

EXTENSIONS OF REMARKS

FREEDOM FOR RICARDO SEVERINO
GONZALEZ ALFONSO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Ricardo Severino Gonzalez Alfonso, a political prisoner in totalitarian Cuba.

Mr. Gonzalez is the president of the Manuel Marquez Sterling Journalists Society and an independent reporter in totalitarian Cuba. Mr. Gonzalez works and writes to inform the world about the gross human rights abuses that occur every day under the repressive regime of the Cuban dictator.

Unfortunately, writing and reporting the truth is not allowed under Castro's tyrannical dictatorship. All attempts to portray the absolute lack of freedom in totalitarian Cuba are viciously condemned and their authors are imprisoned or exiled. Mr. Gonzalez has been harassed by Castro's thugs since 1997, and on March 18, 2003, he was arrested for his insistence on publishing the truth about Castro's totalitarian Cuba.

The sham trial verdict that sentenced Mr. Gonzalez to 20 years in the Cuban gulag read:

"... he managed to get his articles, which were subversive and misleading in nature with regard to the Cuban system, published in various newspapers and magazines such as *Reporters Without Borders*."

Mr. Speaker, Mr. Gonzalez was 53 years old when he was condemned to 20 years in Castro's gulag. The conditions in the Cuban totalitarian gulag are so atrocious as to almost guarantee that Mr. Gonzalez will not walk out if he were to have to serve the entirety of his sham sentence. Let me be very clear, Mr. Gonzalez has been sentenced to die in the gulag by the Cuban tyrant for writing the truth about Castro's brutal, repressive regime. It is imperative that Cuba be free as soon as possible, so that Mr. Gonzalez and all the political prisoners can also live in the freedom and dignity that they deserve.

My colleagues, we must cry out for the release of all those who languish in dungeons because they believe in human rights and freedom. We must demand the immediate release of Ricardo Gonzalez Alfonso and every political prisoner.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. DeMINT. Mr. Speaker, I was absent during roll call vote 6; had I been present, I would have voted "yea."

HONORING THE STUDENTS OF
POLK CREEK ELEMENTARY
SCHOOL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mrs. CAPITO. Mr. Speaker, I rise today to honor the fourth grade class at Polk Creek Elementary School in Weston, West Virginia. These students in Mrs. Mary Wagoner's class recorded a CD entitled "Thinking of You" for distribution to the 100 Lewis County, West Virginia, residents serving our country in Iraq.

The students performed the songs "Thinking of You," "Allegiance Rap," "You Are Our Heroes," "The West Virginia Hills," "American Tears" and "Mighty United" for our soldiers.

All of us in this House share the sentiments expressed by these students. The men and women serving our country in Iraq are in the thoughts and prayers of us all. Hearing from these school children will improve the morale of our troops and show them they are in the thoughts of people back home.

I would like to thank Principal Thomas Garrett, Teacher Mary Wagoner, along with Whitney Ballard and Shaun Davis, for their hard work with the students at Polk Creek Elementary on this project. I am honored to represent the Lewis County community and thank Polk Creek Elementary for their efforts to honor our military personnel.

THE ROBERT J. DOLE COMMUNITY
CENTER

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. TIAHRT. Mr. Speaker, today, I am introducing legislation to authorize the Secretary of the Air Force to rename the community center at McConnell Air Force Base, currently known as "Emerald City," as "The Robert J. Dole Community Center." I would like to thank my colleagues from Kansas, Mr. Ryun, Mr. Moran and Mr. Moore, for agreeing to join as original cosponsors of the bill.

Senator Dole once said that his life "is proof that America is a land without limits." He was born in Russell, Kansas, on July 22, 1923, the eldest son of Doran R. and Bina Talbot Dole. He graduated from Russell public schools and attended the University of Kansas, Lawrence, entering in the fall of 1941. He received an A.B. and LL.B from Washburn Municipal University in 1952.

Senator Dole entered active duty in the U.S. Army in June 1943 after completing his sophomore year at the University of Kansas. He served 5½ years in World War II and was a 10th Mountain Division platoon leader in the Allied liberation of Northern Italy. During this time, he was twice wounded and twice deco-

rated for "heroic achievement," and was discharged with the rank of Captain in July 1948, having convalesced for 3 years from grave wounds sustained in combat.

In 1950, he was elected to the Kansas Legislature and served for 2 years before being elected Russell County Attorney, a position he served in for 8 years. In 1960, he was elected to the U.S. House of Representatives and re-elected in 1962, 1964 and 1966. He was elected to the U.S. Senate in 1968 and was reelected in 1974, 1980, 1986 and 1992.

One of the many lasting contributions that Bob Dole made to the State of Kansas and to the American people was the manner in which he worked to strengthen McConnell Air Force Base in Wichita over the course of his nearly 4 decades of service in the U.S. House of Representatives and the U.S. Senate.

Due largely to his efforts, infrastructure improvements at the base have included a base hospital, housing for single officers and enlisted personnel, and a multifaceted community center, "Emerald City," which contains a bowling center, officer and enlisted clubs, a fitness center and a cafeteria.

In honor of Senator Dole's service to Kansas and to the men and women who have called McConnell Air Force Base home, I am pleased to introduce this legislation, which authorizes the Secretary of the Air Force to rename the community center at McConnell Air Force Base, currently known as "Emerald City," as "The Robert J. Dole Community Center."

HONORING THE LIFE OF BILL L.
KRATZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. GRAVES. Mr. Speaker, I have the honor today to recognize the life of Bill L. Kratz, who unexpectedly passed away on January 25, 2004. As a husband, father, Christian, and public servant, Mr. Kratz will be missed by many.

