the correctness of the decision to use force. Vietnam was such a war, as was the war waged by the Clinton administration against Serbia over Kosovo.

Wars of choice vary in their cost and duration. Vietnam was long (lasting a decade and a half from the American perspective) and costly in terms of both blood (more than 58,000 lives) and treasure (hundreds of billions of dollars). By contrast, Kosovo took all of 78 days, claimed no American lives in combat and cost less than \$3 billion.

What these experiences suggest is that the American people are prepared to wage wars of choice, so long as they prove to be relatively cheap and short. But the United States is not geared to sustain costly wars of choice.

We are seeing just this with Iraq. The American people are growing increasingly restless, and it is not hard to see why. We have been at war now in Iraq for some eight months. More than 400 Americans have lost their lives. Costs are in the range of \$100 billion and mounting.

The Bush administration knows all this; hence the accelerated timetable to hand over increasing political responsibility for Iraq to Iraqis. Such a midcourse correction in U.S.

policy reflects in part the political realities of Iraq, where enthusiasm for prolonged American occupation is understandably restrained; even more, though, the policy shift reflects political realities here at home. Domestic tolerance for costs—disrupted and lost lives above all—is not unlimited. As a result, the president is wise to reduce the scale of what we try to accomplish. Making Iraq "good enough"—a functioning and fairly open society and economy if not quite a textbook model of democracy—is plenty ambitious.

None of this is meant to be an argument against all wars of choice. There may be good and sound reasons for going to war even if we do not have to, strictly speaking. Such reasons can range from protecting a defenseless population against ethnic cleansing or genocide to preventing the emergence of a threat that has the potential to cause damage on a large scale.

But wars of choice require special handling.

First, it is essential to line up domestic support. Congress and the American people need to be on board, not just in some formal legal way but also to the extent of being psychologically prepared for the possible costs. Better to warn of costs that never materialize than to be surprised by those that do.

Second, it is equally essential to line up international support. The United States needs partners: to facilitate the effort of fighting the war, to share the financial and human costs of war and its aftermath, to stand with us diplomatically should the going get tough. We possess the world's most powerful military and economy, but the United States is not immune from the consequences of being stretched too thin or going deeply into debt.

Third, no one should ever underestimate the potential costs of military action; no one should ever assume that a war of choice, or any war, will prove quick or easy. Here as elsewhere the great Prussian military theorist Carl von Clausewitz had it right: "There is no human affair which stands so constantly and so generally in close connection with chance as war."

#### PLEDGING CONTINUED UNITED STATES SUPPORT FOR GEORGIA'S SOVEREIGNTY, INDEPENDENCE, TERRITORIAL INTEGRITY, AND DEMOCRATIC AND ECONOMIC REFORMS

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HASTINGS of Florida. Mr. Speaker, Georgian President Eduard Shevardnadze resigned on November 23, 2003. Mr. Shevardnadze's resignation caps a political career during which he has won my admiration, and that of freedom-loving people everywhere, for helping, as Soviet foreign minister under Mikhail Gorbachev, end the Cold War.

However, in spite of this remarkable accomplishment, during his 10 years as president, Georgians widely became disheartened with Mr. Shevardnadze for allowing corruption to infest the country, while most of its people fell into poverty and despair. These conditions fed the uprising against him, but it was triggered by the fraudulent parliamentary elections of November 2, 2003.

Opposition began daily protests that attracted thousands, demanding the elections be

annulled or Mr. Shevardnadze's resignation, or both. Throughout nearly 3 weeks of protests, both sides remained mindful of Georgia's interest in peace and safety, and avoided provocations.

Mr. Speaker, his fall ended a political crisis astonishing for its speed and lack of violence in a blood-washed region. There was no blood. No killing.

Consequently, Mr. Speaker, this resolution congratulates both Eduard Shevardnadze and the leaders of the opposition, Nino Burdzhadze, Mikhail Saakashvili, and Zurab Zhvaniva, for their courage and patriotism in dealing with the crisis bloodlessly.

Moreover, the resolution pledges support and help for the people of Georgia so as to consolidate the democratic process. Furthermore, it urges all political segments, as well as social sectors and institutions in Georgia, to strive, through dialogue, to achieve the national reconciliation for which both the Georgian people and the international community yearn.

Mr. Speaker, I strongly and wholeheartedly support Georgia's new leaders, while I also urge them to pursue stability, abide by their constitution and hold democratic elections.

And, I look forward to working with Interim President Nino Burdzhadze in her effort to maintain the integrity of Georgia's democracy as she strives to ensure that this change in government follows the constitution.

I urge my colleagues to support this resolution.

#### PAYING TRIBUTE TO EARL VANTASSEL

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, I rise before you with a heavy heart to pay tribute to a remarkable man from my district. Earl VanTassel of Craig, Colorado passed away recently at the age of 85. Earl contributed a great deal to the Craig community, and it is my honor today to rise and pay tribute to his life before this body of Congress and our nation.

Earl was born in Craig in 1918. He attended Craig High School, where he graduated in 1937. In 1943, Earl married Florence Prather, his wife of sixty years. Earl and Florence raised four wonderful children together.

Earl was an excellent and knowledgeable rancher who used his expertise for the betterment of his community. He was a mentor and leader for 4-H participants, and in that capacity, he passed along his knowledge of livestock and ranching to young people throughout the region. Earl was also a dedicated volunteer at the Moffat County Fair, numerous livestock sales, and local rodeos. He delighted in helping with the Craig Sale Barn for many years. In addition, Earl was an active member of the Colorado Cattlemen's Association, the Young Farmers Association and the 4-H Foundation.

Earl's contributions to his community went well beyond ranching. As a member of Colorado's first Conservation Board, Earl worked tirelessly on behalf of the environment. In addition, Earl served over forty years as a member of Craig's Rural Fire Protection District

Board. He was also an active member of the Elks Club, and a volunteer with the Sheriff's Posse as well. Craig is definitely a better place as the result of Earl's many contributions.

Mr. Speaker, it is my honor to rise and pay tribute to Earl VanTassel. Earl spent a great deal of his life working for the betterment of his community and our State. Above all, Earl was a wonderful father, husband and a friend to many. My heart goes out to Earl's loved ones during this difficult time of bereavement.

TRIBUTE TO SGT. LaVON C. HOVE

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Sgt. LaVon C. Hove, a Korean war veteran from Brooksville, FL, in my fifth congressional district.

This Veterans Day, I will have the pleasure of recognizing Sgt. LaVon Hove for his heroism and bravery as a United States soldier who fought in the Korean war from January 16, 1951 to August 1952.

This conflict enlisted the services of 6.8 million American men and women between 1950 and 1955.

On January 16, 1951 in Chorwon, Korea, Sgt. Hove was wounded in both legs and feet by shell fragments from a nearby explosion.

I will soon present Sgt. Hove with the Purple Heart, the oldest military decoration in the world, 50 years overdue.

Though he earned this honor, he never received it from the Defense Department and I am honored to have the opportunity to present to him the Purple Heart for his selfless devotion to duty and service to the United States.

REMEMBERING W.E.B. DUBOIS

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RANGEL. Mr. Speaker, on the eve of the 1963 March on Washington, the life of one of the 20th century's most brilliant individuals came to an end. W.E.B. DuBois—scholar, Pan-Africanist, political leader, champion of the struggle against white supremacy in the United States—died in Ghana on August 27, 1963. This year marks the 40th anniversary of DuBois' death.

DuBois was born on February 23, 1868 in Great Barrington, Massachusetts. At that time Great Barrington had perhaps 25, but not more than 50, Black people out of a population of about 5,000.

While in high school DuBois showed a keen concern for the development of his race. At age fifteen he became the local correspondent for the New York Globe. While in this position he conceived it his duty to push his race forward by lectures and editorials reflecting the need for Black people to politicize themselves.

Upon graduating high school DuBois desired to attend Harvard. Although he lacked the financial resources, the aid of family and friends, along with a scholarship he received

to Fisk College (now University), allowed him to head to Nashville, Tennessee to further his education.

In his three years at Fisk (1885–1888), DuBois' first trip to the south, his knowledge of the race problem manifested. After seeing discrimination in unimaginable ways, he developed a determination to expedite the emancipation of his people. As a result, he became a writer, editor, and a passionate orator. Simultaneously, he acquired a belligerent attitude toward the color bar.

After graduation from Fisk, DuBois entered Harvard through scholarships. He received his bachelor's degree in 1890 and immediately began working toward his master's and doctor's degrees. After studying at the University of Berlin for some time, DuBois obtained his doctor's degree from Harvard. Indeed, his doctoral thesis, *The Suppression of the African Slave Trade in America*, remains the authoritative work on that subject, and is the first volume in Harvard's Historical Series.

At the age of twenty-six, DuBois accepted a teaching job at Wilberforce in Ohio. After two years at Wilberforce, DuBois accepted a special fellowship at the University of Pennsylvania to conduct a research project in Philadelphia's seventh ward slums. This gave him the opportunity to study Blacks as a social system. The result of this endeavor was *The Philadelphia Negro*. This was the first time such a scientific approach to studying social phenomena was undertaken. Consequently, DuBois is known as the father of Social Science. After completing the study, DuBois accepted a position at Atlanta University to further his teachings in sociology.

Originally, DuBois believed that social science could provide the knowledge to solve the race problem. However, he gradually concluded that in a climate of violent racism, social change could only be accomplished through protest. In this view, he clashed with Booker T. Washington, the most influential black leader of the period. Washington preached a philosophy of accommodation, urging blacks to accept discrimination for the time being and elevate themselves through hard work and economic gain, thus winning the respect of whites. DuBois believed that Washington's strategy, rather than freeing the black man from oppression, would serve only to perpetuate it.

Two years later, in 1905, DuBois led the founding of the Niagara Movement; a small organization chiefly dedicated to attacking the platform of Booker T. Washington. The organization, which met annually until 1909, served as the ideological backbone and direct inspiration for the NAACP, founded in 1909. DuBois played a prominent part in the creation of the NAACP and became the association's director of research and editor of its magazine, *The Crisis*.

Indeed, DuBois' Black Nationalism had several forms. The most influential of which was his advocacy of Pan-Africanism; the belief that all people of African descent had common interests and should work together in the struggle for their freedom. As the editor of *The Crisis*, DuBois encouraged the development of Black literature and art. DuBois urged his readers and the world to see "Beauty in Black."

Due to disagreements with the organization, DuBois resigned from the editorship of *The Crisis* and the NAACP in 1934 and returned to

Atlanta University. He would devote the next 10 years of his life to teaching and scholarship. He completed two major works after resuming his duties at Atlanta University. His book, *Black Reconstruction*, dealt with the socio-economic development of the nation after the Civil War and portrayed the contributions of the Black people to this period. Before, Blacks were always portrayed as disorganized and chaotic. His second book of this period, *Dusk of Dawn*, was completed in 1940 and expounded his concepts and views on both the African's and African American's quest for freedom.

In 1945, he served as an associate consultant to the American delegation at the founding conference of the United Nations in San Francisco. Here, he charged the world organization with planning to be dominated by imperialist nations and not intending to intervene on the behalf of colonized countries. He announced that the fifth Pan-African Congress would convene to determine what pressure to apply to the world powers. This all-star cast included Kwame Nkrumah, a dedicated revolutionary, father of Ghanaian independence, and first president of Ghana; George Padmore, an international revolutionary, often called the "Father of African Emancipation," who later became Nkrumah's advisor on African Affairs; and Jomo Kenyatta, called the "Burning Spear," reputed leader of the Mau Mau uprising, and first president of independent Kenya. The Congress elected DuBois International President and cast him the "Father of Pan-Africanism."

This same year he published *Color and Democracy: Colonies and Peace*, and in 1947 produced *The World and Africa*. DuBois's outspoken criticism of American foreign policy and his involvement with the 1948 presidential campaign of Progressive Party candidate Henry Wallace led to his dismissal from the NAACP in the fall of 1948.

During the 1950's DuBois's continuing work with the international peace movement and open expressions of sympathy for the USSR drew the attention of the United States government and further isolated DuBois from the civil rights mainstream. In 1951, at the height of the Cold War, he was indicted under the Foreign Agents Registration Act of 1938. Although he was acquitted of the charge, the Department of State refused to issue DuBois a passport in 1952, barring him from foreign travel until 1958. Once the passport ban was lifted, DuBois and his wife traveled extensively, visiting England, France, Belgium, Holland, China, the USSR, and much of the Eastern bloc. On May 1, 1959, he was awarded the Lenin Peace Prize in Moscow. In 1960, DuBois attended the inauguration of his friend Kwame Nkrumah as the first president of Ghana. The following year DuBois accepted Nkrumah's invitation to move there and work on the *Encyclopedia Africana*, a project that was never completed.

On August 27, 1963, on the eve of the March on Washington, DuBois died in Accra, Ghana at the age of 94. Historians consider DuBois one of the most influential African Americans before the Civil Rights Movement of the 1960's. Born only six years after emancipation, he was active well into his 90's. Throughout his long life, DuBois remained Black America's leading public intellectual. He was a spokesman for the Negro's rights at a time when few were listening. By the time he

died, he had written 17 books, edited four journals and played a leading role in reshaping black-white relations in America.

HONORING THE DOWNTOWN FORT SMITH SERTOMA CLUB'S 50TH ANNIVERSARY

**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the Downtown Fort Smith Sertoma Club for their fifty years of service to the community of Fort Smith, Arkansas.

The Downtown Fort Smith Sertoma Club exists for the high and noble purpose of service to mankind by communications of thoughts, ideas and concepts to accelerate human progress in health, education, freedom and democracy.

The club, which is part of the international charity the Sertoma Foundation, provides a number of services to the community. Most notably, they aid the hearing-impaired acquire hearing related products for persons who otherwise could not afford them.

I appreciate what they have done for the people of Fort Smith. They truly are an example of what can be accomplished if we make sacrifices for the greater good of our communities.

Mr. Speaker, 50 years of dedicated service and support to local charitable organizations and the educational good of mankind is truly a glorious reason to celebrate. I ask my colleagues to join me today as we honor this wonderful organization and encourage them to continue their work on behalf of the community.

TRIBUTE TO MIKE ALSDORF

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to my friend Mike Alsdorf. Mike is retiring after 25 years of devoted service with the Glenwood Springs, Colorado Fire Department. I have personally witnessed Mike's selfless and courageous service on behalf of the citizens of my hometown and I am proud to call his contributions to the attention of this body of Congress and our nation.

As a firefighter and arson investigator, Mike's career has been defined by great ability and outstanding courage. Over a quarter century ago, Mike and I attended fireman training together. It was clear from the outset that Mike was a natural leader who would become an excellent fireman.

In the face of danger, Mike has an uncanny ability to assume control and quickly orchestrate the best approach to any emergency. As an arson investigator, Mike used his vast knowledge, and his strong conviction, to prevent additional fires and ensure that justice was done. I have great respect for Mike's ability as a fireman and investigator.

Mike served courageously in the face of some of the worst disasters ever to occur in

the Mountain West. He fought bravely to protect his fellow citizens in the Rocky Mountain Gas Explosion, the fires on Storm King Mountain and the recent Coal Seam Fire of 2002. In addition to his work as a fireman, Mike continues to serve as a dedicated Red Cross Volunteer. In this capacity, Mike has worked to improve the Red Cross communications system, organized disaster assessment teams and provided victims of disasters with lodging, food, clothing and counseling.

Mr. Speaker, it is my honor to rise and pay tribute to Mike Alsdorf. The citizens of Glenwood Springs are certainly better off as the result of Mike's tireless dedication to their safety. Mike will be missed as a member of the Glenwood Springs Fire Department. However, he will now have more time to spend with his four children, his beautiful wife Lynn and his many friends throughout Glenwood Springs. Thanks Mike. I appreciate your friendship and your service to our town.

TRIBUTE TO KENNETH L. BRADSHAW, JR.

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Kenneth Bradshaw, Jr., a Korean War veteran from Inverness, Florida in my Fifth Congressional District.

I had the pleasure of recognizing Private Bradshaw for his heroism and bravery as a soldier who fought in the Korean War from January 8, 1948 until April 30, 1952 when he received a permanent disability retirement as a private first class.

On February 6, 1951, Bradshaw's Company was engaged in a fierce battle with the Chinese Army in South Korea just below the 38th parallel. He was wounded in his right arm by a shot fired by an enemy soldier.

Bradshaw was treated at two different field hospitals before being evacuated to a hospital in Japan. Shrapnel was also discovered lodged in his back.

I recently presented Private Bradshaw with the Purple Heart, the oldest military decoration in the world, more than 50 years overdue.

Though he earned this distinction, he never received it from the Defense Department and I am honored to have the opportunity to present to him the Purple Heart for his selfless devotion to duty and service to the United States.

COMMENDING BARBARA REYNOLDS FOR HER YEARS OF SERVICE ON CAPITOL HILL

**HON. DAVE WELDON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. WELDON of Florida. Mr. Speaker, I come to the floor today to pay tribute to a long-time member of my staff who is retiring this December. Barbara Reynolds has worked for me as my scheduler and executive assistant since I was elected in 1994. Barbara's ca-

reer on Capitol Hill preceded mine by 13 years. This experience, along with her talent and willingness to accommodate the busy schedule of a Congressman, was invaluable.

Before coming to work on the Hill, Barbara had been a stay-at-home mom, taking care of her two children. She had never really given much thought to getting involved in the political world, but in 1979, at the suggestion of her father-in-law, she handed a resume to a friend at the Republican Policy Committee and, in about a week, landed a job with then-Representative Carlos Moorehead from California. This, however, was not her only job at the time. Barbara often spent her weekends as a professional model—many say she looked just like Jackie Kennedy Onassis. Her modeling took her all over the world as well as provided her with many commercial advertising opportunities. As a result of this, some current House maintenance workers who were around at the time still refer to Barbara as "Jackie" when they see her in the halls.

In 1985 Barbara began working for then-Representative and eventual Presidential candidate Jack Kemp. In addition to working in his personal office she also worked on his campaign in New Hampshire.

After working with Jack Kemp, Barbara moved on to work for my Florida colleague, Representative CLIFF STEARNS in 1988. Barbara spent 6 years working for Representative STEARNS where she established her Florida roots.

In 1995 Barbara came to work for me and has worked in my Washington office since my first day in office. I am incredibly grateful for her loyalty to me and my staff. It will be nearly impossible to replace her uplifting spirit. Her presence in my office added a touch of class and style, which are sometimes hard to find in the world of politics.

I, along with her coworkers and others outside my office whose lives she has touched, will miss her presence on Capitol Hill. Barbara Reynolds's retirement is well earned. She plans to pursue her hobby of boating on the Chesapeake with her husband, Bob, as well as continue to be a loving mother and grandmother to her two grown children and to her grandchildren. We all wish her many blessings and much happiness in the years to come.

Thank you Barbara, for your service to my office, the people Florida, and the many others with whom you have worked on Capitol Hill.

2003 OHIO STATE CHAMPIONS

**HON. STEVE CHABOT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. CHABOT. Mr. Speaker, on the blustery evening of November 29, 2003, the Elder High School football team won their second consecutive state championship—joining an elite group in Ohio high school football history. With their 31-7 victory over Lakewood St. Edward, the Elder Panthers, under the guidance of Coach Doug Ramsey, became just the fourth school ever to win back-to-back Division I championships.

While last year's championship run was epitomized by hard-fought, closely-contested victories, this year's Panther team dominated the playoffs. The dynamic leadership of quarterback Rob Florian and the sensational running of Bradley Glatthaar—including an Ohio

Division 1 championship game record 252 rushing yards—spearheaded the offense, while Elder's swarming defense held opposing teams to just seven points in four of the five playoff games. And, as always, thousands of Elder faithful traveled across the state braving the cold to support the Panthers throughout the playoffs.

The hard work and sacrifice of the young men at Elder have brought pride and honor to Price Hill and our entire community. Football fans throughout the Cincinnati area congratulate the Panthers on their back-to-back championships and share in their celebration.

Mr. Speaker, to appropriately honor these young men and coaches, I'd like to submit for the RECORD the roster of the 2003 Elder Panthers and a copy of their schedule and game results.

ELDER HIGH SCHOOL, 2003 OHIO HIGH SCHOOL STATE FOOTBALL CHAMPIONS, FINAL RECORD: 14-1

#### REGULAR SEASON

Game 1: August 21, 2003, Elder 33—Winton Woods 14  
 Game 2: August 30, 2003, Indianapolis Warren Central 45—Elder 20  
 Game 3: September 5, 2003, Elder 50—Western Hills 8  
 Game 4: September 12, 2003, Elder 17—Indianapolis Bishop Chatard 16  
 Game 5: September 19, 2003, Elder 42—La-Salle 7  
 Game 6: September 26, 2003, Elder 49—Covington Catholic 21  
 Game 7: October 3, 2003, Elder 21—Moeller 20  
 Game 8: October 10, 2003, Elder 28—St. Xavier 7  
 Game 9: October 17, 2003, Elder 21—Indianapolis Cathedral 7  
 Game 10: October 24, 2003, Elder 24—Oak Hills 21

#### PLAYOFFS

Round 1: November 1, 2003, Elder 28—Anderson 7  
 Round 2: November 8, 2003, Elder 33—Clayton Northmont 7  
 Regional Championship: November 15, 2003, Elder 24—Colerain 23  
 State Semi-Final: November 22, 2003, Elder 31—Dublin Scioto 7  
 State Championship: November 29, 2003, Elder 31—Lakewood St. Edward 7

#### 2003 ELDER PANTHERS VARSITY FOOTBALL ROSTER

##### HEAD COACH

Doug Ramsey.

##### ASSISTANT COACHES

Ken Lanzillotta; Ray Heidorn; Mike Kraemer; Craig James; Tim Schira; Matt Eisele; and Pat Good.

##### SENIORS

No. 34 Eric Andriacco; No. 54 Steve Baum; No. 58 Kenny Berling; No. 26 Ryan Brinck; No. 20 Michael Brown; No. 50 Dave Bullock; No. 68 Alec Burkhardt; No. 23 Mark Byrne; No. 5 Charlie Coffaro; No. 71 Justin Crone; No. 29 Brett Currin; No. 12 Rob Florian; No. 84 Kurt Gindling; No. 11 Bradley Glatthaar; No. 99 Alex Harbin.

No. 97 Steve Haverkos; No. 70 Chris Heaton; No. 82 Nick Klaserner; No. 7 Dan Kraft; No. 48 Joe Lind; No. 47 Pat Lysaght; No. 53 Corey McKenna; No. 60 Mike Meese; No. 92 Tim Mercurio; No. 30 Drew Metz; No. 72 Mark Naltner; No. 28 Alex Niehaus; No. 21 Billy Phelan; No. 31 Seth Priestle.

No. 65 Nick Rellar; No. 2 Jake Richmond; No. 91 Tony Stegeman; No. 88 Ian Steidel; No. 9 Mike Stoecklin; No. 45 Tim Teague; No. 24 John Tiemeier; No. 90 Matt Umberg; No. 10 Jeff Vogel; No. 16 Eric

Welch; No. 74 John Wellbrock; No. 87 Mike Windt; No. 75 Eric Wood; and No. 94 Mike Zielasko.

##### JUNIORS

No. 52 Steve Anevski; No. 6 Brian Bailey; No. 41 Guy Beck; No. 18 Matt Bengel; No. 57 Nick Berning; No. 38 Joe Broerman; No. 13 Craig Carey; No. 89 Kevin Crowley; No. 14 Andrew Curtis; No. 95 Andrew Dinkelacker; No. 76 Alex Duwel; No. 33 Tim Dwyer; No. 66 Phil Ernst; No. 37 Eric Harrison; No. 36 Alex Havlin; No. 78 Josh Hubert.

No. 39. D.J. Hueneman; No. 15 R.J. Jameson; No. 43 Reid Jordan; No. 96 Eric Kenkel; No. 44 Bradley Kenny; No. 51 Chris Koopman; No. 42 Nick Kuchey; No. 67 Mark Menninger; No. 69 John Meyer; No. 32 Robert Nusekabel; No. 22 Billy O'Conner; No. 8 Mike Priore; No. 17 Andrew Putz; No. 46 Zack Qunell; No. 77 Brandon Rainier.

No. 3 Jeremy Richmond; No. 93 Jake Rieth; No. 73 Scott Roth; No. 19 Parker Smith; No. 98 Jared Sommerkamp; No. 86 Louis Sprague; No. 27 Rickey Stautberg; No. 79 Ben Studdt; No. 62 Joe Super; No. 1 Pat Van Oflen; No. 61 Kurt Weil; No. 25 J.T. Westerfield; No. 40 Ben Widloff; No. 4 Nick Williams; and No. 81 Ben Wittwer.

##### SOPHOMORES

No. 35 Adam Baum and No. 49 Gerald Walker.

##### MANAGERS

T.J. Weil and Andy Brunspan.

### TRIBUTE TO CORPORAL SEBASTIAN DEGAETANO

### HON. GINNY BROWN-WAITE

#### OF FLORIDA

#### IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor CPL Sebastian Degaetano, a veteran of the second world war and a resident of Port Richey, Florida in my Fifth Congressional District.

I will soon have the pleasure of recognizing CPL. Sebastian Degaetano for his heroism and bravery as a U.S. soldier who fought in the European Theater from January 19, 1943 through March 28, 1946.

During the pivotal Battle of the Bulge, which turned the tide against the Germans and was the largest land battle of World War II, CPL Degaetano was hit in his leg by shrapnel.

I will present CPL Sebastian Degaetano with the Purple Heart, the oldest military decoration in the world, nearly 50 years overdue.

Though he earned this honor, he never received it from the Defense Department and I am honored to have the opportunity to present to him the Purple Heart for his selfless devotion to duty and service to the United States.

### CONFERENCE REPORT ON H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

#### SPEECH OF

### HON. MICHAEL G. OXLEY

#### OF OHIO

#### IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. OXLEY. Mr. Speaker, I rise today to express my appreciation for the work Congress

has done to pass H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003. H.R. 2622 includes numerous consumer protection measures designed to combat the growing crime of identity theft and to improve the accuracy of the credit reporting system. This landmark legislation will also ensure the continued vibrancy of our national credit markets.

Given the complexity of H.R. 2622, it is both appropriate and important to submit for the record a section-by-section summary of the legislation in order to help provide an understanding of the legislation and its impact on the Fair Credit Reporting Act.

The legislation provides significant measures to help consumers, financial institutions and consumer reporting agencies prevent and mitigate identity theft. For example, the legislation establishes requirements for the placement of fraud alerts on consumer credit files, investigation of changes of address, truncation of credit card and debit card account numbers on receipts, and the manner in which information identified as having resulted from identity theft is blocked.

In addition, the legislation establishes requirements for verifying the accuracy of consumer information and preventing the reporting of consumer information that results from identity theft. Financial institutions must also take certain steps before establishing new loans and credit accounts for consumers who have fraud alerts on their credit files.

Lastly, the legislation includes provisions entitling consumers to obtain free credit reports and access to their credit scores. This provision will likely do more for financial literacy and consumer education than any legislation in decades.

I am submitting this section-by-section analysis on behalf of myself and the gentleman from Alabama (Mr. BACHUS), the Chairman of the Financial Institutions and Consumer Credit Subcommittee, who introduced H.R. 2622 and presided over a series of hearings over the past year that laid the groundwork for this landmark legislation.

#### SECTION BY SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title; table of contents*

This section establishes the short title of the bill, the "Fair and Accurate Credit Transactions Act of 2003" (the FACT Act).

##### *Section 2. Definitions*

This section adds a number of definitions for use in provisions of the Act that are not amendments to the Fair Credit Reporting Act.

##### *Section 3. Effective dates*

This section specifies effective dates for the legislation. Several sections are given specific effective dates. For sections adding new provisions or standards where no effective date is provided, this section provides a general rule providing for the Federal Reserve Board (the Board) and the Federal Trade Commission (FTC) within 2 months to jointly determine the appropriate effective dates for the remaining provisions, not to exceed 10 months from making their determination.

#### TITLE I—IDENTITY THEFT PREVENTION AND CREDIT HISTORY RESTORATION

##### Subtitle A—Identity Theft Prevention

##### *Section 111. Amendment to definitions*

This section includes a number of definitions, including definitions for fraud alerts, identity theft reports, financial institutions, and nationwide specialty consumer reporting agency.

*Section 112. Fraud alerts and active duty alerts*

The section sets forth a uniform national consumer protection standard for the processing of credit and verification procedures where there is an elevated risk of identity theft. The section allows certain identity theft victims and active duty military consumers to direct nationwide consumer reporting agencies to include a fraud alert or active duty alert in each consumer report furnished on them that can be viewed by creditors and other users of the report in a clear and conspicuous manner. Upon receiving proof of the consumer's identity and the consumer's request for an alert, the agency must place the alert in the consumer's file for a certain time period (or such other time agreed to upon the request or subsequently) in a manner facilitating its clear and conspicuous viewing, inform the consumer of the right to request free credit reports within 12 months, provide the consumer with the disclosures required under section 609 within 3 business days of requesting the disclosures, and refer the necessary information related to the alert to the other nationwide credit reporting agencies. The request must be made directly by the consumer or by an individual acting on their behalf or as their representative. This limitation on the request is intended to allow a consumer's family or guardian to request an alert for the consumer where appropriate, while preventing credit repair clinics and similar businesses from making such requests. Resellers of credit reports must re convey any alert they receive from a consumer reporting agency. Agencies other than those described in section 603(p) must communicate to the consumer how to contact the Commission and the appropriate agencies.

The national standard creates 3 types of alerts. A consumer with a good faith suspicion that he or she has been or is about to be a victim of identity theft or other fraud may request an initial alert. The initial alert must be placed in the consumer's file for 90 days and the consumer may request one free credit report within 12 months. If the consumer has an appropriate identity theft report (typically a police report) alleging that a transaction was the result of fraud by another person using the consumer's identity, then the consumer may alternatively request an extended alert. The agency must place the extended alert in the consumer's file for 7 years, inform the consumer of the right to 2 free credit reports within 12 months, exclude the consumer's name from lists used to make prescreened offers of credit or insurance for 5 years, and include in the file the consumer's telephone number (or another reasonable contact method designated by the consumer). An active duty member of the military may alternatively request an active duty alert, which does not imply the immediate threat of identity theft, but as a preventative measure, a nationwide consumer reporting agency must respond to such a request by placing an active duty alert in the member's file for one year and exclude the member from lists used to make prescreened offers of credit or insurance for 2 years.

Users of consumer reports that contain an alert cannot establish a new credit plan or provide certain other types of credit in the name of a consumer, issue additional cards at the request of a consumer on an existing credit account, or grant an increase in a credit limit requested by the consumer on an existing credit account, without utilizing reasonable policies and procedures to form a reasonable belief of the requester's identity. In the case of an initial or active duty alert, if the requester has specified a telephone number to be used for identity verification,

then the user may contact the consumer using that number or must take other reasonable steps to verify the requester's identity and confirm that the request is not the result of identity theft. In the case of an extended alert, the user may not grant the request unless the consumer is contacted either in person (such as in a bank branch or retail store location), by telephone, or through any another reasonable method provided by the consumer, to confirm that the request is not the result of identity theft.

*Section 113. Truncation of credit card and debit card account numbers*

This section creates a uniform national standard requiring businesses that accept credit or debit cards to truncate the card account numbers (printing no more than the last 5 digits) and exclude card expiration dates on any electronically printed receipts. This requirement becomes effective 3 years after enactment for any cash registers in use on or before January 1, 2005 and 1 year after enactment for any register put into use after January 1, 2005. The requirement does not apply to transactions in which the sole means of recording the person's credit card or debit card number is by handwriting or by an imprint or copy of the card.

*Section 114. Establishment of procedures for the identification of possible instances of identity theft*

This section directs the Federal banking agencies, the National Credit Union Administration (NCUA), and FTC to jointly formulate various red flag guidelines to help financial institutions and creditors identify patterns, practices and specific forms of activity that indicate the possible existence of identity theft. These agencies also must prescribe regulations creating uniform national standards for the entities they supervise requiring the entities to establish and adhere to reasonable policies and procedures for implementing the guidelines. The policies and procedures established under this section are not to be inconsistent with the policies and procedures required by section 326 of the USA PATRIOT Act, particularly with respect to the identification of new and prospective customers. In issuing regulations and guidelines under this Act, the Federal agencies are expected to take into account the limited personnel and resources available to smaller institutions and craft such regulations and guidelines in a manner that does not unduly burden these smaller institutions.

The red flag regulations shall include requiring issuers of credit cards and debit cards who receive a consumer request for an additional or replacement card for an existing account within a short period of time after receiving notification of a change of address for the same account to follow reasonable policies and procedures to ensure that the additional or replacement card is not issued to an identity thief. Specifically, before issuing a new or replacement card the issuer must either notify the cardholder of the request at the cardholder's former address and provide a means of promptly reporting an incorrect address change; notify the cardholder of the request in a manner that the card issuer and the cardholder previously agreed to; or otherwise assess the validity of the cardholder's change of address in accordance with reasonable policies and procedures established by the card issuer pursuant to the "red flag" guidelines applicable to the card issuer.

The Federal banking agencies, the NCUA and the FTC also are directed to consider whether to include in the red flag guidelines instructions for institutions to follow when a transaction occurs on a credit or deposit account that has been inactive for more than 2

years in order to reduce the likelihood of identity theft.

*Section 115. Authority to truncate social security numbers*

This section allows consumers, upon providing appropriate proof of identity, to demand that a consumer reporting agency truncate the first 5 digits of the consumer's social security or other identification number on a consumer report that the consumer is requesting to receive pursuant to section 609(a) of the FCRA.

*Subtitle B—Protection and Restoration of Identity Theft Victim Credit History*  
*Section 151. Summary of rights of identity theft victims*

This section requires the FTC, in consultation with the banking agencies and the NCUA, to prepare a model summary of the rights of consumers to help them remedy the effects of fraud or identity theft. Consumer reporting agencies must provide any consumer contacting them expressing the belief of identity theft victimization with a summary of rights containing the information in the FTC's model summary and the FTC's contact information for more details. The section also requires the FTC to develop and implement a media campaign to provide more information to the public on ways to prevent identity theft. It is important for the agencies to let consumers know that identity thieves target home computers because they contain a goldmine of personal financial information about individuals. In educating the public about how to avoid becoming a victim of identity theft, the FTC and the federal banking regulators should inform consumers about the risks associated with having an 'always on' Internet connection not secured by a firewall, not protecting against viruses or other malicious codes, using peer-to-peer file trading software that might expose diverse contents of their hard drives without their knowledge, or failing to use safe computing practices in general.

The section further includes a provision creating an obligation to make certain records of identity theft victims more available to those victims and law enforcement. This section requires businesses that enter into a commercial transaction for consideration with a person who allegedly has made unauthorized use of a victim's identification to provide a copy of the application and business transaction records evidencing the transaction under the businesses' control within 30 days of the victim's request. The records are to be provided directly to the victim or to a law enforcement agency authorized by the victim to receive the records. The business can require proof of the identity of the victim and proof of the claim of identity theft, including a police report and an affidavit of identity theft developed by the FTC or otherwise acceptable to the business. A business may decline to provide the records if in good faith it determines that this section does not require it to; it does not have a high degree of confidence it knows the true identity of the requester; the request is based on a relevant misrepresentation of fact; or the information is navigational data or similar information about a person's visit to a website or online service. The business is not required under this section to retain any records (the obligation only applies to applications and transaction records that the business already is retaining under its otherwise applicable record retention policy), nor is it required to provide records that do not exist or are not reasonably available (such as those that are not easily retrieved, in contrast to records such as periodic statements listing transactions made on a credit or deposit account that are easily

retrieved). Businesses are also not required to produce records not within their direct control.

*Section 152. Blocking of information relating to identity theft*

This section provides that a consumer reporting agency must block information identified as resulting from identity theft within 4 business days of receiving from the consumer appropriate proof of identity, a copy of an identity theft report, an identification of the fraudulent information, and confirmation that the transaction was not the consumer's. The agency must then promptly notify the furnishers of the information identified that the information may have resulted from identity theft, that an identity theft report has been filed, that a block on reporting the information has been requested, and the effective date of the block.

*Section 153. Coordination of identity theft complaint investigations*

This section directs nationwide consumer reporting agencies to develop and maintain procedures for referring consumer complaints of identity theft and requests for blocks or fraud alerts to the other nationwide agencies, and to provide the FTC with an annual summary of this information. That summary may be a brief description of the estimated number of calls received pertaining to identity theft, the number of fraud alerts requested, and other issues which may be relevant. The FTC, in consultation with the Federal banking agencies and the NCUA, is directed to develop model forms and model standards for identity theft victims to report fraud to creditors and consumer reporting agencies.

*Section 154. Prevention of repollution of consumer reports*

This section creates a national standard governing the duties of furnishers to block refurbishing information that is allegedly the result of identity theft. Specifically, companies that furnish information to a consumer reporting agency are required to establish reasonable procedures to block the refurbishing of the information if they have received a notification from the agency that the information furnished has been blocked because it resulted from identity theft. Similarly, if a consumer submits an identity theft report to a company furnishing information to a consumer reporting agency and states that the information resulted from identity theft, the furnisher may not furnish the information to any consumer reporting agency, unless the furnisher subsequently knows or is informed by the consumer that the information is correct.

The section also restricts the sale or transfer of debt caused by identity theft. This provision applies to any entity collecting a debt after the date it is appropriately notified that the debt has resulted from an identity theft. The entity is then prohibited from selling, transferring, or placing for collection the debt that is identity theft-related. The prohibition does not apply to the repurchase of a debt where the assignee of the debt requires such repurchase because the debt results from identity theft; the securitization of debt (public or private) or the pledge of a portfolio of debt as collateral in connection with a borrowing; or the transfer of debt as a result of a merger, acquisition, purchase and assumption transaction or transfer of substantially all of the assets of an entity.