A life-long resident of Missouri, Bill Kratz was born on May 12, 1938, in Shelbyville, Missouri. On September 17, 1961, Bill married Patricia Lohman, and they settled in Independence, Missouri. They had two children, Dana and Keith, and eight grandchildren. Mr. Kratz served in the National Guard from 1961 to 1966 and was also employed by General Motors, from which he retired in 1989. After retirement, Mr. Kratz took an active role in the community by serving on the planning commission for the city of Independence since 2000 and assisted in the 2000 census.

Mr. Kratz was also active in his church, Messiah Lutheran Church, serving as an elder, chairman of the Adult and Family Board, chairman of the Board of Social Ministry, vice president of the congregation, and president of the congregation.

• 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.

I offer my condolences to his wife, Patricia; children, Dana and Keith; and their families. In this time of sorrow, may the thoughts and prayers of friends and family comfort them and may his memory bring them peace.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. JOHNSON of Illinois. Mr. Speaker, due to the ice and snow storm in the Washington, D.C. area last night, my flight, American Airlines No. 1548 from Chicago's O'Hare International Airport to Washington, D.C.'s Ronald Reagan National Airport, was significantly delayed by 3½ hours. I therefore missed the two votes for the evening, Roll Call Nos. 6 and 7. Had I been present, I would have voted "yea" on H.R. 1385, an act authorizing the United States Postal Service to issue a special stamp to benefit breast cancer research; and I would also have voted "yea" on H.R. 3493, the Medical Devices Technical Corrections Act.

HONORING MARY LEIBHAM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Mary Leibham for 33 years of dedicated public service. Ms. Leibham will retire from the District Attorney Compliance and Closure Unit in early February. On Saturday, January 24, she will be honored at an event held at the SOS Club in Modesto, California.

Mary was born in North Dakota, but was raised in Sacramento, California. For the past 25 years, she has lived in Modesto, California. In 1971, Mary's extensive career in the Department of Social Services began as she transferred to the District Attorney Family Support Division as a family support officer. She returned to the Department of Social Services as a welfare fraud investigator in 1979. Less than a year later, Mary went back to the District Attorney Family Support Division as a family support officer and has since served as a senior family support officer, Family Support Program analyst, and is currently serving as Manager II, supervising the Compliance and Case Closure Unit (formerly District Attorney Family Support Division).

Ms. Leibham has had numerous accomplishments and has been involved with many noteworthy projects. She is the recipient of the 2001–2002 California Family Support Council Director's Award, as well as the 2001–2002 California Family Support Council Contribution in Training. Mary has participated in the Welfare Reform Task Force, the CDDA FSO College Committee, and the Stanislaus County Employee Mentoring Program-AIM Project for Everett Elementary and Chrysler Schools.

Mr. Speaker, I rise today to honor Mary Leibham upon her retirement from public service. Although her career in public service has ended, her contributions will be felt for generations to come. I invite my colleagues to join me in wishing Mary a fulfilling retirement.

CELEBRATING THE 75TH ANNIVERSARY OF THE SAN ANTONIO HISPANIC CHAMBER OF COMMERCE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. RODRIGUEZ. Mr. Speaker, seventy-five years ago, in 1929, the consul general of Mexico in San Antonio, then as today a center for trade between the United States and Mexico, formed what was to become the highly successful San Antonio Hispanic Chamber of Commerce. This week the Hispanic Chamber celebrates its 75th anniversary with pride in its past accomplishments and optimism for its future successes.

As the oldest organization of its kind, the San Antonio Hispanic Chamber of Commerce continues to be a leading advocate for Hispanic, minority, and woman-owned businesses in San Antonio through individual business advice, networking, and advocacy. Widely respected today as a positive force in the business life of our community, the Hispanic Chamber, like its membership, had to overcome social and economic barriers on the path to success.

Chartered in 1929 by Don Enrique Santibanez, the chamber focused on improving political and economic ties between the United States and Mexico. That mission remains central to the 21st Century Hispanic Chamber, which plays a lead role in promoting trade between the United States and our neighbors to the south in Latin America. The San Antonio Hispanic Chamber of Commerce has helped make San Antonio the gateway to the Americas.

Facing active discrimination, the early chamber had to do more than the typical chamber of commerce. Not only did it seek to promote business growth, it sought to develop Hispanic civic participation in the power centers of our community. As we continue to the battle against negative stereotypes the chamber continues its mission of training its members to become community leaders.

And it has met with great success. For those of us in Congress, the San Antonio Hispanic Chamber of Commerce serves as a great resource and source of inspiration. Locally, the Hispanic Chamber provides leadership, expertise, and encouragement to the vibrant and growing Hispanic business community. Their success is our success.

I would like to commend Chairman Leo Gomez and the 2003 Board of Directors for their leadership over the past year. They have continued the Chamber's tradition of molding Hispanic community leaders and advancing minority business interests. I know that the chamber's new chair, Elaine Mendoza, will take the chamber to new levels of success. Of course, the Hispanic Chamber's achievements reflect the hard work, dedication, and leadership of its staff, headed by chamber president Rita Elizondo. Our thanks to all of you for what you give to our community.

Mr. Speaker, I ask my colleagues to recognize the achievements of the San Antonio Hispanic Chamber of Commerce as it marks 75 years of progress.

RECOGNIZING BETTY LUCINDA ETCHISON

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Betty Lucinda Etchison for her nearly 58 years of committed service to the McLanahan Corporation. Her presence with the company will be sorely missed.

Betty Lucinda was born in Geeseytown, Pennsylvania, in 1928 to George J. and Rebecca H. Etchison. After graduating from Hollidaysburg High School in 1946, she began her journey through the McLanahan and Stone Corporation as a stenographer. At the time, she was only a temporary employee; but after proving herself as a capable worker, Ward McLanahan hired her as a full-time employee.

Under the direction of James Craig McLanahan, Ms. Etchison further disclosed her vast capabilities, quietly earning recognition for her incomparable performance on the job. Shortly after the company became the McLanahan Corporation, Ms. Etchison's distinguishing loyalty was acknowledged, as she became Michael McLanahan's personal secretary and remained in the same position for the next 31 years. Working tirelessly to overcome the obstacles of having to learn and master continually changing technology, Ms. Etchison flourished under her final boss, Sean McLanahan.

To the enjoyment of local citizens, her spirit and dedication translated into every aspect of her life. Ms. Etchison has been a life-long member of the Scotch Valley Grange, helping to prepare food and treating the crowds by playing the piano at numerous functions and selflessly contributing her time and musical talent to the Lutheran churches of Frankstown and Geeseytown. Her uncompromising sense of duty to the community in which she lives has been a source of inspiration.

Having worked diligently for four generations of the McLanahan family, Ms. Etchison has demonstrated an unyielding enthusiasm and care for the company which she has served. For her incomparable generosity, service to the McLanahan Corporation, and unabated commitment to excellence, Betty L. Etchison deserves the highest recognition. The legacy she has left behind is one that every American should emulate, and her contributions will not go unnoticed by the business for which she worked nor the community in which she lives. I would like to congratulate Ms. Etchison on her accomplishments, and I wish her the best of luck in her retirement.

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. ROGERS of Kentucky. Mr. Speaker, on Tuesday, January 27, I was unavoidably detained due to the inclement weather and was not present for roll call votes numbers 6 and 7. The votes were on H.R. 1385 and H.R. 3493, respectively. Had I been present, I would have voted "yea" on both measures.

HONORING THE ANNIVERSARY OF
THE FOUNDING OF THE DALLAS
COWBOYS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to honor the anniversary of the founding of the Dallas Cowboys. On this day in 1960, Clint Murchison, Jr., and Bedford Wynne were awarded an expansion franchise by the NFL at the league's annual owners meeting in Miami Beach.

The Dallas Cowboys have been a pillar of strength in the NFL since their founding 44 years ago. Legendary Coach Tom Landry guided America's Team to five NFC championship titles and two Super Bowl victories. Jimmy Johnson then returned the team to glory with back-to-back Super Bowl championships in 1993 and 1994. Barry Switzer then capped off the Cowboy's claim to the title of "Team of the Nineties" with their win in Super Bowl XXX.

The Cowboys also lead the league in producing seven Super Bowl Most Valuable Players and hold the record for playoff victories with 32 wins in the postseason. During this past season, the Cowboys recorded their 400th career franchise victory, including regular season and playoffs, in the Monday night overtime thriller against the New York Giants.

I congratulate Owner and General Manager Jerry Jones, Head Coach Bill Parcells, current and former Cowboys players, and the team's loyal fan base in Texas and across the country on the occasion of this great anniversary.

With the arrival of Coach Parcells this season, the Cowboys were able to make an unexpected bid into the playoffs, a tremendous improvement for the team. I wish Mr. Jones, Coach Parcells and all of the Cowboys players all the best for continued improvement for next season and congratulate them on this anniversary.

**SOUTHWEST MISSOURI LOSES A
LIVING LEGEND**

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to a Southwest Missouri golf legend who has joined Sam Snead, Gene Sarazen, and Ben Hogan on that first tee in the sky. Herman Keiser, a native of Springfield, MO, passed away December 24, 2003, at the age of 89. His death marked the end of a wonderful career as a golf professional, who in 1946, after a 31-month tour of duty in the U.S. Navy fighting World War II, won the 1946 Masters, a golf event that has been held at Augusta National Golf Club since its inception in 1934.

Mr. Keiser began his golfing career as an assistant golf professional at Portage Country Club in Portage, OH. Shortly after his arrival, he became the head golf professional at Firestone Country Club in Akron, OH, which hosted the World Series of Golf just this past year as well as numerous PGA and Champion Tour events.

The highlight of his career came when in 1946 Herman Keiser found himself on the first tee at Augusta National Golf Club preparing to play in a tournament founded by legendary Bobby Jones and won twice by Horton Smith. In fact, he had the pleasure of playing some practice rounds with Horton Smith prior to the first round of the tournament. During these cherished moments, Smith gave Keiser some very important tips that enabled him to read the difficult greens at Augusta.

After three rounds of golf, Keiser found himself 5 strokes ahead of legendary golfer Ben Hogan. Others in the field included the likes of Byron Nelson and Sam Snead. In his final round, Keiser shot a 74 which placed him at 6 under for the tournament. He was emotionally and physically spent and waited to see what Hogan would do after Keiser three-putted the 18th hole for his 74. All Hogan had to do was par the 18th hole, a very difficult Par 4 dogleg right. His second shot landed 12 feet from the hole where Hogan three putted giving Keiser the win that he so deserved. Keiser had remembered what Horton Smith had told him during the practice round. Unfortunately for Hogan, he did not have the same lesson. For Keiser, his 1946 win was "the greatest thing that ever happened to me."

In 1947, Keiser continued his golfing excellence by becoming a member of the successful Ryder Cup team that defeated Britain 11 to 1. Shortly after the team's success, Keiser returned to Ohio, where he purchased a driving range and became a life member of the Professional Golfers' Association of America.

Mr. Speaker, Herman Keiser came from Springfield, MO, to carve a small place for himself in the history of professional golf. He lived a wonderful life and contributed much to the game of golf. He will always be remembered in my home State and will be missed.

CITY OF ALEXANDRIA RESOLUTION REGARDING IMPACT OF USA PATRIOT ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. MORAN of Virginia. Mr. Speaker, last week the President made a number of comments about the need to extend and enhance the USA PATRIOT Act during his State of the Union speech. It is with that address to the Nation in mind, that I rise today to insert into the RECORD a resolution passed by a local jurisdiction in my district. On November 11, 2003, the city of Alexandria, VA, passed a resolution which requests that Congress assess the impact of the USA PATRIOT Act and other Federal antiterrorism efforts. The resolution calls on Congress to repeal provisions of the act, other laws, regulations, policies, and practices that infringe on personal rights, liberties, and due process.