*Section 155. Notice by debt collectors with respect to fraudulent information*

This section requires third-party debt collectors who are notified that the debts they are attempting to collect may be the result of identity theft or other fraud to notify the

third party on whose behalf they are collecting the debt that the information may be the result of identity theft or fraud. The debt collector must also then, upon the request of the consumer to whom the debt purportedly relates, provide the consumer with all the information that the consumer would be entitled to receive if the information were not the result of identity theft and the consumer were disputing the debt under applicable law.

*Section 156. Statute of limitations*

This section extends the statute of limitations for violations of the Fair Credit Reporting Act. The section requires claims to be brought within 2 years of the discovery of the violation (instead of the original standard of 2 years after the date on which the violation occurred), but with an outside restriction that all claims must be brought within 5 years of when the violation occurred.

*Section 157. Study on the use of technology to combat identity theft*

This section directs the Secretary of the Treasury, in consultation with the Federal banking agencies, the FTC, and other specified public and private sector entities, to conduct a study of the use of biometrics and other similar technologies to reduce the incidence of identity theft.

TITLE II—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

*Section 211. Free consumer reports*

This section provides consumers with new rights to obtain an annual free consumer report from each of the nationwide credit bureaus (including the nationwide specialty consumer reporting agencies). With respect to agencies defined in 603(p), the free report only has to be provided if the consumer makes the request through the centralized source system established for such purpose. The centralized source shall be established in accordance with regulations prescribed by the FTC in a manner to ensure that the consumer may make a single request for the free reports using a standardized form for mail or Internet. With respect to the nationwide specialty consumer reporting agencies (as defined in 603(w)), the FTC may prescribe a streamlined process for consumers to request their free reports directly from that agency, which shall include, at minimum, the establishment of a toll-free telephone number by each agency, and shall take into account the costs and benefits to each agency of how requests may be fulfilled and the efficacy of staggering the availability of requests to reduce surges in demand.

The nationwide consumer reporting agencies must provide the report to the consumer within 15 days. Any disputes raised by a consumer who receives a free report under this section must be reinvestigated within 45 days after the consumer raises the dispute, which is a 15-day increase over the 30-day reinvestigation time frame that would otherwise apply. The new right to free reports shall not apply to any agency that has not been furnishing consumer reports to third parties on a continuing basis for the 12 months previous to a request. This exclusion is intended to allow credit bureaus that have just begun to fully operate on a nationwide basis (as defined in section 603(p) and (w)) a window of time to ramp up for at least 12 straight months before being subjected to the costs of complying with free requests under this section. The FTC is directed to prescribe regulations preventing consumer reporting agencies from avoiding being treated as an agency defined in section 603(p) by manipulating their corporate structure or consumer records in a manner that allows them to operate with essentially identical activities but for a technical difference.

In addition, the FTC is directed to prepare a model summary of the rights of consumers under the FCRA, including: the right to obtain a free consumer report annually and the method of doing so, the right to dispute information in the consumer's credit file, and the right to obtain a credit score and the method of doing so. The FTC is further directed to actively publicize the availability of the summary of rights, and make the summary available to consumers promptly upon request.

*Section 212. Disclosure of credit scores*

This section establishes a Federal standard governing the provision of credit scores to consumers. Consumer reporting agencies are required to make available to consumers upon request (for a reasonable fee that the FTC shall prescribe) the consumer's current or most recently calculated credit score, as well as the range of scores possible, the top 4 factors that negatively affected the score, the date the score was created, and the name of the company providing the underlying file or score. The disclosure of the top factors is intended to be consistent with the provisions of the Equal Credit Opportunity Act (ECOA) requiring a creditor making an adverse action to disclose the principal reasons in a credit score that most contributed to the adverse action. Credit scores are to be derived from models that are widely distributed in connection with mortgage loans or more general models that assist consumers in understanding credit scoring, and must include a disclosure to the consumer stating that the information and credit scoring model may be different than that used by a particular lender.

Credit scores do not include mortgage scores or automated underwriting systems that consider factors other than credit information, such as loan to value ratio. Consumer reporting agencies that do not distribute credit scores in connection with residential mortgage lending or develop scores in connection with assisting credit providers in understanding a consumer's general credit behavior and predicting the future credit behavior of the consumer are not required to develop or disclose any scores under this section. Consumer reporting agencies that distribute scores developed by others are not required to provide further explanation of them or to process related disputes, other than by providing the consumer with contact information regarding the person who developed the score or its methodology, unless the agency has further developed or modified the score itself. Consumer reporting agencies are not required to maintain credit scores in their files.

If a consumer applies for a mortgage loan, and the mortgage lender uses a credit score in connection with an application by the consumer for a closed end loan or establishment of an open end consumer loan secured by 1 to 4 units of residential real property, then the mortgage lender is required to provide the consumer with a free copy of the consumer's credit score. In addition, the lender must provide a copy of the information on the range of scores possible, the top 4 negative key factors used, the date the score was created, and the name of the company providing the underlying file or score, to the extent that the information is obtained from a consumer reporting agency or developed and used by the lender. A lender is not required to provide a proprietary credit score, but instead may provide a widely distributed credit score for the consumer together with the relevant explanatory information regarding the consumer's credit score. Beyond the information provided to the lender by a third party score provider, the lender is only required to provide a notice to the home loan applicant. This notice

includes the contact information of each agency providing the credit score used, and provides specific language to be disclosed to educate consumers about the use and meaning of their credit scores and how to ensure their accuracy.

A mortgage lender that uses an automated underwriting system to underwrite a loan or otherwise obtains a credit score from someone other than a consumer reporting agency may satisfy their obligation to provide the consumer with a credit score by disclosing a credit score and associated key factors supplied by a consumer reporting agency. However, if the lender uses a numerical credit score generated by an automated underwriting system used by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation or their affiliates, and the score is disclosed to the lender, then that score must be disclosed by the lender to the consumer.

Mortgage lenders are not required by this section to explain the credit score and the related copy of information provided to the consumer, to disclose any information other than the credit score or negative key factor, disclose any credit score or related information obtained by the lender after a loan has closed, provide more than 1 disclosure per loan transaction, or provide an additional score disclosure when another person has already made the disclosure to the consumer for that loan transaction.

The only obligation for a mortgage lender providing a credit score under this section is to provide a copy of the information used and received from the consumer reporting agency. A mortgage lender is not liable for the content of that information or the omission of any information in the report provided by the agency. This section and the requirement for mortgage lenders to provide credit scores do not apply to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation or their affiliates.

Any provision in a contract prohibiting the disclosure of credit scores by a person who makes or arranges loans or a consumer reporting agency is void, and a lender will not have liability under any contractual provision for disclosure of a credit score pursuant to this section.

This section also amends section 605 of the FCRA to provide that if a consumer reporting agency furnishes a consumer report that contains any credit score or other risk score or other predictor, the report must include a clear and conspicuous statement that the number of enquiries was a key factor (as defined in section 609(e)(2)(B)) that adversely affected a credit score or other risk score or predictor if that predictor was in fact one of the key factors that most adversely affected a credit score. This statement will be made in those instances in which the number of enquiries had an influence on the consumer's credit score, and it will thus alert a user of the consumer report when the number of enquiries has had an adverse effect on the consumer's credit score.

This section's technical and conforming amendments clarify the application of certain Federal standards. State laws are preempted with respect to any disclosures required to be made as a result of various provisions of the FACT Act, including the summary of rights to obtain and dispute information in consumer reports and to obtain credit scores, the summary of rights of identity theft victims, providing information to victims of identity theft, and providing credit score and mortgage score disclosures under this section, except for certain State laws governing credit score disclosures that are grandfathered. State laws that regulate the disclosure of credit-based insurance

scores in an insurance activity are similarly not preempted by the requirements of those specific provisions. State laws governing the frequency of credit report disclosures are also preempted, except for certain specific grandfathered laws.

*Section 213. Enhanced disclosure of the means available to opt out of prescreened lists*

This section relates to the disclosure that has to be provided in connection with a prescreened offer of credit or insurance using a consumer's credit report. This section provides that the disclosure must include the address and toll-free number for the consumer to request exclusion from certain prescreened lists and must be presented in a format, type size, and manner that is simple and easy for reasonable consumers to understand. The FTC, in consultation with the Federal banking agencies and the NCUA, shall establish regulatory guidance concerning the format of the disclosure within one year of enactment. The length of time a consumer can request to be excluded from lists for prescreened solicitations is increased by this section from 2 years to 5 years. The FTC is directed to publicize on its website how consumers can opt-out of prescreened offers (including through the telephone number now required) and undertake additional measures to increase public awareness of this right. The Federal Reserve Board is directed to study and report to Congress on the ability of consumers to opt out of receiving unsolicited written offers of credit or insurance and the impact further restrictions on these offers would have on consumers.

*Section 214. Affiliate sharing*

This section adds a new Section 624 to the FCRA creating a uniform national standard for regulating the use and exchange of information by affiliated entities. While affiliates are allowed to share information without limitation, they may not use certain shared information to make certain marketing solicitations without the consumer receiving a notice and an option to opt-out of receiving those solicitations. Specifically, an entity that receives certain consumer report or experience information from an affiliate that would be a "consumer report" except for the FCRA's affiliate sharing exceptions may not use that information to make a marketing solicitation to the consumer about the products or services of that entity, unless it is clearly and conspicuously disclosed to the consumer that information shared among affiliates may be used for marketing purposes and the consumer is given an opportunity and simple method to opt out of those marketing solicitations. The notice must allow the consumer to prohibit those types of marketing solicitations based on that affiliate's information, but also may allow the consumer to choose from different options when opting out.

The opt-out notice may be provided to the consumer together with disclosures required by any other provision of law, such as the Gramm-Leach-Bliley Act or other information sharing notices required under FCRA. This provision (as well as a parallel coordination and consolidation provision in the rulemaking directions to the regulators) is intended to allow an entity to time its notice to a consumer (after the effective date of the regulations) in the next regularly scheduled mailing to that consumer of other legally required notices. This coordination and consolidation is intended to reduce consumer confusion and avoid duplicative notices and disclosures.

The consumer's election to opt out is effective for at least five years, beginning on the date the person receives the consumer's election, unless the consumer revokes the opt

out or requests a different mutually agreeable period. After the expiration of the five-year period, the consumer must receive another notice and similar opt-out opportunity before the affiliate can send another covered marketing solicitation to the consumer.

There are a number of exceptions to the limitations on the use of affiliate information for marketing solicitations, where notice and opt out are not required. For example, the notice and opt-out do not apply to an entity using affiliate information to make a marketing solicitation to a consumer if the entity already has a pre-existing business relationship with that consumer. An entity that has a pre-existing business relationship with the consumer can send a marketing solicitation to that consumer on its own behalf or on behalf of another affiliate. For the purposes of determining a pre-existing business relationship, an entity and the entity's licensed agent (such as an insurance or securities agent or broker) are treated as a single entity, with the pre-existing business relationships of one imputed to the other.

A pre-existing business relationship exists between an entity and a consumer when, within the previous 18 months, the consumer has purchased, rented, or leased goods or services from the entity, or where some other continuing relationship exists between the consumer and the entity—for example where a financial transaction has been made with respect to the consumer, where the consumer has an active account (such as an unexpired credit card), or where the consumer has an in-force policy or contract. The term "active account" is intended to include any account where continuing legal obligations are in-force (such as a multi-year certificate of deposit) or for which a consumer regularly or periodically receives statements (even if there have been no recent transactions) such as a securities brokerage, bank, or variable annuity account. A pre-existing business relationship also exists when the consumer makes an inquiry or application regarding the entity's products or services during the three-month period immediately preceding the date on which the consumer is sent a solicitation. The financial functional regulators and the FTC are allowed to create further categories of pre-existing business relationships, which is in part intended to build upon the extensive recognition of customer relationships in existing regulations and guidance issued by the regulators under the Gramm-Leach-Bliley Act.

In addition to the pre-existing relationship exception, the notice and opt-out requirements do not apply to a person using information to facilitate communications with an individual for whose benefit the person provides employee benefit or other services pursuant to a contract with an employer related to and arising out of the current employment relationship of the individual participant or beneficiary of an employee benefit plan. The requirements also do not apply to the use of affiliate information to perform services on behalf of an affiliate, unless the affiliate could not send the solicitation itself because of a consumer opt out. Thus, an affiliate cannot act as a servicer for another affiliate and send out solicitations for its own products or services to a consumer who has opted out of receiving such solicitations. However, an entity can send a marketing solicitation on behalf of an affiliate that has a pre-existing business relationship with the consumer regarding the products or services of that affiliate or another affiliate. Furthermore, the notice and opt-out do not apply to a person using information in response to a communication initiated by the consumer, to a consumer request about a product or service, or to solicitations authorized or requested by the consumer. Additionally, the

notice and opt-out are not required where they would conflict with any provision of State insurance law related to unfair discrimination. This last exception is in part intended to enable insurers and agents to continue full compliance nationwide with State laws prohibiting insurers from discriminating against similar risks or placing similar risks in different rating programs, laws that provide for "mutual exclusivity", and "best rate" laws that may require insurers to provide customers with the best qualified rates from among their affiliated entities.

These provisions governing the exchange and use of information among affiliates do not apply to information used to make marketing solicitations if that information was shared into a common database or received by any individual affiliate before the effective date of the regulations implementing this section. Furthermore, the section makes clear that any State law that relates to the exchange and use of information to make a solicitation for marketing purposes is preempted.

The Federal banking agencies, the NCUA, the Securities and Exchange Commission (SEC), and the FTC are directed to prescribe regulations to implement this new section. To the extent that the section is applicable to insurers, it is intended that any enforcement of FCRA would continue to be performed by the State insurance departments. The Federal agencies also must jointly conduct regular studies of the information sharing practices of affiliates of financial institutions and other persons who are creditors or users of consumer reports to examine how that information is used to make credit underwriting decisions regarding consumers.

Finally, the section includes a technical and conforming amendment to Section 603(d)(2)(A) of the FCRA. This amendment is simply intended to integrate the new Section 624 into the FCRA and does not affect the definition of a "consumer report."

*Section 215. Study of the effects of credit scores and credit-based insurance scores on availability and affordability of financial products.*

Section 215 requires the FTC and the Board to study the use of credit scores and credit-based insurance scores on the availability and affordability of financial products.

*Section 216. Disposal of consumer credit information*

Section 216 directs the Federal banking agencies, the NCUA, the SEC and the FTC to issue regulations requiring the appropriate classes of persons that maintain or possess consumer information "derived" from credit reports to properly dispose of such records. The provision clarifies that it does not apply to other types of information (other than consumer report information) and does not impose an obligation to maintain or destroy any information that is not imposed under other laws. The provision does not alter or affect any such requirement, either.

#### TITLE III—ENHANCING THE ACCURACY OF CONSUMER REPORT INFORMATION

*Section 311. Risk-based pricing notice*

This section establishes a new notice requirement for creditors that use consumer report information in connection with a risk-based credit underwriting process for new credit customers. If a creditor grants credit to a new credit customer "on material terms that are materially less favorable than the most favorable terms available to a substantial proportion of [the creditor's other new] consumers" based on information from a consumer report, the creditor must give the consumer a notice stating that the terms offered to the consumer are based on infor-

mation from a consumer report. Nothing in the section, however, precludes a creditor from providing such a notice to all of its new credit customers, such as in a loan approval letter or other communication that the credit has been granted. Such a notice is not required, however, if the consumer applied for specific material terms and was granted those terms and those terms are not changed after the consumer responds to the credit offer. Also, such a notice is not required if the person has provided or will provide an adverse action notice pursuant to section 615(a) of the FCRA in connection with an application that is declined. In addition, the creditor is provided with flexibility in the timing of providing such notice, which can be given to the consumer at the time of application for credit or, at communication of loan approval, except where the regulations issued under this section specifically require otherwise.

The notice is intended to be a concise notice that includes: a statement that the terms offered are based on information from a consumer report; the name of a consumer reporting agency used by the creditor; a statement that the consumer may receive a free consumer report from that consumer reporting agency; and the consumer reporting agency's contact information for obtaining a free credit report. The creditor is not required to tell the consumer that it has taken or may take any unfavorable action, only that it used or will use credit reporting information in the underwriting process.

The FTC and FRB are directed to jointly prescribe rules to carry out this section. The rules are to address the form, content, time and manner of delivery of the notice; the meaning of the terms used in the section; exceptions to the notice requirement; and a model notice. The section provides creditors with a safe harbor if they maintain reasonable policies and procedures for compliance, and the section is only subject to administrative enforcement by the appropriate Federal agencies.

This section also adds a national uniformity provision prohibiting any State from imposing a requirement or prohibition relating to the duties of users of consumer reports to provide notice with respect to certain credit transactions.

*Section 312. Procedures to enhance the accuracy and integrity of information furnished to consumer reporting agencies*

This section directs the Federal banking agencies, the NCUA and the FTC, with respect to entities subject to their respective enforcement authority and in consultation and coordination with one another, to establish and maintain guidelines for use by furnishers to enhance the accuracy and integrity of the information they furnish to consumer reporting agencies. "Accuracy and integrity" was selected as the relevant standard, rather than "accuracy and completeness" as used in sections 313 and 319, to focus on the quality of the information furnished rather than the completeness of the information furnished. The agencies also are directed to prescribe regulations requiring furnishers to establish reasonable policies and procedures for implementing the new guidelines. In developing the guidelines, the agencies are instructed to: identify patterns, practices and specific forms of activity that can compromise the accuracy and integrity of the information furnished; review the methods used to furnish information; determine whether furnishers maintain and enforce policies to assure the accuracy and integrity of information furnished to consumer reporting agencies; and examine the policies and processes that furnishers employ to conduct investigations and correct inaccurate information.

In addition, this section modifies the standard in the FCRA regarding the duty of furnishers to provide accurate information. The FCRA prohibits furnishers from reporting information with knowledge that it is not accurate. The standard in section 623(a)(1) of the FCRA, "knows or consciously avoids knowing that the information is inaccurate," is amended to "knows or has reasonable cause to believe that the information is inaccurate." This section defines the new standard, "knows or has reasonable cause to believe that the information is inaccurate," to mean "having specific knowledge, other than solely allegations by the consumer, that would cause a reasonable person to have substantial doubts about the accuracy of the information."

This section also enables a consumer to dispute the accuracy of the information furnished to a nationwide consumer reporting agency directly with a furnisher under certain circumstances. Specifically, the Federal banking agencies, the NCUA and the FTC are required to jointly prescribe regulations that identify the circumstances under which a furnisher is required to reinvestigate a dispute concerning the accuracy of information contained in a consumer report, based on the consumer's request submitted directly to the furnisher, rather than through the consumer reporting agency. While the section authorizes a consumer to submit a dispute directly to a furnisher, it is not to be used by credit repair clinics to submit disputes on behalf of one or more consumers.

In developing the regulations required by this section, the regulators are directed to weigh the benefits to consumers against the costs on furnishers and the credit reporting system; the impact on the overall accuracy and integrity of consumer reports of requiring furnishers to reinvestigate disputes brought directly by consumers; whether direct contact by the consumer with the furnisher would likely result in the most expeditious resolution of any such dispute; and the potential impact on the credit reporting system if credit repair organizations are able to circumvent the prohibition on their submission of disputes on behalf of one or more consumers.

A consumer who seeks to dispute the accuracy of information directly with a furnisher must: provide a dispute notice directly to such person at the mailing address specified by the person; identify the specific information disputed; explain the basis for the dispute; and include all supporting documentation required by the furnisher to substantiate the basis of the dispute. Upon receipt of a consumer's notice of dispute, the furnisher has specified responsibilities. The furnisher must: conduct an investigation of the disputed information; review all relevant information provided by the consumer with the notice; and complete the investigation and report the results to the consumer before the expiration of the period under section 611(a)(1) "within which a consumer reporting agency would be required to complete its action if the consumer had elected to dispute the information under that section." Accordingly, for example, where the agency would have 30 days to complete the investigation of disputes regarding a consumer report obtained by the consumer following receipt of an adverse action notice, the furnisher would have 30 days as well. Similarly, where the consumer reporting agency has 45 days to complete a reinvestigation of a consumer dispute because the consumer has requested a consumer report through the centralized system under section 612, a furnisher also would have the 45 days to complete an investigation if the consumer has requested a consumer report through the centralized system and then disputed information on that consumer report directly with the furnisher. In

addition, if the investigation finds that the information reported was inaccurate, the furnisher must promptly notify each consumer reporting agency to which information was furnished and provide the agency with any correction necessary to make the information accurate.

The furnisher requirements do not apply if the person receiving a notice of a dispute directly from a consumer reasonably determines that the dispute is frivolous or irrelevant. Upon making such a determination, the person must notify the consumer of this determination within five business days after making the determination, by mail, or if authorized by the consumer for that purpose, by any other means available to the person. The notice provided to the consumer must include the reasons for the determination, and identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of the information.

This section also amends section 623(a)(5) of the FCRA to provide that a person that furnishes information to a consumer reporting agency regarding a delinquent account may rely upon the date provided by the entity to whom the account was owed at the time that the delinquency occurred, so long as a consumer has not disputed such information.

Section 623 of the FCRA also is amended to clarify liability and enforcement under the FCRA. Specifically, the new requirements imposed upon furnishers of information are subject to administrative enforcement, not private rights of action. Section 623 is amended by providing that "Except as provided in section 621(c)(1)(B), sections 616 and 617 do not apply to any violation of" the furnisher responsibilities under section 623(a), the accuracy guidelines and regulations under section 623(e) and the red flag guidelines and regulations and the requirements dealing with the prohibition of the sale or transfer of a debt caused by identity theft under sections 615(e) or (f) respectively. As a result, the various sections cited in section 312(e) will be subject to the administrative enforcement mechanisms provided under the FCRA, and such mechanisms represent the exclusive remedy for violations of such sections. A similar rule applies to any other section of the legislation that limits enforcement remedies to those administrative remedies set forth under the FCRA, including section 151, which adds a new section 609(e) relating to assistance to identity theft victims.

#### *Section 313. FTC and consumer reporting agency action concerning complaints*

This section directs the FTC to compile a record of complaints against nationwide consumer reporting agencies. If a complaint is received by the FTC about the accuracy or completeness of information maintained by a consumer reporting agency, the FTC must transmit the complaint to the consumer reporting agency for response. Each nationwide consumer reporting agency under section 603(p) that receives a complaint from the FTC must: review the complaint to determine if the agency has met all legal obligations imposed under the FCRA; report to the FTC the determinations and actions taken by the agency with respect to the complaint; and maintain, for a reasonable time, records regarding the disposition of such complaint in a manner sufficient to demonstrate compliance with the FCRA.

In addition, the FTC and the Board are directed to study and report jointly on the performance of consumer reporting agencies and furnishers of credit reporting information in complying with the FCRA's proce-

dures and time frames for the prompt investigation and correction of disputed information in a consumer's credit file.

#### *Section 314. Improved disclosure of the results of reinvestigation*

This section amends sections 611 and 623 of the FCRA to require consumer reporting agencies to promptly delete information from a consumer's file, or modify that item of information as appropriate, if the information is found to be inaccurate, and to promptly notify the furnisher of that information that the information has been modified or deleted from the consumer's file. In addition, this section requires that furnishers, upon completion of a reinvestigation, if the information is found to be inaccurate or incomplete or cannot be verified, must, for purposes of subsequently reporting to a consumer reporting agency, modify the item of information, delete the information, or block the reporting of the information.

#### *Section 315. Reconciling addresses*

This section amends section 605 of the FCRA to require a nationwide consumer reporting agency under section 603(p), when it provides a consumer report, to inform the user requesting that report if the request received from the user includes an address for the consumer that substantially differs from the addresses in the file of the consumer. The Federal banking agencies, the NCUA and the FTC are directed to prescribe regulations regarding reasonable policies and procedures that users of consumer reports within the agencies' respective enforcement jurisdiction should employ when they receive notice of an address discrepancy. These regulations are to describe reasonable policies and procedures that a user may employ to form a reasonable belief that the user knows the identity of the person to whom the consumer report pertains and, if the user establishes a continuing relationship with the consumer, to furnish the consumer reporting agency with the appropriate address, as part of information that the user regularly furnishes for the period in which the relationship is established.

#### *Section 316. Notice of dispute through reseller*

This section amends section 611 of the FCRA to require consumer reporting agencies to reinvestigate consumer disputes forwarded to them by resellers of consumer reports. Furthermore, if a reseller receives notice from a consumer of a dispute concerning the accuracy or completeness of any item of information contained in a consumer report, the reseller must, within five business days and free of charge, determine the accuracy or completeness of the information in question and either correct or delete it, if it is the reseller's error, within 20 days after receiving the notice, or convey the notice of dispute with any relevant information to each consumer reporting agency that provided the information that is the subject of the dispute, if the error is not the reseller's. In the latter circumstance, the consumer reporting agency must report the results of its reinvestigation to the reseller that conveyed the notice, and the reseller must then re-convey the notice to the consumer immediately.

#### *Section 317. Reasonable reinvestigation required*

This section amends section 611 of the FCRA to provide that when a consumer disputes the accuracy of information contained in a consumer report, the consumer reporting agency that prepared the report must conduct a reasonable investigation free of charge to determine whether the disputed information is inaccurate.

#### *Section 318. FTC study of issues relating to the Fair Credit Reporting Act*

This section requires the FTC to study and report to Congress within one of the date of enactment of the FACT Act on ways to improve the operation of the FCRA. The FTC is directed to study and report on: the efficacy of increasing the number of points of identifying information that a credit reporting agency must match before releasing a consumer report; the extent to which requiring additional points of identifying information to match would enhance the accuracy of credit reports and combat the provision of incorrect consumer reports to users; the extent to which requiring an exact match of first and last name, social security number and address and ZIP Code of the consumer would enhance the likelihood of increasing the accuracy of credit reports; and the effects of allowing consumer reporting agencies to use partial matches of social security numbers and name recognition software. The FTC also must report on the impact of providing independent notification to consumers when negative information is included in their credit reports, and to consider the effects of requiring that consumers who experience adverse actions receive a copy of the same credit report used by the creditor in taking the adverse action. Finally, the FTC is to study and report on common financial transactions not generally reported to consumer reporting agencies that may bear on creditworthiness, and possible actions to encourage the reporting of such transactions within a voluntary system.

#### *Section 319. FTC study of the accuracy of consumer reports*

This section directs the FTC to conduct an ongoing study of the accuracy and completeness of information contained in consumer reports, and to submit interim reports and a final report to Congress on its findings and conclusions, together with recommendations for legislative and administrative action.

#### TITLE IV—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

#### *Section 411. Protection of medical information in the financial system*

Section 411 amends section 604 of the FCRA to generally prohibit a consumer reporting agency from providing credit reports that contain medical information for employment purposes or in connection with a credit or insurance transaction (including annuities). Medical information may be included in a report as part of an insurance transaction only with the consumer's affirmative consent. Medical information may be included in a report for employment or credit purposes only where the information is relevant for purposes of processing or approving employment or credit requested by the consumer and the consumer has provided specific written consent, or if the information meets certain specific requirements and is restricted or reported using codes that do not identify or infer the specific provider or nature of the services, products, or devices to anyone other than the consumer.

In general, creditors are prohibited from obtaining or using medical information in connection with any determination of a consumer's eligibility for credit. Certain exceptions are provided where authorized by Federal law, for insurance activities (including annuities), and where determined to be necessary and appropriate by a regulation or order of the FTC or a financial regulator (including the State insurance authorities). Any person who receives medical information through any of the exceptions of this section is prohibited from further disclosure

of the information to any other person, except as necessary to carry out the purpose for which it was originally disclosed or as otherwise permitted by law. The Federal banking agencies and the NCUA are directed to prescribe regulations that are necessary and appropriate to protect legitimate business needs with respect to the use of medical information in the credit granting process, including allowing appropriate sharing for verifying certain transactions as well as for debt cancellation contracts, debt suspension agreements, and credit insurance that are generally not intended to be restricted by this provision.

This section further amends section 603(d) of the FCRA to restrict the disclosure among affiliates of consumer reports that are medical information except as provided in the exceptions above. Specifically, the exclusions from the term "consumer report" in section 603(d)(2) (e.g., sharing among affiliates of transaction and experience information) do not apply if the information is medical information, an individualized list or description based specifically on the payment transactions of the consumer for medical products and services, or an aggregate list of consumers identified based on their payment transactions for medical products or services. The section also creates a new definition for the term "medical information", defining it as information derived through a health care provider with respect to an individual consumer relating to the individual's past, present, or future physical, mental, or behavioral health, the provision of health care to the individual, or the payment for the provision of health care to the individual. The definition specifically excludes information that is age, gender, demographic information (including addresses), or other information unrelated to the individual consumer's physical, mental, or behavioral health.

*Section 412. Confidentiality of medical contact information in consumer reports*

Section 412 requires furnishers whose primary business is providing medical services, products, or devices to notify the consumer reporting agencies of their status as a medical information furnisher for purposes of compliance with the medical information coding requirements. Once an entity notifies a consumer reporting agency of its status as a medical information furnisher, the agency may not include in a consumer report the furnisher's name, address, or telephone number unless that contact information is encoded in a manner that does not identify or infer to anyone other than the consumer the specific company or the nature of the medical services, products, or devices provided. An exception is provided for consumer reports provided to insurance companies for insurance activities (including annuities) other than property and casualty insurance. The encoding requirement for medical information furnisher contact information applies regardless of the dollar amounts involved.

**TITLE V—FINANCIAL LITERACY AND EDUCATION IMPROVEMENT**

*Section 511. Short title*

This section establishes the short title of "Financial Literacy and Education Improvement Act."

*Section 512. Definitions*

This section defines the terms "Chairperson" and "Commission" for purposes of this title.

*Section 513. Establishment of Financial Literacy and Education Commission*

This section establishes the Financial Literacy and Education Commission with the

Secretary of the Treasury as the Chairperson. The section sets forth the membership of the Commission to include federal agencies with significant financial literacy programs, and authorizes the President to designate up to five additional members. The Commission is required to meet at least once every four months and all such meetings shall be open to the public. The initial meeting shall take place not later than 60 days after the date of enactment of the FACT Act.

*Section 514. Duties of the Commission*

This section sets forth the duties of the Commission to, among other things, review financial literacy and education efforts throughout the federal government; to identify and eliminate duplicative federal financial literacy efforts; to coordinate the promotion of federal financial literacy efforts including outreach between federal, state and local governments, non-profit organizations and private enterprises; to increase awareness and improve development and distribution of multilingual financial literacy and education materials; to improve financial literacy and education through all other related skills, including personal finance and related economic education; to develop and implement within 18 months a national strategy to promote financial literacy and education among all Americans; and to issue a report, the Strategy for Assuring Financial Empowerment ("SAFE Strategy"), to Congress within the first 18 months of the Commission's first meeting and annually thereafter, on the progress of the Commission in carrying out this title. The Commission also shall establish a website and a toll-free number as a one-stop-shop for all federal financial literacy programs. The Commission's Chairperson is required to provide annual testimony to the relevant congressional committees.

*Section 515. Powers of the Commission*

This section authorizes the Commission to hold hearings and receive testimony as necessary to carry out the title; to receive information directly from any Federal department or agency; to undertake periodic studies regarding the state of financial literacy; and to take any action to develop and promote financial literacy and education materials in languages other than English, as the Commission deems appropriate.

*Section 516. Commission personnel matters*

This section provides that members of the Commission shall serve without compensation in addition to that received for their primary duties, however, the Commission may pay for travel expenses of members for official duties of the Commission. In addition, the Director of the Office of Financial Education of the Treasury Department shall provide assistance to the Commission. The section also permits federal employees to be detailed to the Commission.

*Section 517. Studies by the Comptroller General*

This section mandates that the General Accounting Office (GAO) submit a report to Congress not later than 3 years after the date of enactment of the FACT Act on the effectiveness of the Commission, and conduct a separate study to assess the extent of consumers' knowledge and awareness of credit reports, credit scores, and the dispute resolution process, and on methods for improving financial literacy. The GAO is required to report the findings and conclusions of this study to Congress within a year of the date of enactment.

*Section 518. The national public service multimedia campaign to enhance the state of financial literacy*

This section directs the Secretary of the Treasury, after review of the recommenda-

tions of the Financial Literacy and Education Commission, to develop, in consultation with nonprofit, public, or private organizations, a pilot national public service multimedia campaign to enhance the state of financial literacy and education in the U.S. The campaign is required to be consistent with the national strategy developed pursuant to section 514, and to promote the toll-free telephone and the website required by that section.

The Secretary shall develop measures to evaluate the performance of the public service campaign for each fiscal year for which there are appropriations, and shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives, describing the status and implementation of the provisions of this section and the state of financial literacy and education in the United States. Appropriations of \$3 million are authorized for fiscal years 2004, 2005, and 2006, for the development, production, and distribution of the pilot national public service multimedia campaign.

*Section 519. Authorization of appropriations*

This section authorizes appropriations to the Commission of such sums as may be necessary to carry out this title, including administrative expenses.

**TITLE VI—PROTECTING EMPLOYEE MISCONDUCT INVESTIGATIONS**

*Section 611. Certain employee investigation communications excluded from definition of consumer report*

This title amends section 603 of the FCRA to provide that communications to an employer by an outside third party retained to investigate suspected workplace misconduct or compliance with legal requirements or with the employer's preexisting written policies do not constitute a "consumer report" for purposes of the FCRA. This provision is intended to address the ill effects of certain regulatory guidance issued by the FTC staff in 1999 that had the unintended consequence of deterring employers from using outside firms to investigate alleged employee misconduct, including racial discrimination and sexual harassment claims. Employers that take an adverse action based on the communication by the outside investigative agency, however, continue to be required to disclose to the employee a summary of the nature and substance of the communication, although certain sources of information are protected from disclosure. In particular, the disclosure duty is not intended to require violation of any confidentiality obligations, such as confidentiality requirements regarding an individual's medical or other private information (social security number, home residence, etc.), or privileges, such as doctor-patient, attorney-client, or state secrets.

**TITLE VII—RELATION TO STATE LAWS**

*Section 711. Relation to state laws*

Section 711 eliminates the January 1, 2004 sunset of the uniform national consumer protection standards contained in current law and makes those preemptions permanent. It also clarifies that all of the new consumer protections added by the FACT Act are intended to be uniform national standards, by enumerating as additional preemptions the 11 new provisions of the FACT Act that do not contain specific preemptions in those sections. Specifically, the section establishes national uniform standards and preempts State law with respect to the truncation of credit card and debit card numbers (113), establishing fraud alerts (112), blocking information resulting from identity theft

(152), truncating social security numbers on consumer reports given to consumers (115), providing free annual disclosures (211) (in addition to the preemption for disclosures provided under section 212), any consumer protections addressed under the red flag guidelines (114), prohibiting the transfer of debt caused by identity theft (154), notice by debt collectors with respect to fraudulent information (155), coordination of identity theft complaints by consumer reporting agencies (153), duties of furnishers to prevent furnishing of blocked information (154), and the disposal of consumer report information (216). Under this new preemption provision, no state or local jurisdiction may add to, alter, or affect the rules established by the statute or regulations thereunder in any of these areas. All of the statutory and regulatory provisions establishing rules and requirements governing the conduct of any person in these specified areas are governed solely by federal law and any State action that attempts to impose requirements or prohibitions in these areas would be preempted. This section also clarifies that with respect to any State laws for the prevention or mitigation of identity theft that address conduct other than those for which a national uniform standard is created under FCRA, those laws are not preempted to the extent they are not inconsistent with FCRA.

#### TITLE VIII—MISCELLANEOUS

##### Section 811. Clerical amendments

Section 811 makes a number of technical and clerical amendments.

#### HONORING THE MEMORY OF THE HON. DEVON WIGGINS

##### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. BONNER. Mr. Speaker, Escambia County, AL, and indeed the entire First Congressional District, recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Judge Devon Wiggins was a devoted family man and dedicated public servant throughout his entire life. Following a lengthy tenure on the Escambia County Commission, twelve years of which he spent as the commission chairman, Judge Wiggins was elected to the position of Judge of Probate, a position he held until his retirement three years ago. Throughout his professional career, he was dedicated to bringing better opportunities to all the residents of Escambia County and was a tireless advocate for local business and industry. He also was dedicated to making himself and other county offices as accessible as possible to the general public and, through his efforts, garnered the respect and admiration of many individuals in both the public and private sectors.

As a small business owner in Brewton, Alabama, Judge Wiggins was extremely familiar with the challenges and goals of running a successful business and providing employment opportunities for hardworking men and women. It was this background and his tremendous work ethic which became hallmarks of his career in public office and which marked his efforts on behalf of all residents of Escambia County.

Judge Wiggins was also actively involved in his community, participating in church-related

organizations and taking a leadership role in the activities of the Brewton Lions Club. His devotion to his fellow man was unmatched, and I do not think there will ever be a full accounting of the many people he helped over the course of his lifetime.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for Escambia County, Alabama. Judge Wiggins will be deeply missed by his family—his wife, Nell Wiggins, his daughters, Dawn Wiggins Hare, Donna Wiggins Schlager, and Daphne Wiggins Martin, his son, Maxwell Devon Wiggins, and his six grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

#### TRIBUTE TO ROSS FISCHER

##### HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. BUYER. Mr. Speaker, one of the most rewarding aspects of representing Indiana's Fourth District is to have the opportunity to honor outstanding Hoosiers for his or her contributions to the community, State, and Nation.

For over fifty years, Ross Fischer has been the owner and President of McCord Auto Supply in Monticello, Indiana. McCord is the largest distributor of flotation tires in the world—a device of which Ross was instrumental in its design and development.

Ross Fischer was born in 1931 and grew up on a farm in Cissna Park, Illinois. He attended Possum Trot, a one-room schoolhouse.

He served in the United States Army, from 1952–1955 as the Squad Leader in the Alaskan Recoiless Rifle Regiment.