I support the community spirit and civic concern that led to the passage of this resolution. I agree with many of the points expressed in the resolution and have been troubled by the interpretation and implementation of a number of the PATRIOT Act's provisions. I look forward to these issues being revisited in the coming year. The American people deserve nothing short of a full and open debate on

these issues so greatly affecting civil liberties and the role of government in peoples' personal lives.

RESOLUTION NO. 2088

Whereas, the Alexandria City Council is committed to upholding the United States Constitution and its Bill of Rights;

Whereas, the City of Alexandria has a long history of working to obtain and preserve the civil rights and liberties of its residents;

Whereas, the City has a diverse and multi-ethnic population, and everyday embraces the richness of community that includes immigrants, whose contributions to the City are vital to its economy, culture and civic character;

Whereas, the City has among its residents many who were affected directly and many more who were affected indirectly, by the tragic events of September 11, 2001, both in New York City and at the Pentagon, only a short distance from this Chamber as well as in Somerset County, Pennsylvania;

Whereas, this nation's need to respond to those terrible events, and to protect itself from future acts of terrorism, does not diminish the commitment of the City or of its residents, regardless of their personal circumstances, to the Constitutional rights and liberties that are the precious entitlement of all;

Whereas, the Alexandria City Council believes there is no inherent conflict between national security and the preservation of liberty—that Americans can be both safe and free;

Whereas, the Alexandria City Council is proud of the cooperative work among federal, state and local law enforcement officials to protect the safety of Alexandrians;

Whereas, federal, state and local government actions designed to protect the public from terrorist attacks, such as those that occurred on September 11, 2001, must be taken in a rational and deliberative fashion to ensure that any new security measure intended to enhance public safety does not impair constitutional rights or infringe on civil liberties;

Whereas, federal laws, regulations, policies, and practices adopted since September 11, 2001, including provisions of Public Law 107-56 (the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act or "USA PATRIOT" Act), and related Executive Orders, regulations and actions:

(a) authorize the indefinite incarceration of non-citizens to solitary confinement, based upon mere suspicion, without being charged with any crime, without counsel, and without a right to be heard;

(b) authorize the indefinite incarceration of citizens designated by the President based unspecified standards as "enemy combatants" to solitary confinement, without being charged with a crime, without counsel, and without a right to be heard;

(c) limit the traditional authority of the federal courts to curb law enforcement abuses including electronic surveillance;

(d) limit judicial oversight of federal "sneak and peek" searches and eliminate timely notice to the person who is the subject of the search that his or her property has been searched;

(e) grant broad governmental access to personal medical, financial, library, and educational records without judicial oversight;

(f) inhibit free speech and free association by defining any person or group as a terrorist, or an act as terrorism, without articulating the basis for the characterization or giving the person or group so characterized a right to be heard;

(g) encourage local and state law enforcement personnel to enforce federal immigration laws, and to use those laws as a pretext

for detention of, and denial of due process to, persons who are not reasonably suspected of criminal behavior;

(h) permit government surveillance of public meetings, including religious services, Internet chat rooms, holiday gatherings, and political rallies without judicial oversight;

Whereas, draft federal legislation, known as the Domestic Security Enhancement Act ("DSEA" or "Patriot II"), contains many new and sweeping provisions that further expand government surveillance authority, increase government secrecy, reduce governmental accountability, erode the separation of powers essential for Constitutional checks and balances, and diminish the right of all persons to the due process of law guaranteed by the Constitution: Therefore, be it

Resolved, That the Alexandria City Council:

1. Affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties;

2. Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin;

3. Directs the Police Department of the City of Alexandria to ensure that it protects the constitutional rights of Alexandria residents, that it maintains a relationship of trust with those it is sworn to serve and protect, and that it continues to abide by the Alexandria Police Department directives that prohibit racial profiling or collecting information not reasonably related to suspicion of criminal behavior;

4. Directs public libraries in the City to promote unfettered access to information, which is the collective heritage of humanity and which is a fundamental human right, and to protect freedom of inquiry, universally recognized as a driving force for the progression of civilization itself, by:

(a) posting this notice to library users "WARNING: Under Section 215 of the Federal "USA PATRIOT" Act (Public Law 107-56), records of the books and other materials you borrow may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been requested or obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, U.S. Department of Justice, Washington, DC 20530,"

(b) ensuring there is regular destruction of records that identify a book borrower after the book is returned, or that identify the name of an Internet user after use;

5. Recommends that local businesses and institutions in the City, and in particular booksellers, notify consumers that purchase records are subject to disclosure to federal law enforcement agencies;

6. Directs the City Manager to ensure that, to the extent legally possible, no City resources—including law enforcement funds and educational administrative resources—may be used for unconstitutional activities, including but not limited to monitoring the exercise by political and religious groups of their First Amendment rights of expression, association, assembly or petition, or obtaining library, bookstore or website activity records without proper authorization and without notice to the subjects of the records;

7. Directs the Clerk of Council to:

(a) send a copy of this Resolution to Governor Warner with a letter urging him to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on personal rights, liberties and due process; and

(b) send a copy of this Resolution to Senators Warner and Allen, and Congressman

Moran, accompanied by a letter asking that the resolution be read into the record, on the floor, and urging Congress to assess the impact of the "USA PATRIOT" Act and federal anti-terrorism efforts; to work to repeal provisions of the "USA PATRIOT" Act and other laws, regulations, policies and practices that infringe on personal rights, liberties and due process; and to ensure that no provision of the "USA PATRIOT" Act originally intended to expire remains in effect past its sunset date; and be it further

Resolved, That the provisions of this Resolution shall be severable, and that if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitutions of the United States or of the Commonwealth of Virginia, the validity of the remainder of this Resolution shall not be affected thereby.

BREAST CANCER STAMP EXTENSION

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 1385, which continues the authorization of the breast cancer research stamp. This stamp has been just one small part of a comprehensive federal effort to combat this horrible disease, and I am pleased that it will continue. It's strange to think that a postage stamp has the ability to save lives, but the breast cancer stamp truly has such potential. With the continuation of this stamp, people around the country will have the opportunity to support research programs at the National Institute of Health and the Department of Defense. These research efforts are playing a critical role in understanding breast cancer, identifying who is at risk, and creating safer and more effective treatments that allow more people to survive and prosper after fighting this disease.

Perhaps no one understands the tragedy of breast cancer more than the people of Marin County in my Congressional district. For some reason, Marin has an unusually high rate of breast cancer. Far too many mothers, wives, sisters, and daughters have been lost in our community. We're doing all that we can to find out what is happening in Marin and what we discover will be used to fight breast cancer all over this country. In the face of so much community tragedy and loss, I have had the honor of working with breast cancer survivors and advocates in my community to help understand the causes of this epidemic and support those who are battling cancer. Watching their struggle has underscored the importance of federal efforts just like the creation and extension of the breast cancer stamp. By allowing Americans to give just a little bit every time they mail a card or a letter, we can help fund the research that will save the lives of our daughters and granddaughters.

I urge my colleagues to join me in supporting H.R. 1385 to help continue the fight against breast cancer.

TRIBUTE TO DR. TIM K. SIU

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to pay special recognition to Dr. Tim K. Siu who is the recipient of the Distinguished Citizen Award from the San Gabriel Valley Boy Scouts.

A Rotarian since 1969, Dr. Siu has served Rotary International as District Governor and is presently a senior active member. Among his many accomplishments as a Rotarian, Dr. Siu has 33 years of perfect attendance and was a Paul Harris Fellow.

Dr. Siu has served as a member on the Board of Directors of the Tokai Bank of California, a member of the Board at California State University Los Angeles, on the Board of Directors for the West San Gabriel Valley YMCA, Professor Emeritus of University of Southern California Medical School, and Director of Disaster Committee of the American Red Cross. He is currently on the Board of Directors for San Gabriel Valley Medical Center, Board of Councilors for the University of Southern California Pharmacy School and on the Board of California State University Pomona.

In his community, Dr. Siu has served on the City of Alhambra Planning Commission and the Alhambra Civil Service Commission. He has been an officer and director of Alhambra Day Nursery, Wysong Retirement Home, Burke's Manor Senior Citizen Home, and Los Angeles County Medical Association. Dr. Siu is currently serving as a member of the Board of the San Gabriel Valley Medical Center where he is active in building an outpatient surgical center in San Gabriel.

Dr. Siu practiced anesthesiology. He taught anesthesiology at the University of Southern California Medical School until his retirement as Professor Emeritus. He was also the medical examiner for the National Youth Sports Program at USC, the San Gabriel Valley Pop Warner Program, and was the team doctor for the Alhambra High School Football Team.

Dr. Siu is involved in the Chinese community with the Chinese Historical Society, the Chinese-American Citizens Alliance, and the Chinatown Public Service Association. Currently, he is active in building a Chinese American Museum in the original Chinatown of Los Angeles.

Dr. Siu served in the United States Navy stationed at Great Lakes Naval Hospital in Illinois.

Dr. Siu is a native of Hawaii and is married to Dr. Annie Chi Siu. Tim and Annie have four daughters; a general dentist, an athletic administrator, an orthodontist and a registered nurse.

I ask all Members of Congress to join me today in congratulating Dr. Tim K. Siu on a truly exemplary professional and public service career.

TRIBUTE TO PAUL AND SHARON ELERICK, SANTA CRUZ COUNTY DEMOCRATS OF THE YEAR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to two extraordinary Americans and distinguished Californians, Paul and Sharon Elerick, who are being honored as Democrats of the Year by the Santa Cruz County Democratic Central Committee.

Paul and Sharon Elerick met in 1958 at an ice cream shop in Michigan and have been utterly devoted to each other ever since. They have raised two children, Paul Jr. and Denise, who are now raising their own families in Santa Cruz County.

Paul Elerick was elected Chair of the Santa Cruz County Democratic Central Committee in 1998 and served in that position until 2003. In that time, he managed three Democratic Headquarters and has contributed mightily to create countless successful campaigns.

Between them, Paul and Sharon Elerick have worked to elect some of the greatest leaders of Santa Cruz County, including Julian Comacho, John Bakalian, Leon Panetta, Bob Taren, Sam Farr, Dale Dawson, Gary Patton, Mardi Wormhoudt, Robley Levley, Ellen Pirie, Ron Ruiz, Bob Lee, Fred Keeley, John Laird and Bill Monning.

Mr. Speaker, I ask my colleagues to join me in extending to Paul and Sharon Elerick our sincerest congratulations as they are honored as the Santa Cruz County Democratic Central Committee's Democrats of the Year. We are a better community, a better country, a better people and a stronger democracy because of them and all that they have done.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. CAPUANO. Mr. Speaker, on Tuesday, January 27, 2003, Louis Rabaglia, my 94 year-old Uncle and a former firefighter, required hospitalization and I had to remain in my District to address related concerns. Consequently, I was unable to cast votes on Rollcalls 6 and 7. Had I been present, I would have voted in the following manner: "yea" on Rollcall 6 and "yea" on Rollcall 7.

I ask unanimous consent that the CONGRESSIONAL RECORD reflect my intended votes.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote No. 6 and No. 7. If present I would have voted "yea."

HONORING MR. DALE BUTLER, JR.

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor a great friend to the 18th Congressional District, the State of California, and our Nation, Mr. Dale Butler, Jr. Dale is retiring from his 33-year tenure with Stanislaus County, and he is a living example of how the American dream is alive and well today.