Throughout his over 40 years in Monticello, he has never forgotten his beginnings and it shows everyday in his treatment and compassion of others. Ross has made enormous contributions to the city, including providing free tire repairs to the community after a 1974 tornado. He is a member and supporter of the American Legion, the John Purdue Club, and the Monticello Jaycees and also sits on the Board of the White County Airport.

He and his wife Beverly are the parents of three daughters—Jo Anna, De Anna, Anna Lyn, as well as grandparents to seven grandchildren.

On the eve of his retirement from McCord, as well as his 49th wedding anniversary, I salute Ross Fischer for his dedication to family, community and the State of Indiana.

#### HONORING RANDY STRUCKOFF OF GRINNELL, KANSAS

##### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. MORAN of Kansas. Mr. Speaker, I rise today to honor a devoted member of the Grinnell, Kansas community, Randy Struckoff.

Coach Randy, as he is affectionately called, has become one of the most well known sports fans in Northwest Kansas. At every game in the Grinnell high school gymnasium,

Coach Randy always sits at the end of the score table, right next to the home team's bench. On December 19th, USD 291, the Grinnell Public School District, will honor Coach Randy by dedicating the high school's brand new score table to him.

A life-long resident of Grinnell, Coach Randy has touched the lives of all who have had the opportunity to know him. Although born with a mental handicap, he has never let that challenge get him down. Randy has a smile on his face year-round, and his bright spirit helps to carry Grinnell sports teams through hard times and add to their joy during the good times.

Coach Randy's love for his community, its schools, and its youth is visible to everyone around him. Whether he is helping to coach, officiate, lead cheers, or do all three at once, Coach Randy gives his heart and soul in supporting the coaches, students, and entire community. During the playing of the national anthem at any sporting event in Grinnell, Coach Randy stands at rapt attention, singing along with every word. He is present during every sports season, through summer league baseball and softball, football and volleyball in the fall, basketball in winter, and track in the spring.

I join Grinnell, Kansas in thanking Coach Randy for all of his encouragement and his dedication to the community.

#### HONORING THE LIFE OF BARBER B. CONABLE, JR.

##### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. REYNOLDS. Mr. Speaker, I rise before the House of Representatives today in remembrance of a great man who once served in Congress—former Representative Barber B. Conable, Jr. During his twenty years in Congress he represented both his constituents and this institution with grace and integrity. Regardless of where his service led him, Barber always remained true to his Western New York roots.

While he distinguished himself as a Member of Congress and earned the respect of colleagues on both sides of the aisle, Barber was also notable for his esteemed academic career, his professional knowledge on a wide variety of issues from taxes to Social Security, and his willingness to tackle any problem head on. Always lending a helping hand was a signature trait of Barber's; he never let partisanship get in the way of progress.

Barber Conable was the best example of what a public servant ought to be. He loved his country, his community and his family, never straying from the strong values he was raised on. His genuine sophistication as a legislator came so effortlessly, revealing the compassion and unselfishness that was a hallmark of his public service.

In devoting his life to serving others, Barber exemplified loyalty to his country as a veteran of both World War II and the Korean War. With a thirst for knowledge, Barber shared his experiences when he taught at the University of Rochester and later went on to become President of the World Bank. Though no matter what national or global stage he was on,

his commitment to the community never waned as he joined countless local boards and organizations over the years.

As a fellow Member of Congress, Barber was the model representative we should all aspire to. As a fellow Western New Yorker, I strive to serve the region with the same humility and regard Barber once did. The legacy of his warmth and generosity will live on in those who had the pleasure of knowing him. He will always be remembered as a true leader and a true friend. Like the many others fortunate to call Barber Conable a friend, I will miss him dearly.

IN SUPPORT OF THE AIR FORCE  
ACADEMY

**HON. HENRY BONILLA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. BONILLA. Mr. Speaker, I ask to enter the editorial "Aiming High: Academy Still Soars Above Rivals in Terms of Academics and Research Work," which appeared in the Colorado Springs Gazette on October 30, 2003, into the CONGRESSIONAL RECORD.

AIMING HIGH: ACADEMY STILL SOARS ABOVE  
RIVALS IN TERMS OF ACADEMICS AND RESEARCH WORK

Wednesday in this space we dabbled in the negative, wrestling with some of the continuing fallout from the Air Force Academy sex scandal. Today we accentuate the positive, mindful, as we all should be, that the occasionally disheartening headlines we see concerning the academy hardly present a fair and balanced reflection of what remains one of the nation's premier military and academic institutions.

What brings this to mind is a document that landed on our desk this week, the school's "Annual research Report," which will be distributed to the four-star and invited three-star generals attending next week's Corona Conference at the academy. While not something the academy is attempting to spoon-feed the media in an effort to polish its reputation, the report catalogs some truly impressive accomplishments out at the academy—in part a result of the leadership shown by the dean of faculty since 1998, Brig. Gen. David A. Wagie.

Wagie, as readers may be aware, last month was singled out for special criticism by the Fowler Commission, a congressionally appointed panel responsible for the latest regurgitation of the academy sex scandal. Its report suggested that Wagie hadn't been held accountable for problems that occurred during his tenure. And that's led to speculation that Wagie could be the next Air Force official invited to fall on his sword to assuage Washington witch hunters. But by at least one critical measure of performance—the school's academics—the general seems to have been doing an outstanding job.

The school's academic environment in recent years consistently has been ranked among the nation's best by the Princeton review. In 2000, the academy earned the review's top ranking for providing the best overall academic experience for undergraduates; and it tied for third in that category in 2001, 2002 and 2003. Last year the school also took top honors in terms of professor accessibility, the study habits of students and the excellence of its library. FAA's undergraduate engineering program was ranked fourth best in the nation by U.S. News &

World Report in 2000, 2001 and 2002; and sixth in the nation in 2003.

We read a lot these days about cadet surveys, mostly revolving around the school's sexual climate or reform efforts. But in another survey, the National survey of Student Engagement, fourth-class and first-class cadets in 2002 ranked the school highly in terms of academic challenge, active and collaborative learning, student-faculty interactions and a supportive campus environment.

During his tenure, Wagie has brought the academy into its own as a top-flight research university. Funding for research has quintupled since 1997, from \$2.6 million to \$123 million this year, collaborative research work with private companies, universities and federal agencies has increased, and five new research centers have been added, engaging the talents of 887 faculty or staff and 230 students.

And the research has real world relevance for the Air Force and the nation. One team of academy researchers solved a battery problem plaguing the unmanned serial vehicles playing such an important role in the war on terror, doubling the air-crafts's range and greatly reducing battery costs. And they did it in less than two months. The school also in the past year provided high performance computing supporting addressing stability problems that have plagued the V-22 tilt-rotor aircraft program, and helped enhance the capabilities of C-130 "Commando Solo" aircraft, which handle psychological operations and civil affairs broadcast missions in Iraq, Afghanistan and elsewhere around the world.

In spite of being buffeted by occasionally ugly news, it's clear that on at least one important front—academics—Wagie and the academy continue to soar high above most other U.S. institutions of higher learning.

TRIBUTE TO MAYOR PAUL TAUER

**HON. THOMAS G. TANCREDO**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. TANCREDO. Mr. Speaker, profound political change has come to Aurora, Colorado, and that change provides an opportunity to reflect on the contributions of Mayor Paul Tauer and City Councilors Barb Cleland, Bob LeGare, Bob Perosky and Dave Williams.

These dedicated public servants had a profound impact on a growing and vibrant city. Aurora has grown dramatically and it is now one of the largest city in the nation—indeed people now refer to the Denver-Aurora Metro area. Aurora's population is approaching 300,000, or almost the size of Buffalo, New York and St. Paul, Minnesota. During this period of rapid growth, these civic leaders insured that services kept pace with growth, and that growth met the needs of the residents.

Few people contributed more to this process than the outgoing Mayor Paul Tauer. He served as Mayor from 1987 to 2003, and sat on the city council for eight years prior to his election as Mayor. During his tenure, the face of the city was literally reconfigured to respond to the demands of the 21st century.

During the Mayor's tenure Fitzsimmons Army Medical Center was closed and it was replaced by the largest medical facility between Chicago and California. The former Fitzsimmons campus is now home to the University of Colorado's Health Science Center,

the University Hospital, the Lion's Eye Bank, the University Physicians HMO and a large and growing biotechnology research park which has become a magnet for research and development firms in the Rocky Mountain Region. Soon the former Fitzsimmons campus will be the location of a new Denver Children's Hospital and a new Veterans Administration Hospital, replacing the antiquated facility in Denver. The Fitzsimmons campus will employ more than 30,000 people and generate untold millions in revenue.

The phenomenon of Fitzsimmons was not the only notable development contributing to the increasing dynamism of Aurora. Buckley Air National Guard Base became Buckley Air Force Base, a new facility of the Air Force Space Command. Ongoing growth at Buckley is likely to continue as the role of space-based defense in our national security grows to meet the requirements of military transformation and the war on terror. It was Mayor Tauer who worked actively with the Air Force to make the new base a reality ensuring that the requirements for national security were balanced against the requirements of a growing urban community.

Mayor Tauer also presided over the redevelopment of "original" Aurora and development of the Southeast area of the city. This revitalization was accomplished by a city-wide growth management plan which created realistic, yet forward-looking standards for "quality" and "smart" growth. Aurora's implementation for these policies has won widespread recognition for its excellence.

Perhaps in no area was Mayor Tauer's foresight more evident than his leadership on water resource issues. During his time in office Aurora has acquired new water resources, increased distribution and treatment facilities and implemented innovative recycling and drought management policies. The result has been an effective doubling of water system capacity. Among his most notable achievements was forging an agreement with the Department of Interior's Bureau of Reclamation that ensured the city's storage facility in the Bureau's Pueblo Reservoir. I am currently working with Representatives BEAUPREZ and HEFLEY to codify that agreement in federal law.

Mr. Speaker, Mayor Tauer has been the force that has given shape, form and a distinctive identity to Aurora. Nowhere is this more evident than in the new Aurora Municipal center. The new urban core of the city includes a recently opened municipal building, public safety building, a central library and museum. Together, they constitute the virtual center of this increasingly urbane metropolis. This distinctive city locus took shape during the tenure of Mayor Tauer.

Paul Tauer did not do it alone. Working with him for growth and progress in Aurora was an exceptional cadre of city councilors whose vision and understanding contributed mightily to the city.

Barb Cleland served on the council for two decades and focused on insuring that public safety and public services in Aurora were unrivaled. An early advocate of victims' rights, her leadership and influence extended beyond Aurora to the National League of Cities and other municipal groups. The valuable contributions to all areas of city governance will be sorely missed.

Edna Mosely spent 12 years on the city council. Edna, whose husband was one of the

original "Tuskegee Airmen," worked tirelessly on behalf of military veterans and was actively involved in military cultural diversity issues. She served with distinction on a host of city boards including the Fitzsimmons Commission and served with distinction on the Fitzsimmons Redevelopment Authority Executive Committee, Aurora Economic Development Council, Denver International Airport Business Partnership, Lowry Economic Recovery Project, Adams County Economic Development Council, Community College of Aurora Advisory Council and Aurora's Business Advisory Board.

In 10 years on the council John Parosky was a voice for fiscal prudence and effective and efficient government. He brought his financial expertise to bear in ensuring that tax dollars were used as optimally as possible. His commitment to the city can also be found in his work; he devoted countless hours to make Aurora a better place through his work on the Economic Development Committee, E-470 Authority, Aurora Chamber of Commerce, Utility Budget Committee, Visitors Promotion Fund, Aurora Education Foundation, Spirit of Aurora, Community Housing Services and Aurora Rotary club.

An eight year veteran of the council, Bob LeGare was a passionate advocate of small business, who took in a leadership role in many economic development programs. Bob was devoted to the importance of small business, he worked to make Aurora a partner with business to provide jobs and services. He provided leadership on a variety of economic development initiatives including the Fitzsimmons Redevelopment Authority, Colorado Commission on Taxation, Aurora Citizens Advisory Budget Committee, Colorado Office of Regulatory Reform Advisory Board, Aurora Chamber of Commerce, Aurora Association of Realtors and the Aurora Realtor Governmental Affairs Committee and further contributed to the community through Leadership Aurora, Aurora Museum Foundation, and Aurora Open.

Dave Williams served 11 years as a member of the Aurora City Council. He worked to improve the efficiency of the city by encouraging better review processes and more efficient administration. He has been a leader in the business community as illustrated by his experiences on the Aurora Economic Development Council, E-470 Authority, Aurora Rotary Club and the Urban Drainage and Flood Control District.

Mr. Speaker, these dedicated officials deserve our thanks. At a time when cynicism about public officials appears to be the prevailing sentiment, they provide models of dedication and selflessness that defy these contemporary stereotypes. I am honored to have worked with them and wish them well in the days ahead.

CONGRATULATING THE UNIVERSITY OF SOUTHERN CALIFORNIA ON THEIR PAC-TEN CHAMPIONSHIP AND ROSE BOWL BERTH

**HON. DIANE E. WATSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. WATSON. Mr. Speaker, I am proud to count the University of Southern California

among my constituents in California's 33rd Congressional District. This institution is a magnet for diverse people and ideas, attracting students from all 50 states and more than 100 foreign countries. In fact, USC ranks in the top 1 percent amongst the most diverse private research universities in the nation. As an educator, I am inspired to see USC's commitment to academic excellence.

Mr. Speaker, today I rise to pay tribute to the accomplishments of the University of Southern California football team. Congratulations are in order for USC President Steven Sample, Head Coach Pete Carroll, and the outright Pac-Ten champions, who finished the season with the #1 national ranking in both the AP and Coaches polls.

The USC Trojan football team has shown unique skill, charisma, dedication, and love for the sport. The Trojans accumulated an 11-win and 1-loss record while competing against some of the best programs in the country.

The Trojans regular season performance and their strength of schedule earned them a controversial Bowl Championship Series, or BCS, berth. Although it is a system no one can make sense of, I am pleased that the real National Championship will be decided during the "Grand Daddy of them all"—the Rose Bowl. As those steeped in football tradition know, a Pac-Ten vs. Big Ten match-up in the Rose Bowl, with a #1 ranked team in the game, is a formula for champions.

Mr. Speaker, again I congratulate USC President Steven Sample, Head Coach Pete Carroll, and the football team at the University of Southern California for a season to remember.

ARMENIAN TECHNOLOGY GROUP AND CENTRAL DIAGNOSTIC LABORATORY IN ARMENIA

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. NUNES. Mr. Speaker, I wish to take this opportunity to clarify a key provision in Fiscal Year 2004 Foreign Operations Appropriations which was included in the Consolidated Appropriations Act of 2004.

As you know, this Congress continues to be a supporter of strong U.S.-Armenian relations to include economic and related programs. In fact, this bill appropriates \$75 million to help Armenia with its continued progress toward a market-oriented democratic nation.

However, it is not just economic assistance that Congress is voting on today. We are also voting on a provision which expressed the intent of Congress that the U.S. Agency for International Development provides sufficient funding to establish and operate a Central Diagnostic Laboratory in Armenia that can serve the Caucasus region. Currently, there is no such resource in Armenia or the region to safeguard human health and food safety against the threat of contamination or spread of disease.

I believe it is the intent of this Congress that the U.S. Agency for International Development utilize the services of the Armenian Technology Group, a U.S.-based nonprofit organization, to work with Armenian officials to establish and begin operations of this Central Di-

agnostic Laboratory. Furthermore, I believe it is key that this work begin as early as possible so that the Caucasus region, and by extension the United States, can benefit from the protection provided by this Central Diagnostic Laboratory.

IN MEMORY OF THE GOOD LIFE OF HENRY KALINSKI

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. KAPTUR. Mr. Speaker, I am deeply, privileged today to extend on behalf of the Kaptur and Rogowski families and my brother Steve and myself sincerest appreciation to each of you for offering your support, comfort, and love to Hank's beautiful wife of 50 years, Jackie, and the entire Kalinski family; Linda and Bob, Diane and Jim, Debbie and Jeff; to Hank's sisters Vergie, Sophie, Esther and in memoriam of Angie, Jean and his brother Edward; to his treasured grandchildren, Brian, Heather, Matthew, Kevin, Eric, Shawn, Stacey, and in memory of Jason; and to his four great grandchildren, Tyler, Justin, Connor and Alexis; and his nieces and nephews.

We join together today to pay tribute, in sorrow, but also in celebration, of the life of a patriarch, the father of his family, of a truly good man from a working class family, who loved life. What a lasting gift Hank is to each of us—a happy man. He is smiling on us now, for surely he knew we would be here together with Jackie, at this family gathering. He enjoyed being with family more than anything else in the world. He is experiencing a peace now that the world could not give. Hank remains with us now in a spiritual way.

Hank had more than a smile. He had a grin. We all loved to laugh with Hank. That wonderful laugh that came from deep within—not too loud, but genuine. You knew he wouldn't want anyone to be sad, but to be gratified he lived the life he wished to live for most of his years. And Jackie, you and your family bestowed on him the greatest gift of his life—your unconditional and constant love.

As he was asked to bear this enormous cross of affliction for so many years, you walked at his side. He did so with a rare dignity born of uncommon strength and raw courage. He would want us to cheer his decade long marathon and his family's deep devotion. His suffering became a prayer for all of us and our poor world. Every person who witnessed this great "Kalinski prayer of devotion" was changed by its power. Who can ever forget the nurses and doctors who would be overcome by Hank's grin and laughter, even under the most difficult circumstances. The glint in Hank's eyes had no equal.

Now, can you imagine he was the father of three daughters, and the brother of five sisters. But, he was a man's man, a husband to an exceptional wife, a true friend to his sons-in-law, a man who knew how to stand by his loved ones, a builder, a veteran. He was always there, sometimes not uttering a word. He was a Gary Cooper type of character, a quiet strength. He didn't have to show it off.

Happy. Kind. Generous. Funny. Hard-working. Wise. A family man who took unending delight in his grandchildren and

great-grandchildren crawling at his feet or sitting on his lap. You never heard him utter an unkind word. So many precious memories: Christmas, Easter, birthdays, weddings, anniversaries, parties and more parties. perch fishing, darts, his gardens, homemade gifts like the wooden horses that held address plates for our homes, Pearl and Wersell streets, his dog Puck.

I can recall how he went out of his way for each of us. He would make such an effort to meet me along the Lagrange Street Parade route, year after year. Always there. If Hollywood were to cast a true husband and father, brother and friend, they would cast Hank in the leading role.

You still will find him with you—in unexpected moments. You will know he is there, and everything will be all right. I once asked a holy woman why God gave such trials to people who are so good. “To make us strong,” she said. Hank taught us love, joy, and perseverance. He has been a man for others, who showed us how to love life.

May God carry his soul gently in his passage to peace. We know God joins with us today as we pray, “Sleep well my good and faithful servant.”

HONORING COLLEEN ANN MEEHAN  
BARKOW, THOMAS J. MEEHAN  
III, AND JOANN MEEHAN

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Colleen Ann Meehan Barkow, who perished in the attacks of September 11, as well as her father and mother, Thomas J. and JoAnn Meehan, who still suffer from her loss. The following is a letter sent to my office by Thomas J. Meehan III, which I want to submit to the CONGRESSIONAL RECORD.

DEAR REPRESENTATIVE MALONEY: Colleen was an employee of Cantor Fitzgerald working on the 103rd floor. Her partial remains, the upper torso, were found on September 17, 2001, the date which was to have been her first wedding anniversary. My wife and I continue to be filled with the anguish of her death, the manner in which she died, her unviewable remains, dismemberment and the tragic death she suffered.

I am writing you today in regard to the legislation you have introduced calling for a federal study to assess the historic value of the WTC footprints and to assess the appropriateness and feasibility of national monument status for that immediate area.

This legislation is important not only to the families of those who lost family members, but to the Nation and the world, for September 11, 2001 is another day that will live in infamy, and has altered the course of world history.

There are those who dispute its parallels in history, but they cannot be disputed. Gettysburg, the attack on Pearl Harbor, and Normandy are events which have so affected the world, and have preserved for future generations the places of the lives lost and bloodshed, so that freedom and democracy will continue upon the world stage.

These historic events have warranted a national preservation of where American lives have been lost and sacrificed. So that their sacrifices would be remembered for future generations, and maintained by a grateful

nation, is the reason why this legislation should be enacted for the lives lost on September 11, 2001; they deserve nothing less.

The preservation of the footprints of the WTC buildings and the surrounding area designation as a national monument is needed to ensure that we as a nation keep our pledge to “Never Forget”. We must secure the site and preserve for future generations the ground which has been become sacred and hallowed by the loss of the blood of all the victims.

Sincerely,

THOMAS J. MEEHAN III.

TRIBUTE TO STAFF SGT. MORGAN  
DESHAWN KENNON AND THE  
101ST AIRBORNE

**HON. HAROLD E. FORD, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. FORD. Mr. Speaker, I rise today to pay tribute to Staff Sgt. Morgan DeShawn Kennon of the U.S. Army's 101st Airborne Division, who was laid to rest in Memphis, Tennessee on November 14.

Morgan Kennon and the 101st Airborne were called to duty in defense of this nation. They answered that call with courage and honor. Staff Sgt. Kennon was killed while protecting his fellow soldiers from an ambush in the Northern Iraqi city of Mosul. He was posthumously awarded a Bronze Star and Purple Heart for his bravery.

In honor of Staff Sgt. Morgan Kennon and the brave members of the 101st Airborne, I would like to submit for the RECORD letters Staff. Sgt. Kennon wrote to his sister Nicole Crawford in Memphis, as well as two articles from the Memphis Commercial Appeal.

Amidst the “devastation of war,” the clarity with which Staff. Sgt. Kennon expresses himself makes all of us proud. These letters help us better understand the trials endured by our soldiers and the courage they demonstrate each day. I would urge my colleagues to read Staff. Sgt. Kennon's letters and join me in paying tribute to this exceptional young man and all of the heroes of the 101st Airborne Division.

[From the Memphis Commercial Appeal,  
Nov. 14, 2003]

LETTERS TO A SISTER

From the war in Iraq, Staff Sgt. Morgan DeShawn Kennon of Memphis sent letters home to his sister Nicole Crawford. He often spoke of Crawford's 12-year-old daughter, Kayla, and his mother, Paulette Crawford-Webb.

*April 12, 2003*

“I am in Baghdad now. I don't know where I may be when you read this but I will probably still be here. It's been very different here, Niki. The reason for the war, or the ulterior motives that the government may have, regardless of all of those things, the one true thing I can say is that these people were very oppressed and impoverished under the rule of Saddam.

“The welcome we've received in the cities and especially when we got here was unbelievable and overwhelming. The people here have even been giving us information about the enemy and the bad guys. Right now, we are occupying a school, that is where we are operating from.

“We have been staying in abandoned buildings and schools since we came into Iraq.

This particular one is in the ghetto of Iraq; something like the projects. But the friendly neighborhood closeness makes it peaceful, there are some bad guys that live near (here) that the people told us about, but we've been sniffing them out and they've been scattering.

“I have seen a whole lot more and more each day. Every since the city collapsed there has been a lot of looting. On our way to Baghdad we saw kids, women covered up, men, everybody toting furniture, rolling tires, dragging refrigerators across the street. And the children, they are the most friendly and beautiful of all.

“It's still not too safe for comfort but fortunately the Good Lord has been with us so far. I have kicked in a lot of doors, been shot at by snipers. I haven't killed anyone but we've captured a lot of people and seized a whole lot of weapons and stuff. I have seen firsthand the devastation of war and I realize that in war, someone always suffers, in this case, a lot of people. But I will say that this whole campaign has been very surgical and precise in not killing a lot of people (innocent). I will just be happy to get back home, safe and soon. I have been hearing rumors that we may be coming back soon and being relieved by another unit but when I get details, I'll let you know. . . .

“Just keep your head up and be thankful everyday that all of us are waking up and loving each other. I saw a man shot over here and it really let me know how quick and unsuspecting our days can come to an end. So keep going 90 miles per hour with your life and know that your brother loves you, respects you and is proud and honored to have you as a sister. . . .

“How is everybody? Tell all of your friends that I said ‘hi’ and testify to the church that I am very thankful for their prayers. The presence of the Lord is undeniable and obvious.”

*April 20, 2003*

“How is my favorite sister? Fine I hope. . . . I am so happy to hear and feel the effort that you are putting into your life. I'm proud of you and hope you can continue to take good care because you know that no matter how much hardship or struggle I feel or go through, I'm fine as long as I know that you and mom and Kayla are OK.

“By the time you get this I will be in Northern Iraq near the Turkey border. . . . And once again thank you for taking care of my bills. I told you in the last letter that I might be coming home soon. Well, don't count on that; no one seems to know anything. I'll keep you updated.”

*April 26, 2003*

“I'm still up north but we've relocated. We now operate and live in a post office. Can you believe that? It's not that bad though. There's electricity and running water here, which is a huge improvement over some of the places we've had to live in. . . . I can speak a little Arabic now (smiley face). The people here are not as dangerous and the threat level is not as high as it was in Baghdad and the other previous cities but we still have to stay on our toes even though the war is “officially” over there are still a lot of rebel forces and fanatics and loyalists of Saddam and the party regime. . . .

“So how's the family? I still pray for everybody every single day. I don't know when I will be back but I've heard everything from June to September. . . .

“When I know that you all are comfortable and OK, I can deal with being uncomfortable. Y'all's convenience means a whole lot to me. Well, enough about that. I realize that God will continue to operate and provide for us (in his sometimes “weird” way) as he has been so I won't worry about it. He will make

sure the ball continues to roll for us as long as we keep Him first and continue to recognize and acknowledge Him. . . . The next time I write you I'll probably be living in a shoe store or a Mega-Market or something. But know that I'm OK and I am very grateful for God's grace and mercy. Keep taking care of yourself and I can't wait to see you again. Don't forget your vitamins!"

July 13, 2003

"Everything is still the same here. A couple of my friends broke down on the interstate here and they were attacked by hand grenades that were thrown at them from a passer-by. One of them got hurt pretty bad, he went through surgery but he is OK. He almost lost all usage of his arm; the other guys are also stable.

"The irony is that I had just left where they were and had talked with them. Other than that, everything is still the same. You don't have to worry about me. I am always alert and watchful, especially when I'm out in the streets here.

"By the time you get this (hopefully) we should start preparations to leave here. I really can't wait to get back. I want to see my "3 ladies" really bad: you, Mama and Kayla are more than enough inspiration to get back soon and safe."

July 25, 2003

"Things are all right with me over here; of course I could think of a million and one other things I could be doing other than being in Iraq but since I'm here, I'm dealing with it every day. I think I'm growing up a little bit. . . . I think I value life more now, so I'm content with small simple things and most of all my enjoyment and peace of mind comes from y'all being all right and safe. I think that means more to me than anything over here."

Sept. 13, 2003

"My dear sister, you have done so much for yourself and your daughter. Many people face adversity in their lifetime but very few of these people are able to keep climbing the high hills the way you have. . . . Love you Nik and thank you so much for giving me more wisdom than you ever know, helping me develop into a man. . . . P.S. Load up on Vitamin C and tell Mama to drink Concord grape juice. It lowers blood pressure by 40 percent."

[From the Memphis Commercial Appeal, Nov. 14, 2003]

"HE WAS NOT AFRAID": BELOVED SOLDIER FELT A PURPOSE

(By Shirley Downing)

In his letters home, Army Staff Sgt. Morgan DeShawn Kennon wrote about living in a war zone:

Camping in old buildings.

Dodging snipers' bullets.

Meeting friendly, beautiful children.

Kennon landed in Iraq in April with the 101st Airborne and a job to do. The Americans gained control of the country and then, for months, Kennon heard rumors that his Charlie Company might soon be headed back to the states.

Last Tuesday, Kennon surprised his family with the news that he would return to Memphis Nov. 19—not for good, but for a two-week furlough timed to celebrate his mother's 47th birthday.

Three days later Kennon, 23, was dead, fatally wounded while guarding a bank in Mosul. The Army said he'd died immediately of blunt force trauma to the head, while trying to protect the safety of his fellow soldiers.

Kennon's family is devastated at the loss of a son, a brother, uncle and brave soldier. He was a Christian who reminded his sister to pray—and to take her vitamins.

Funeral services will be at 11:30 this morning at N. J. Ford & Sons Funeral Home, with burial in the West Tennessee State Veterans Cemetery at 4000 Forest Hill—Irene.

Kennon has been recommended for a Bronze Star, but to family and friends, he's always been a hero.

"I have never met anyone who disliked him," said his 26-year-old sister, Nicole Crawford, whom he called Niki or Nik. "He was funny and smart. He was just wise beyond his age, he really was."

Paulette Crawford-Webb, a pharmacy technician at University of Tennessee Bowld Hospital, said her son "was not afraid of dying for his country."

"He said the people of Iraq needed help. Conditions over there were deplorable and he didn't think it was a lost cause."

Kennon graduated from Central High School in 1997.

"He made great grades but he got an N in conduct," Crawford said. "He wasn't involved with gangs or criminal activity; he was the class clown. He liked to make people laugh and that kept him in trouble a lot."

After school, Kennon worked at Taco Bell, where he quickly rose to management. "He was just really smart and excelled in everything he did," Crawford said. "It might take somebody else five years but he just did it in a year or two."

He loved the Tennessee Titans and movies and wrestling, said girlfriend Corporal Ghana Jackson, 23. She met Kennon when both were stationed at Fort Hood, Texas. "He was awesome," she said. "He got along with everybody and he had no kind of enemies."

Kennon joined the Army at 17 and left for basic training at 18. After four years at Fort Hood, he re-upped and was assigned to the 101st Airborne at Fort Campbell, Ky.

The family last saw Kennon in February before he went overseas.

Baltimore Sun reporter Scott Calvert came to know Kennon well in the opening days of the war.

Kennon, he said, was the nuclear, chemical and biological expert for the Third Battalion's Charlie Company. His first sergeant said Kennon often worked overtime, and weekends, to make sure everyone was prepared for war.

"His job was to make sure everybody in the company, 130 soldiers, had the proper chemical masks and suits," said Calvert, who was embedded with Kennon's unit for seven weeks last spring. "His job was to make sure everybody was ready with protective gear."

Calvert first met Kennon at Fort Campbell the day the troops shipped out.

"It was chaotic," Calvert said. People were milling about, gathering equipment, saying goodbye.

In the midst of the crowd, Kennon approached Calvert. Did he have all his equipment? Did he need help? "It was a pretty nice gesture on his part," Calvert said.

Calvert said Kennon was a solid "stand-up guy" who always wore a bright smile.

The company was in Kuwait for a month, then it was on to Iraq.

Kennon called home sometimes once or twice a week. He asked about his beloved black Dodge Intrepid, which he let his sister drive with the promise she would not smoke up its pristine interior with her cigarettes.

His letters came regularly, handwritten on lined paper. Once he teasingly asked his sister to write more often about what was going on in his hometown.

"Where is the scoop? The gossip? The news? The sports news? Where is it? You slippin' girl."

He wrote about family and a man's obligations to care for his loved ones.

"There is nothing more impressive and respectful to me than a man that takes care of his family."

He wrote about happiness and God.

"I pray about that (happiness) too, but we gotta take one thing at a time and just be thankful that things have been good for us. . . ."

There were other letters, and phone calls. The last was Tuesday, Nov. 4, when Kennon said he'd be home in a few days. He was eager to see family.

Things in Iraq were getting "a lot worse," Crawford quoted her brother as saying.

The family had sent him a "care package" filled with canned fruit, but he hadn't received it yet.

Then came the final mission. At about 7 a.m. on Nov. 7, Kennon led a convoy of vehicles to an observation post. Kennon was killed during an ambush as he was trying to protect his fellow officers, Kennon's supervisor said in a letter recommending the Bronze Star.

Crawford said she never fully understood why her brother was in Iraq, but she accepts that he "went because he was doing something he loved. He loved being in the military."

Paulette Crawford-Webb said her son did not worry about his personal safety. "He said his only sadness would have been if something happened to him, what would become of me, his sister and his niece?"

Crawford said her brother truly was an exceptional person.

"He was a God-fearing young man. He was not afraid to die."

(By Shirley Downing)

[From the Memphis Commercial Appeal, Nov. 15, 2003]

HOST OF MOURNERS BEARS SGT. KENNON HOME

Army Staff Sgt. Morgan D. Kennon of Memphis was given a hero's farewell Friday morning, a week after he was killed in Iraq.

"Death reminds us of the sovereignty of God, and the frailty of man," Rev. Arthur Snow, pastor of Greater New Shiloh Baptist Church, said to more than 500 mourners attending services at N. J. Ford & Sons Funeral Home.

Kennon's Bronze Star and Purple Heart were displayed next to his flag-draped coffin. Large sprays of red and white flowers surrounded the casket and the dais where dignitaries sat.

After the morning services, the funeral procession traveled past honor guards of firefighters and schoolchildren with signs as it made its way from South Memphis to the West Tennessee State Veterans Cemetery in southeast Shelby County.

Military honor guards gave folded flags to Kennon's mother and father. A 21-gun salute to the soldier, the first Memphian killed in the Iraqi war, broke the chilly fall air.

Kennon, who was 23, joined the Army at 17 and left for basic training at 18. After four years at Fort Hood, Texas, he rejoined and was assigned to the 101st Airborne at Fort Campbell, Ky.

The family last saw Kennon in February before he went overseas.

He was fatally wounded during an attack on an Army convoy guarding a bank in Mosul. The Army said he died immediately of blunt force trauma to the head, while trying to protect fellow soldiers.

Kennon has been described as a smart, friendly man who loved the Army, his family and God. He often wrote letters home telling relatives not to worry, he was not afraid.

U.S. Rep. Harold Ford Jr. said he was moved by Kennon's letters, portions of which were printed Friday in The Commercial Appeal.

"In the midst of all that was going on over there, the clarity with which he expressed himself makes all of us proud," Ford said, as he addressed Kennon's tearful family in the front pews at the funeral home.

A top Army officer from Virginia and members of the 101st Airborne attended services.

"We are here to be with the family, to respect and honor this great soldier," Maj. Gen. Russell L. Honore of Norfolk, Va., said before services began. "He served proudly and with distinction for our nation." Honore said he represented the Secretary of the Army and the Chiefs of Staff.

Shelby County Mayor A C Wharton thanked Kennon's family on behalf of the citizens of the county.

"We share your loss," he said.

Several of Kennon's friends spoke about his loyalty, honesty and his love for family and the military.

Snow's eulogy was so passionate the minister had to sit down for part of its delivery.

Kennon was "a good man who could have at the age of 23 been on the streets doing nothing, but he chose to do something positive and constructive with his life. It is unfortunate that he was cut down at an early age," he said.

Snow offered comfort for Kennon's mother, Paulette Crawford-Webb, his father, Morgan Kennon, and other relatives and friends.

"In spite of all that has transpired, God is still good," Snow said. "You need to know and understand today that Earth has no sorrow that Heaven can't heal."

He said Kennon knew the risks of a military career, "but he trusted God."

Kennon was a soldier in the U.S. Army and a soldier in the army of the Lord who did not fear death, Snow said.

"He was prepared externally and he was prepared internally. He wasn't afraid of what could happen to him because he knew that with Jesus, he would be all right."

#### CONGRATULATING TO THE SAN JOSE EARTHQUAKES

#### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HONDA. Mr. Speaker, I rise today to congratulate an extraordinary team on an extraordinary season. On Saturday, November 23, 2003, the San Jose Earthquakes became the second team in Major League Soccer history to win the Major League Soccer Cup multiple times, thrilling soccer fans around the country and around the world.

The Earthquakes' 4-2 victory over the Chicago Fire showcased the team's explosive talent and demonstrated why soccer is one of the fastest growing sports in America today. This match featured more goals than a Major League Soccer championship has ever seen, including two from two-time U.S. National Team Player of the Year and MLS Cup MVP Landon Donovan.

The Earthquakes' rise to the MLS championship game provided soccer fans with endless high drama, including a five-goal comeback against the Los Angeles Galaxy to advance to the Western Conference final, and a 3-2 victory over the Kansas City Wizards, in which Landon Donovan sealed the championship birth with a golden goal in the 117th minute of play.

In the championship game itself, the San Jose Earthquakes showed a capacity crowd in Carson, California and a national audience four goals, one saved penalty kick, and 90 minutes of world-class soccer. Throughout that game, and throughout the season, the Earth-

quakes played aggressive, attacking, exciting soccer and delighted San Jose's growing legion of fans.

The sportsmanship and gamesmanship of the Earthquakes have helped bring success to Major League Soccer. Only eight years old, this league has already captured the hearts and imaginations of soccer fans around the country and provided the United States with some of the world's best players—many of whom were instrumental in bringing our country to the quarterfinals of last year's World Cup, held in Japan and Korea.

Today, the Earthquakes are the pride, not only of San Jose, but also of America's entire sports community.

I urge all of my colleagues to join me in recognizing the 2003 Major League Soccer Champions, and I congratulate the San Jose Earthquakes on a fantastic season.

#### CONDEMNING THE "GRAND THEFT AUTO: VICE CITY" VIDEO GAME: ANTI-HAITIAN RACISM AND STEREOTYPES HAVE NO PLACE IN AMERICAN SOCIETY

#### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. MEEK of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues, and to condemn in the strongest possible terms, a Rockstar Inc. video game entitled "Grand Theft Auto: Vice City." This game has no place as an amusement in this country because it purports to make "fun" using racist and stereotyped images of Haitians and Cubans.

This despicable video game portrays Haitians as ugly criminals and lower forms of human life who must be obliterated once and for all. In order to win the game, the player—an ex-convict—is hired to recover stolen drug money on the streets of Miami. In his pursuit, he faces police officers and gangsters from Cuba and Haiti. Armed with a machete, knife, gun and baseball bat, the game urges players to "kill the Haitians" and "kill the Cubans."

What makes this matter even more offensive is that, by its immigration policies and pronouncements, the Bush Administration fosters a view of Haitian asylum seekers as potential terrorists rather than bona-fide refugees.