Dale was raised on the Westside of Stanislaus County, a predominantly agricultural area in the San Joaquin Valley. His first job as a migrant farm worker gave him a work ethic that has followed Dale his entire life. The first major leadership role Dale took on was serving our nation in the U.S. Navy as a personnel specialist from 1962 to 1966. He then took his leadership abilities to the Riverbank Army Ammunition Plant as a production control scheduler. In 1971, Dale graduated from California State Stanislaus with a bachelor of arts degree in political science.

Following graduation, Dale began his career with Stanislaus County. From 1971 to 1999, Dale held a variety of administrative and management positions with the county. He has been involved in budgets, legislation analysis, recruitment selection, discipline, labor relations, training, and Equal Rights. He has held positions as a Principal Analyst, Senior Management Consultant in the Chief Executive Office, and Senior Personnel Analyst. He has also served Stanislaus County as the Equal Rights Officer from 1972 to 2001. Currently, he serves in the Stanislaus County Chief Executive Office as the Deputy Executive Officer, overseeing purchasing, central services, and fleet services divisions.

Not only has Dale served our Nation, but he has a deep commitment to the betterment of our Central Valley as well. Currently, he is the president of the Stanislaus County Fair Board, a member of the Stanislaus County Latino Community Round Table, the Stanislaus County Hispanic Leadership Council, the Mabuhay Club, and the Modesto Bee's Hispanic Advisory Council. Dale has also founded a number of organizations such as the Stanislaus County Latino Community Round Table, El Concilio de Stanislaus County for the Spanish-Speaking, Inc., and the Stanislaus County Disability Resources Agency for Independent Living. There have been a number of honors bestowed upon Dale such as, the Stanislaus County Latino Community Round Table's Outstanding Latino of the Year, the California Association of Physically Handicapped's Humanitarian of the Year, the American GI Forum's Hispanic of the Year, and the Volunteer of the Year from the Hispanic Chamber of Commerce.

Dale is married to Corazon Butler, and together they have three children, Christine, Diana, and Dale III. I am proud to recognize all of Dale's accomplishments, and to call him my friend. Today I call upon my colleagues to help me thank Dale for his service to the Central Valley, and to wish him a very happy retirement.

CLARIFICATION OF CONGRESSIONAL INTENT OF SECTION 102(g) OF DIVISION H IN H.R. 2673

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. THOMAS. Mr. Speaker, I rise to clarify the Congressional intent of Section 102(g) of Division H, Miscellaneous Appropriations and Offsets, in H.R. 2673, the Consolidated Appropriations Act, 2004.

Specifically, after discussing this Section with my colleague, Mr. GOODLATTE of Virginia, it is my understanding that it is the Congressional intent of that provision to also provide assistance to those producers who sustained eligible losses in the wildfire, known as the McNally Fire, which occurred in southern California in 2002.

I am pleased that this is indeed the Congressional intent of Section 102(g) because, as in the case of the 2003 southern California wildfires, while human action contributed to the genesis of the McNally Fire, the underlying natural conditions were such that it quickly became a natural disaster of enormous proportions and intensity. Among those underlying natural conditions were the weather, specifically drought conditions, and a buildup of undergrowth, dead or dying trees, and brush.

From my discussions with the Gentleman from Virginia, it is my further understanding that Section 102(g) is intended to provide assistance to those producers in the same manner as authorized in the underlying act cited in Section 102(g), Division H of the Conference Report to H.R. 2673, and specifically using the same loss thresholds as provided in that underlying act. The Congressional intent also is to ensure that the Secretary of Agriculture has the flexibility to make payments in a manner that quickly facilitates receipt of this assistance by eligible persons.

I appreciate the assistance rendered by the Gentleman from Virginia in this matter.

A TRIBUTE TO BYRON SHER—PUBLIC SERVANT EXTRAORDINAIRE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the distinguished senator of the 11th senate district of California, my good friend, Mr. Byron Sher. My Congressional district overlaps with many of the communities in Senator Sher's district, and this has afforded me the opportunity to work closely with the Senator on numerous issues.

Byron has based his long and productive political career upon the strong foundations of a distinguished academic pedigree. After an ambitious undergraduate career, he earned his Juris Doctor from Harvard Law School in 1952 and then was a Fulbright Research Scholar in New Zealand. Byron went on to teaching positions at some of the leading law schools around the country, including Southern Methodist, University of Southern California and Harvard Law School. Currently, he is an emeritus professor of law at Stanford University.

Mr. Speaker, Byron has been active in local and regional government since he came to Palo Alto in 1957, and since then, he has repeatedly shown his commitment to the community through dedicated public service. He was a member of the Palo Alto City Council for 9 years and served two terms as mayor. In addition, for many years, Byron has been an active participant in local, State, and national environmental boards.

As a member of the California State Legislature, Byron has many notable achievements, however I wish to take a moment to mention some of the numerous legislative successes that Senator Sher has accomplished in the area of environmental protection. He is the author of landmark laws to protect California's environment, including the California Clean Air Act, the Integrated Waste Management Act, the Surface Mining Reclamation Act, the Safe Drinking Water Act and the nation's first law to prevent toxic contamination from leaking underground storage tanks. He also authored laws to strengthen California's timber regulations and added new rivers to California's Wild and Scenic River System, safeguarding them for future generations. He is consistently rated among the top legislators by the most respected environmental, consumer, law enforcement, education and housing groups. I applaud his conscientious hard work on the part of our community and California.