It is hard to see how such contemptible acts could be seen as "fun," for this video game is scandalous and hateful and deeply offensive to Haitian and Cuban Americans and every decent American concerned about racism and violence in this country.

I ask this Congress and all people of goodwill to join me in condemning this hateful video game and to do everything possible to increase public knowledge of it and thereby to limit its acceptance in both domestic and foreign markets.

Mr. Speaker, I represent the largest Haitian constituency in the United States, and this video game is demeaning, demoralizing and deeply hurtful to hundreds of thousands of hard-working, law-abiding Haitian Americans and their families in South Florida and in this country. It does not take much to imagine the destructive impact that the repulsive images of

this game would have on youngsters, whether they are Haitian-American, Cuban-American, or not.

This video game symbolizes the very lowest of our nation's values. It is deeply disturbing, not only that the manufacturer would seek to profit by the sales of this game, but that people would buy it. I urge all my colleagues, and every American, to take a firm stand against such commercial trash and to rededicate ourselves to the principles of freedom and liberty that such hatred cannot destroy.

#### REMOVAL OF U.S. TARIFF ON ORANGE JUICE IMPORTS WOULD NOT ENHANCE FREE TRADE

#### HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. FEENEY. Mr. Speaker, three weeks ago the leaders of more than thirty nations around the Western Hemisphere gathered in Miami for the Free Trade Area of the Americas (FTAA) Eighth Ministerial meeting for the purpose of expanding free trade within the Western Hemisphere.

I watched with great interest as these negotiations progressed, fully cognizant of the significant impact that they could have on my state of Florida.

Free trade and free markets are essentially about making trade easier by allowing the market to balance needs, supply and demand. We are engaged in a battle to tear down trade barriers around the world in an effort to promote jobs, competition and greater prosperity for all countries involved. Since Adam Smith explained the benefits of free trade in his great work "The Wealth of Nations", thoughtful policy makers have understood the need to reduce these barriers. The famous economist Joseph Schumpeter once proclaimed that capitalism relies on the free flow of information and goods.

The talks in Miami generated positive movement towards greater economic integration in this hemisphere. Trade Ministers agreed to a baseline of minimum standards for a full and comprehensive agreement that takes into account differing levels of development among nations. This framework is a step forward that gives nations needed flexibility.

As we continue these discussions, I would caution the negotiators to find an acceptable balance between the need to open up to new foreign markets and to protect an industry that is vital to America's supply of fresh fruit and Florida's economic infrastructure: the Florida citrus industry.

There are only two countries that produce 90 percent of the world's orange juice: the United States and Brazil. Brazil currently sells to the United States and has a large market share in the European Union. Without competition from the Florida citrus industry, Brazil would enjoy a monopoly over world orange juice production.

The citrus industry in Florida generates revenues of \$9.1 billion each year and employs nearly 90,000 people without subsidies from the Federal Government. A collapse of this industry would not only cost tens of thousands of jobs, it would also cost the State and local governments of Florida up to \$1 billion in lost tax revenues.

Removal of the U.S. tariff on orange juice imports would not enhance free trade. It would rather give Brazil a total world monopoly, make that country the world's dominant citrus producer and enable them to control market supply, access and prices with no competition.

The Brazilian citrus industry has benefited from years of subsidization, dumping, lax environmental laws, price manipulation and weak and largely unenforced labor laws. I would urge our negotiators to insist on drastic reforms in the Brazilian citrus industry prior to agreeing to any tariff changes. Florida's citrus industry can compete with Brazil, or anyone else for that matter, as long as there is a level playing field.

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WELCOMING ELANA HELEN  
KAPLAN

**HON. DOUG OSE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. OSE. Mr. Speaker, it is with great pleasure that I announce the birth of Elana Helen Kaplan. Elana was born on Tuesday, November 18, 2003 at Fairfax Hospital in Northern Virginia to my former Legislative Director, Jim Kaplan, and his wife Stacie.

Almost exactly two and a half years ago I welcomed Elana's twin sisters, Shauna and Sierra, on the floor of this House.

Today I join Shauna and Sierra in welcoming their baby sister Elana. Among the proud family members who join me in welcoming her are her grandparents: Dr. and Mrs. Jerold Kaplan of California, and Mr. and Mrs. Harold Rothman of Maryland. Stacie's sister, Ms. Amy Rothman, Jim's brothers, Lt. Scott Kaplan (USN) and Mr. Glenn Kaplan, Stacie's grandmother, Mrs. Doris Scherr, and Jim's grandparents, Mr. and Mrs. Bernard Schwartz also join me in this joyous welcome.

These three little Kaplan girls owe much to this chamber, as Jim met their mother Stacie through a fellow congressional staff member and proposed during a tour of the Congressional dome in 1997.

As the father of two daughters myself, I can only hope that these young ladies will continue to bring joy and pride to their family and to their community in much the same way my daughters brighten my life every day.

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TRIBUTE TO KALAMAZOO COUNTY  
SHERIFF, TOM EDMONDS

**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Kalamazoo County Sheriff, Tom Edmonds, who is closing a chapter in a long and distinguished career of public service. A dedicated and selfless individual, Tom has served five terms as Sheriff after being appointed to the Office in 1984. Over his tenure as Sheriff, Tom served the citizens of Kalamazoo in a number of capacities, all with great distinction.

Since 1975, Sheriff Edmonds' contributions to our community have been tremendous.

From post to post, he consistently received accolades and recognition. In addition to his remarkable service as Sheriff, highlights of his storied career include being Adjunct Professor of criminal law and procedure at Western Michigan University, Chair of the Michigan Commission on Law Enforcement Standards, Brigadier General for the Michigan Air National Guard, and recipient of Citation and Medal for Professional Service from the Michigan's Sheriffs' Association.

Many words come to mind as one reflects upon Tom's public service to our community. He is selfless, brave, generous, giving, caring, humble . . . the list goes on. Tom is widely known for his extensive charity and dedication to local individuals, businesses, universities, and the community as a whole. He spent a career devoted to the protection and safety of the citizens of Kalamazoo, and for this the county is forever in his debt. There is no question that Tom's dedication and contributions to the county will be missed.

Our community is in debt to Sheriff Edmonds for his continued public service since 1975. I wish him and his family all the best in retirement. Tom's contributions to our community have been many, and we are all better off from his service. He will be truly missed by the folks in southwest Michigan. I'm certainly glad he's remaining in our corner of Michigan.

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CONGRATULATIONS TO SUNNYSIDE  
HIGH SCHOOL FOOTBALL  
TEAM OF TUCSON, ARIZONA

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. GRIJALVA. Mr. Speaker, I rise today in honor of true champions. I am proud to report that on Saturday, December 6th, 2003, the Sunnyside High School football team of Tucson, Arizona once again brought home the Class 4A State Title.

For the second time in three years, the Blue Devils showcased to the state of Arizona their unmatched talent, heart, and dedication. In a 21-13 victory over Glendale Cactus, Sunnyside overcame a roster depleted by injury and what the papers called "undersized" players. Mr. Speaker, it's true that the Blue Devils have linemen whose physical stature is smaller than the average. But, as was proved in this past weekend's state championship game, physical size doesn't matter when you have the drive and the hunger for victory that these players do. Under bright stadium lights, under tremendous pressure and expectation, and with a defensive line outweighed by an average of 70 pounds, the Sunnyside Blue Devils came home victorious.

I commend these students and their coaching staff. Their fine efforts have made my hometown, and moreover, my alma mater proud. I wish them the best as they enjoy their victory and begin to look toward next year's winning season.

TRIBUTE TO CALVIN WENDEL

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. DeLAURO. Mr. Speaker, I rise to pay special tribute to Calvin Wendel, whose quiet and dedicated service along Interstate 95 in Milford, Connecticut has helped keep our nation's highways safe and important goods and services moving through our region for the last 43 years.

Cal has worked at the Secondi Bros. Truck Stop in Milford since it opened on July 1, 1960. With no other major truck stops in the area, it is highly visible and known in the truck stop industry due to its location. It is the first truck stop in New England off Interstate 95 that drivers come in contact with after leaving New Jersey. Over 120,000 vehicles a day travel past exit 40, Interstate 95 where Secondi is located, and the trucks that stop for service at Secondi are part of a fleet transporting over 72 percent of the goods we have at our homes and in our businesses.

During his tenure at the Secondi Truck and Tire Repair Unit, Cal has serviced over 74,000 trucks. Over the years, his expertise has contributed to the safety and economic security of every one of us. Yet, as much as his technical experience is respected by those who stop regularly at Secondi on their way through Connecticut, it is the personal touch he adds to his service and extends to those around him, dedication, high values, and respect for people, that have endeared him to his customers and peers.

As one of my constituents once said, "Trucks keep America rolling!" I urge my colleagues to join with me to honor the service Calvin Wendel has provided to all of us over the years, helping to keep American trucks rolling.

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REMEMBERING THE HISTORIC  
LIFE OF LOUISE ELIZABETH BUIE

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to celebrate the life of Louise Elizabeth Buie, who died on December 2, 2003. This diminutive woman, known throughout her home state of Florida and beyond for her contributions to the civil rights movement in America, packed the equivalent of two lifetimes into her 89 years.

Beginning in the 1930s, Louise Buie, as a member of her local branch of the National Association for the Advancement of Colored People (NAACP), fought against segregation in its many forms. She served as president of the branch for fourteen years during the 1950s and '60s and was at the forefront of every battle to integrate schools, hospitals and restaurants. It was Louise Buie who demanded that black baseball players be allowed to room with their white teammates in West Palm Beach, and it was Louise Buie who insisted that West Palm Beach, Riviera Beach and other cities in South Florida hire African-Americans as police officers and firefighters. Previously, those municipalities had restricted

people of her race to jobs as janitors and laborers.

Louise's voice and dynamic personality were ever-present in seventy years of struggles over school desegregation and dozens of other disputes involving employment discrimination and demands for equal rights for all citizens. At a time when black citizens were denied admittance to most of the county's hospitals, she ignored the skepticism of her fellow African-Americans and started the fight that resulted in the desegregation of Palm Beach County's major medical facilities. When her grandchildren wanted to go to the beach during a time period when beaches were restricted to whites, Louise took her grandchildren anyway. Although she was arrested for her actions, Louise prevailed, and the beaches were opened to all citizens.

It was Louise Buie who forced the abolition of the Palm Beach County school district's "all white" textbooks that excluded any mention of the history and contributions of African-Americans in our nation. She was also at the forefront of the movement that brought courses in black history to the curriculum of Palm Beach County schools. As time went by, more and more of the barriers to full participation in our society were broken down by the efforts of this amazing woman.

Mr. Speaker, there is a song that is often chanted at protest marches and rallies. It begins, "Ain't gonna let nobody turn us around." That sums up the life of Louise Buie. No one ever turned her around.

Although Louise was best known and most often honored for her civil rights work, she didn't confine herself to battles for the betterment of the lives of black citizens. Anywhere there was injustice, Louise could be counted on to speak out and assist those whose rights were infringed upon. She became known as the little lady with the big heart.

Her lifetime of fighting against injustice won her innumerable friends and admirers among people of all races and every economic stratum, including myself. Opponents of segregation came to recognize her as a formidable adversary and eventually realized the futility of holding to their outdated views. Elected officials and other powerful people respected her opinions and welcomed her input and wise counsel.

I knew "Mrs. L.E. Buie," as she called herself, for a very long time. I cannot possibly calculate the immense value of all that I learned from her. As with so many other people she met in her lifetime, she was an enormous influence on me. I know how proud she was of my election to Congress, seeing that victory as validation of her decades-long effort to raise African-Americans to a level equal to that of white citizens. Nevertheless, we both knew, and I still know, that America has a long way to go.

Two years ago, in an effort to convince a local town to adopt the Martin Luther King, Jr. holiday for its citizens, Louise Buie, at age 87, walked a mile with other marchers and stood on the steps of the town hall through more than an hour of speeches. When one of my long-time staff members, who had been sitting down, later commented on her stamina, she replied, "I'm used to standing." Until a few weeks before her death, Louise Buie was still fighting battles and collecting awards. In recognition of the many lives she touched and the huge impact that she had on the people of

Palm Beach County, the Urban League building in West Palm Beach is co-named for her.

Mr. Speaker, there will never be another human being like Louise Elizabeth Buie. Her impact will be felt for generations to come. She opened many doors, often with only the strength of her personality. Because of her work, innumerable African-Americans and people of all races have walked through those doors, and we are extremely grateful for the phenomenal person that she was. Her memory will live with me always.

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INTENT AND OBJECTIVES OF  
AMENDMENT TO PRESIDENTIAL  
RECORDINGS AND MATERIALS  
PRESERVATION ACT OF 1974

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. WAXMAN. Mr. Speaker, on behalf of Mr. DAVIS and myself, I would like to submit the following letters for the RECORD. They provide background on the intent and objectives of the amendment to the Presidential Recordings and Materials Preservation Act of 1974.

RICHARD NIXON LIBRARY  
AND BIRTHPLACE FOUNDATION,  
*November 21, 2003.*

Hon. TOM DAVIS,  
Hon. HENRY A. WAXMAN,  
*Committee on Government Reform, U.S. House of Representatives, Washington, DC.*

DEAR REPRESENTATIVES DAVIS AND WAXMAN: I would like to express our appreciation for your efforts to amend the Presidential Recordings and Materials Act to remove the requirement that the Presidential records of the Nixon Administration be housed in Washington, D.C. It has been more than 29 years since President Nixon left office. Bringing the Nixon Library into the federal system under the terms of the Presidential Libraries Act and at this time is clearly in the public interest.

The public interest is best served by the unfettered access for historians and the general public to the records of the Nixon Administration. We agree that current regulations on public access will continue to govern public access to these records in the future; that the records remain the property of the United States; and that the Archivist will be responsible for access to the documents at the Nixon Library. It is our understanding that papers and tapes that have been processed may be transferred to the Nixon Presidential Library once an agreement has been reached between the Nixon Foundation and the Archives, but that those records that have yet to be processed shall continue to be reviewed in a timely fashion at College Park, Maryland. Of course, the ongoing review of records at College Park should not delay the transfer to California of records that have already been processed.

The Nixon Foundation is eager to complete discussions with the Archivist in a timely fashion and looks forward to that opportunity.

Sincerely,

JOHN H. TAYLOR.

U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 20, 2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Congressman Waxman and I seek to memorialize the amendment to

the Presidential Recordings and Materials Act of 1974 included in the Transportation and Treasury Appropriations bill. The measure the Congress is adopting today will make clear that the Presidential Papers of Richard Nixon are eligible for transfer to the Nixon Presidential Library. Under the 1974 Act, it has not been legal to transfer these papers. The purpose of the provision we are enacting today is to move forward the process whereby the Archivist and the directors of the Nixon Library in Yorba Linda, California, will conclude an agreement on the terms of this transfer.

The provision enacted today makes clear that any agreement between the Archivist and the Nixon Library to bring the Nixon Library into the federal Presidential library system shall be, as has been the case with all other Presidential libraries, subject to the terms of the Presidential Library Act. Those records will continue to be owned by the United States and administered by the National Archives. The Archivist will not transfer any documents to California until he certifies to Congress that he has determined that there is a suitable archival facility to house those documents.

Once the Archivist agrees to accept the Nixon Library into the Presidential Library System and has notified Congress, employees of the National Archives will staff the Library, and the Archivist will be responsible for access to documents at the Library. This measure makes clear the public interest in unfettered access for historians and the general public to the records of the Nixon Presidency.

The National Archives is responsible for reviewing the recordings and materials from the Nixon Administration. This is a complicated task of looking at each document and determining if the release of that document would invade someone's privacy or endanger national security. There are concerns that transferring these materials to California would disrupt the processing of them, delaying their public release. This bill will not affect the processing of the records. Papers and tapes that have been processed may be transferred to the Nixon Presidential Library once an agreement has been reached between the Library and NARA. Those records that have yet to be processed shall continue to be reviewed in a timely fashion at College Park, MD. At the same time, that review should not in any way delay the transfer of processed records to California.

Sincerely,

TOM DAVIS,  
*Chairman, Committee on Government Reform.*

HENRY A. WAXMAN,  
*Ranking Minority Member, Committee on Government Reform.*

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A SPECIAL TRIBUTE TO MARGARET O'NEILL FOR HER YEARS OF DEDICATED PUBLIC SERVICE

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an invaluable public servant. Margaret O'Neill, the Occupational Health Nurse, will retire from her long career of public service on January 2, 2004.

Margaret was born and raised in Belmont, Massachusetts and graduated from St. Patrick's High School in 1956. She attended Boston University's Medical Center where she majored in Nursing and graduated in 1960 to begin her distinguished record of public service.

With Michael, her husband of 37 years and graduate of the United States Military Academy at West Point, Margaret spent much of her career serving the soldiers of the United States Army. As a military spouse, she volunteered in various capacities for the Army and Red Cross worldwide. Her service includes work in the Fort Meyer emergency room as well as employment as the Occupational Health Nurse for the 3rd Infantry motor pool soldiers and employees serving Arlington National Cemetery.

Her life as a military spouse included 23 moves across the world in 18 years. Margaret and Michael O'Neill are the proud parents of Kathleen, an attorney in Fort Lauderdale, Florida.

Although she retires as the Occupational Health Nurse of the Longworth Building after 12 years of service, Margaret O'Neill will never slow down. She plans to take time to travel and attend Theology classes at Trinity College. In addition, Margaret will continue her volunteer work at St. Peter's in the District of Columbia assisting the poor and homeless.

Mr. Speaker, Margaret O'Neill leaves behind many friends in the Halls of Congress. We are lucky to have experienced her compassion and will miss her dearly. Her wisdom, kindness, and abilities are attributes to which all public servants should aspire. She has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Margaret O'Neill. Our nation is served well by having such honorable and giving citizens, like Margaret, who care about their health and well being. We wish Margaret, her husband, Michael, and their daughter, Kathleen, all the best as we honor one of our dear friends.

SPECIALTY CROP  
COMPETITIVENESS ACT OF 2003

**HON. WALLY HERGER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HERGER. Mr. Speaker, I am pleased to become a cosponsor of the "Specialty Crop Competitiveness Act of 2003," H.R. 3242, legislation designed to maintain a viable and competitive specialty crop industry in the United States.

It is important to first note that an abundant, affordable supply of highly nutritious fruits, vegetables and other specialty crops is vital to the health of all Americans. Increased consumption of fresh produce will provide tremendous health benefits to consumers, as well as economic benefits to American farmers.

It follows that a competitive specialty crop industry is necessary to produce and sustain a safe and nutritious domestic food supply. A competitive specialty crop industry is also necessary to sustain the economic vitality of rural communities in northern California, and indeed throughout the entire nation.

Unfortunately, it is becoming increasingly difficult for U.S. producers to compete against heavily subsidized foreign producers in domestic and international markets. For example, the European Union provides subsidies of about \$11.7 billion per year to its specialty crop growers, while U.S. specialty crop growers receive no subsidies. In addition, U.S. specialty crop growers continue to face tariff and non-tariff trade barriers in many export markets, thus making it virtually impossible for our growers to improve sales through increased exports. In turn, production costs have escalated due to increased environmental and other regulations, and important crop protection tools have been lost, thus making it increasingly difficult to operate profitably.

Specialty crop growers from California and across the country believe federal agriculture policy must address the myriad of unique challenges facing their industry to assure its long-term viability. As such, they have joined together to craft H.R. 3242, and have requested my support.

The bill is designed to increase exports of U.S. specialty crops, improve efforts to protect agriculture from damaging pests and diseases, and provide funding for research necessary for improving the competitiveness of the industry. The activities authorized by this legislation represent a prudent investment in the future success of our \$58.7 billion specialty crop industry.

The cost of the bill is relatively modest when compared with other agriculture programs and most other federal programs. Nevertheless, it continues to be critically important, especially during this period of budget deficits and increased spending for our ongoing War on Terrorism and homeland security, for Congress to restrain federal spending. As such, I want to work with the bill's supporters to find acceptable offsets and/or savings from other federal programs that will ensure that the funding authorized under this legislation fits within the existing budget.

I look forward to working with the sponsors of the bill, Congressman DOUG OSE and Congressman CAL DOOLEY, toward future House consideration of this important bill for California agriculture.

INTEGRATING THE GULF OF  
MEXICO BORDER REGION

**HON. KATHERINE HARRIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. HARRIS. Mr. Speaker, I rise today to announce that on November 5, 2003, the Gulf of Mexico States Accord and its business counterpart, the Gulf of Mexico States Partnership, Inc. signed a Memorandum of Cooperation on Short Sea Shipping with the U.S. Department of Transportation's Maritime Administration. The Gulf of Mexico States Accord comprises a partnership between my home state of Florida, Alabama, Mississippi, Louisiana, Texas, and the six Mexican states that border the Gulf of Mexico.

The signing ceremony for this Memorandum of Cooperation took place at the MARAD Short Sea Shipping Conference, which occurred in Sarasota, Florida, a city which is located in my District. Over 200 maritime indus-

try professionals from the United States, Mexico, Canada and the European Union attended this event. In recognition of the outstanding work of the Maritime Administration, the Accord and the Partnership, I request that the English version of the agreement be inserted, with my comments, into the RECORD.

The Memorandum of Cooperation, which constitutes the first such agreement in the Gulf of Mexico region, calls for information exchange, technical assistance and collaboration on issues related to the development of short sea shipping in the Gulf of Mexico. It represents a significant step toward full U.S.-Mexico collaboration on this vital trade issue.

The adoption of an enhanced regional emphasis on the Gulf of Mexico border states is vital as the NAFTA enters its second decade. The initiatives set forth in the Memorandum of Cooperation will leverage resources to develop this "water border," bolstering homeland security, spurring trade expansion, relieving transportation bottlenecks, and reducing pollution through the increased utilization of the Gulf of Mexico's ports and intermodal infrastructure.

The Memorandum of Cooperation also calls for support of the "Gulf of Mexico Trade Corridor Transportation Study", which is being spearheaded by the business Partnership in collaboration with the Accord and its Working Group on Transportation, Infrastructure and Communications. The study is based on the premise that the development of the Gulf of Mexico border, with its 62 million inhabitants in eleven U.S. and Mexican states, will have immediate and enduring regional impact on efficient investment in homeland security, identification of and investment in "critical" physical infrastructure, tourism and educational development, environmental sustainability, and overall community and international economic development.

The Gulf of Mexico basin constitutes a natural North American economic sub-region, comprising a seaborne NAFTA "super-highway" trade corridor, a common sustainable resource for tourism, agriculture, fisheries and aquaculture, and a common homeland security zone. The Gulf represents the ideal location for deepening and broadening the benefits of the NAFTA in preparation for the new flows of two-way trade that I believe will occur under the Free Trade Area of the Americas.

MEMORANDUM OF COOPERATION AMONG THE MARITIME ADMINISTRATION OF THE UNITED STATES, THE GULF OF MEXICO STATES ACCORD, AND THE GULF OF MEXICO STATES PARTNERSHIP, INC.

I. PARTIES

a. The party to this agreement representing the Maritime Administration (MARAD), is the Maritime Administrator or his designated representative.

b. The party to this agreement representing the Gulf of Mexico States Accord (GOMSA) will be the President of the Accord or his designated representative. GOMSA is a forum that was created to foster, promote and implement cooperative relationships between and for the eleven U.S. and Mexican border states that adjoin the Gulf of Mexico.

c. The party to this agreement representing the Gulf of Mexico States Partnership, Inc. (the Partnership) will be the President of the organization or his designated representative. The Partnership is a non-profit private sector Gulf States group that shares the GOMSA goal of fostering and promoting interests of the member states and region.

## 2. PURPOSE

a. The purpose of this agreement is to recognize and enhance the communications and working relationship among MARAD, GOMSA, and the Partnership in order to address the common goals of advancing short sea shipping in the Gulf of Mexico and ensure that it is safe, secure, efficient and environmentally sound.

b. The agreement serves to facilitate periodic meetings among MARAD, GOMSA and the Partnership to identify ways the respective organizations can assist in the sharing of short sea shipping policy, experience and related information.

## 3. RESPONSIBILITIES

a. MARAD will share with GOMSA and Partnership MARAD's short sea shipping

i. goals, policies, and experience so as to allow these organizations to use their extensive

ii. state and business networks to improve maritime efficiency, commercial viability, and

iii. short sea shipping opportunities as they arise.

b. GOMSA and the Partnership will share information and experience with MARAD so that they can assist in the accomplishment of MARAD objectives to ease traffic congestion, improve transportation safety, and elevate the quality of life in the Gulf States region through cooperative short sea shipping efforts.

c. MARAD, GOMSA and the Partnership will consult and share information in support of a "Gulf of Mexico Trade Corridor Transportation Study", a long-range Partnership project to highlight new commercial opportunities, inventory Gulf of Mexico infrastructure assets, and to identify and assess gaps in existing transportation infrastructure.

d. This agreement is effective upon the signature of the parties. It is informal in nature and may be modified by mutual agreement or terminated by any party at any time. The parties pledge to act in good faith at all times and to use their best efforts to accomplish the purposes summarized herein. This partnership does not obligate MARAD to expend any funds.

Signed the 5th day of November 2003 in triplicate, in Sarasota, Florida in the English and Spanish languages, each version being equally valid.

[Capt. William Schubert, Administrator, for the U.S. Maritime Administration] [Gary L. Springer, Secretary-General, Gulf of Mexico States Accord] [Robert Hendry, Director, Gulf of Mexico States Partnership, Inc.]

COMMEMORATING THE LIFE OF  
CATHERINE FUREY

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. BISHOP of New York. Mr. Speaker, I rise today to commemorate the life of Catherine Furey, a constituent of mine who recently passed away, and was proud to call Long Island home. She lived to mark a landmark occasion that many of us strive for but very few of us reach: Catherine lived to celebrate her 110th birthday.

Catherine was born in County Roscommon, Ireland, on April 6, 1893. At age 20, Catherine left her family and friends in Ireland to make a better life for herself in America. When she arrived in Boston, she immediately moved to

Providence, Rhode Island where she joined an aunt to assist with the upkeep of the home of a Protestant minister. Later, Catherine traveled to New York City to serve as a caregiver for a sister struggling with tuberculosis.

After her sister passed away, she began working for a wealthy family in Manhattan, tending the family's summer home in Long Beach. There she met and married Simon Furey. They moved to Hempstead where they raised two children and became active members of this Long Island community.

In the 1950's, Catherine began an 11-year vocation with St. Joseph Catholic School in Garden City where she ran the cafeteria. She helped to see that countless schoolchildren were content and always received a warm meal. After her decade of service to the school, Catherine continued to work and to play an active role in the lives of children by serving as a babysitter for working families in our community, a job she happily performed until her early eighties.

Last April on her birthday, Catherine received a letter from Mary McAleese, President of Ireland, congratulating her on being the oldest living Irishwoman. Catherine Furey was not only the oldest living Irishwoman, but also the oldest living Long Islander at the time of her death on December 2nd at the age of 110.

It is amazing to think of the events Catherine experienced over the course of her lifetime. When she arrived in America looking for a better life, women could not vote and were not able to be full participants in society. She lived not only to see the role of women evolve, but to see this country emerge stronger than ever from World War I, World War II, and the Great Depression. New York was at the forefront of innovation during the past century, and she was right there to witness this tremendous transformation.

Her life is an inspiring story of both strength and wisdom. She is survived by her son and daughter, along with 9 grandchildren and 14 great-grandchildren.

RECOGNIZING MIGUEL ARIAS AS  
HE IS SWORN IN AS A UNITED  
STATES CITIZEN

**HON. CALVIN M. DOOLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. DOOLEY of California. Mr. Speaker, I rise to pay tribute to a young man who is being sworn in today as a citizen of the United States of America. Over the past 2 years, Miguel Arias has been a member of my staff in my Fresno, California and Washington, DC offices. Over that time, Miguel has shown that he is dedicated to his family, his friends, his community, and his country. I am honored to rise in this chamber and welcome Miguel as a citizen of the United States.

Miguel was born in Apatzingan, a small city in the state of Michoacan, Mexico. He and his mother, Teresa Arias, immigrated to the United States when he was 2 years old. The Arias family settled in Mendota, California, a small farming community on the western edge of the San Joaquin Valley. It was in Mendota that Miguel began working in the fields picking onions, tomatoes, and melons to earn extra money for his mother, sister, and five brothers.

In spite of his long and hard hours in the fields, Miguel excelled academically at Mendota High School and found time to participate in numerous extracurricular activities, including wrestling. Upon graduation from Mendota High School, Miguel enrolled at California State University, Fresno, where studied criminology while working for both the Mendota High wrestling team and the Fresno County Economic Opportunities Commission. In May 2001, he became the first person in his family to graduate from college, earning a Bachelor's degree in criminology from CSU Fresno.

Following his graduation, Miguel began working for me as a staff assistant in my district office, where he made a very strong impression both with me, and with the constituents contacting my office. He was promoted to caseworker, where he specialized in immigration issues facing the people of my district.

It was in this role where Miguel provided his most significant contribution to his community. Miguel has become an expert in the process of immigration to the United States by helping many people in my district obtain visas, work permits, and citizenship.

Miguel was a leader in developing and executing the Mendota Project, which counseled parents and students at Mendota High School on the timeline of the immigration process and advised students on how to continue their education in colleges and universities while they waited for their legal immigration papers. The Mendota Project provided significant assistance to many people in my district who were struggling with immigration issues. Because of Miguel's leadership and dedication to the people of his community, the Mendota Project was an incredibly successful immigration education venture. His expertise on immigration policy was also apparent when, earlier this year, he counseled a summer intern in my office through the process of obtaining citizenship. Miguel's commitment to improving and assisting the immigrant community has not only been important to my office, but to the residents of the San Joaquin Valley.

I want to express my congratulations to Miguel as he reaches the culmination of a very long process that required a lot of hard work. Miguel has set a tremendous example for many of the immigrants he has helped while working in my office. Because of his hard work, determination, and community involvement, I have no doubt that he will continue to be an important role model in his community.

In conclusion, Mr. Speaker, I want to congratulate Miguel Arias today as he is sworn in as a citizen of the United States of America.

LOCKPORT HIGH SCHOOL/CLASS 8A  
STATE FOOTBALL CHAMPIONS

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mrs. BIGGERT. Mr. Speaker, I rise today in honor of Lockport High School's football team, the Porters. Under the leadership of head coach Bret Kool, the Porters recently beat the Maine South High School Hawks, 48-27, to capture their second straight Class 8A state championship in football.

As any athlete will tell you, although it is hard to win one championship, it is a true test of greatness to come back and repeat as champion. All season the Porters have passed this test with flying colors, which is why I know the entire community is proud of Coach Kooi and the team.

In their drive for back-to-back championships, the team featured a high powered offense with one of the most prolific passing attacks in the history of Illinois High School Athletics.

Mr. Speaker, although this is a great accomplishment, it is just the newest chapter in Lockport High School's storied history. Over the years, teams from Lockport High School have won state championships in a number of sports including bowling and cross country.

But Lockport High School's successes are by no means confined to the athletic field. In the academic field, there's more good news. Since 2000, the number of students taking Advanced Placement courses has risen to 420, an increase of 60 percent. In addition, Lockport High School students scored well above the national average on the ACT exam, and last year, 91 percent of Lockport High School students went on to college.

Congratulations, Porters, for your many athletic and academic successes this year, last year, and over the years. Keep up the good work.

#### HONORING BARRY McNUTT

#### HON. W.J. "BILLY" TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. TAUZIN. Mr. Speaker, we are on the verge of an historic moment in the 108th Congress as we move to pass a significant revision of our Nation's energy policy. But indeed, this is also a sad time for us and for everyone in the energy community. I have learned and announce with regret, the passing of Mr. Barry McNutt, a distinguished energy policy analyst and outstanding public servant who served at the United States Department of Energy since its inception. Many of us who have been close to energy policy issues over the years will recognize Barry's mark on this energy legislation because he was a strong advocate for increasing domestic energy supplies and improving energy efficiency. While we may have disagreed with Barry's analysis at times, we always respected it because we knew it was coming from a man with great intellectual gifts and unblemished integrity.

Barry McNutt was only interested in good policy not politics, but he recognized that good policy happens through the legislative process. He worked tirelessly to formulate policy options that informed and enlightened the process. He always knew his role as a Federal employee and he understood the important part he played in forming policy. Barry often told his colleagues that the most important thing is to produce solid analysis that will stand the test of time and he did that with talent and great care. Barry was 57 years old when he died on Sunday, November 16 at his home in Arlington, Virginia, after a long and courageous battle with cancer. He leaves behind a beloved wife Andrea and a brother, and many colleagues who will miss him, but he

also leaves behind a legacy of outstanding public service that should inspire us all throughout our years of service to this country.

#### TRIBUTE TO DOLLY DEIBEL AND HER LEADERSHIP IN THE FIGHT AGAINST CANCER

#### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. HALL. Mr. Speaker, I rise today to pay tribute to an outstanding East Texan and ardent supporter of The University of Texas M.D. Anderson Cancer Center, Dolores M. "Dolly" Deibel of Tyler, Texas. Dolly has long been one of Tyler's philanthropic and civic leaders, and for the past two years, has chaired the "Light up Tomorrow . . . for the Children" benefit to raise funding and public awareness for the Pediatric Division at M.D. Anderson and the Children's Art Project. This year the event will be held on December 17 in Tyler.

Dolly has served as an Associate Member of the Membership Committee of The University Cancer Foundation Board of Visitors since September, 2000, and has been reappointed every year thereafter. Her efforts on behalf of M.D. Anderson are well-known, and the pediatric benefit has received strong community backing. This year the holiday gala enjoys the generous sponsorship of dozens of community leaders and supporters.

Mr. Speaker, I have a special appreciation for—and owe a debt of gratitude to—the dedicated staff and leadership at M.D. Anderson Cancer Center. Several years ago, my grandson Jay was stricken with cancer, and through the valiant efforts and superb treatment available at M.D. Anderson, Jay was one of those fortunate cancer patients who pulled through. I will be eternally grateful for the treatment that Jay and countless others have received there, and I appreciate Dolly's efforts in supporting the children of M.D. Anderson.

Dolly has been a longtime advocate in the fight to eradicate cancer. Last year, in recognition of her tireless efforts on behalf of The American Cancer Society over the past twenty-five years, the Deibel family joined with the American Cancer Society to name a room in her honor at the new building serving the Smith County Unit in Tyler. Over the years, Dolly has served the Smith County Unit of The American Cancer Society as Board member, public relations chairman, district chairman, committee member of Cattle Baron's Gala, Chili Rose Bowl and Great American Smokeout. She has served as a Board member of the State division of The American Cancer Society, including service on the Communications Committee, Great American Smokeout, Legislative Day at the Capital, and Women and Smoking Committee, among many other activities. She has received numerous awards for her many contributions.

Dolly also has been actively involved in countless philanthropic, civic, and political activities in Tyler, as so many look to her for leadership, inspiration, and support. She has devoted her time and talent to numerous causes, including the Women's Symphony League of Tyler, Tyler Rose Festival, Literacy Council of Tyler, Dallas Summer Musicals,

Distinguished Lecture Series at The University of Texas at Tyler, Tyler Museum of Art, YMCA and other worthy organizations.

Dolly's vivacious, wonderfully engaging personality, her intelligence, her genuine compassion for others, and her willingness to work hard and to accomplish difficult tasks enable her to succeed in any cause or event that she tackles. Tyler and the State of Texas have benefitted greatly from her dedication to improving the lives of others, and she and her husband, John, are one of the dynamic couples in Tyler who are making a difference in their community. As we adjourn today, I want to commend Dolly Deibel for her extraordinary efforts on behalf of others, and in particular her support of the children of M.D. Anderson Cancer Center and the fight against cancer. Best wishes to all those who are supporting the "Light up Tomorrow . . . for the Children" benefit in Tyler on December 17—and may the light of Christmas shine upon this event. God bless.

#### DECLARATION OF PARTICIPANTS OF FIRST CONGRESS OF WORLD AND TRADITIONAL RELIGIONS

#### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. PITTS. Mr. Speaker, I would like to submit for the CONGRESSIONAL RECORD the following Declaration of the Participants of the First Congress of World and Traditional Religions hosted in Kazakhstan earlier this fall. One of the most important aspects of this gathering was the emphasis on reconciliation and the final declaration recognizing the right of each individual to "freely be convinced of, choose, express and practice his/her religion." Much of the tension in the world today is over the refusal of one group to allow another group or individual to peacefully practice his or her religious beliefs. I would like to commend President Nazarbayev for convening this important conference and I would like to commend all participants in the conference.

#### DECLARATION OF THE PARTICIPANTS OF THE FIRST CONGRESS OF WORLD AND TRADITIONAL RELIGIONS

We, the participants of the First Congress of World and Traditional Religions, held from 23 to 24 September 2003 in Astana, the capital of the Republic of Kazakhstan.

*Recognizing* the right of each human person to freely be convinced, choose, express, and practice his/her religion.

*Considering* inter-religious dialogue as one of the most important instruments for ensuring peace and harmony among peoples and nations.

*Supporting* the efforts of the United Nations, other relevant international and regional organizations, as well as Governments, civil societies and non-governmental organizations in the promotion of dialogue among civilizations.

*Confirming* the importance of religion for the well being of all mankind.

*Condemning* the misuse and misrepresentations of religions and the incorrect use of differences among religions as a means for achieving selfish, disruptive and violent goals.

*Conscious of:* The declining sense of respect for the sanctity of human life and the dignity of every human person.

The serious challenges posed to global stability by poverty, hunger, illiteracy, disease, immorality and lack of access to clean water and health care.

The recourse to oppression, cruelty and violence as the principle instruments for resolving disputes.

The ecological crisis in which the world finds itself, with grave consequences for present and future generations.

*Declare:* That the promotion of the values of Tolerance, Truth, Justice and Love must be the aim of any religious teaching.

That extremism, terrorism and other forms of violence in the name of religion have nothing to do with genuine understanding of religion, but are a threat to human life and hence should be rejected.

That the diversity of religious beliefs and practices should not lead to mutual suspicion, discrimination and humiliation but to a mutual acceptance and harmony demonstrating distinctive characteristics of each religion and culture

That religions must aspire towards greater co-operation, recognizing tolerance and mutual acceptance as essential instruments in the peaceful co-existence of all peoples.

That educational programs and the means of social communication should be essential instruments for promotion of positive attitudes towards religions and cultures.

That inter-religious dialogue is one of the key means for social development and the promotion of the well-being of all peoples, fostering tolerance, mutual understanding and harmony among different cultures and religions, and operating to bring an end to conflicts and violence.

That the entire human family must be encouraged to overcome hatred, enmity, intolerance and xenophobia.

We shall strengthen co-operation in promoting spiritual values and the culture of dialogue with the aim of ensuring peace in the new millennium.

We are ready to strain every effort not to allow the use of religious differences as an instrument of hatred and discord, in order to save mankind from a global conflict of religions and cultures.

We look forward to joint actions to ensure peace and progress for humanity and to foster the stability of societies as the basis for a harmonious world for the future.

We thank the Republic of Kazakhstan and his Excellency President Nursultan Nazarbayev for initiating and hosting this Congress.

May our commitments be blessed and all the peoples of the world be granted justice, peace and prosperity.

#### RESOLUTIONS OF THE FIRST CONGRESS OF WORLD AND TRADITIONAL RELIGIONS

The participants of the First Congress of World and National Religions, held from 23 to 24 September 2003 in Astana, the capital of the Republic of Kazakhstan.

Taking into consideration the fruitful exchange of views on the role of religions in promoting peace and harmony in the world.

Expressing common understanding on the need to continue constructive dialogue among representatives of the world's religions.

**HAVE RESOLVED:** To convene the Congress at least once every three years; To approve the following title of the Congress—"the Congress of World and Traditional Religions"; To request the Republic of Kazakhstan, as the initiator of the Congress, to elaborate all aspects related to the establishment of the Secretariat; To convene the Second Congress in Astana, the Republic of Kazakhstan.

#### INTRODUCTION OF THE FAIRNESS TO LOCAL CONTRACTORS ACT

##### HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. CASE. Mr. Speaker, I rise today to introduce legislation to ensure that out-of-state Federal contractors doing business in the various States fully comply with local State laws.

For years, my home State of Hawaii has struggled to force out-of-state Federal contractors to pay local taxes. This issue became so serious in the mid-1990s that the State of Hawaii sued out-of-state Federal contractors for failing to pay State taxes, penalties, and interest ranging from \$191,000 to \$324,000. Non-compliance with State laws has become such an acute problem that the Hawaii Department of Taxation has joined with other State departments and members of the Hawai'i congressional delegation to devise ways to make Federal contractors comply with State tax laws.

The bill I introduce today will solve this problem by requiring the Federal government to withhold from any Federal contractor doing business in any State the amount necessary to pay the State tax liability due under its contract, with the amount withheld paid directly to the State where the work is performed. The bill would also direct the Federal government to require a contractor to be licensed in the State in which a construction contract is to be performed.

Besides assuring prompt and full payment of State taxes, these requirements will also help ensure that out-of-state contractors follow the same set of rules and compete on equal footing for Federal contracts with local contractors. Ignoring State laws gives out-of-state contractors an unfair and illegal advantage over local contractors, who routinely face much stricter scrutiny to comply with their local laws and much stricter penalties for failing to do so.

This bill is modeled after legislation introduced by my predecessor, the late Congresswoman Patsy T. Mink, who understood that out-of-state contractors must fulfill their legal responsibilities wherever they conduct their business. By reintroducing an expanded and refined version of her earlier bill, I will continue her fight to help State governments police unethical contractors. I urge my colleagues to support this bill.

#### NATIONAL EDUCATION WEEK

##### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RUSH. Mr. Speaker, today, I rise in recognition of the National Education Week that was celebrated during the week of November 17th through November 22, 2003. The theme was "Great Public Schools for Every Child—America's Promise." Although we triumphantly celebrated American education during that time, we must acknowledge that we have failed to fulfill the promise of ensuring a quality education for every student, regardless of their socio-economic background. Mr. Speaker, there is an underlying problem with the nu-

cleus of our public school system, and we cannot continue to band-aid these educational atrocities.

Mr. Speaker, over the past quarter of a century, the percentage of student dropout rates has stayed relatively unchanged. In fact, there are over 519,000 dropouts in America every year. Essentially, Mr. Speaker, America's dropout rates are the "unintended consequences" of our failure to invest the appropriate resources and programs in public school infrastructures.

When students drop out of school, there is a simultaneous spiral effect that leads to a host of troubling issues, such as teenage pregnancies, juvenile delinquencies, and even criminal activities. It is well-known that teenage girls who drop out of school are approximately 50 percent more likely to have a teenage pregnancy than girls who complete their high school education. Mr. Speaker, it is not a mystery to me, where the problem lies, when an estimated eight out of 10 prisoners are high school dropouts. These obvious correlations are not a matter of happenstance.

I believe we have a responsibility to remedy these issues through effective comprehensive programs in public education.

Mr. Speaker, this is the reason I am introducing the Vocational Opportunities and Instruction through Cooperative Education Act, also known as the VOICE Act of 2003. This bill would require the Secretary of Education to conduct a pilot study that would examine effective cooperative education programs in high schools across the nation.

The goal of my legislation is to promote alternative learning environments through school-to-work programs that have been proven to be a successful strategy in preventing high school dropouts. We know that cooperative education is an effective approach in reducing dropout rates. Mr. Speaker, School-to-Work programs, not only prevent dropout rates, but research also demonstrates that linking academic course work to career-related curriculum in the workplace, consistently increases student achievement.

My legislation would also create paid partnerships for students who participate in the program. This is an important piece of my legislation because when these students are paid, it reinforces our commitment to excellence through education while rewarding the efforts of the students. My bill, the VOICE Act of 2003, provides a win-win program for schools, community businesses and organizations, and most importantly the students. Students will benefit from this program because it creates an avenue for both high academic achievement and financial incentives. And the partnership between community businesses and organizations and the schools will assure highly skilled, motivated and experienced high school graduates, which is an investment for the future workforce.

Mr. Speaker, if America is serious about keeping our promise of providing great public schools for every child, then we must do everything in our power to integrate cooperative education programs into every public school classroom across this nation. It is my hope that all my colleagues will join me in the struggle to improve the quality of public education, by cosponsoring this much needed legislation.

DECEMBER SCHOOL OF THE MONTH, NEW YORK'S 4TH CONGRESSIONAL DISTRICT

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. MCCARTHY. Mr. Speaker, it's with great pride that I announce Franklin Elementary School in the Hempstead Union Free School District as School of the Month in the Fourth Congressional District for December 2003.

The Principal of Franklin Elementary School is John W. Moore. Regina Armstrong and Carolyn Townes-Richards are the Assistant Principals, and the Superintendent of Schools is Dr. Nathaniel Clay. Franklin Elementary School is the largest elementary school in the Village of Hempstead with over 750 students in grades Kindergarten through 5, and 115 dedicated staff members. The faculty work to fulfill the school's mission: To achieve a safe and secure educational environment that promotes working with parents and the community to ensure that all students reach and maintain high academic standards.

Despite various factors the students must overcome, they have shown, and maintained, academic progress in their pursuit to achieve and exceed the standards set by the school. The school's motto, "Your choices determine your destiny. \* \* \* Choose them wisely," puts the students' future in their hands and they have succeeded. Through the rich and diverse cultural wisdom of its students and staff, Franklin Elementary School has distinguished itself as a community, county and a national resource. Recognized as a national school of excellence, Franklin Elementary School this year received from the Department of Education the National Blue Ribbon award. The honor is awarded annually to schools to acknowledge the achievements and hard work of the students, staff members, families and community.

Franklin Elementary School's band has been locally and nationally recognized and is regarded as one of the best elementary school bands in New York State. The band has participated in numerous community events resulting in its adoption by the Eastern Regional Federal Aviation Headquarters. The organization has given students mentorship, tours of its facilities, awards and career advice. It is a relationship benefiting both sides, which I hope will be maintained in the future.

Mr. Speaker, the faculty and students, of Franklin, along with the community, have created a wonderful learning environment. I am proud to name Franklin Elementary School the school of the month for December 2003.

HONORING RICHARD A. ELBRECHT

**HON. GRACE F. NAPOLITANO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mrs. NAPOLITANO. Mr. Speaker, it is with great pride that I rise today to honor Richard A. Elbrecht on the occasion of his retirement from the California Department of Consumer Affairs, an agency with which Elbrecht has served the public since 1976. As the Super-

vising Attorney of the Legal Services Unit, he promoted and practiced the ideal that the law must be accessible to those whom it affects.

Mr. Elbrecht graduated from Yale University in 1955 with a degree in economics and a focus on money, banking and the antitrust law. He also attended the University of Michigan Law School and earned his J.D., 1960. Mr. Elbrecht worked for Legal Aid, the National Consumer Law Center and in private practice in San Jose and Santa Cruz.

But his greatest impact on the people of California was made during his years at the Department of Consumer Affairs where he constantly inspired his staff and co-workers through his intellect, enthusiasm and energy. He has created and maintained a work environment where excellence and innovation flourished. His unit provides a wide range of legal services, including legislative drafting, advocacy before administrative agencies, litigation and education. He has personally worked in a variety of areas of importance to consumers, including banking, electronic funds transfer, telecommunications, insurance, sales, warranties, credit and cable communications. He helped design and administer California's state quality awards program and has performed research on the application of computers and telecommunications to education.

Through this work, Elbrecht has achieved many extraordinary accomplishments on behalf of California's consumers. He drafted the 1991 and 1992 rewrites of the California Small Claims Act and supervised coordination of the Small Claims Court Experimental Project, which led to numerous significant improvements to the small claims court process. He fundamentally reformed practices for selling hearing aids through his representation in *People and Director v. Beltone Electronics Corp.* He assisted policy makers in developing regulations of interest rates in retail installment sales. He played a key role in the conceptualization and enactment of the California Lemon Law, the Song-Beverly Consumer Warranty Act and the Moore Universal Telephone Service Act.

I ask my colleagues to join me in thanking Richard A. Elbrecht for his many years of service to California's consumers. His advocacy and hard work will be greatly missed, and we wish him much happiness and contentment in his retirement.

ADMINISTRATION'S ATTEMPT TO BAN THERAPEUTIC CLONING WORLDWIDE

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. STARK. Mr. Speaker, I rise today to make clear to my colleagues how the current Bush Administration and their cadre of religious zealots are again attempting to impose their ideological views not just across our country, but across the world. The Administration, with the backing of the anti-abortion movement and several predominantly Catholic countries, is strongly lobbying members of the United Nations General Assembly to vote for a resolution to enact a worldwide ban on therapeutic cloning.

The Administration was not satisfied with their successful effort to cripple stem cell re-

search in this country. Now, they want to use their considerable resources to destroy this promising research field throughout all United Nations member countries. And who will suffer if this effort is successful? People of all races, creeds, religions who suffer conditions as varied as Alzheimer's disease, Parkinson's disease, diabetes, chronic heart disease and spinal injuries. These are the individuals who have the most to lose if therapeutic cloning is banned.

The following is a statement released by Don Reed who is a constituent from Fremont, California. Don and his wife Gloria are tireless advocates of spinal cord research. Their interest in this area is passionate and very personal. Their son Roman was a star college football player until he was paralyzed by a game injury that broke his neck. Since the accident, Roman has been confined to a wheelchair. The Reeds are very much aware of the promise of therapeutic cloning and stem cell research to someday help their son, and many others, to live less restricted lives. This statement describes the efforts of the Administration at the United Nations and provides a poignant view of its effect on his spinal injured son.

WHITE HOUSE BEHIND CHRISTMAS ATTACK ON STEM CELL RESEARCH?

"This is like Scrooge putting Tiny Tim's doctor in jail," said stem cell activist Don C. Reed today, reacting to news that White House officials were part of a stealth campaign at the United Nations to internationally ban all forms of cloning with an up-or-down vote planned for December 8.

"My son is paralyzed with a spinal cord injury," said Reed. "Therapeutic cloning for stem cells is our only realistic hope of cure: that he will one day stand up and walk. But the White House continually attacks that research, apparently because of the religious convictions of the President."

As reported in Thursday's Financial Times of London, the Bush-backed Costa Rica plan would ban cloning everywhere. This would overturn the November 6 vote by the U.N.'s Legal Committee. By a razor-thin margin, (80-79, with 15 nations abstaining) that vote postponed a decision on the controversial therapy for two years.

"Mr. Bush did not like the way that vote turned out," said Reed. "And he wants a new vote. Well, I did not like the way the 2000 Presidential election turned out, but I don't get to have that vote re-done. Millions of people will suffer, if the President can overturn the November 6th U.N. vote. That vote did not approve or disapprove therapeutic cloning. It only says, we should take time to make this important decision carefully. What's wrong with that?"

A more moderate measure, sponsored by Belgium and backed by the UK, would ban reproductive cloning but allow member nations to make their own decisions on therapeutic cloning for medical research. This is opposed by the President, the Catholic church, and anti-abortion organizations.

"The American Medical Association supports therapeutic cloning," says Reed. "As does our own National Academy of Science." Exhaustive studies have been done on therapeutic cloning again and again, both nationally and in the state of California, as well as in countries like England, Israel, Singapore and China. All arrive at the same conclusion: reproductive cloning of children is dangerous to the unborn child, and should be banned; but therapeutic cloning of stem cells is potentially enormously valuable to cure hundreds of diseases and disabilities, and should be preserved.

"None of the stem cell lines approved by the White House can ever be used to help people," says Reed. "Because all of those stem cells were fed on rat feeder layers, which not only brings the possibility of interspecies infection, but also disqualifies them for human use according to FDA guidelines. To individualize embryonic stem cells for human use, therapeutic cloning for cells is a must."

"If therapeutic cloning is banned, embryonic stem cell research is effectively killed," said Reed, "and my son is imprisoned in his wheelchair forever. This is not the sort of Christmas present one expects from the President of the United States."

My fellow colleagues; advanced cellular research is a ray of hope for the Reeds and many others. And this hope is based in reality. According to the National Institutes of Health, therapeutic cloning and stem cell research has "enormous" potential to improve the lives of many. We should not interfere with this progress; we should embrace and support it. I ask you to join me and protest the efforts of the Bush administration at the United Nations to ban therapeutic cloning.

TRIBUTE TO MR. WILLIAM "BILL"  
HUGHES

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. DOOLITTLE. Mr. Speaker, today I wish to pay tribute to an outstanding citizen and a close friend, Mr. William "Bill" Hughes, from Citrus Heights, California. Well known for his dedication to family, faith, and community, Bill Hughes passed away unexpectedly on November 25, 2003, while visiting family in Utah for Thanksgiving. He was 55 years old. Though seemingly cut short, Bill's life was, nonetheless, filled with much experience, accomplishment, and success.

Very fittingly, Bill Hughes was born on the Fourth of July in Colorado Springs, Colorado in 1948. Raised on his parents' ranch, he grew up enjoying the outdoors and engaging in hard work. He could often be found on horseback, even as a small child. When the Hughes Family moved to the rural community of Orangevale in Sacramento County, California, Bill's interests grew to include flying small aircraft out of the old Phoenix Field.

After graduating from Bella Vista High School, Bill served as a missionary of the Church of Jesus Christ of Latter-Day Saints, ministering among the Spanish-speaking population of Southwest Texas. Upon his return home, he met and married the love of his life, Sarah. Together, they soon started a family and settled in Citrus Heights.

Having completed a Bachelor of Science degree in criminal science at California State University, Sacramento, Bill launched a three decade career in law enforcement. Following a two-year stint with the Federal Bureau of Investigation, he accepted a position with the Roseville Police Department. In his 28 years on the force, he helped found the SWAT team, spearheaded the implementation of neighborhood policing, and eventually rose to the rank of lieutenant. Strangely, he passed away exactly one year from the day he retired from the department.

Mr. Speaker, Bill also displayed great concern for the future of his own community by

driving the move to incorporate the City of Citrus Heights. In fact, with the birth of the City of Citrus Heights in 1997, Bill Hughes was sworn in as its first mayor. During his seven years on the city council, including three as mayor, he spurred the creation of neighborhood associations, guided major economic development efforts, and improved local law enforcement. Due to his leadership, the city is well regarded as a responsive, user-friendly local government.

In his one year of retirement, Bill fulfilled personal goals such as climbing Mount Shasta and sailing the entire coast of California. He also elevated his civic involvement by taking on increased leadership roles in regional affairs. This year, he chaired the Sacramento Area Council of Governments and was the energy behind its Blueprint Project to direct regional transportation and land use planning.

Mr. Speaker, I wish to publicly thank you and the rest of our colleagues for appropriating funding this year to support this visionary project which will help the greater Sacramento region focus and direct its development according to community desires and principles of good planning.

Despite his involved professional and civic life, Bill actively fulfilled his church and family responsibilities. He is survived by his lovely wife Sarah, daughters Yolanda and Kymbra, sons Jarom, Jashon, Corom, and four grandchildren.

As an elected official, I appreciated Bill's hard work and professionalism. As his friend of over 20 years, I appreciated his sincerity and good nature. I join with his family, friends, colleagues, and constituents in celebrating his life and mourning his passing. We will surely miss him.

Rest in peace, Bill.

TRIBUTE TO MR. WILLIAM  
THOMAS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. PAYNE. Mr. Speaker, I rise today to recognize and offer my congratulations to a hero in my community, Mr. William Thomas. During this holiday season, we are lucky to have such a heartwarming reminder of the goodness within the human spirit.

As Mr. Thomas was riding to work with his wife, Jamelia, and two of their children, on East Hazelwood Avenue in Rahway, NJ, he saw a group of people gathered along the river's edge. Upon stopping, he observed a woman flailing in the water.

Disregarding his own safety, and not much of a swimmer himself, Mr. Thomas dove into the 50 degree water to rescue the drowning woman. Struggling to control the panicking, hysterical woman, he managed to pull her close enough to the shoreline for police officers to draw her from the river.

He then returned home to quickly shower and change clothes, setting out again on his drive to work at the Woodbridge Developmental Center in Avenel. He later discovered that the drowning woman also worked at this state-run residential facility for the mentally and physically impaired. They had never met.

Without a thought for his welfare, Mr. Thomas placed another human's life above his own.

I am touched by his sacrifice and his service. I am honored by his presence in my community, and I ask you to join me as I salute Mr. Thomas and his outstanding display of compassion and bravery.

TRIBUTE TO BOB GRAHAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. DUNCAN. Mr. Speaker, sometimes ordinary people do extraordinary things. We do not have to be rich or famous to leave a positive and lasting legacy to this world.

Bob Graham, one of my constituents from Knoxville, TN, was one of those people. Mr. Graham was the long-time supervisor of athletic officials for the City of Knoxville and a long-time volunteer leader in our community.

Bob Graham loved children, and he gave tirelessly of himself to thousands of young people throughout his career. Many people remember him from his days as a youth baseball, football, and basketball coach. Everyone who knew him remembered him as a great leader and role model for our children. This Nation would be a much better place if there were more people here like Mr. Graham.

Bob Graham passed away following a lengthy illness on November 28th. He will be remembered fondly by his family and friends and the countless young people he helped through the years.

Mr. Speaker, I have attached a copy of a tribute to Mr. Graham that ran in the Knoxville News Sentinel that I would like to call to the attention of my colleagues and other readers of the RECORD.

HELPING KIDS WAS GRAHAM'S FOCUS UNTIL  
HIS DEATH

(By Chuck Cavalaris)

Rare is the occasion when just three words can sum up the essence of a person's life.

Such is the case with a great man like Bob Graham, who passed away Friday night.

His three words were all about, "Helping the kids."

Bob always had a handy explanation for those 14-hour days and frequent weekends at a ballpark.

"I just want to do whatever I can to help the kids," he said.

Anyone who had the privilege of knowing the supervisor of athletic officials for the city of Knoxville would agree: he is an all-time great in this regard.

This stocky, blue-eyed former lineman and kicker from Oliver Springs High School became a youth baseball, football and basketball coach (1956-1982) who helped thousands of kids. He also found time in the 1970s to be a TSSAA football referee and was a baseball scout for the St. Louis Cardinals.

To many people, Bob Graham was the tireless volunteer leader at Badgett Field. His passion led to a full-time job offer by former recreation department director Maynard Glenn. Talk about a great hire.

"Bob is probably the most-conscientious person I have ever known," said Norman Bragg, who worked with Graham for many years. "Nowadays, you just don't replace someone like that. He did what he did without asking for a single thing in return—that was just Bob."

Sure, he loved his children—all seven of them—and he was really proud of his grandkids. But he also cared deeply about

the scruffy, undersized youngsters who didn't even know how to hold a softball bat or throw a baseball. He took great delight in working with these children and watching their self-esteem grow. That was Bob Graham.

"Dad just wanted all kids to have the opportunities in sports that he might not have had growing up," said his son, Mark. "He loved doing that. I think he would rather be at the ballpark than anywhere else. It was his second home."

Graham, who was 69, was instrumental in the planning, design and construction of the award-winning Caswell Park softball complex off Winona Avenue.

He died at St. Mary's Hospice in Halls and had a rare brain disease called Creutzfeldt-Jacob (pronounced kroitsfeldt-yakob). There is no known cure for CJD, which strikes approximately one in a million people worldwide between the ages of 55 and 75.

The family received the diagnosis less than eight weeks ago, which left time to say goodbye. Considering the circumstances, they were thankful he did not suffer. He passed away quietly, just after speaking with close friend Willie Anderson.

"My mother (Judy) was holding dad's hand," Jeff Graham said. "She was saying, 'I love you, Bob I love you, Bob' when he took his last breath. I think he held on just a little bit longer to make sure everyone had the chance to say goodbye."

Graveside services are set for 11 a.m. today at Woodhaven Memory Gardens.

Bob Graham had a positive, uplifting impact on more lives than he possibly could have known. We love you, Bob. Many of us will never really and truly say goodbye.

Donations can be sent to Beaver Ridge United Methodist (Family Life Center), P.O. Box 7007, Knoxville, TN., 37921 or The Fellowship of Christian Athletes Bob Graham Memorial Scholarship Fund, 406 Union Ave., Knoxville, TN. 37902.

## INTRODUCTION OF THE WESTERN WATERS AND SURFACE OWNERS PROTECTION ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am joining with my colleague from New Mexico, Representative TOM UDALL, in introducing the Western Waters and Surface Owners Protection Act.

The western United States is blessed with significant energy resources. In appropriate places, an under appropriate conditions, they can and should be developed for the benefit of our country. But it's important to recognize the importance of other resources—particularly water—and other uses of the lands involved—and our bill responds to this need. It has three primary purposes. The first is to assure that the development of those energy resources in the West will not mean destruction of precious water resources. The second is to reduce potential conflicts between development of energy resources and the interests and concerns of those who own the surface estate in affected lands. And the third is to provide for appropriate reclamation of affected lands.

### Water Quality Protection

One new energy resource is receiving great attention. Gas associated with coal deposits,

often referred to as coalbed methane. An October 2000 United States Geological Survey report estimated that the U.S. may contain more than 700 trillion cubic feet (tcf) of coalbed methane and that more than 100 tcf of this may be recoverable using existing technology. In part because of the availability of these reserves and because of tax incentives to exploit them, the West has seen a significant increase in the development of this gas.

Development of coalbed methane usually involves the extraction of water from underground strata. Some of this extracted water is reinjected into the ground, while some is retained in surface holding ponds or released on the surface and allowed to flow into streams or other water bodies, including ditches used for irrigation.

The quality of the extracted waters varies from one location to another. Some are of good quality, but often they contain dissolved minerals (such as sodium, magnesium, arsenic, or selenium) that can contaminate other waters—something that can happen because of leaks or leaching from holding ponds or because the extracted waters are simply discharged into a stream or other body of water. In addition, extracted waters often have other characteristics, such as high acidity and temperature, which can adversely affect agricultural uses of land or the quality of the environment.

In Colorado and New Mexico and other states in the arid West, water is scarce and precious. So, as we work to develop our domestic energy resources, it is vital that we safeguard our water and we believe that clear requirements for proper disposal of these extracted waters are necessary in order to avoid some of these adverse effects. That is the purpose of the first part of our bill.

Our bill (in Title I) includes two requirements regarding extracted water.

First, it would make clear that water extracted from oil and gas development must comply with relevant and applicable discharge permits under the Clean Water Act. Lawsuits have been filed in some western states regarding whether or not these discharge permits are required for coalbed methane development. Our bill would require oil and gas development to secure permits if necessary and required, like any other entity that may discharge contaminates into the waters of the United States.

Second, the bill would require those who develop federal oil or gas—including coalbed methane—under the Mineral Leasing Act to do what is necessary to make sure their activities do not harm water resources. Under this legislation, oil or gas operations that damage a water resource—by contaminating it, reducing it, or interrupting it—would be required to provide replacement water. For water produced in connection with oil or gas drilling that is injected back into the ground, the bill requires that this must be done in a way that will not reduce the quality of any aquifer. For water that is not reinjected, the bill requires that it must be dealt with in ways that comply with all Federal and State requirements.

And, because water is so important, our bill requires oil and gas operators to make the protection of water part of their plans from the very beginning, requiring applications for oil or gas leases to include details of ways in which operators will protect water quality and quantity and the rights of water users.

These are not onerous requirements, but they are very important—particularly with the great increase in drilling for coalbed methane and other energy resources in Colorado, Wyoming, Montana, and other western States.

### Surface Owner Protection

In many parts of the country, the party that owns the surface of some land does not necessarily own the minerals beneath those lands. In the West, mineral estates often belong to the Federal Government while the surface estates are owned by private interests, who typically use the land for farming and ranching.

This split-estate situation can lead to conflicts. And while we support development of energy resources where appropriate, we also believe that this must be done responsibly and in a way that demonstrates respect for the environment and overlying landowners.

The second part of our bill (Title II) is intended to promote that approach, by establishing a system for development of Federal oil and gas in split-estate situations that resembles—but is not identical to—the system for development of federally-owned coal in similar situations.

Under Federal law, the leasing of federally owned coal resources on lands where the surface estate is not owned by the United States is subject to the consent of the surface estate owners. But neither this consent requirement nor the operating and bonding requirements applicable to development of federally owned locatable minerals applies to the leasing or development of oil or gas in similar split-estate situations:

We believe that there should be similar respect for the rights and interests of surface estate owners affected by development of oil and gas and that this should be done by providing clear and adequate standards and increasing the involvement of these owners in plans for oil and gas development.

Accordingly, our bill requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing developments related to such leases.

In addition, the bill requires that anyone proposing the drill for Federal minerals in a split-estate situation must first try to reach an agreement with the surface owner that spells out what will be done to minimize interference with the surface owner's use and enjoyment and to provide for reclamation of affected lands and compensation for any damages.

We think that most energy companies want to avoid harming the surface owners, so we expect that it will usually be possible for them to reach such agreements. However, we recognize that this may not always be the case and the bill includes two provisions that address this possibility: (1) if no agreement is reached within 90 days, the bill requires that the matter be referred to neutral arbitration; and (2) the bill provides that if even arbitration fails to resolve differences, the energy development can go forward, subject to Interior Department regulations that will balance the energy development with the interests of the surface owner or owners.

As I mentioned, these provisions are patterned on the current law dealing with development of federally-owned coal in split-estate situations. However, it is important to note one

major difference—namely, while current law allows a surface owner to effectively veto development of coal resources, under our bill a surface owner ultimately could not block development of oil or gas underlying his or her lands. This difference reflects our belief that appropriate development of oil and natural gas is needed.

#### Reclamation Requirements

The bill's third part (Titles III and IV) addresses reclamation of affected lands.

Title III would amend the Mineral Leasing Act by adding an explicit requirement that parties that produced oil or gas (including coalbed methane) under a Federal lease must restore the affected land so it will be able to support the uses it could support before the energy development. Toward that end, this part of the bill requires development of reclamation plans and posting of reclamation bonds. In addition, so Congress can consider whether changes are needed, the bill requires the General Accounting Office to review how these requirements are being implemented and how well they are working.

And, finally, Title IV would require the Interior Department to: (1) establish, in cooperation with the Agriculture Department, a program for reclamation and closure of abandoned oil or gas wells located on lands managed by an Interior Department agency or the Forest Service or drilled for development of Federal oil or gas in split-estate situations; and (2) establish, in consultation with the Energy Department, a program to provide technical assistance to State and tribal governments that are working to correct environmental problems caused by abandoned wells on other lands. The bill would authorize annual appropriations of \$5 million in fiscal 2005 and 2006 for the Federal program and annual appropriations of \$5 million in fiscal 2005, 2006, and 2007 for the program of assistance to the States and tribes.

Mr. Speaker, our 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 need to diversify our energy portfolio and increase the contributions of alternative energy sources to our energy mix. However, for the foreseeable future, petroleum and natural gas (including coalbed methane) will remain important parts of a diversified energy portfolio and we support their development in appropriate areas and in responsible ways. We believe this legislation can move us closer toward this goal by establishing some clear, reasonable rules that will provide greater assurance and certainty for all concerned, including the energy industry and the residents of Colorado, New Mexico, and other Western States. Here is a brief outline of its major provisions:

#### OUTLINE OF BILL

**SECTION ONE**—This section provides a short title ("Western Waters and Surface Owners Protection Act"), makes several findings about the need for the legislation, and states the bill's purpose, which is "to provide for the protection of water resources and surface estate owners in the development of oil and gas resources, including coalbed methane."

**TITLE I**—This title deals with the protection of water resources. It includes three sections:

Section 101 amends current law to specify that an operator producing oil or gas under a Federal lease must: (1) replace a water supply that is contaminated or interrupted by drilling operations; (2) assure any reinjected water goes only to the same aquifer from which it was extracted or an aquifer of no better water quality; and (3) to develop a proposed water management plan before obtaining a lease

Section 102 amends current law to make clear that extraction of water in connection with development of oil or gas (including coalbed methane) is subject to an appropriate permit and requirement to minimize adverse effects on affected lands or waters.

Section 103 provides that nothing in the bill will: (1) affect any State's right or jurisdiction with respect to water; or (2) limit, alter, modify, or amend any interstate compact or judicial rulings that apportion water among and between different States.

**Title II**—This title deals with the protection of surface owners. It includes four sections:

Section 201 provides definitions for several terms used in Title II.

Section 202 requires a party seeking to develop federal oil or gas in a split-estate situation to first seek to reach an agreement with the surface owner or owners that spells out how the energy development will be carried out, how the affected lands will be reclaimed, and that compensation will be made for damages. It provides that if no such agreement is reached within 90 days after the start of negotiations the matter will be referred to arbitration by a neutral party identified by the Interior Department.

Section 203 provides that if no agreement under section 202 is reached within 90 days after going to arbitration, the Interior Department can permit energy development to proceed under an approved plan of operations and posting of an adequate bond. This section also requires the Interior Department to provide surface owners with an opportunity to comment on proposed plans of operations, participate in decisions regarding the amount of the bonds that will be required, and to participate in on-site inspections if the surface owners have reason to believe that plans of operations are not being followed. In addition, this section allows surface owners to petition the Interior Department for payments under bonds to compensate for damages and authorizes the Interior Department to release bonds after the energy development is completed and any damages have been compensated.

Section 204 requires the Interior Department to notify surface owners about lease sales and subsequent decisions involving federal oil or gas resources in their lands.

**Title III**—This title amends current law to require parties producing oil or gas under a Federal lease to restore affected lands and to post bonds to cover reclamation costs. It also requires the GAO to review Interior Department implementation of this part of the bill and to report to Congress about the results of that review and any recommendations for legislative or administrative changes that would improve matters.

**Title IV**—This title deals with abandoned oil or gas wells. It includes three sections:

Section 401 defines the wells that would be covered by the title.

Section 402 requires the Interior Department, in cooperation with the Department of Agriculture, to establish a program for reclamation and closure of abandoned wells on federal lands or that were drilled for development of federally-owned minerals in split-estate situations. It authorizes appropriations of \$5 million in fiscal years 2005 and 2006.

Section 403 requires the Interior Department, in consultation with the Energy De-

partment, to establish a program to assist states and tribes to remedy environmental problems caused by abandoned oil or gas wells on non-federal and Indian lands. It authorizes appropriations of \$5 million in fiscal years 2005, 2006, and 2007.

IN HONOR OF C. BOOTH  
WALLENTINE

**HON. JIM MATHESON**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. MATHESON. Mr. Speaker, I rise today to recognize and pay tribute to Mr. C. Booth Wallentine of Utah on the occasion of his retirement from the Utah Farm Bureau Federation.

Booth has spent 41 years working for the Utah and Iowa Farm Bureaus, the last 31 of those years he has served as the Utah Farm Bureau Federation's CEO.

I first heard about Booth's efforts on behalf of our state's agricultural interests when he worked with my father when he served as governor of Utah. I have been privileged to have the same opportunity to work with Booth, and he has been an invaluable asset to me in learning about Utah's agriculture industry.

Since being elected to Congress, I have been impressed with Booth's tireless efforts to advocate on behalf of agriculture and rural issues. His work and dedication on behalf of Utah's farmers and ranchers has made a real difference across the state of Utah, and we all owe him a debt of gratitude for championing these issues on behalf of our state. He has been involved in so many efforts over the years, and it is difficult to imagine discussions about agriculture policy in Utah without Booth's participation.

I wish Booth and his family well in his retirement. I know he will continue to be involved in public service, and I look forward to working with him on his future endeavors.

DOCUMENTS REVEAL DECEPTIVE  
PRACTICES BY ABORTION LOBBY

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. SMITH of New Jersey. Mr. Speaker, today, I submit to the RECORD documents that reveal deceptive practices used by the abortion lobby. It is critical that both the American and foreign public are made aware of these documents because they shed new light on the schemes of those who want to promote abortion here and abroad. It is especially important that policy makers know, and more fully understand, the deceptive practices being employed by the abortion lobby. These documents are from recent Center for Reproductive Rights (CRR) strategy sessions where, according to a quote from a related interview session, one of CRR's Trustees said, "We have to fight harder, be a little dirtier." These documents are important for the public to see because they expose the wolf donning sheep's clothing in an attempt to sanitize violence against children. These papers reveal a Trojan Horse of deceit. They show a plan to

"be a little dirtier." In their own words, these documents demonstrate how abortion promotion groups are planning to push abortion here and abroad, not by direct argument, but by twisting words and definitions. In discussing legal strategies to legalize abortion internationally they go as far as to say, ". . . there is a stealth quality to the work: we are achieving incremental recognition of values without a huge amount of scrutiny from the opposition. These lower profile victories will gradually put us in a strong position to assert a broad consensus around our assertions." People should know about this stealth campaign, and that is why I submit these documents unedited and for public review.

INTERNATIONAL LEGAL PROGRAM SUMMARY OF STRATEGIC PLANNING THROUGH OCTOBER 31, 2003

Staff lawyers in the International Legal Program, (ILP) have met three times with Nancy Northup, Nancy Raybin and Elizabeth Lowell (September 3, September 23, and October 16) to discuss our strategic direction. In the periods between those meetings, ILP staff met and worked on the memos attached hereto, as well as two other working memos.

We have stepped back and considered the types of strategic legal work the ILP has worked on to date, examining in particular how we evaluate or measure our effectiveness. We reflected on our key accomplishments, and the constant challenge of being in far higher demand than we have resources. This led us to discuss and further develop the ILP's "theory of change." (See Memo 2.) What is our overarching programmatic objective and what should that mean in terms of hard choices on how to focus our work in the next 3-5 years? We have made some solid progress in answering that question, as outlined below:

The ILP's overarching goal is to ensure that governments worldwide guarantee reproductive rights out of an understanding that they are legally bound to do so.

We see two principal prerequisites for achieving this goal:

(1) Strengthening international reproductive rights norms.

Norms refer to legal standards. The strongest existing international legal norms relevant to reproductive rights are found in multilateral human rights treaties. Based on our view of what reproductive rights should mean for humankind, the existing human rights treaties are not perfect. For example, at least four substantive areas of reproductive rights illustrate the limits of international reproductive rights norms in protecting women: (a) abortion; (b) adolescents access to reproductive health care; (c) HIV/AIDS; and (d) child marriage. One strategic goal could be to work for the adoption of a new multilateral treaty (or addendum to an existing treaty) protecting reproductive rights. The other principal option is to develop "soft norms" or jurisprudence (decisions or interpretations) to guide states' compliance with binding norms. Turning back to the four substantive areas noted above, in all four cases, it is possible to secure favorable interpretations. Indeed, the Center has begun to do so. (For an in-depth discussion of this, see Memo 1.)

In theory, existing international norms are broad enough to be interpreted so as to provide women with adequate legal protections. Therefore, we are in agreement on the need to work in a systematic way on strengthening interpretations and applications of the existing norms. If, at the end of 2007, we determine that the existing norms are proving inadequate (as evidenced by the interpretations we seek), then we would reconsider

whether to undertake a concerted effort to secure a new international treaty or addendum to address this gap. We would supplement our own conclusions by convening a conference or expert group to consider whether it would be strategic to pursue such an effort.

(2) Consistent and effective action on the part of civil society and the international community to enforce these norms.

This action follows from the premise that the best way to test existing international reproductive rights norms is to make governments accountable for them. In other words, to work for their enforcement or implementation, would seek to do this by: (a) developing activities aimed at enforcement of international protections of reproductive rights in regional and international fora; and (b) working for the adoption and implementation of appropriate national-level norms.

The regional and international fora with a quasi-judicial character arguably offer the most promising venues for securing justice and interpretations that actually change governments' behavior. To date, we have used the Inter-American Commission on Human Rights (three cases, one pending) and the UN Human Rights Committee (which oversees compliance with the International Covenant on Civil and Political Rights) (one case pending). We believe that seeking favorable interpretations from the "quasi judicial mechanisms of the European human rights system, the African system, and other UN individual complaint mechanisms will be particularly important in the next 3-5 years.