It is always a privilege to pay tribute to an extraordinary public servant on his retirement from a long and illustrious career of public service. What makes Byron so special though, is that this is his second such retirement from public service. After eight terms in the California Assembly he was term limited out of office. In 1996, however, he found a way to continue his service to the people of California, winning a special election to fill a vacancy in the State Senate. Now having exhausted almost every public office available, we on the Peninsula wait with excitement to learn how Byron will use his exceptional talents to continue to give back to our community and the nation at large.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Byron Sher as he completes a record of distinguished service in the California State legislature. The people of San Mateo County and the people of California have been well served by his extraordinary leadership and advocacy in both the State Assembly and the State Senate. I extend my personal best wishes to Byron and his family for a relaxing and well-deserved retirement.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. CARTER. Mr. Speaker, during rollcall vote 6, H.R. 1385, to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research and during rollcall vote 7, H.R. 3493, Medical Devices Technical Corrections Act, I was unavoidably detained due to inclement weather. If I had been present, I would have voted "yea" on rollcall vote 6 and 7.

MOURNING THE DEATH OF JOHN J. SEXTON

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. EMANUEL. Mr. Speaker, I rise today with a heavy heart. Early this morning, the people of Chicago lost a great friend in John J. Sexton who passed away after a long and difficult illness. John Sexton was a man who lived life to its fullest, and the friends and family he had are a testament to the quality of his character and the type of man he was.

John Sexton achieved his success in life through hard work and determination. He spent his life in public service and was dedicated to the people of Chicago, rising through the ranks with the City, from machinist, to foreman, to Assistant Superintendent of the Meter Division of the City's Water Department, and finally Superintendent of the Meter Division. His dedication to his job and the city he loved is an example of why Chicago is known as "The City That Works."

But, it was John's connection to and involvement in his community that John's friends will remember. John loved the northwest side of Chicago, his home for his entire life. John raised his family in the Hiawatha Park neighborhood where he was very active as president of the Hiawatha Boys Baseball Organization.

As church life plays such an important role in the lives of so many Chicagoans, John was a member of several esteemed Northwest side parishes. He grew up in Presentation Parish, attended grammar school at St. Angela's and high school at St. Michael's. As an adult he was a member of St. Francis Borgia Parish.

The Northwest side has produced some of Chicago's finest leaders, and John Sexton played an active part in the success of many of their careers. John's passion for politics began at 16, working as a precinct worker for former Alderman Thomas Casey. As a precinct captain in the mighty 36th Ward Regular Democratic Organization, John became a close confidant and friend to many elected officials, especially Alderman William J.P. Banks and State Senator James A. DeLeo.

John's top priority was always his family, and the love and support they provided him was the most important thing in his life. For 31 years he was married to his wonderful wife, Rosetta. Their family also includes their daughter, Laurie Moran, and her husband Joseph, their son, John Jr., their daughter, Diana, and John's sister, Mary Kay Kuhter.

Mr. Speaker, I join with the people of Chicago in mourning John Sexton, a man I was proud to call a friend. May God bless the Sexton family and the memory of a man who was truly loved by his friends, his community and his family.

HONORING THE LEBANON-WILSON COUNTY CHAMBER OF COMMERCE'S 80TH ANNIVERSARY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the 80th anniversary of the Leb-

anon-Wilson County Chamber of Commerce, an organization that has helped that Middle Tennessee community be one of the most desirable places in America to live.

The chamber can take a lot of credit for the quality of life enjoyed in Wilson County. Residents have an opportunity to work at good jobs, send their children to quality schools and experience a wide variety of recreational venues, including a new \$125 million super-speedway that draws racing fans from all over the country. The chamber's advocacy for the business community and its economic development efforts have definitely paid big dividends to the county.

Chartered in September 1924, the Chamber of Commerce is fortunate to have had so many active, visionary members in its ranks. They have been instrumental in helping strengthen the county's diverse economy, including the retail, distribution and industrial base. Chamber leaders have helped attract many top-notch companies to the area. Dell computers, for example, employs approximately 1,400 people at its Wilson County assembly facility.

The Lebanon-Wilson County Chamber of Commerce has become one of the premier community advocates in the nation and has helped boost the area's quality of life in so many ways. As the chamber celebrates its 80 years of existence, I commend the organization for all it has done to make Wilson County such a desirable place to live and raise a family.

UNEMPLOYMENT EXTENSION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. HOLT. Mr. Speaker, I rise today to give voice to millions of unemployed American workers. The citizens I speak of are the very people who keep the United States of America open for business each day. However as we are gathered here today, these people are, desperately searching for work so that they may provide food for their families, keep a roof over their heads, and save money to send their children to college and one day enjoy a well-deserved retirement. In December we failed to aid these people by not extending the benefits provided under Temporary Extended Unemployment Compensation (TEUC) for millions of unemployed citizens, we now have the chance to succeed where we failed before.

Mr. Speaker, on behalf of these Americans, who are our constituents, our neighbors, and the people who have entrusted us with the care of our nation, it is essential that we renew their unemployment benefits, and it is essential that we do it now. At the close of last year we failed to renew these benefits under TEUC for as many as 450,000 unemployed workers and instead of families spending quality time with each other, exchanging gifts, and rejoicing in the new year, the bottoms of Christmas trees were left bare and the countdown to the New Year was a time for fathers and mothers, brothers and sisters to hope 2004 might be better. Middle class Americans cannot sustain the American dream while not receiving any income for three or four months, or even longer. We owe them this

continued assistance until this economy can provide them with jobs they desperately want again.

Mr. Speaker, the Congress must make the plight of middle class America its number one concern. Without the temporary extension of unemployment benefits under TEUC, Americans will continue to struggle to pay the bills in this still-weak job market. By extending the unemployment benefits for an additional six months, it will grant more time for unemployed Americans to find new jobs. While experts could explain various aspects about the business and economic cycles and how companies will begin hiring again in the future, this does not solve the present problem of how bread winners are going to pay bills and how food is going to get into the stomachs of children so that when they go to school, their day is spent learning and not focusing on the pain in their gut.

Mr. Speaker, to this end I submit that we not hesitate in renewing unemployment benefits and spend the taxpayers dollars on the soundest investment of all, the American worker. Its long past time that these unemployed workers get the benefits they deserve and time for us as a Congress to vote to restore the Temporary Extended Unemployment Compensation program.