Ultimately, underlying the goal of strengthening international norms and enforcement is that of ensuring that appropriate legal norms are in place at the national level so as to improve women's health and lives. Working on the above prerequisites can help bring about national-level normative changes (since one key way for governments to comply with international norms is to improve national norms). But these processes are not linear and the adoption of appropriate national-level norms may be feasible first (without advocates' emphasis on governments' obligation to apply international norms). Such new national-level norms can, in turn, influence and strengthen international standards. Our goal above is reached only when governments in fact guarantee women's reproductive rights; first by adopting appropriate laws and policies, and, second, by adequately implementing them.

We have begun the process of considering what the above theory of change means for our work: It will mean concentrating on securing strong interpretations the strength of international reproductive rights norms. But the work suggested by the discussion above is still greater than our resources. We must think in terms of working in a concerted way on certain reproductive rights issues; in a smaller number of focus countries; and on honing our ability to provide cutting edge input on relevant international and regional norms and on providing a comparative legal perspective. (i.e., analysis of laws and judicial decisions across countries).

MEMO #1—INTERNATIONAL REPRODUCTIVE RIGHTS NORMS: CURRENT ASSESSMENT

Our goal is to see governments worldwide guarantee women's reproductive rights out of recognition that they are bound to do so. An essential precondition is the existence of international legal norms that encompass reproductive rights and guarantee them the broadest possible protection. Our task, therefore, is to consider the current content of international law relating to reproductive rights and assess its adequacy for guiding government decision-making and holding

governments accountable for violations of international norms.

This memo provides an overview of the sources of international law that may be invoked to protect reproductive rights, examining both binding treaty provisions (hard norms) and the many interpretative and non-binding statements that contribute to an understanding of reproductive rights (soft norms). It examines four substantive areas that illustrate the limits of international law in protecting reproductive rights: (a) abortion, (b) adolescents' access to reproductive health care, (c) HIV/AIDS, and (d) child marriage. The memo then considers whether, given existing support for reproductive rights in international law, reproductive rights activists should seek new protective norms or whether our efforts would be better spent seeking stronger mechanisms for enforcement of existing norms. Assuming that our goal is to pursue the development of international norms, there are several approaches we could take:

Develop a jurisprudence of existing norms that guides states' compliance with binding norms;

Strategically work toward developing customary norms; and

Work to create another binding instrument, such as an international treaty or a protocol to an existing treaty.

*I. The foundations of reproductive rights in international law*

By way of introduction, international human rights law is grounded in both "hard" and "soft" norms. Legally binding or "hard" norms are norms codified in binding treaties such as the International Covenant on Civil and Political Rights (ICCPR) or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As a result of the hard-fought efforts of human rights activists, hard norms have gradually been extended to more and more of the human family, including ethnic and racial minorities, women, children, and refugees and internally displaced people.

Supplementing these binding treaty-based standards and often contributing to the development of future hard norms are a variety of "soft norms." These norms result from interpretations of human rights treaty committees, rulings of international tribunals, resolutions of inter-governmental political bodies, agreed conclusions in international conferences and reports of special rapporteurs. (Sources of soft norms include: the European Court of Human Rights, the CEDAW Committee, provisions from the Platform for Action of the Beijing Fourth World Conference on Women, and reports from the Special Rapporteur on the Right to Health.)

Reproductive rights advocates, including the Center, have found guarantees of women's right to reproductive health and self-determination in longstanding and hard international norms, relying on such instruments as the Universal Declaration on Human Rights (Universal Declaration), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This approach received international affirmation (in a soft norm) at the International Conference on Population and Development (ICPD) in the conference's Programme of Action. Paragraph 7.3 of that document states:

"[R]eproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the

basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents."

We and others have grounded reproductive rights in a number of recognized human rights, including: the right to life, liberty, and security; the right to health, reproductive health, and family planning; the right to decide the number and spacing of children; the right to consent to marriage and to equality in marriage; the right to privacy; the right to be free from discrimination on specified grounds; the right to modify traditions or customs that violate women's rights; the right not to be subjected to torture or other cruel, inhuman, or degrading treatment or punishment; the right to be free from sexual violence; and the right to enjoy scientific progress and to consent to experimentation.

Our publications feature legal arguments resting on these broad principles, many of which have been well received by treaty monitoring bodies and other authoritative U.N. bodies. Still, there are some arguments that could be considerably strengthened with legal norms that relate more specifically to reproductive matters. The next section will briefly discuss four areas in which international law provides less protection than desired.

## II. Gaps in existing norms

### A. Abortion

We have been leaders in bringing arguments for a woman's right to choose abortion within the rubric of international human rights. However, there is no binding hard norm that recognizes women's right to terminate a pregnancy. To argue that such a right exists, we have focused on interpretations of three categories of hard norms: the rights to life and health; the right to be free from discrimination; those rights that protect individual decision-making on private matters.

Bolstered by numerous soft norms, the assertion with widest international acceptance is that a woman's right to be free from unsafe abortion is grounded in her rights to life and health. The right to life has been interpreted to require governments to take action to preserve life. The right to health guarantees the highest attainable level of physical and mental health. Because unsafe abortion is responsible for 78,000 deaths each year and hundreds of thousands of disabilities, criminalization of abortion clearly harms women's life and health. The international community has recognized the dangers of unsafe abortion. Statements to that effect were adopted at the International Conference on Population and Development in Cairo (1994) and the Beijing Fourth World Conference on Women (1995), as well as the recent 5-year reviews of these conferences.

While this has been an important stride, the global community has fallen short of recognizing a right to independent decision-making in abortion, providing us with relatively few soft norms. We argue that the right to make decisions about one's body is rooted in the right to physical integrity, which has been interpreted to protect against unwanted invasions of one's body. We assert that the right to privacy protects a woman's right to make decisions about her reproductive capacity. We also rely on the right to determine the number and spacing of one's children. Here, the soft norms arguably work against us, particularly given the

phrase repeated in both the Cairo and Beijing documents affirming that under no circumstances should abortion be considered a method of family planning.

We have also grounded our arguments in the right to be free from gender discrimination, which is protected in every major human rights instrument. Because restrictive abortion laws deny access to health care that only women need, they constitute discrimination in access to health care. This position is supported somewhat obliquely in a CEDAW general recommendation. In addition, we argue that by denying women the means to control their own fertility, restrictive abortion laws interfere with women's ability to enjoy opportunities in other sectors of society, including educational and professional opportunities. No soft norms affirm this argument.

### B. Adolescents—Access to Reproductive Health Services and Information

The Center has taken a leading role in pressing for protection of adolescents' right to access reproductive and sexual health information and services. In creating a human rights framework for such rights, we use the same hard norms that form the foundation for non-adolescent women's right to access reproductive health services. However, the challenge is to assert that the hard norms apply to adolescents under age 18. We rely almost exclusively on soft norms to do this since none of the treaties explicitly discuss adolescents' reproductive rights.

#### Rights Relating to the Right to Reproductive Health

The right to health (including family planning services and education);

The right to life; and

The rights to education and information.

With respect to the first cluster of rights, the hard norms relating to women's right to access reproductive health services and information are well established and accepted. However, there is no hard norm specifically stating that these provisions also protect adolescents' right to access reproductive health services and information. There is one important, and somewhat ambiguous exception. A recent interpretation suggests the provision on the right to health, which asks states parties to develop family planning services and education, applies to children/adolescents.

#### Rights Relating to Reproductive Decision Making/Autonomy

Right to privacy;

Right to plan the number and spacing of one's children; and

Rights to liberty and security of person.

In issues relating to adolescents' reproductive autonomy and decision-making, there are even fewer hard norms and it is even more difficult to say that these hard norms apply to adolescents under the age of 18 and their reproductive decision-making. For example, the Children's Rights Convention (CRR) provisions on the right to privacy are problematic, prohibiting "arbitrary or unlawful interference with his or her privacy." The provision is not explicit that the right applies to health services and the use of "unlawful" could imply that only interferences that contravene national law would be prohibited. There are no hard norms on: (1) confidentiality in provision of health services or information; (2) prohibiting parental consent requirements and (3) third party authorization for access to reproductive health services and information.

#### The Right To Be Free From Discrimination

While there are hard norms prohibiting sex discrimination that apply to girl adolescents, these are problematic since they must be applied to a substantive right (i.e., the

right to health) and the substantive reproductive rights of adolescents are not 'hard' (yet!). There are no hard norms on age discrimination that would protect adolescents' ability to exercise their rights to reproductive health, sexual education, or reproductive decisionmaking. In addition, there are no hard norms prohibiting discrimination based on marital status, which is often an issue with respect to unmarried adolescents' access to reproductive health services and information.

The soft norms support the idea that the hard norms apply to adolescents under 18. They also fill in the substantive gaps in the hard norms with respect to reproductive health services and information as well as adolescents' reproductive autonomy. Two important standards are applied in order to fill in the gaps:

The "Evolving Capacity of the Child" standard, which limits parental control to the extent that children take on more autonomy as their capacities grow. (e.g., An adolescent who is sexually active and is taking the initiative to seek out means to protect herself from STIs and unwanted pregnancy is demonstrating a level of maturity to justify access.)

The "Best Interest of the Child" standard, which mandates that in the context of health, parental involvement that prevents adolescents from accessing potentially life-saving information and services is NOT in the child's best interest. Rather, it is in the best interest of adolescents to have access to the means to protect themselves. It is often in the best interest of the child to be granted autonomy in decision-making.

#### Soft Norms Relating to the right to Reproductive Health

The Treaty Monitoring Bodies (TMBs) have explicitly interpreted adolescents' right to health as including the right to access services and information on reproductive health. In addition, they have called for sexual education in the context of the rights to education and information. Both the International Conference on Population and Development (ICPD) and the Beijing Platform for Action (Beijing PFA) further help to fill in the gaps in this cluster of substantive rights, clearly stating that these rights apply to adolescents.

#### Soft norms relating to the right to reproductive autonomy/decision-making

Soft norms supplement the dearth of hard norms. The TMBs have interpreted adolescents' right to privacy as ensuring a right to confidentiality in reproductive health services as well as the right to access services and information without parental consent.

#### Soft norms relating to the right to be free from discrimination

There are no explicit soft norms on the right to be free from discrimination based on age in the context of adolescents' reproductive rights. There are soft norms relating to the age of marriage, which would impact adolescents' ability to access services since in many countries married adolescents are granted access regardless of their age while unmarried adolescents are effectively denied access. This relates closely to soft norms on discrimination based on marital status. In this regard, the TMBs General Recommendations/Comments and Concluding Observations have explicitly condemned discrimination based on marital status in accessing reproductive health services.

### C. HIV/AIDS

The rights of women implicated by HIV/AIDS include: the rights to life, dignity, liberty, and security of the person, freedom from inhuman and degrading treatment, nondiscrimination and equality before the

law, the right to health, including reproductive health care and reproductive self-determination. There are no hard norms in international human rights law that directly address HIV/AIDS directly.

At the same time, a number of human rights bodies have developed soft norms to secure rights that are rendered vulnerable by the HIV/AIDS epidemic. In 1998, the Office of the U.N. High Commissioner for Human Rights and UNAIDS issued "HIV/AIDS and Human Rights: International Guidelines," which provide a roadmap for governments seeking to incorporate human rights protections related to HIV/AIDS into national law. In June 2001, the U.N. General Assembly Special Session (UNGASS) on HIV/AIDS resulted in a Declaration of Commitment on HIV/AIDS that included strong language on the need to integrate the rights of women and girls into the global struggle against HIV/AIDS.

In addition, the TMB's have interpreted existing treaties in the context of HIV/AIDS and reproductive rights, creating new and positive jurisprudence that safeguards women's reproductive rights.

In the national-level courts, the South African Constitutional Court interpreted the ICESCR Covenant progressively to enforce the right to HIV/AIDS prevention and treatment in a case brought against the government by the Treatment Action Campaign (an HIV/AIDS rights NGO) seeking to compel the government of South Africa to provide Nevirapine to pregnant women and their babies, to prevent the transmission of HIV from mother to child.

Practices with implications for women's reproductive rights in relation to HIV/AIDS are still not fully covered under existing international law, although soft norms have addressed them to some extent. Two of these include: (1) denials of the right to consent to HIV/AIDS testing of pregnant women and (2) the presumption of consent to sex in marriage.

#### 1. Pregnant women's consent to HIV/AIDS testing

There is a lack of explicit prohibition of mandatory testing of HIV-positive pregnant women under international law. General international law provisions relating to consent or refusal to consent to medical treatment under the ICCPR (article 15.1) and the ICESCR (article 7) has been applied.

The legal and ethical foundations for HIV testing broadly require respect for the conditions for informed consent, pre- and post-test counseling and confidentiality. But on many occasions in practice, HIV positive pregnant women are subjected to mandatory routine tests, without adequate counseling. These mandatory tests often owe their justification to public health demands to curb transmission of the HIV virus to their offspring.

HIV testing that is conducted without pre- and post-test counseling violates a woman's rights to autonomy, dignity, privacy and bodily and psychological integrity. The same degree of consent pre- and post-test counseling and confidentiality applicable to every other person undergoing an HIV test should apply equally to a pregnant woman.

Among the most persuasive "soft norms" are the UNAIDS Guidelines on HIV/AIDS and Human Rights, which call for international human rights norms to be translated into practical observance in the context of HIV/AIDS, point out that programs emphasizing coercive measures directed towards the risk of transmitting HIV to the fetus, such as mandatory pre- and post-natal testing, seldom prevent perinatal transmission of HIV/AIDS, because they overlook the health needs of women. In its policy statement on HIV testing and counseling, UNAIDS states

that pregnant women should not be coerced into testing nor be tested without their consent. But these guidelines do not carry the force of law as would be the case if language prohibiting mandatory HIV testing of pregnant women were included in an existing treaty.

#### 2. Presumption of consent to sex within marriage

Human rights law should explicitly address the legal and social subordination women face within their families, marriages, communities and societies, especially as these barriers expose women to the risk of HIV infection. International protections for the right of women to autonomy over their sexuality within or outside marriage can be found in the principle of bodily integrity enumerated in the ICCPR, which provides for the right to liberty and security of the person. However, with the challenges provided by HIV/AIDS, it is necessary to institute stronger protections of the rights of women in the family, especially their rights to autonomy over sexuality and reproduction. Some stronger language on women's rights in the context of HIV/AIDS is found in soft norms, including the recent UNAIDS guidelines on HIV/AIDS and human rights. In addition, both the ICPD Programme of Action and the Beijing PFA reflect an international consensus recognizing the inalienable nature of sexual rights. Paragraph 96 of the Fourth World Conference on Women Platform for Action states, "The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence." Again, these rights are much more clearly articulated as a matter of progressive interpretation and jurisprudence than as hard norms in themselves.

#### D. Child Marriage (Marriage Under Age 18)

None of the global human rights treaties explicitly prohibit child marriage and no treaty prescribes an appropriate minimum age for marriage. The onus of specifying a minimum age at marriage rests with the states' parties to these treaties.

Several treaties prescribe the hard norms we use to assert human rights violations associated with child marriage. They include (but are not limited to): the right to freedom from discrimination; the right to choose a spouse and to enter into marriage with free and full consent; the right to health; and the right to protection from all forms of sexual exploitation and sexual abuse.

We have to rely extensively on soft norms that have evolved from the TMBs and that are contained in conference documents to assert that child marriage is a violation of fundamental human rights.

In the main treaties and conventions relevant to marriage and the rights of women and children, the issue of minimum age at marriage has been dodged by the use of phrases—such as "full age" and references to full and free consent as the proposed standard for determining the validity of a marriage. Even the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (1964) does not clearly articulate an appropriate minimum age. Notably, the African Charter on the Rights and Welfare of the Child, does recommend a minimum age of 18 and is the only treaty to do so.

Committees have issued general comments and recommendations emphasizing the problematic aspects of child marriage. Most have issued concluding observations that discourage and condemn child marriage as a human rights violation.

The Beijing PFA echoes most treaty provisions relevant to the issue of child marriage

by calling upon governments to enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses. It also requires governments to "raise the minimum age where necessary." While thus provision does mark a step forward, it does not take a position on what the minimum age should be.

#### III. More norms vs. better enforcement

Because we wish not only to set standards for government behavior, but also to ensure that governments understand that they are bound to those standards, our success depends on some focus on enforcement of international law. Gaps in the substance of human rights instruments are accompanied by weaknesses in mechanisms for enforcing even the most accepted norms. Accountability is rarely achieved even for governments who engage in arbitrary killings and torture. It is even more difficult to ensure the enforcement of economic, social and cultural rights, which, while legally binding, offer few measures for compliance. We are particularly sensitive to the practical difficulties of enforcing the Women's Convention, which enumerates a number of rights that are fundamental to enjoyment of reproductive rights. A question arises as to whether promoting the recognition of an expanding body of rights might dilute the still untested gains that we have made in the past 20 years.

Many human rights activists have focused on developing better mechanisms for enforcing existing norms, rather than filling the substantive gaps in binding instruments. The campaign for the International Criminal Court is an example of an effort to make highly accepted international legal norms—the principles of the Geneva Conventions—more practically enforceable in an international forum.

As a program, we should consider whether we would be better served engaging in the process of enforcing existing norms—through international litigation, factfinding, reporting to the treaty monitoring bodies—rather than developing the substance of international law. (In reality, both of these goals can be pursued simultaneously, but our question here is one of emphasis.) We could also focus on developing new mechanisms for governmental accountability, which could themselves be the basis of a new legal instrument.

Should we decide, however, that we cannot move forward in our work without the development of stronger substantive norms, there are a few strategies we can take. These strategies are not exclusive and each can reinforce the others. However, because we wish to take a more self-conscious approach to choosing our strategy, we have laid them out in the following section.

#### IV. How to fill normative gaps

##### A. Seeking Authoritative Interpretations of Existing Norms

This approach involves developing a jurisprudence that pushes the general understanding of existing, broadly accepted human rights law to encompass reproductive rights. Such a jurisprudence is developed primarily through:

Report to the treaty monitoring bodies; Bring cases to international and regional adjudicative bodies (such as cases we have so far brought before the Inter-American Commission); and

Bring claims based on international law to national-level courts (such as the recent PMTC cases brought before the South-African Constitutional court by the local HIV/AIDS Advocacy group, Treatment Action Campaign).

While, given the variety of jurisdictions, the common law concept of "precedent" has little bearing in this context, international jurists are aware of how legal questions have been resolved by their peers in other fora. Arguments based on the decisions of one body can be brought as persuasive authority to decision-makers in other bodies.

There are several advantages to relying primarily on interpretations of hard norms. As interpretations of norms acknowledging reproductive rights are repeated in international bodies, the legitimacy of these rights is reinforced. In addition, the gradual nature of this approach ensures that we are never in an "all-or-nothing" situation, where we may risk a major setback. Further, it is a strategy that does not require a major, concentrated investment of resources, but rather it can be achieved over time with regular use of staff time and funds. Finally, there is a stealth quality to the work: we are achieving incremental recognition of values without a huge amount of scrutiny from the opposition. These lower profile victories will gradually put us in a strong position to assert a broad consensus around our assertions.

There are also disadvantages to this approach. As decisions are made on an ad hoc basis to apply to a variety of situations, there may be a lack of clarity or uniformity in the decisions. It thus may be harder to point to one position as an "accepted" interpretation. In addition, the incremental nature of this approach escapes the notice of not just our opponents, but also our potential allies. It is very difficult to gain press attention to issues affecting a relatively small group of people or a narrow set of facts. Finally, because we cannot rely on respect for precedent in international and national bodies of overlapping jurisdictions, gains that we achieve may be lost in subsequent decisions. While we have seen an encouraging trend in international jurisprudence, we are forever at risk of losing ground in the same fora.

#### B. Working Toward a Customary Norm

The second approach has much in common with the first. It involves a gradual process of seeking repetition of interpretations of existing norms to encompass and protect reproductive rights. Again, we seek affirmation in international adjudicative fora and national-level courts, as well as at international conferences. The difference in taking this approach is that it would require adopting an overarching strategy for our interventions. We could first develop a wish-list of international legal protections that need to be developed, ideally through convening workshops around the world designed to sound out additional gaps in existing international law and reinforce the interest of allies in following a set of strategic priorities. We would then seek every opportunity to get items on our wish-list incorporated into treaty interpretations and soft norms.

The advantages of such an approach are many. First, it would give focus to our current work, forcing us to establish a set of priorities. Our priorities could be reflected both in our advocacy and in our efforts to shape public opinion. The approach would draw a minimal level of distracting opposition, while increasing our visibility with our allies.

The major disadvantage is that developing a customary norm is a slow process and it is difficult to know when you have accomplished your goal. Very few norms that are currently considered accepted and mainstream can be attributed to recent deliberate campaigns. While the standard for creating a customary norm is open to some scholarly debate, most such norms can be traced to centuries of practice and belief. In addition,

although we are talking about undertaking a campaign of sorts, it is a difficult one to explain to non-lawyers and it is not very sexy.

#### C. Seeking Adoption of a New Legal Instrument

Finally, if we determine that the foregoing options are ineffective, we should consider whether the weaknesses in international law can only be remedied with the adoption of a new legal instrument. Such an instrument could be a protocol to an existing treaty (such as the optional protocol to the African Charter on Human and Peoples' Rights or a new protocol to CEDAW) or a free-standing treaty. A campaign for the adoption of a new international treaty would be an extremely involved, resource-intensive and long process. It might begin with a campaign for a General Assembly Declaration on Reproductive Rights or another soft norm. Then there would be a process of drafting a treaty, getting broad input from many key players. Again, workshops would have to be held around the world to establish buy-in. Then there would be a process of identifying sympathetic delegates in the General Assembly. These efforts would be followed by years of campaigning, with the leadership of a sophisticated, media savvy team.

There are clearly a number of advantages to this approach. First, it offers the potential for strong, clear and permanent protections of women's reproductive rights. Further, having a campaign with clear objectives could serve as a focal point for advocacy around the world. In addition, the campaign itself could have an educational function with the potential to influence national-level legislation.

There are also potential disadvantages to consider. Embarking on a campaign for a new legal instrument appears to concede that we do not have legal protections already, making failure potentially costly. Moreover, during the many years it takes to succeed in adopting an instrument, we create the impression that women are "protectionless." Second, the campaign is unlikely to succeed in the near term, and thus might be deemed a waste of limited resources. Finally, depending of the timing of the campaign and the surrounding conditions, it could stir up nasty opposition, which might ultimately set the movement back, at least temporarily.

#### V. Conclusion and further questions

There are a number of questions that we would need to answer before we decided on a strategy. Some of these questions may be best answered by people outside the organization. These might include Ruth Wedgwood, David Weissbrodt, Oscar Schacter, Donna Sullivan, Ken Roth, Rebecca Cook, Roger Norman, Widney Brown, Anika Rahman, and certainly others. Whatever strategy we pursue, we should continue to research our approach, perhaps by enlisting the assistance of students at a law school clinic.

Here are some questions we would like answered:

1. Are the weaknesses in international norms protecting reproductive rights of a severity that can only be remedied by the adoption of a new legal instrument?
2. Do most governments currently think that they have a duty to uphold reproductive rights? Do they care about interpretations of hard norms and do these interpretations shape their views about their obligations under international law?
3. As a matter of public perception, does pursuing a new instrument—without any assurance of success—undermine current claims regarding the existence of reproductive rights?
4. Would it be more strategic, to consider an instrument covering other "gaps" in legal

protections for women's rights and include these?

5. How have other movements succeeded at creating norms that governments consider binding?

6. What would be an appropriate timeline for pursuing a new legal instrument?

7. Would we be the group to take the lead on a campaign for a new legal instrument?

MEMO #2—ESTABLISHING INTERNATIONAL REPRODUCTIVE RIGHTS NORMS: THEORY OF CHANGE

Our goal is to ensure that governments worldwide guarantee women's reproductive rights out of an understanding that they are bound to do so. The two principal prerequisites for achieving this goal are: (1) the strengthening of international legal norms protecting reproductive rights; and (2) consistent and effective action on the part of civil society and the international community to enforce these norms. Each of these conditions, in turn, depends upon profound social change at the local, national and international (including regional) levels.

Ultimately, the goal of strengthening international norms and enforcement is to ensure that appropriate legal norms are in place at the national level so as to improve women's health and lives. Working on the above prerequisites can help ensure national-level normative changes, but these processes are not linear and the adoption of appropriate national-level norms may happen first and can, in turn, influence and strengthen international standards. Our goal above is reached only when governments in fact guarantee women's reproductive rights, first by adopting appropriate laws and policies, and, second, by adequately implementing them. Thus, a third prerequisite is suggested that reinforces international standards: adoption and implementation of appropriate national-level norms.

Achieving the above goal does not depend on legal strategies alone. Support for norms and their enforcement may require sustained public awareness-raising campaigns, media attention, and support from key sectors like the medical community, among others. The role of law in social change is a complex one. But the adoption of good reproductive rights norms at the national, regional and international levels is crucial because it indicates such norms' formal recognition, and provides a firm basis for the government's duties, including its own compliance and its enforcement against third parties. With formal recognition of reproductive rights through law, women's ability to exercise these rights is left to chance.

The remainder of this memo attempts to concretize the Center's theory of how such change can be achieved, with an emphasis on the Center's possible role in this process. This memo serves as an initial concept paper, not a work plan. In some cases, activities identified are already well underway. But, in any case, we recognize that we cannot undertake all the work suggested by the analysis below, but that this provides us with a more concrete starting point for identifying what needs to be done and our appropriate roles.

#### 1. Strengthening international legal norms

Our legal analyses to date are primarily based on interpretations of well-accepted international norms. There are at least three means of strengthening these norms to ensure greater protection of reproductive rights: broadening authoritative interpretations of existing norms; gradually establishing an international customary norm; and adopting a new legal instrument protecting reproductive rights. (For a more detailed description of these approaches, see Memo #1.)

Regardless of the mechanism, expanding legal protections requires action on multiple fronts. First, there is a process of developing broad international agreement among our allies and potential allies on what the norms should be. Second, steps must be taken to put reproductive rights on the agenda of international normative bodies. Finally, advocates must foster broad support for reproductive rights among governments while countering opposition. The following subsections will address each of these activities in greater detail.

#### A. Developing Agreement on Norms

Much of the work of developing agreement on norms protecting reproductive rights has been achieved at United Nations conferences, including the International Conference on Population and Development (1994) and the Fourth World Conference on Women (1995). While documents adopted at these conferences are not themselves legally binding, they are a clear articulation of most of our institutional values, and they have been formally accepted by nearly every government in the world. There are (as noted in Memo #1) a number of gaps in the content of these international agreements, and much work is needed to gather support for the Center's position on how these gaps should be filled. For example, the Center needs to continue its advocacy to ensure that women's ability to choose to terminate a pregnancy is recognized as a human right. Advocacy of this nature can be carried out through various means, including:

Public education and awareness-building, in part through production of advocacy materials and publicity surrounding their release;

Bringing reproductive rights into the mainstream of legal academia and the human rights establishment; and

Collaboration with NGOs engaged in establishing legal norms at the national level.

#### B. Putting Reproductive Rights on the International Agenda

Developing broad agreement on norms protecting reproductive rights does not in itself ensure that they will find their way into international law. Advocates have to look for opportunities—such as international conferences and meetings of treaty monitoring bodies and other UN human rights bodies—to put norms relating to reproductive rights on the international agenda. In some cases, the timing of such efforts may depend upon strategic considerations. For example, advocates for reproductive rights opted not to lobby for an official 10-year review of the International Conference on Population and Development, fearing that negotiations would be hijacked by the right-wing, which includes the current U.S. Government.

There are several means of putting reproductive rights on the agenda of international normative bodies, including:

Identifying allies in government and civil society who can champion reproductive rights;

Securing positive interpretations from the treaty monitoring bodies related to reproductive rights, either through the reporting processes or by bringing individual complaints;

By seeking action from such UN and regional bodies as the Human Rights Commission and its sub-Commission and the European, Inter-American, and African commissions/courts on human rights; and

Engaging the media in bringing reproductive rights to the attention of relevant international, regional and national normative bodies, including legislators, other government officials, local and international judicial bodies, as well as medical bodies that can influence law and policy.

#### C. Garnering Support Among Governments and Countering Opposition

Ultimately, we must persuade governments to accept reproductive rights as binding norms. Again, our approach can move forward on several fronts, with interventions both at the national and international levels. Governments' recognition of reproductive rights norms may be indicated by their support for progressive language in international conference documents or by their adoption and implementation of appropriate national-level legislative and policy instruments. In order to counter opposition to an expansion of recognized reproductive rights norms, we have questioned the credibility of such reactionary yet influential international actors as the United States and the Holy See. Our activities to garner support for international protections of reproductive rights include:

Lobbying government delegations at UN conferences and producing supporting analyses/materials;

Fostering alliances with members of civil society who may become influential on their national delegations to the UN; and

Preparing briefing papers and factsheets exposing the broad anti-woman agenda of our opposition.

#### 2. Enforcing international protections of reproductive rights

For legal protections of reproductive rights to be meaningful, they must be tested through concerted enforcement efforts. Enforcement of human rights norms can be pursued at the national, regional and international levels. Some enforcement strategies, such as the use of the treaty monitoring bodies, also serve the goal of strengthening legal norms, as described above.

Advocates' use of enforcement mechanisms can help cultivate a "culture" of enforcement in which violations of reproductive rights are recognized as such by victims, and complaints are addressed under conditions of impartiality and the rule of law. Specific activities that contribute to enforcing international norms include:

Using adjudicative mechanisms at the national, regional and international levels;

Documenting, and publicizing reproductive rights violations and recommending appropriate reforms; and

Supporting efforts to strengthen existing enforcement mechanisms, such as the campaign for the International Criminal Court and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

#### 3. Adoption and implementation of appropriate national-level norms

An important measure of the extent to which a particular government accepts its obligation to respect, protect and fulfill reproductive rights is whether it has adopted and is properly implementing appropriate legislation and policy. This may come about through means other than an international enforcement effort. For example, the national political moment may be ripe for change, with or without the influence of international standards. Such changes in one or more countries, particularly key countries in a region, may have a catalytic effect on neighboring countries or on the solidification of international norms. Moreover, these kinds of changes, whatever the impetus, must be encouraged as they are more likely to have an immediate impact on the health and lives of women previously unable to enjoy reproductive rights.

Similar to activities outlined in #2 above regarding enforcement, possible activities in this area include the following:

Providing input to civil society or government actors to change offensive laws or

adopt progressive laws where none had existed;

Examining the effectiveness of implementation of laws and policies; and

Assessing whether courts are adequately enforcing existing legislation.

#### DOMESTIC LEGAL PROGRAM SUMMARY OF STRATEGIC PLANNING THROUGH OCTOBER 31, 2003

Staff attorneys in the Domestic Legal Program (DLP) have met with our strategic planning consultants and Nancy Northup to discuss our current work and to plan for the future. At our initial meeting we focused on the following issues:

**Abortion Litigation:** Are the litigation strategies of the last 10 years still viable? If so, for how much longer? Should we be taking a different approach to some of the issues that we have been litigating?

How can we influence the people who influence the legal landscape around reproductive rights? How does CRR influence these communities now? Are there new strategies we should adopt? What are the key issues? What would it take to resolve those issues?

**Expanding Beyond Abortion.** What are the other reproductive rights issues we have not been addressing or that we should put renewed energies into?

As a result of these discussions, we formed working groups on the following four issues: (1) the future of our traditional abortion litigation; (2) development of systematic approaches to or "campaigns" concerning selected core issues; (3) the development of non-abortion related litigation; and (4) development of new approaches to influencing the legal landscape. A summary of our thinking to date follows:

##### 1. The future of traditional abortion litigation

We believe that the traditional abortion litigation that has formed the core of our legal program in the United States has been, and is likely to remain, the most effective strategy for protecting the right to choose abortion in hostile political climates, like that we face today, as well as in friendlier times. Even under pro-choice Administrations, women's right to choose has always needed, and will need again, the protection of the judiciary from hostile majorities in many, if not most, states. Moreover, Supreme Court decisions in litigation arising from these hostile states have defined the contours of the right to choose. If CRR is going to continue to have an impact on legal developments in our field, we need to continue to be involved in these cases. Therefore, we will carry on in this area, informed by evolving standards in some areas, such as TRAP and biased counseling cases. We have also made a plan for reviewing our options to bring new "affirmative" litigation in areas such as Medicaid funding and parental involvement. The attached memo (#1) discusses these issues in some more detail.

##### MEMO #1—FUTURE OF TRADITIONAL ABORTION LITIGATION

##### I. Traditional work

When the Center was founded in 1992, its staff was already well-known for the litigation conducted at the ACLU's Reproductive Freedom Project. The Center built on that reputation and, through the 1990's, solidified its position as the preeminent team litigating on reproductive rights in the U.S., with the largest caseload by far of any other group. The Center's reputation developed because of its willingness to litigate issues others had discarded (e.g., waiting periods and, originally, the "purpose" prong of Casey (which has since been eviscerated by the Supreme Court)), its determination to push the envelope with legal theories that were sometimes on the edge, and because of the sheer

volume of cases we have been able to handle with a fairly small staff. We have also earned a reputation as being very client focused—often assisting clients with issues that arise in their day-to-day operations—issues that other attorneys either cannot or will not handle (a recent example is the litigation in Michigan over the payment provision in the amendment to the waiting period statute, an issue the ACLU RFP declined to litigate). Although often in a defensive posture, challenging restrictive legislation enacted in the states, the Center sought to use this litigation to restrict the reach of Casey's undue burden standard and to strengthen the "state interest" inquiry in privacy and equal protection claims.

Recently, the frustration of funders with the current Administration and anti-choice Congress, and their assault on reproductive rights and the judiciary, has led some to question the usefulness of traditional abortion litigation. What good is all our work if the Bush Administration can simply take it all away with the stroke of a pen, by, for example, enacting the federal partial-birth abortion ban that we are currently fighting?

Therefore, we are examining whether our traditional work will continue or whether we need to anticipate a new legal landscape, either because limitations on the right to choose will be firmly established and viable legal challenges will dwindle or because *Roe v. Wade* will be overturned or substantially undermined, also eliminating the cases that make up much of our current docket.

#### A. Will Our Traditional Work Continue in Its Current Form?

This group examined our traditional work, particularly focusing on whether we should alter the standards we use to evaluate whether to bring a case in one of our traditional areas, such as TRAP, parental involvement, abortion bans, biased counseling/mandatory delay laws. We believe this work will continue, though in some altered forms. Two examples are:

It is unlikely that we will bring another federal court challenge to a requirement that women make two-trips to their abortion provider, but we will continue to evaluate whether these laws can be challenged on other grounds and whether a state court challenge is appropriate;

We may bring limited challenges to TRAP schemes, particularly where they threaten patient privacy (the outcome of our Arizona TRAP case on appeal to the Ninth Circuit will be important here).

#### B. Additional "Affirmative" Litigation To Bring in Our Traditional Areas?

We also examined whether there is additional "affirmative" litigation we should bring. While we think there is probably only one more viable state constitutional challenge to a Medicaid funding ban left, we believe that we should do additional research on state constitutional equal protection case law to insure that this is the case. Coming off our recent successes in Alaska and Florida, we have considerable expertise in state constitutional challenges to laws forcing parental involvement in a minor's decision to have an abortion. We will determine whether to move forward in any more states as part of our Systematic Campaign discussed in Memo #2.

We are also following through with our cases challenging Choose Life license plates and the fundraising these plates do for so-called Crisis Pregnancy Centers. We are currently seeking law firm support for new cases in two or three states.

#### II. What is the framework for answering these questions?

In developing our plans for new litigation, we will balance the following factors: impact

on clients; impact on women; helpful to jurisprudence; distinguishing ourselves from the field by taking on issues others wouldn't; dominating specific areas to insure CRR's impact in that area; other organizations' involvement in these issues; institutional resources; and costs.

#### MEMO #2—REPORT TO STRATEGIC PLANNING PARTICIPANTS FROM SYSTEMATIC APPROACH SUBGROUP

This group met to discuss "systematic approaches" or "campaigns" that CRR might pursue. We considered five possible topics for such an approach: (1) minors' access to reproductive health care; (2) developing our use of equal protection jurisprudence to protect reproductive rights; (3) minimizing the burdens of the undue burden standard; (4) abortion funding/Harris v. McRae issues; and (5) developing our use of first amendment jurisprudence to protect reproductive rights. These topics were suggested at the initial strategy meeting of the domestic program. For each topic, we considered whether a campaign would be useful to the field, what the positives and negatives would be to pursuing the campaign, whether the Center is well-positioned to pursue the campaign, and how the campaign might be effectuated.

It is our opinion that our field would benefit from a systematic approach in the first two of these areas—minors and equal protection—and that the Center is well-positioned to pursue such an approach in those areas. We believe that the Center needs to undertake work in the third area—undue burden—but that such work may not be well-suited to the context of a campaign. Finally, it is our opinion that a systematic approach would not be productive or useful to the field with respect to the last two areas—funding and first amendment. This does not mean that we wouldn't do work in these areas but just that they do not lend themselves as well to a systematic campaign.

The following is a summary of our discussion of the five possible campaign areas. For each area, we have included an articulation of the possible campaign and some thoughts about the positives and negatives of pursuing that campaign. With respect to the three areas where we thought a campaign—or, in the case of undue burden, other work—might be useful, we have also included some possible elements for the campaign.

#### I. Minors

**Articulation:** A project to secure the fundamental right of minors to access all reproductive health services confidentially. This includes: (1) undoing the notion that parental rights are an adequate justification for imposing additional burdens on minors seeking abortions or other reproductive health care; (2) staving off efforts to require parental involvement for minors seeking contraception and abortion; (3) undoing child abuse reporting requirements with respect to non-abusive sexual relations; (4) ensuring minors' ability to consent to all reproductive health services; (5) establishing minors' right to comprehensive information about reproductive and sexual health.

**Positives:** (1) This has always been one of our priority areas. (2) We are seeing the antis push hard to diminish minors' rights, so we should see what we can come up with to push hard back (i.e., being proactive in addition to defensive). (3) The topic lends itself well to a systematic approach. (4) The issue extends beyond abortion. (5) This is a topic about which we can coordinate efforts with our international program.

**Negatives:** (1) In terms of parental involvement for abortion, we have large body of federal case law against us (which makes our campaign harder), and the reasoning of that case law could be applied to contraception.

(2) It is very difficult to garner public and legislative support on issues concerning minors. (3) We will likely have to confront the politically difficult issue of whether minors have a right to have sex (and more generally, whether minors should be treated as adults). (4) This area involves difficult line drawing and subtle points that are difficult to convey to the public in an appealing way. (5) There is growing opposition amongst minors to abortion and being pro-choice (or at least a national pro-life campaign aimed at teens that is garnering more public attention).

#### Possible Elements:

(1) Legal research and writing to (a) debunk the extent of parental rights currently recognized; (b) discuss the development of minors' legal rights generally; and (c) analyze sodomy and death penalty cases to see how courts and litigants have relied on evolving societal norms and social science evidence.

(2) Comprehensive survey of available scientific evidence supporting our positions (e.g. re: competency of minors, importance of confidentiality for access), to use to (a) strengthen our position and to (b) assess where we need to fill in the gaps.

(3) Follow up to fill in the gaps with additional studies, development of expert witnesses, etc.

(4) Work with major medical groups to develop and expand public policy regarding minors' ability to consent to medical care and need for confidentiality.

(5) Advance legislation re: minors' ability to consent to care and confidentiality of care.

(6) Develop litigation—bring facial challenges to non-abortion consent and confidentiality issues in federal court; as-applied challenges to parental involvement for abortion laws in federal court; state courts cases to establish rights or minors.

(7) Public education strategy to support legislative/litigation efforts.

(8) Develop an international component, which looks at international norms on the rights of children.

#### II. Equal protection

**Articulation:** Project to expand the use of equal protection doctrine to protect women's access to abortion and contraception. This includes: (1) reversing decisions indicating that pregnancy and abortion discrimination are not sex discrimination; and (2) developing the fundamental rights strand of equal protection to prevent singling out of abortion and abortion patients from rest of medicine for the imposition of special burdens.

**Positives:** (1) This is an area of law that we could do more with. (2) Because this area of law is not yet firmly established in the abortion arena, we don't have to overcome lots of precedent to be able to make progress. (3) Equal protection claims get us out from under some of the proof difficulties we have with undue burden claims. (4) This project is more accessible to the public than the undue burden project. (5) This project gives us a way to talk about abortion in terms of fairness and discrimination principles, which are appealing and understandable to the public. (6) This issue is important to our goal of ensuring access to abortion. (7) This project might be able to be combined with the undue burden project.

**Negatives:** None articulated other than the potential for bad outcomes, which exists with all five possible projects, and the fact that federal courts have not yet been receptive to equal protection arguments where they have been advanced.

#### Possible Elements:

(1) Legal research and writing as to (a) abortion as sex discrimination; (b) abortion discrimination under the fundamental rights

strand; and (c) analyze sodomy and death penalty cases to see how courts and litigants have relied on evolving societal norms and social science evidence.

(2) Analysis of how equal protection jurisprudence has evolved in other areas.

(3) Public education to talk about abortion laws (and other obstacles to repro health care) as both discrimination against women and unfair discrimination against abortion.

(4) Look to expand the litigation areas in which we push equal protection claims and state ERA claims (e.g. contraceptive equity, challenges to abortion restrictions as applied to medical abortion).

(5) Analysis of the kinds of factual development we should do in cases in which we bring equal protection claims.

(6) Development of studies helpful to our equal protection claims such as (a) study comparing the morbidity and mortality of abortion with that for other office surgeries; (b) study establishing that other health care decisions women make are comparable to the abortion decision in relevant respects.

(7) Develop strategies for advancing legislation that would add to women's protections against sex discrimination in health care (e.g. establishing that disparate impact on pregnant women is sex discrimination).

### III. *Undue burden*

Articulation: Project to limit the application of the undue burden standard and to increase its "bite" so as to bring it as close to strict scrutiny as possible. This includes: (1) limiting the application of the undue burden standard (e.g. requiring a health exception and service of a legitimate state interest regardless of burdens); (2) developing meaningful purpose prong challenges; and (3) developing case law establishing some burdens as undue.

Positives: (1) The law in this area is not yet fully developed so we have some more room to make progress than we do in other areas. (2) Progress in this area would positively affect all our abortion cases. (3) This issue is important to our goal of ensuring access to abortion.

Negatives: (1) This project is difficult to support through public education or media (since it is so legally-focused). (2) These kinds of cases are very resource-intensive. (3) Successes in these factually-intense cases can be difficult to apply more broadly.

#### Possible Elements:

(1) Analysis of federal courts' application of the undue burden standard and assessment of where they have improperly articulated the standard.

(2) Legal research and writing regarding (a) how the standard should be interpreted; and (b) areas where we can try to limit application of the standard (e.g., with health exceptions, lack of legitimate state interest).

(3) Analysis of which types of abortion restrictions actually have the effect of imposing the greatest burdens.

(4) Obtain studies demonstrating the effects of those most burdensome laws.

(5) Litigation challenging those most burdensome laws in favorable circuits.

### IV. *Funding*

Articulation: A project to overturn *Harris v. McRae* by building upstate court opinions, state legislation and factual bases to compel the Supreme Court to overrule its prior decision as it did in *Lawrence v. Texas* with respect to *Bowers v. Hardwick*. The strategy would be to show that the law and social standards have evolved since *Harris v. McRae* in recognition of the fact that, for poor women, access to public funding for abortion is part of their constitutional right.

Positives: Funding is one of our priority issues, and the *Harris* decision has had a very significant on women's access to abortion.

Negatives: Unlike what happened with sodomy laws, we are not going to be able to get an expansion of abortion funding rights in the states: we are running out of state courts to rule in our favor on the funding issue, and in most states we have no chance of getting the legislature to act in our favor.

#### V. *First amendment*

Articulation: Project to enhance reproductive rights through the development of first amendment theories in areas like specialty license plates and biased counseling.

Positives: (1) We could try to develop this area of law, in which we have had some success; (2) restrictions that are imposed on speech about abortion, and preferences given to antiabortion speech, undermine the right by contributing to an anti-choice public dialogue about our issue.

Negatives: (1) First amendment theories have limited application to restrictions on reproductive rights; (2) this area does not lend itself as well to a "campaign."

MEMO #3—REPORT TO STRATEGIC PLANNING PARTICIPANTS FROM "OTHER LITIGATION" SUBGROUP

This group met to discuss "other litigation" that CRR might pursue in addition to areas in our current docket. We focused on three main areas: (1) contraception; (2) women of color; and (3) misleading information. These topics were discussed at the initial strategic planning meeting of the domestic program. For each of these topics, we considered some of the possible ways that we might pursue work in these areas; the positives and negatives of pursuing these strategies; and possible elements pursuing these issues might entail.

#### I. *Contraception*

Articulation: The Center's commitment to reproductive rights includes a woman's right to control if and when she becomes pregnant. We considered possible ways that we may be able to expand our work in the area of contraception, including potentially focusing on: (a) funding restrictions (e.g., restrictions in Medicaid, Title X, and in abstinence-only programs); (b) government restrictions, both on a macro and micro level (e.g., statutes and or regulations; police harassment of sex workers by destroying condoms; school policies that prohibit condom distribution); (c) Title VII and Title IX cases, expanding the Title VII precedents into the university setting; and (d) women of color's specific concerns in this area (e.g., steering towards certain methods; unique access issues; and implications in sentencing).

Positives: (1) This is an area in which the Center has had a long-standing commitment and it would affirm that commitment to litigate issues affecting access to contraception. (2) Work in this area could have a significant impact on the lives of women. (3) Increasing access to contraception is much less controversial than abortion. This could be potentially significant to donors, press, public, and courts. (4) Expanding our work in this area would undercut the criticism that we are solely an abortion-rights organization.

Negatives: (1) It is difficult to find legal theories to pursue many of the areas identified. (2) In those areas where legal theories are clearly articulated (e.g., Title VII and Title IX), it is difficult to find women willing to be plaintiffs and there are many groups pursuing these goals.

#### Possible Elements:

(1) Research and assess whether there are viable legal avenues to pursue in this area;

(2) In those areas where there are well-articulated viable legal avenues, assess whether or how much resources the Center should direct in light of other groups' commitment to these issues;

(3) Collaborate with groups that are working more directly with these issues to see if we can educate ourselves to possible litigation opportunities;

(4) Assess whether there are non-litigation opportunities and consider if this is an area we would consider directing resources.

#### II. *Women of Color*

Articulation: Laws restricting access to reproductive health services disproportionately affect women of color and women facing economic barriers. Our litigation work on funding bans is an example of our long-standing commitment to this area; however, we need to explore other ways of addressing the needs of this population head-on. While the work of the International Legal Program deals with many of these issues, we realize that the Domestic Legal Program could place more specific emphasis in this arena. Some of the possible areas of litigation which cross-over with ILP are: (1) women in the criminal justice system; (2) immigration; and (3) trafficking; and (4) safe motherhood/pregnancy.

Positives: (1) This has always been one of our priority issues; (2) we cannot claim to be serving the reproductive health needs of women in the U.S. if we are ignoring issues specific to women of color; (3) the issue extends beyond abortion; and (4) we may be able to coordinate efforts with the International Legal Program.

Negatives: (1) We are not sure that legal strategies are the most useful strategies to combat reproductive health issues specific to women of color and economically disadvantaged women; (2) we have little experience (and some would say credibility) in this area, other than defense of women being prosecuted for drug use and our Medicaid cases, and, therefore, would first need to take a systematic look at the needs of women confronting racial and economic barriers, and would need to devote the resources to do this properly; (3) cases in this realm might involve non-impact litigation, which we aren't as accustomed to taking on; and (4) we are a department/organization comprised largely of economically advantaged white women, which undermines our credibility in this area.

#### Possible Elements:

(1) Focus on areas in which we already have some expertise, e.g., treatment of pregnant women who use drugs or abuse alcohol, women in prisons and funding issues.

(2) Identify other areas in which specific issues facing women with economic and social barriers could be remedied or addressed through legal strategies, e.g., issues facing immigrants and migrant workers, and safe motherhood/pregnancy issues.

(3) Work in partnership and build relationships with other groups working on issues affecting the health of women of color.

(4) Identify legal strategies.

#### III. *Misleading Information*

Articulation: This area includes the following issues, which we believe contain misleading information by definition, or often incorporate misleading information: (1) abstinence-only education; (2) abortion/breast cancer link; (3) crisis pregnancy centers ("CPC's"); and projects by anti organizations such as Life Dynamics Inc. ("LDI") that distribute misleading information. The most noteworthy project by LDI was their campaign to public schools indicating that a school, or school employee, could be legally liable for distributing reproductive health information to students.

Positives: (1) Distribution of misleading information regarding reproductive health care can have devastating effects and undermines our goal of enabling women to be knowledgeable and obtain safe and medically

appropriate reproductive health care; (2) this has been a more recent and successful campaign by the antis, both to the public and in the courts; (3) outing the antis as liars would undermine their credibility; (4) although several medical and health people and groups, as well as legislators, are outraged by these tactics, there hasn't been much success in countering these attacks; thus, we could stand out on these issues. In fact, we are the only group with significant experience litigating (and refuting) the claims of an abortion-breast cancer link.

Negatives: (1) We have struggled for years without much success to try to develop legal theories to attack these issues proactively; (2) we think that there might be viable non-constitutional legal theories, but we are not experts in some of those areas and therefore don't even know of the existence of some avenues; (3) cases in this realm might involve non-impact litigation, which we aren't as accustomed to taking on; (4) individual cases in this area often are seen as less important than the impact litigation facing us and, therefore, fall through the cracks; (5) LDI has been quite careful to try to stay within legal bounds with their misleading attacks.

#### Possible Elements:

(1) Decide if this area is a priority for us and determine if that depends on whether we can litigate in the area or not. If so, proceed to the following elements:

(2) Brainstorm regarding litigation versus non-litigation tactics;

(3) Do fact research on types of misleading information and then prioritize potential attacks on the different types of dissemination;

(4) Do legal research in obvious areas with which we are familiar—i.e., First Amendment entanglement/establishment clause (see license plate cases and the Gibbons case in E.D. La.);

(5) Determine how to familiarize ourselves with other areas of law that we're not so familiar with—including business torts such as interference with business, torts, false advertising—both currently and how to keep abreast of changes in the area (have a law firm do a CLE for us and be our consultant on such matters?);

(6) If lawsuits are a viable option, decide how to proceed with them (alone? With a law firm?).

What are our criteria for project and site selection? Do we have "clients"? Are they our NGO partners? Women in need? UN agencies? Sister organizations in the US/Europe? How can we make these "clients" more a part of our strategic planning and priority setting?

#### C. Integrating the Center's Program Work

The Center's work in the U.S. and abroad has proceeded on independent tracks (e.g., we have not used the international human rights strategies in the U.S.). Should the new interest by the Supreme Court suggest we should be taking a human rights approach in the U.S.? What would that involve? Are there other ways in which our domestic and international work could be integrated?

#### STRATEGIC PLANNING: COMMUNICATIONS—FIRST STEPS

Like the other programs at the Center, domestic and international, Communications needs to be strategic. And for Communications to be strategic, the Center must have a clearly articulated goal.

So the first question we must ask is, Why communications? What purpose does it serve for the Center?

Depending on the organization, Communications strategies vary widely. Here are two examples from two organizations whose

Communications programs I directed before coming to the Center.

#### TWO COMMUNICATIONS MODELS

The Vera Institute of Justice had an entrepreneurial goal. We wanted government officials to hire us to make government justice systems fairer and more efficient. We believed that without actual government investment in the research and projects we piloted, there wouldn't be the necessary will to change. And we wanted to be known, unlike government bureaucracy, as an organization that got things done.

This goal meant that Communications strategy focused on marketing more than advocacy. We developed strong research reports and briefing papers, as well as attractive and forceful "identity" materials (that described what we do). We also established the president and other key staff and colleagues as trusted and authoritative resources. But we kept a very low media profile, with a few exceptions. For example, when we launched our citizens' jury project, which essentially acted as ombudsman for jurors in New York City courts, Judge Kaye encouraged us to publicize it as much as possible, because we wanted New York City residents to use the service. For the most part, however, we sought less to get our name in the media than, to change the quality of reporting on criminal justice. So we held a seminar for editors and reporters at which they and criminal justice experts exchanged (no holds barred) views on how the media could do a better job and how researchers could help them do it.

An adjunct goal of Vera's was to encourage the next generation of government official or public interest lawyer who might become our partner in future projects or perform pro bono work for us. For example, we invited law firms to propose young partners to attend a series of after-work seminars we held, introducing them to high-level officials in NYC government who could explain how various parts of the justice system worked.

The International Women's Health Coalition had a very different goal: to promote and protect women's and girls' reproductive and sexual health and rights. Our strategy focused in inserting a gender perspective into international policies and agreements, either directly through our own staff's involvement with global entities such as the World Health Organization or, on a country level, through funding and technical assistance to groups trying to change national and regional policy.

Communications developed and provided written and audiovisual "tools" to these groups (case studies of successful programs, how-to manuals, etc.), as well as policy papers, disseminating them widely through our website, and, when possible, publishing in peer-review journals.

We also engaged aggressively with the media, partly in order to embarrass the Bush administration for its failure to support the reproductive rights and needs of women globally. This included the development of Bush and Congress Watch fact sheets detailing the actions and appointments of this Administration that held back progress on women's reproductive rights both domestically and internationally.

Because IWHC also cared about involving the next generation of leadership, we too brought together potential leaders doing cutting-edge work from around the world to encourage dialogue and generate momentum for change. Communications sometimes published the results of those dialogues.

#### CENTER FOR REPRODUCTIVE RIGHTS: KEY QUESTIONS

In order to develop effective Communications strategies, we must first ask questions like these:

Is our goal to increase our visibility or is it to change how people think about the Center? If it is to become better known, for what and by whom?

What is different about the Center now as compared to earlier in its history? What do we want people to understand about how we've changed?

Is our goal to make people understand reproductive rights as human rights?

What is unique about our organization that we want people to know? What people?

Do we want to be known as a cutting edge organization that generates innovative ideas, i.e. a think tank for litigation and jurisprudence?

Do we have a special role to play to encourage thinking about the proper role of the courts in protecting reproductive rights?

#### CENTER FOR REPRODUCTIVE RIGHTS—STRATEGIC PLANNING WORKSHOP, NOVEMBER 10, 2003

##### AGENDA

##### Overview

1. Introductions, agenda for workshop, strategic planning overview, rules, and roles [9:00-9:30].

2. Agree on a planning perspective [9:30-9:45]:

What can we accomplish in this political and economic environment?

What are appropriate strategic planning horizons for the Center and our issues? e.g. Next 1-2 years; 3-5 years; 5 years plus.

How do we combine strategic cost reduction and strategic planning?

Identify the Issues Raised During the Strategic Planning Interviews and Staff Workshops [9:45-10:15].

##### Focus the Work

4. International Legal Program: How can we begin to focus our International Program? [10:15-11:30]:

What have we learned in pursuing our 4 key strategies?

Accomplishments and outcomes.

Shortcomings.

What is our Theory of Change guiding our future program activities?

How do we evaluate the effectiveness/sufficiency of existing international norms?

What does this evaluation mean for focusing our work, e.g.:

Testing international and regional enforcement mechanisms?

Timeframe?

Selecting priority countries, issues, projects?

Morning Break [11:30-11:45].

5. Domestic Legal Program: What are the opportunities and limitations in our agenda? [11:45-1:00]

What is the future of traditional abortion jurisprudence?

How is our defensive work moving the legal norms forward?

What is the importance of our continuing litigation work in other areas?

Who else does this work and what gives the Center a competitive advantage?

What is a more systematic approach to strengthening the abortion case?

What would it mean for CRR?

Which issues, e.g. minors and equal protection?

Who else do we bring to the table?

Lunch [1:00-2:00].

##### Coordination Across Programs

6. A Global Perspective: How can we better coordinate our International and Domestic programs? [2-2:45]

What are the implications for the U.S. as we advocate for international norms?

Why don't we treat the U.S. as a country in the world of nations?

Would the distinct programs have more commonality and synergy if the International Program focused on legal and Human Rights enforcements?

How will this coordination change/enhance our domestic and international agendas?

7. Communications: What issues should we consider as we make Communications a more substantive part of the work we do? [2:45-3:30]

How should we design a communications program to influence/shape the legal landscape around reproductive rights?

How should broader communications strategy integrate our litigation, legislative, research, and advocacy work?

How can we shape and frame our messages differently? More aggressively? With more resonance to more constituents?

What would a multi-year program look like?

Afternoon Break [3:30-3:45]

#### Leadership

8. Leadership: How can the Center use its expertise to exert more leadership? Distinguish ourselves? Become more collaborative? [3:45-4:45]

What do we mean by "leadership" and how do we better/more effectively communicate our leadership role and position ourselves as leaders?

Can we set the broader agenda for the Reproductive Rights (RR) movement?

What will it take to incorporate RR work into a broader Human Rights agenda?

What can we learn and apply from other serious disciplines?

What does it mean to "stay on the cutting edge"?

How do we engage the broader public interest bar?

Next 3-5 years

Wrap-Up and Next Steps [4:45-5:15]

Cocktail Reception [5:15-6:15]

#### PROGRAM STRATEGIES AND ACCOMPLISHMENTS

(The following program descriptions focus on our core legal program. We have not included descriptions of our state and federal programs as well as our ongoing counsel to providers and patients.)

**Domestic Legal Program.** Our core strategy domestically is the use of high-impact litigation to secure the highest constitutional protections for women's reproductive rights. Our domestic staff attorneys are among the most senior and experienced reproductive rights litigators in the country. With 21 cases in 13 states—on issues ranging from abortion bans to funding restrictions to forced parental involvement laws—we have the largest and most diverse docket of any pro-choice organization in the United States.

The Center has won two landmark cases before the United States Supreme Court: *Stenberg v. Carhart* (striking down Nebraska's so-called "partial-birth abortion" ban as an unconstitutional violation of *Roe v. Wade*) and *Ferguson v. City of Charleston* (affirming the right to confidential medical care and informed consent by striking down a drug-testing scheme targeting poor women of color). In addition, we have:

Secured and restored Medicaid funds for low-income women seeking abortions, with victories in 14 states;

Successfully fought "partial birth abortion" bans and other access restrictions, with victories in 16 states; and

Challenged parental consent and notification laws, with victories in 5 states.

**International Legal Program.** The Center's international program works to establish reproductive rights as human rights by using international law and legal mechanisms to advance legal norms and secure women's access to quality reproductive health care

globally. We are the world's only organization of international human rights lawyers that focus exclusively and extensively on reproductive rights. Nearly all of our international legal advisors come from the regions we cover; all have honed their skills at top law schools, legal organizations and national-level NGO's before joining the Center. At the heart of our international work is a commitment to building a global network for reproductive rights legal advocacy by building the capacity of NGO's to use international human rights laws and mechanisms to advance reproductive rights.

The Center's international program implements four key strategies:

Researching and reporting on national laws, policies and judicial decisions;

Advocating in international and regional human rights fora;

Documenting reproductive rights violations in fact-finding reports; and

Training NGO's and lawyers through legal fellowships and visiting attorney programs, workshops, published and online resources and other technical assistance.

Key accomplishments under these strategies include:

Conceptualizing and publishing the Women of the World (WOW) series. Non-governmental organizations must be able to identify national and regional legal obstacles to furthering reproductive rights in order to craft effective advocacy strategies for removing them. No comprehensive listing of laws and policies existed, however, until the Center launched the WOW series in 1996. Researched and written with partner NGOs, these regional reports document the laws and policies of 50 nations. They cover a range of issues, including: health, abortion, population and family planning, contraception, safe motherhood and women's legal status. To date, we have completed four regional reports: Anglophone Africa, Latin America and the Caribbean, Francophone Africa, and East Central Europe.

Publishing *Bodies On Trial*, which documents a significant gap between reproductive rights law and judicial interpretation in five Latin American countries. The Center's 150-page report serves as a resource not only in Latin America and the Caribbean but in other regions where advocates are evaluating potential litigation strategies to advance reproductive rights.

Filing groundbreaking legal cases in the Inter-American human rights system and in the UN Human Rights Committee, with two successful settlements to date to ensure that Peru's government abides by international agreements and its existing reproductive rights-related laws.

Securing favorable interpretations of international human rights law from UN and regional human rights bodies, and documenting the increasingly progressive jurisprudence of the UN Treaty-Monitoring bodies in our 300-page report, *Bringing Rights to Bear*.

Investigating reproductive rights violations in over seven countries, including two reports on Chile and El Salvador that highlighted the role of criminal abortion laws in maternal mortality and two reports that generated significant public pressure to reform criminal abortion laws in Nepal and to safeguard women's rights to informed consent in Slovakia.

Providing technical assistance and capacity to use legal strategies to advance reproductive rights to over 100 organizations in over 45 countries, including training over 16 lawyers in reproductive rights advocacy at our New York office for periods of at least three months.

Launching the Safe Pregnancy Project, a series of fact-finding reports that document

laws and policies contributing to maternal mortality in select countries, and make recommendations for change. Our first report, on Mali, was released in February 2003 and presented at the landmark Amanitare Conference in South Africa in March.

Advancing adolescents' access to reproductive health services through reporting, fact-finding and legal advocacy. Our WOW reports specifically isolate legal and policy barriers to adolescents' reproductive and sexual health and rights. Our analysis of the Convention on the Rights of the Child is a definitive resource for advocates and key UN staff alike, as is our fact-finding report, *State of Denial*, on the inadequate legal and policy protections of adolescents' access to services and information in Zimbabwe.

Establishing our website as the go-to online resource for international reproductive rights legal advocacy. In the past year, advocates in over 150 countries downloaded over 250,000 Center publications.

#### THE CENTER FOR REPRODUCTIVE RIGHTS SUMMARY AND SYNTHESIS OF INTERVIEWS

In August, September, and October of 2003, Nancy Raybin and Elizabeth Lowell of Raybin Associates conducted some 18 strategic planning interviews with members of the Center's Board of Directors (10), representatives of long-term institutional funders (5), and colleagues at other organizations concerned with reproductive rights (3). (We did not discuss funding opportunities with any specificity during these conversations because these issues were being addressed in separate Development Assessment interviews by Miller/Rollins.)

We also interviewed members of the management team and other Center staff and facilitated several brainstorming sessions with Center staff of both the Domestic Program and the International Program. All of these (continuing) conversations, either face-to-face or by telephone (when geography or schedule did not permit a personal meeting), focused on creating a vision and future strategies for the Center. Raybin Associates' work intentionally did not focus on internal management and organization, as that had been the subject of fairly recent strategic planning work.

A "white paper," prepared by President Nancy Northup, was sent to each study participant prior to the interview. Some interviewees read the material, some did not, and several Trustees felt that they did not know enough to comment intelligently on the issues and questions raised in the paper. In most instances, they deferred on issues of strategy to Center staff, whom they trust to define and set the direction for the future. Board members unequivocally welcomed the Center's new Director and praised the staff's legal expertise.

The remarks below are both a synthesis and summary of what we learned in our interviews with Trustees, funders, and colleagues. There is no input here from the staff workshops. We have separated the comments made by Trustees from those made by funders and colleagues. A copy of our Interview Guideline is appended; it is important to note that some participants' lack of knowledge meant that many of our questions were not addressed.

#### MISSION AND VISION

##### *Differentiating the Center*

Most Trustees noted that what differentiates the Center is its law and legal work. They noted "expertise around Reproductive Rights (RR) and Human Rights (HR)," "brilliant, focused, sophisticated lawyers who can fight and win," and "who work on the 'cutting edge.'" One Trustee noted that it is the only organization working on the legal and

human rights aspects of RR, but most felt at a loss to speak concisely and specifically about what the Center does that makes it different from other "players" in the field. Trustees also cited international work as a unique aspect of the Center, but were unclear as to the specifics of this work.

Funders and Colleagues could, and did, give definition to the international role. They talked about the Center's role in "linking groups of people trying to advance women's issues globally," how the Center helps "to define and challenge national legal systems," and how "finely-honed the legalistic work" is. One funder declared, however, that the legalistic often comes at the expense of economic and social justice—and gave a stark example of a Somali woman.

While one funder noted that the Center is unique because of its strong commitment to RR, two others noted: "other organizations are also grappling with these issues." "The Center should place itself within the range of other groups which do similar work. . . . It is not enough to assert you are unique—you must describe why." "The Center is not unique in litigation; both Planned Parenthood and the ACLU also litigate: How are the client base and issues different and has the Center deliberately developed their expertise accordingly . . . or has it just happened?" One colleague asked about how the Center views itself: "as a litigating organization or as a broader advocacy group?"

#### *Articulating a broad vision for the next five years*

Trustees hold the Center's staff in extremely high regard. Their level of respect and trust is extraordinary. Most Trustees would largely defer to staff in setting the vision for the future and determining the direction. Having said that, most believe that the domestic focus should still be on abortion. Several Trustees mentioned that they would also like to see work in the related areas of Emergency Contraception (EC), contraceptive equity and comprehensive sex education, including work with adolescents.

Most Trustees think that the image and reputation of the Center needs clarifying and heightening and that collaboration with other RR and HR groups would help to improve the Center's visibility as well as move the agenda(s) forward.

Funders and colleagues believe strongly that the broad vision for the next five years must be "ruthlessly prioritized." "Their approach should be outcomes-oriented. It's not good enough just to research, write and present. Engineer backwards from what they want to see happen." "I understand the causal model of theory of change; spell it out for us; define the outcome you expect . . . not just winning decisions." Most see this as requiring more sharing of expertise. Indeed, partnering with other organizations, both domestic and international, was a strong and recurrent theme in all of their comments. Nepal and Slovakia were cited as examples, where the Center had identified local groups with which to work and had been successful. Acknowledging that the Center cannot do it all, "after the outcomes are defined, then the Center needs to determine who best to work with locally." "Greater collaboration must be a defining characteristic of the Center's future work."

In speaking about the international program, one colleague suggested that "publicly shaming a country, so that it is coerced in doing the right thing (the Amnesty International model) will not work around Reproductive Rights. If, however, the ILP saw itself as a midwife to the global choice movement, that would be a longer-term, albeit, less glamorous vision."

Funders and colleagues also envision the need for continuing emphasis on Reproduc-

tive Rights. "We must 'stay the course.'" Several commented: "the Center must continue as the legal reference point for policy implications and shaping thinking and monitoring." Most called for a more proactive stance identifying and analyzing trends—and potential backlash. "This is a real need—and one that the Center could fill. They need to tell the rest of us what's coming down the pike." Added another: "The Center needs to think through the leadership role it can play . . . there is a gap at the national level, which the Center could fill."

They would also like to see the Center "provide new and useful information and training" and "more paper for colleagues and constituents." "We should get something every three to six months from the Center about what's happening in the field." "But, there is so much information reaching people in the RR arena that if the Center were to spend time better packaging and abbreviating materials, it would get more mileage out of its work." "Electronic newsletters are effective." Several funders proposed a serious analysis of *Roe v. Wade* soon to ascertain the roadblocks lying ahead and the best options for addressing them. None thought that *Roe v. Wade* would fall, but that it "might be left out there, hanging all by itself . . . Then what? We need to think that through now." "What happens after PBA? If we win? If we lose? The legal win should not become the public relations loss. There must be a strategy for this."

#### *Involving and energizing constituents*

Trustees, funders and colleagues agree that shaping the Center's focus and making it more easily articulated will help constituents become more involved. "If we comprehend it ourselves and can explain it to others, we are more likely to activate people." Trustees noted: "our inability to clearly articulate makes us poor ambassadors for the cause." Trustees would also like to see a succinct list of successes, both domestic and international, with a timeline, and an explanation of the impact and practicality of these successes. A visual of what has been accomplished in RR—since the Center's founding would help to bring home the "so what factor"—"So what difference have we made?"

Funders and colleagues emphasize that consistent partnering with other groups will strengthen the Center's overall visibility, present constituents with the bigger picture and bigger numbers, thereby offering more assurance - "there's some safety in numbers." They stress that the Center should take the time now to identify who those long-term partners might be, both domestic and international, and if relationships do not now exist, begin to build them. They further cautioned that in all collaboration the "emphasis should be on the success of the work rather than the credit." "The need to be the dominant partner can sap energy and good will."

#### STRATEGY AND PROGRAM

##### *Assessing progress to date*

Most Trustees said that the Center "does program and strategy well," but they were short on specifics. Most believe that the Center "litigates well." Backing up this assertion, two Trustees cited the Center's role in the Nebraska case and its work on Partial Birth Abortion (PBA). Several others referred to its pro-active role around EC. They noted that, despite domestic "wins," the current political climate undercuts the Center's work.

One Trustee cited progress in Chile and Mexico, which could not have happened without the Center's activities. All knew that litigation around abortion was a domestic

hallmark, but most could not explain the essential components of the international programs. One did, however, single out the "spectacular WOW reports, their use at the UN and their import to other international organizations working in the RR and HR arena. Another cited the work in Nepal.

Funders and colleagues alike felt that "the Center has moved well since its founding." More familiar with the international component than the Trustees, three mentioned "fabulous" reports . . . but "want to know what happens next." One said candidly, "I am unable to assess—it's been all over the place," but remarked that the Center is most effective bringing attention to the issues." Nearly all funders and colleagues were familiar with and spoke highly of the work in Nepal. "It demonstrated change processes, the train of intervention, the change itself and needed follow-up." And one referred passionately to the "practical, hands-on-quantifiable, usable-elsewhere, most effective work in Slovakia."

With one exception (who did not think the Center should devote itself to international work at all), funders and colleagues felt that the international program could be more effective by "working on a country by country basis." "Legislative debates are needed; they have proven useful and educational elsewhere." One argued for taking more cases internationally through the European Court of Human Rights. And, returning to the issue of collaboration, one funder said that the Center has been least effective internationally "when it goes off on its own initiatives that are not well-developed with other partners."

#### *Measuring success*

Trustees, funders and colleagues were unaware of any systematic or specific efforts to measure the Center's success. All agreed, however, that measurements and benchmarks will be important moving forward. Some said, "the hard data—what's quantifiable—is the easy part—number of cases won, number of cases lost." What's harder, but equally valid is the soft data—the qualitative—which takes note of "laws changed (although perhaps not immediately), lives improved, learnings which help the Center in other cases." "If we lost, did we educate, create a precedent?" There was strong consensus overall that as new strategies are developed, they must be evaluated against the Center's vision.

#### *Substance guiding future strategy*

Several Trustees identified the "shoring up of favorable state constitutions" as core to the domestic work ahead. They also want the Center to "identify trends." Funders and colleagues looked for a more proactive role around the intersection of needs, e.g., RR and HIV/AIDS. Again, they stressed network building (domestically and overseas), collaboration and outcome oriented strategies rather than identifying specific goals, litigation or issues per se (as requested by the interviewer). They also expressed their belief that new leadership at the Center would embrace these tactics.

#### *Domestic and International programs informing each other*

Trustees were not sure how the domestic and international programs could inform or better inform each other, but they were quite insistent that it needs to occur. They do not know the frequency of interchange between the two staffs, although they assume that there is some and that there should be more.

Funders and colleagues spoke about thinking collectively with other groups to move the agenda forward, broadening the discussion well beyond the Center staff. A greater

awareness of what others are doing nationally and internationally "can make us all more effective as we focus on what each does best." Most talked of identifying "cross country issues," where both domestic and international could bring experience and expertise to bear, e.g., medical abortions, access to various forms of contraception, RR and HIV/AIDS. Said one "be more clear about the connection between global and national. Look at the US impact globally."

*Race and Ethnic Discrimination as a Program Component*

All study participants recognized that minorities and the poor are underserved in RR and HR. How this should factor in to the Center's program development, non could specifically say.

*Domestic Program*

Expanding domestic litigation beyond abortion?

The Trustees believe that abortion is still the key issue. But many also think that the Center should "move beyond" and address linked issues. They cited EC, HIV/AIDS, work, with teens, and family planning "wherever there are legal issues (e.g., women denied prenatal care.)" "If Medicare funding changes, will there be a legal issue there? Is there a legal issue around the misinformation around abortion on the government website?"

Trustees have a deep concern that the image of the Center is "only around abortion" and believe that image must change, so that the public has a greater understanding of the overall impact on women's lives of what the Center does. One suggested that every time the Center is litigating a case, there be a full explanation of how the case fits into the larger context.

One Trustee believes that *Roe v. Wade* could be overturned and that the Center should begin now to develop strategy. Another said, "If it is overturned, we'll know in advance and have time. We need to keep the thought in play, but we can't focus completely on it." Most felt that *Roe* itself would remain intact, but several concurred that, given the current political climate, its impact could be gutted.

Only two funders commented on *Roe v. Wade*. One said, "it's not going to be overturned, but everything else will be. Therefore, look to work at the state level." Another stated: "We need a serious analysis of the decision and come out with an opinion whether or not to continue to defend it. There are lots of weaknesses in the legal approach to *Roe v. Wade*. If it is flawed, we need to come up with a remedy. Is the Center satisfied that it can continue to defend it? Commenting on other issues, one funder commented: "Look at the things that are winning and advancing. What is the principle that appeals and the legal strategy that can be derived and applied?" Asked one colleague: "Would the Center take up a broader rights issue, e.g., women's access to the full array of health services and gender choice and what that means for women's advancement in society? Who is active on college campuses and universities—there is a role here that needs to be filled."

*Other Strategies To Make Forward Progress in the Courts*

Most Trustees felt that there was nothing to be learned from the Conservative Right "because they just play a different game." Another, however, remarked, "We're not vocal enough. People pay attention to the loud voices. We have to fight harder, be a little dirtier. Be graphic and show all the roadblocks." Said yet another, "We should shine a bright light on the U.S. internal policies."

There were no specific strategies suggested for succeeding in non-litigation areas, but

many Trustees felt that the Center should be thinking in terms of education. "Young women don't know what they are losing." "Abortion is a medical procedure and all medical students who enter the OB/GYN specialty should be required to learn the procedure. Medical school curricula must address this." All agreed that collaboration is a strategy that the Center must use. Law schools, bar associations, universities, the Alan Guttmacher Institute, and the Brookings Institution were suggested as potential partners.

Funders and colleagues said: "Keep fighting." They returned, yet again, to the issue of collaboration and while most did not identify specific partners ("other mainstream human rights groups"), they urged working together. One quite specifically said "the Center and the ACLU should work reach out together to clergy, so that there are religious voices for choice—so that we're not called 'barbaric, irreligious, immoral'—we need to have the ethical leaders of our society with us at press conferences." Another noted that the "litigation messages need to be coordinated" and went on to say "litigation alone is not going to carry the day. It's also how to position and leverage the court cases, so that the Center can do its long-term strategy. It's very hard to think that way when you're preparing a brief at 120 mph."

*International Program*

*Global, Political, Health-Related Factors Driving Scope and Direction of International Work*

Most Trustees felt that they did not know enough to comment on the direction of the international work, except to say "helping NGO's understand and implement their laws seems appropriate." One with a deeper knowledge of the international scene remarked: "There's a need for a catalyst in developing countries. Help the women in Eastern and Central Europe get their laws enforced and that new laws don't violate basic human rights. The Center can be a catalyst rather than an active litigant." Another said, "Step up the international work and link it with the domestic. The US domestic policy is affecting international programs, and we need to link with other US organizations and do advocacy, as well as testify how the US is affecting the health of women. We also need to train NGO's in developing countries to make their concerns known." "Do more and link more with other HR and RR groups."

Funders and colleagues say that "one size does not fit all" and that the Center needs to do a quick assessment on the work already done and make a long-term commitment in a few key places, where they can support and transfer skills to in-country advocates, rather than coming up with an overall rationale." "Choose litigation where it will work." "It is more important for the ILP to choose well than it is for domestic—pick certain countries because they're key priority areas, or long-term relationships, or because—you can leave something behind." "Make smart political judgments." "Collaborate with NGO's." Said one, "Push the expertise down and out."

One interviewee talked at length about the need for developing contacts within the European Union because "there is no real debate in Europe on abortion and, there is funding available." Noted one colleague, "All these factors (i.e., global, political, economic and health-related) drive the scope and spectrum of the program, but it is how an issue is seen politically, socially and culturally that makes it a flashpoint and drives the work forward. Something often becomes a symbol and that's what you work with.

The Center needs to be able to jump on these."

*Balancing Tensions in the Focus and Commitment of Resources*

Once again, most Trustees felt themselves unequipped to talk about this. One said, however, that the Center "should select issues such as abortion laws, violence against women, adolescent law, and a more minor role in genital mutilation, where we are better suited to be the data gatherers." Said another "select the strategic issues, those that will command attention, linking RR and HR with rights of child/girl. The HR link is education and protection. The Center needs to bring out the whole discriminatory process against groups associated with AIDS and everyone with AIDS."

Funders and colleagues noted that the Center cannot work at the "wholesale" (global) level, because the resources are not there. "Track and report country by country, within the context of all other international agencies working in these countries." Several commented "it's not an 'either/or.'" Both the human rights approach and the comparative legal approach have merit and must work together. "One creates an opening and the other backs it up." No one wanted to see the Center locked into mega projects, preferring "prioritized focus where you can make an impact" and staying "nimble around opportunities."

Asked one: "Has there been a mapping of pro-Choice groups in various, parts of the world, because donors need to know who they are and how the Center can serve as a backstop?"

*ORGANIZATION AND OPERATIONS*

Most Trustees said that they really did not know enough to comment on the organization and operations. All expressed their pleasure with new Center leadership. Several voiced concern about the expense of the Washington, DC office and wondered aloud about its role and necessity. Most are concerned about Center communications. They want more and better coverage in the press. Several commented that there needs to be "rigorous media training for the main spokespeople."

When it came to talking about the Board of Directors itself, the operative word is more.

Trustees expressed a desire for: A bigger Board; more people on the Board with money and access to money; more lawyers on the Board; more younger people (especially women) on the Board; a few more doctors; and more international representation.

They also talked about the need for substantive Board education, more effective and efficient Board Meetings and training in their fund-raising role. Most recognized that they could indeed play a much more active role for the Center and be of greater assistance with education and training than they have been in the past.

Funders and colleagues could not comment on the Board, but they spoke highly of staff. One said, "They are a precious resource with skill and focus and 'on the attack.'" Another said, "Given the importance of collaboration in moving forward, it is the bridging skills that may need strengthening. And, you may need some on-the-ground communications/community people." Yet another spoke of the need for "better coverage in the international press." Another suggested that there is "a role for a broader education program and perhaps putting more resources into advocacy, public education, media."

One colleague did suggest that, in terms of structure, the Center needs a working i.e., "giving and getting," Board and another entity composed of "non-traditional allies—Fortune 100 CEO's, heads of universities,

heads of major religious denominations" to give heft and an ethical imprimatur to its work.

#### FINANCIAL IMPLICATIONS

##### *Money for new strategies*

Trustees, funders and colleagues alike have no sense of how much money will be needed to finance new strategies. Several Trustees and one funder spoke of redirecting more, if not all, of the unrestricted money into the domestic program. Said one Trustee: "The ratio should be 6:1 Domestic to International. It's where we need to focus our efforts." Most Trustees suspect that new strategies will have leaner resources with which to be implemented and therefore, the strategies will have to be "very focused."

##### *Source(s) of money*

All study participants concur that the source of future monies will need to be individuals. Funders said "it's a tough time for us. Some have left the population field; some have been affected by the stock market. (We) don't see much new money and the existing money is shrinking." One funder pointed to a great deal of government funding available in Europe, should the Center choose to involve itself there.

##### *Building capacity*

Trustees worry about the age of individual donors. "This is an area largely funded by donors over 60 years old. Where are the people in their 30's and 40's?" They see a critical role for the Center's Board in attracting the next generation of donors who will keep the issues alive and fund them.

One colleague noted that "the Center is way ahead of others in capacity building," and without offering any suggestions, is confident that funding will be found. Funders, colleagues and Trustees expressed confidence and hope in the Center's new leadership and other staff (specifically, Development, Domestic and International Program leaders) to articulate the needs and to identify and solicit the funding necessary to carry the Center forward.

#### APPENDIX: CRAFTING A STRATEGY FOR THE NEXT FIVE YEARS—INTERVIEW GUIDE

##### *Background*

Describe current task, the link to prior strategic planning efforts, and coordination with the development audit

Clarify terms, language, jargon  
Understand Interviewee's:—Experience and knowledge in this or related fields; and experience with and knowledge about the Center.

##### *Reactions to White Paper*

##### *Mission and vision*

What does the Center do that differentiates it from other organizations and individuals?

What have been the Center's emphases in the "mission and values" statement in the last 5 years?

How would you articulate a broad vision for the next 5 years? How will this affect: Scope of activities/projects/docket; size; "Competitive advantage; and Image/reputation, etc.?"

How will the Center involve and energize both internal and external constituents, in a new and/or expanded vision?

##### *Strategy and Program*

##### *Overall*

How would you assess the Center's progress to date?

What does the Center do well? Less well? Why?

What have been the essential components of the domestic and international programs?

Where/when has the Center been most effective? Least effective?

Where/when should the Center be more proactive?

How has the Center measured past success? How should the Center think about and measure future success?

What should be the substance guiding the future strategy?

Specific goals we should accomplish? (Identify)

Projects that we should undertake? (Identify)

Substantive issues we should address that we are not addressing now? (Identify)

Litigation we should pursue proactively. (Identify)

Other. (Identify).

How can the international work be more informed by the domestic work, and vice versa?

How should the Center's concern about race and ethnic discrimination factor into program development?

Specific (at a level of detail appropriate for the interviewee)

Should the Center expand the domestic litigation agenda beyond its primary focus on abortion?

Do clients have other issues that we should understand and pursue? If so, what are they?

While we have a broad set of abortion cases on our docket, do we run the risk of running out of interesting/effective strategies or losing our funders' interest and support?

Do we need to develop a strategy now if *Roe v. Wade* is overturned?

Are there more important/different issues that we are missing because of our focus on abortion? Does this matter?

What other strategies can the Center pursue to make forward progress in the courts?

What are the programmatic components of a more comprehensive strategy?

What can be learned from the Conservative Right as they pursue their multi-faceted strategies to change jurisprudence?

How can the Center succeed in non-litigation areas, e.g., education and training?

With whom can the Center collaborate, e.g., similar legal organizations, advocacy and policybased reproductive rights organizations, law schools, etc.?

What are the global political, economic, and health-related factors that drive the scope and direction of the international work?

How all of the different strategies required in different parts of the world recognizing that "one size does not fit all?"

Given a rapidly changing world, where should the Center focus its work to be most effective and demonstrate results?

With whom should the Center collaborate?

How should the international program balance tensions in the focus and commitment of resources, e.g.,

"Promoting the application of international human rights standards to reproductive rights issues at global and national levels (human rights approach) vs. providing expertise on developing national-level legislation/policies (comparative legal approach)?"

"Focusing on certain core issues (abortion, quality of care, safe pregnancy, etc.) vs. consistent strategies/activities (litigation, documenting violations, legislative reform)?"

"Wholesale ("global") vs. retail (national-level) impact?"

"Locking ourselves into mega-projects vs. nimble and responsive to sudden opportunities."

##### *Organization and operations*

What are the talents and resources—managerial, legal, programmatic, policy, political, communication, etc.—that we need to pursue different strategies?

How should the Center shape the organization to support/implement new strategies and take advantage of new staff and Board leadership?

What additional structures and systems are needed to support the Center as it grows and evolves?

What are the talents, size, and mix of staff and Board we need to successfully implement the new strategic plan? What does the transition look like?

##### *Financial implications*

(Not intended to be redundant with Development Audit questions.)

How much money is needed to finance the new strategies?

Could the Center redirect current unrestricted money to more effective new strategies?

What is the financial plan to support the new strategy?

Where will the money come from to fund our new vision/strategy/plan?

Who are the likely donors?

What is the timing?

What are the appropriate phases?

What might we be doing now to build capacity for the future?

#### TABLE OF ABBREVIATIONS AND GLOSSARY

##### *General terms*

Comparative Law—The study of legal standards from several countries or systems.

Customary Law, Customary International Norm—When there is a very consistent pattern among nations on a particular normative issue it is called a customary international law or customary international norm and it attains the force of international law—for example, that countries should outlaw executing mentally incompetent people or prohibit official torture.

Fact-finding—A research methodology employed to expose human rights violations, seek accountability from responsible parties, identify and secure a remedy for those whose rights have been violated, and help develop an effective advocacy strategy.

Jurisprudence—Law developed by judicial or quasi judicial bodies.

NGO—Non-governmental organization.

Norms (legal norms, international norms, hard norms, soft norms)—Legal standards, such as constitutional provisions or legislation. Hard norms are binding treaty provisions. Soft norms are the many interpretative and non-binding statements, for example by Treaty Monitoring Bodies; that contribute to an understanding of reproductive rights.

##### *UN and regional instruments and bodies*

African Charter on the Rights and Welfare of the Child—Regional human rights treaty protecting the rights of children in Africa.

Beijing Conference—1995 United Nations Fourth World Conference on Women: Global conference on women's human rights.

Beijing Platform for Action—Beijing Declaration and Platform for Action, United Nations Fourth World Conference on Women: Consensus document adopted by nations participating in the Beijing Conference.

Cairo Programme—Programme of Action of the United Nations International Conference on Population and Development: Consensus document adopted by nations participating in the International Conference on Population and Development.

CEDAW—Convention on the Elimination of All Forms of Discrimination against Women: International treaty codifying states' duties to eliminate discrimination against women.

CEDAW Committee—Committee on the Elimination of Discrimination against Women: UN body charged with monitoring states' implementation of CEDAW.

Children's Rights Convention (CRR)—Convention on the Rights of the Child: International treaty upholding the human rights of children.

Convention against Racial Discrimination—International Convention on the

Elimination of All Forms of Racial Discrimination: International treaty upholding individuals' human rights to be free of discrimination on the basis of race.

Economic, Social and Cultural Rights Committee—Treaty Monitoring Body that monitors state compliance with the Economic, Social and Cultural Rights Covenant.

European Convention for the Protection of Human Rights and Fundamental Freedoms—European treaty upholding the rights of the Universal Human Rights Declaration.

IACHR—Inter-American Commission on Human Rights: International body upholding the American Convention on Human Rights.

ICCPR—International Covenant on Civil and Political Rights: International treaty protecting individuals' civil and political human rights.

ICESCR—International Covenant on Economic, Social and Cultural Rights: International treaty protecting individuals' economic, social and cultural human rights.

ICPD Programme of Action—Programme of Action of the International Conference on Population and Development: Consensus document adopted by nations participating in the International Conference on Population and Development.

Treaty Monitoring Bodies (TMBs)—United Nations Treaty Monitoring Bodies refer to the six committees which monitor governmental compliance with the major UN human rights treaties. While the TMBs are not judicial bodies; they influence governments by issuing specific observations about states' progress and compliance with human rights obligations. Four committees also hear individual complaints.

Universal Declaration—Universal Declaration of Human Rights: UN human rights instrument at the foundation of modern international human rights law.

THE CENTER FOR REPRODUCTIVE RIGHTS BOARD OF DIRECTORS—PRIMARY AFFILIATION INFORMATION

#### *Executive Committee Members*

Nicki Nichols Gamble (Vice Chair), Former President and CEO, Planned Parenthood of Massachusetts

Francis W. Hatch, III (Vice Chair), Chairman, The John Merck Fund

Betsy K. Karel (Chair), Board Chair, Trellis Fund

Nancy J. Northup (Ex-Officio 1/13/03), President, Center for Reproductive Rights

#### *General Members*

Laurie G. Campbell (Treasurer and Chair of Finance Committee)

Jane E. Hodgson, MD, MS, FACOG, Founding Fellow, America College of Obstetricians and Gynecologists

Sylvia A. Law, Elizabeth K Dollard Professor of Law, Medicine and Psychiatry, New York University Law School

Marcie J. Musser, Vice President and Treasurer of the Board, General Service Foundation

Nafis Sadik, MD, Special Envoy for United Nations, Secretary General for HIV/AIDS in Asia and Pacific

Sheldon J. Segal, PhD, MD, FRCOG (Secretary), Distinguished Scientist, The Population Council

Marshall M. Weinberg, Board Member, American Jewish Joint Distribution Committee

## DELUXE HOTEL

### HON. WILLIAM J. JANKLOW

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. JANKLOW. Mr. Speaker, on August 12, 2003, the Deluxe Hotel, a small business in Woonsocket, South Dakota, commemorated 100 years of family ownership and operation of the hotel.

The hotel itself is an original structure built in 1883—two months before there was a town of Woonsocket and six years before South Dakota became a state—by railroad supervisor, Charles H. Prior and his wife. On August 12, 1903, Joseph Lane and Margaret Kirby Brown bought the hotel for \$2,250 in cash plus a Springfield, South Dakota hotel valued at \$1,500.

Currently, J.L. and Margaret Brown's granddaughter—Delores Brown Bissel—owns and operates the hotel. She was born in the hotel in 1926, and has been involved in its operation ever since. The descendants of Joseph Lane and Margaret Kirby Brown gathered in Woonsocket on August 2nd to commemorate 100 years of family and business history.

Family-owned businesses, such as the Deluxe Hotel, are the backbone of many small, rural South Dakota communities. I congratulate the Brown Family for this remarkable milestone, and hope that this longstanding contribution to the Woonsocket community and surrounding area will continue far into the 21st century.

#### TRIBUTE TO THE FANNIE E. RIPPPEL FOUNDATION

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Fannie E. Rippel Foundation, a New Jersey philanthropic organization which is highly esteemed nationally and especially in the Northeast, and that will celebrate fifty years of grant making on December 11, 2003.

During the past five decades the Fannie E. Rippel Foundation has awarded grants amounting to more than \$113 million and has demonstrated its continuing commitment to improving health care in our state and nation.

The Rippel Foundation, established under the will of Julius S. Rippel, provides funds to aid the aged and women of all ages, to aid hospitals and to support institutions involved in heart disease or cancer treatment and research.

In the past, for example, the Foundation has provided and furnished funds for the construction of or to aid in the erection of hospitals and provided funds for their equipment as well as hospital maintenance.

The Foundation has also supported humanitarian programs, emphasizing ethical issues in medicine, pastoral education, programs in rural health, better case and disease management. In particular, the Foundation has supported most generously women's health programs for elderly women with chronic conditions, academic and educational programs for

women, and programs that promote better advocacy of women's health. The Foundation also stresses what is known as "humanistic medicine," and advances the importance of belief, support, communications and relationships in the healing process.

Mr. Speaker, there is no doubt that each and every dollar the Fannie E. Rippel Foundation gives to a hospital or a medical research facility is much appreciated. And, we can all be grateful for the Foundation's efforts because of its dedication to helping under-served rural and urban populations, and its interest in changing the wellness behavior of people through research and preventive care.

Throughout the years, the Fannie E. Rippel Foundation has earned an incredibly positive reputation for the many generous acts of its Board of Trustees, Officers and Staff.

Mr. Speaker, I know that you join me and my colleagues in recognizing and honoring the Fannie E. Rippel Foundation for its outstanding services to humankind for fifty years, and I ask that you and all our colleagues extend sincere best wishes for a successful Rippel Foundation Reception on December 11, 2003.

#### INTRODUCING THE WAR PROFITEERING PREVENTION ACT OF 2003

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. EMANUEL. Mr. Speaker, I am proud to rise with Representatives DEFAZIO, and DELAURO as original cosponsors to introduce the War Profiteering Prevention Act of 2003. This is an identical companion to legislation introduced by Senators LEAHY, CLINTON, DURBIN and FEINSTEIN.

This bill closely resembles an amendment that I offered during consideration of the Iraq reconstruction bill. Unfortunately, the Rules Committee declined to allow debate on my amendment, which would have established tough criminal penalties for individuals who defraud the government involving contracts related to the war or reconstruction of Iraq.

As the government begins to spend the roughly \$20 billion appropriated for rebuilding Iraq, it is essential that we protect these funds from waste, fraud and abuse. To that end, the War Profiteering Prevention Act establishes a maximum criminal penalty of 20 years in prison and fines up to \$1 million for war profiteers and cheats who exploit the postwar relief efforts.

Unlike most nations where we send foreign aid, there is no functioning government in Iraq. While I believe the Coalition Provisional Authority is doing the best it can, it simply does not maintain the manpower necessary to adequately monitor reconstruction funds. Regrettably, a handful of politically connected corporations, including some with scandal-ridden business records, are taking advantage of this situation.

While anti-fraud laws protect against wasteful spending here at home, there are no such laws prohibiting war profiteering overseas. In response, my bill criminalizes overcharging taxpayers for any good or service with the specific intent to excessively profit from reconstruction. The legislation also prohibits fraud

and false statements in any matter involving a contract.

We need strong disincentives for those who defraud taxpayers. These controls must be in place now because criminal statutes cannot be applied retroactively. We cannot in good faith ask American families to sacrifice for postwar reconstruction and then allow so many others to unfairly profit at their expense.

Mr. Speaker, we must send a clear message that cheating U.S. taxpayers is completely unacceptable and will not go unpunished. For these reasons, I urge my colleagues to join me in supporting the War Profiteering Prevention Act of 2003.

RECOGNIZING THE ACHIEVEMENTS OF DR. ROBERT PAVLICA

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the great contributions to education made by Dr. Robert Pavlica. I also wish to congratulate him on being one of only six teachers from around the world, and one of only two from the United States, to be honored by INTEL. Innovation in Education with the prestigious 2003 "Excellence in Teaching Award." He received this accolade for his pioneering development of the "Authentic Science Research in the High School" program.

Dr. Pavlica, a White Plains, NY, resident, who has a Ph.D. in biochemistry, along with master's degrees in philosophy, cell biology, and biology, has been inspiring students as a science teacher at Byram Hills High School in Armonk, NY, for the past 33 years. In 1990, he began teaching scientific research after one of his students asked for his help in pursuing an independent research project.

This would lead Dr. Pavlica to create the "Authentic Science Research in the High School" program, a three-year science research course, in which sophomores, who elect to participate, are instructed in the methods and processes of research. This culminates in each student conducting an original research project into an area of particular interest to the student. To help guide his or her work, each student is mentored by a respected scientist in the student's field of research.

This program has been enormously successful. Since its creation little more than a decade ago, thirty-nine of Dr. Pavlica's students at Byram Hills have become semifinalists for the Intel Science Talent Research Award, formerly known as the Westinghouse. Amazingly, eleven of his students have even reached the finals of the esteemed competition. This program has also prepared many more students for the arduous research that they will face in college.

Dr. Pavlica has taught his techniques to numerous educators, who wish to replicate his success in getting students excited about scientific research. Presently, over 170 school districts throughout the country have instructors who are using his program. In fact, over seventy percent of public and private high schools in Westchester County, NY, now employ the program.

The success of the program at Byram Hills has been mirrored in these schools, as well. Indeed, in 2002 and 2003, roughly forty percent of all of New York State's INTEL Science Talent Search semifinalist awards went to students who were taught using the "Authentic Science Research in the High School" program.

I am truly honored that I have this opportunity to congratulate Dr. Pavlica on his well-deserved award and to thank him for helping so many students in Westchester and around the country learn more about science and the potential that lies within them.

PROTECTING PUBLIC SAFETY IS AT THE HEART OF GUN PURCHASE BACKGROUND RECORDS

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. WOLF. Mr. Speaker, I want to provide some additional information to follow up on my RECORD statement of November 25 regarding the provision in the FY 2004 omnibus spending bill which would require the destruction of background records checks 24 hours after a gun purchase.

I submit for the RECORD letters from two law enforcement officers groups who share my deep concerns about the impact on public safety of changing the current 90-day period for retaining data related to firearms purchase and approval. The Federal Bureau of Investigation Agents Association, wrote: "The more the retention period is reduced, the more difficult it would become to use the paperwork to investigate or prosecute crimes related to the use of sales of the firearms in question. Any such efforts can only complicate the already difficult task of law enforcement and jeopardize public safety."

FEDERAL BUREAU OF INVESTIGATION,  
AGENTS ASSOCIATION,

*November 25, 2003.*

Re Issues Related to Retention of Firearms Paperwork.

Hon. FRANK WOLF,

*Chairman, Subcommittee on Commerce, Justice, State, and Judiciary Appropriations Committee, H-309 Capitol Washington, DC.*

DEAR CHAIRMAN WOLF: On behalf of the FBI Agents Association (FBIAA), I am writing to express the FBIAA's concerns regarding the possibility of an appropriations rider that might reduce the current 90-day retention period for data related to firearms sales and approval. The FBIAA is a non-governmental professional association with a membership of nearly 9,000 current and more than 2,000 retired FBI agents nationwide; neither the FBIAA nor I speak for the official FBI.

While the FBIAA certainly understands and appreciates the civil liberties concerns related to firearms registration and the retention of paperwork related to background checks, we think the current 90-day retention period strikes the proper balance between civil liberties and crime control. To date, we are not aware of any problems associated with the current system. The more the retention period is reduced, the more difficult it would become to use the paperwork to investigate or prosecute crimes related to the use or sales of the firearms in question. Any such efforts can only complicate the already difficult task of law enforcement and jeopardize public safety.

We would be happy to further communicate with you on this or any other issue. As Congress moves forward in the appropriations process, we ask that you thoroughly review any rider attempt that may limit the ability of law enforcement officers to perform effective, fair, and timely investigations.

Very truly yours,

FRED BRAGG, *President.*

The International Association of Chiefs of Police, which first raised concerns about changing the time background records are maintained in a letter in 2001, continues to stand by that statement, which said: "We believe that decreasing the amount of time the purchase records are kept will weaken the background check system and allow more criminals to illegally obtain weapons."

INTERNATIONAL ASSOCIATION OF  
CHIEFS OF POLICE,

*Alexandria, VA, September 4, 2001.*

Mr. TIMOTHY MUNSON,

*Section Chief, Federal Bureau of Investigation, Module A-3,*

*Clarksburg, WV.*

DEAR MR. MUNSON: The International Association of Chiefs of Police (IACP) appreciates the opportunity to comment on the proposed rule that would reduce the amount of time that the Federal Bureau of Investigations (FBI) maintains National Instant Criminal Background Check System (NTCS) records on approved purchases from 90 days to one business day. The IACP is world's oldest and largest association of law enforcement executives with more than 18,000 members in 100 countries.

The IACP believes that the 90-day retention period should not be shortened. Decreasing the retention period of these records to one business day will not provide law enforcement with sufficient time to perform the necessary audits on the NCCS system as established by the Brady Act.

In March 1999, the Department of Justice issued a proposed rule to (adore the retention period from 180 days to 90 days. They concluded that 90 days was the "shortest practicable period of time for retaining records of allowed transfers that would permit the performance of basic security audits" of the NICS system. However; the Justice Department also acknowledged that law enforcement and the FBI's Advisory Policy Board had instead sought to increase the record retention period from 180 days to one year.

The FBI has stated that it requires at least 90 days to audit the records in order to ensure the accuracy and legitimacy of background checks performed by federally-licensed firearms dealers. These audits allow the FBI to search for patterns of fraud and abuse by both gun dealers and purchasers. Through these audits, the FBI can identify instances in which the NICS system is used for unauthorized purchases such as gun dealers having background checks on people other than gun buyers. In addition, audits can also help determine if gun buyers have submitted false identification in order to thwart the background check system. To run these crucial audits, the FBI needs the records on both approved and denied purchases. If these records are quickly destroyed, it will be much more difficult for law enforcement to investigate and prevent abuses of the background check system.

We believe that decreasing the amount of time the purchase records are kept will weaken the background check system and allow more criminals to illegally obtain weapons. In addition, it is important to note that there have been no allegations that any information retained in the records has been misused.

The background checks performed under the Brady Act have proven to be a vital part of our nation's crime control efforts. Since its enactment, the Brady Act has prevented more than 650,000 felons, fugitives and other prohibited persons from purchasing handguns. The IACP believes that no action should be taken that would damage the demonstrated effectiveness of the current background check system.

Thank you for considering our views on this matter.

Sincerely,

BRUCE D. GLASSCOCK,  
*President.*

It is important to note that the letters from the FBI Agents Association and the International Association of Chiefs of Police both indicate that they are not aware of any allegations of misuse of the information retained in the gun purchase records.

There is another concern which I am compelled to share regarding the public safety aspect of allowing law enforcement personnel the necessary time needed to track down would-be criminals who try to purchase guns. I also enclose for the RECORD an FBI report on the growing violent gang activity, not only in the District of Columbia and the northern Virginia region, but across our nation. It is sobering. This a very serious—and growing—problem. While the FBI report focuses specifically on Mara Salvatrucha, more commonly known as MS-13, numerous gangs have been infiltrating our country in recent years and indications are that few communities are spared.

Gang members thrive on terrorizing communities through random acts of violence. They steal. They kidnap. They extort. They torture. They murder. Obtaining guns and other weapons are part and parcel of their operations.

While we may not know for certain how the 24-hour records destruction provision will impact criminal gang members who are terrorizing innocent people in northern Virginia and other areas of the country, law enforcement officers on the front lines of fighting crime certainly have a strong belief that reducing the time to check for illegal gun purchases could hurt their ability to protect public safety.

In these times of fighting not only international terrorism but violent gang activities in our local communities, shouldn't we be making public policy that gives law enforcement personnel the assistance they need to thwart the gun purchases of suspected terrorists and gang members rather than giving the advantage to the criminals?

U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, DC, November 12, 2003  
MARA SALVATRUCHA 13

Mara Salvatrucha 13, commonly referred to as "MS," "MS-13," "MSX3," or "MSXIII," was designated as a National Gang Strategy priority target group of the Federal Bureau of Investigation in 1997 due to its propensity for violence and rapid growth. Originally composed of individuals of El Salvadorian heritage, MS-13 now consists of numerous, loosely affiliated autonomous cliques, some of which are highly structured and organized, while most are loose knit with very little formal structure. Although MS groups generally function independently of each other, they pose a serious threat in the United States and abroad due to their propensity for extreme random violence and involvement in myriad criminal activities. The level of criminal sophistication and networking by certain clique members will have direct impact on the types and complexity of

the crimes committed by that clique. MS-13 cliques will engage in varying degrees of drug trafficking, theft, prostitution, and violent criminal activity such as murder, extortion, kidnaping, and drive-by shootings to support their criminal activity and protect their turf from rival gangs. Violence is an intimate part of being a gang member. Some MS-13 members have conducted counter-surveillance on law enforcement personnel to obtain license plate numbers of officers' vehicles.

MS-13 has greatly expanded from its origins in southern California. Migration of MS-13 gang members, based on several factors, has resulted in the emergence of MS-13 cliques in numerous jurisdictions across this country. In 1992-93, MS cliques were established in Los Angeles, Northern Virginia, and Long Island, New York. Today, MS-13 cliques have been confirmed or suspected of operating in at least 31 states and the District of Columbia with an estimated 8000 members. In the mid-1990s, MS-13 members who were deported from the United States, established cliques in El Salvador, Honduras, and Guatemala. Today, in El Salvador and Honduras alone, an estimated 50,000-70,000 gang members are divided into two major gangs, MS-13 and 18th Street. These gangs pose the greatest criminal threat in each country.

Over the past several years, MS-13 has grown significantly on the East Coast. Many jurisdictions throughout the Washington, DC, metropolitan region, have reported MS-13 members involved in criminal activity. In 1992, three MS-13 gang members from Los Angeles, California, were identified in northern Virginia by law enforcement authorities. Today, an estimated 30 MS-13 cliques and 3000 gang members are active throughout the region. The greater Washington, DC area, and specifically northern Virginia, is now a major hub of MS-13 gang activity. Fairfax County, Virginia, Police Department reports that MS-13 is responsible for, or suspected of, 95 percent of all gang-related crimes (armed robbery, theft, car theft, drug dealing, rape, shootings, and assaults with a baseball bats, knives, and machetes, etc.) committed in the county.

Heavy concentrations of MS-13 cliques have been documented in Long Island, New York, Massachusetts, New Jersey, and North Carolina. Travel by MS-13 members between these regions, as well as to and from, Texas, California, and other regions, has been documented. MS-13 gang members travel to other communities to support and participate in MS-13 gang activities, to flee prosecution in criminal investigations, and for social and fraternal motives. Approximately 30-40 MS-13 gang members from Massachusetts moved into the Lakewood, New Jersey area and established a clique that appears to be involved in trafficking cocaine and weapons. The Washington, DC region, specifically northern Virginia, is a primary destination for MS-13 gang members. In one notable event, MS-13 gang members traveled from northern Virginia to Hempstead, New York, and committed a drive-by shooting. The motive for the shooting was simply to demonstrate to local Hempstead MS-13 cliques the bravado necessary to intimidate and combat rival gangs.

Within the Washington, DC region, formal multiple-clique meetings have occurred in attempts to organize area cliques however, inter-clique disputes have prevented any such coordination, but these meetings enabled relationships to form between members of multiple cliques. In the long term, it is reasonable to predict that this is an evolutionary step towards a more formalized central structure.

MS-13 has specific identification signs, symbols, and rules. However, certain rules

may vary between cliques and may change depending on the situation. One commonality between all MS-13 cliques, in the United States and Central America, is that the gang survives and thrives due to aggressive local recruitment efforts. Growth in numbers and strength is MS-13's primary goal. For instance, MS-13 gang members must have some Latino heritage, however, there are now "farm" cliques associated, with the MS-13 that are not Latino. Cliques include juvenile members. The gang is known to recruit Hispanic juveniles as young as elementary school age for membership.

It is anticipated that recent gang suppression efforts in Central America will increase legal and illegal immigration of MS-13 gang members to communities with existing MS-13 populations in the United States. Based on current trends and patterns of MS-13 activity in the United States and Central America, it is predictable that MS-13 will continue to spread and grow in numbers across this Nation, including the Washington, DC region. Violent crime associated with continued expansion of MS-13 is most predictable.

Only through nationally-focused investigations calling upon Federal law, will there be a cessation to MS-13's continuing growth in America.

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HONORING MR. ALFREDO B.  
LAGMAY, SR.

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. ROYCE. Mr. Speaker, I rise today to mourn the loss and honor the life of Mr. Alfredo B. Lagmay, Sr.

Mr. Lagmay was truly one of America's heroes. Mr. Lagmay came to this country from his native Philippines in 1918. He later went on to serve in our armed forces, where he was a prisoner of war (POW), a survivor of the Death March of Bataan, and a veteran of World War II and the Korean War.

After his distinguished 31-year career in the United States Military where he was awarded the Bronze Star, Mr. Lagmay moved with his family to Orange County. Mr. Lagmay was a valued member of the community and served as an inspiration to all.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Alfredo Lagmay. I am exceedingly proud to honor him for his courageous service to our country and for the honorable life he led as a husband, father, grandfather, and great-grandfather.

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IN MEMORIAM OF CPL. ROBERT  
"BOBBY" D. ROBERTS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. MICA. Mr. Speaker, it is with the deepest sadness that I report the death of Corporal Robert D. Roberts, a native of Winter Park, Florida, who died in service to our Nation on November 22nd while serving in Iraq.

I extend my deepest sympathy to his widow Jill, his 3 year old son Jacob, and his family. Bobby, as he was affectionately known, died

in a tragic accident as he was fulfilling his military obligation to our Nation.

Cpl. Roberts was a member of the United States Army and served in the position of Tank Gunner. His devotion and commitment to our U.S. Military were legendary among the family members he leaves behind. Prior to his death, he personally reiterated to his family the importance of his mission and his dedication to serving our Nation in this time of international conflict.

I am most saddened to lose this dedicated American soldier, a Winter Park native and the son-in-law of a wonderful friend, Karen Mendenhall. During services that were conducted at the First Baptist Church of Oviedo on Friday, December 5th, Bobby was remembered by his brother and parents as a wonderful member of the family, a devoted Christian and a committed American soldier.

We extend our deepest sympathies to Cpl. Roberts' parents, Chuck and Joann, on the loss of their beloved son. We commend his brother, Lance Corporal Chris Roberts, for his courage and dedicated service in the United States Marine Corps. And to all those in Bobby's family who have suffered this great loss, we give the eternal thanks of a grateful Nation.

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TRIBUTE TO CHUCK ANDERSON OF  
RAYTHEON

**HONORABLE JIM KOLBE**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. KOLBE. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD a tribute to Charles D. "Chuck" Anderson, Raytheon's Vice President, Air-to-Air Missiles in Tucson, Arizona who is retiring after over 40 years of dedicated and faithful service to the defense of our great Nation.

From the time Chuck was a boy, his patriotic fervor and love of country formed the foundation for all he has accomplished to date. In the 1950s, when the face and ambitions of our American youth began to change, Chuck chose the difficult path and served with the California National Guard as a paratrooper. After his National Guard tour, Chuck selected the toughest, most disciplined course of study earning a Bachelor of Science degree in Mathematics and Physics from California State Polytechnic University in 1961. In 1972, he received a Master of Science degree in Systems Engineering at the University of Southern California.

Chuck, the man, is more than just America's premier designer and builder of our most capable weapons. He is a true patriot and champion for the American dream. When asked to perform in the hustle and bustle of Corporate

America, with the ever present hunger for profits and earnings, Chuck always asked one question first, "Is this good for the Warfighter . . . will this save American lives on the battlefield?" By that creed he lives his life, both professionally and personally. During his quarterly, "All Hands" Leadership meetings, Chuck always ended his session with a 30 minute discussion on what it means to be an American. Love of Country, Love of Freedom were always the major themes of his closing comments. This theme in particular, defines Chuck Anderson and serves as the driving force behind this American Patriot.

Apart from his role as America's "Missileman," Chuck took an active leadership role in one of this country's premier Leadership Learning Laboratories, The Boy Scouts of America. As an Adult Leader, Chuck imparted his wealth of lifetime experiences, patriotism, and charismatic leadership to this unique group of American youth. The leaders of tomorrow will long remember Chuck's lessons of life, pursuit of excellence, and responsibility. When he was not paying back to the country he loves, Chuck took time to revel in his two greatest hobbies: flying antique model airplanes and listening to American Rock and Roll. In fact, his knowledge of Rock and Roll is so great, Chuck continues to author numerous missives titled, "This Date in Rock and Roll History."

Chuck Anderson is one of the select few that has consistently given and sacrificed for all that is good for America . . . and the generations of youth he has touched and continues to touch will pass on their strong character and moral fiber for generations to come so that our country remains a beacon of freedom and leadership throughout the world. I am certain that my colleagues will join me in wishing Chuck and his wife Carolyn all the best as they venture into the next chapter of their lives.

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RECOGNIZING WORLD AIDS DAY

**HON. CIRO D. RODRIGUEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RODRIGUEZ. Mr. Speaker, I rise today to acknowledge Monday, December 1, 2003 as World AIDS Day. Worldwide 42 million people are living with HIV/AIDS, including 3.2 million children under the age of 15. AIDS kills more people worldwide than any other infectious disease and infects 15,000 people each day.

World AIDS Day was established in 1988 to raise awareness about HIV/AIDS and tackle the tough issues related to the disease. This year the focus is on stigma and discrimination, two major obstacles in preventing HIV/AIDS.

When people living with HIV/AIDS are discriminated against they are less likely to acknowledge their disease or seek treatment. They may be denied housing, employment, or health care services. We must do everything possible to reduce the stigma associated with HIV/AIDS through worldwide and local efforts.

Congress can fight stigma and discrimination by continuing monetary support for the International AIDS Vaccine Initiative (IAVI) and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. IAVI focuses on accelerating scientific progress, mobilizing public support through issue advocacy and education, encouraging industrial involvement in AIDS vaccine development, and working to ensure global access to a vaccine. I greatly support this program and urge the largest funding amount.

Congress should provide the maximum allowable contribution of \$3 billion to the Global Fund to Fight AIDS, Tuberculosis, and Malaria. The Fund makes grants in developing countries aimed at reducing the number of HIV, tuberculosis, and malaria infections, as well as the illness and death that result from such infections. Over five years, the Fund hopes to fund anti-retroviral therapy for 500,000 patients over five years and to be supporting programs to provide care for 500,000 children orphaned by AIDS.

However, these large international organizations would be meaningless without people at the local level to provide care and support to those living with HIV/AIDS. In Texas, 60,078 people are living with HIV/AIDS, and many groups and individuals are working hard to address their needs.

I would like to recognize the efforts of the following people and organizations for their contributions in combating the AIDS epidemic:

Charlene Doria Ortiz, Executive Director—Center for Health Policy Development; Dr. Fernando Guerra, Director of Health—San Antonio Metropolitan Health District; David Ewell, Executive Director—San Antonio AIDS Foundation; Yolanda Rodriguez Escobar, Director—Mujeres Unidas Contra El SIDA; Pastor E. Butch Seward, Chairman of the Board and Michelle Durham, Executive Director—Black Effort Against the Threat of AIDS (BEAT AIDS, Inc.).

By providing medical care, educational programs, housing and financial assistance, case-workers to help with government benefits, and support groups, these programs help those living with HIV/AIDS get through each day. I am proud to recognize them for their year round and tireless commitment to fighting HIV/AIDS.

We may only recognize World AIDS Day once a year, but by providing adequate funding and support for programs that encourage treatment and education we can create lasting effects on the fight against AIDS.