TRIBUTE TO KATHY CLONINGER

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mrs. TAUSCHER. Mr. Speaker, as co-leader of the Honorary Congressional Girl Scout Troop, I am pleased to congratulate Kathy Cloninger, who has recently been named as Chief Executive Officer of Girl Scouts of the USA. Under Kathy's leadership, Girl Scouts of the USA will truly become the preeminent organization advocating for America's girls.

As a former Girl Scout I know first hand the difference that scouting can make in a girl's life. More than 3 million girls look to Girl Scouts of the USA to help them grow into talented, successful young women.

As a former businesswoman, I also know first hand the difference that the leader of an organization can make. As co-leader of Troop Capitol Hill, I look forward to working closely with Kathy Cloninger. Her vision for Girl Scouting is inspiring.

Under Kathy's leadership, Girl Scouts of the USA will complete their transition from the Girl Scouts that I knew, to the Girl Scouts that is now rising to the challenge of addressing the needs of contemporary girls with contemporary issues. From Girl Scouts Beyond Bars to troops in public housing communities, as I tell my daughter, this is not your mother's Girl Scouts.

Mr. Speaker, I ask you to join me in congratulating Kathy Cloninger in her new position and wish her the best of luck.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall No. 6 and 7 on Tuesday, January 27, 2004, I was unable to cast my vote due to inclement weather, being detained Charleston International Airport with multiple day-long delays and cancellations.

Had I been present, I would have voted the following:

Rollcall 6, to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research, I would have voted "yea".

Rollcall 7, Medical Devices Technical Corrections Act, I would have voted "yea".

THE EUROPEAN POPULATION FORUM 2004

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. GREENWOOD. Mr. Speaker, the global community, particularly the poorest countries of the world, face significant problems in the area of reproductive health and family planning. A critical shortage of international funding for family planning exacerbates severe threats to maternal and child health. To examine current population developments, the European Population Forum 2004 was held January 12–14, under the auspices of the United Nations Economic Commission for Europe and the United Nations Population Fund. I encourage members of this body to take note of the following statement written by Werner Fornos, president of the Population Institute and recipient of the 2003 United Nations Population Award. The following article, which appeared in the International Herald Tribune on January 14, 2004, sheds light on the dangerous and false belief that population growth is no longer the global concern it was a decade ago.

[From the International Herald Tribune, Jan. 14, 2004]

A GLOBAL CONCERN

A POPULATION CRISIS STILL LOOMS

(By Werner Fornos)

As the European Population Forum in Geneva draws to a close, coming to grips with high fertility rates remains a daunting international challenge, particularly in the poorest countries of the world where population growth continues to outstrip resources, place pressure on the environment, and exacerbate social disintegration. Despite encouraging recent reports from the United Nations, human growth remains an issue that requires priority attention around the globe if there is to be realistic hope for achieving sustainable development.

Only 3 years ago, the United Nations estimated that by mid-century the planet's human population would have risen from about 6.2 billion to 9.3 billion. More recent figures project the 2050 population to be 400 million less than the previous estimate. When the numbers are examined more closely, however, we find that the population of the industrialized countries is estimated to

remain constant through 2050 at about 1.2 billion. Virtually all human growth will occur in the developing world, where the population is expected to increase from the current 5.1 billion people to 7.7 billion.

Considering that developing countries bear the brunt of the earth's grinding poverty, desperate hunger, disease, illiteracy and unemployment, the recent downward revision of demographic figures does not warrant celebration. In fact, some developing countries, including Burkina Faso, Mali, Niger, Somalia, and Yemen, are likely to quadruple their population by mid-century.

Over the past 40 to 45 years, the world's population has doubled. But annual population growth has been decreasing since the 1990's, from a high approaching 90 million to less than 80 million. These declines have spawned a pervasive myth that population growth is no longer a matter of global magnitude—a myth that is spread, unsurprisingly, by the same crowd that 10, 15, and 20 years earlier insisted that population growth was never a problem in the first place: religious extremists and reactionary political ideologues.

The irony of the myth is that this year marks the 10th anniversary of the International Conference on Population and Development. That meeting, in Cairo, established important quantitative goals for the next 20 years, including efforts to ensure that every pregnancy is intended; to protect women from unsafe abortion; to promote education for all and to close the gender gap in education; to combat AIDS; and to bring women into the mainstream of development.

A key concern, however, is that expenditures for implementing family planning and reproductive health programs have fallen well short of the \$17 billion that the Cairo meeting estimated would be required by 2000.

Industrialized countries were expected to come up with one-third of that total, or \$5.7 billion, but by 2001 had contributed only \$2.5 billion. Developing countries and private sources, expected to spend \$11.3 billion on population activities by 2000 had contributed only \$7 billion by 2001.

Global goals for drastically reducing poverty, maternal and child mortality, illiteracy and hunger will be mere wishful thinking unless and until population growth is substantially lowered. For this to happen, the international community must clearly understand that to achieve an improved quality of life for all, now is the time to accelerate population stabilization efforts, rather than retreat from them.

IN RECOGNITION OF DONALD A. DUFF

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. MATHESON. Mr. Speaker, I rise to pay tribute to Mr. Donald A. Duff, of Salt Lake City, who is retired after forty-three years of Federal service on January 2, 2004. His abiding love of this country began at the age of seventeen during his service as a seasonal postal carrier in northwest Washington, DC.

In 1959, Mr. Duff enlisted in the United States Air Force, following in the footsteps of relatives who have served this nation in every conflict since the Revolutionary War. He also comes from a long line of relatives with close ties to our capital city including a great-great-grandfather who assisted Pierre L'Enfant in laying out the streets of Georgetown and a

great-grandfather who grew the first American Beauty Rose in the White House garden. Mr. Duff's father also served as an Admiralty lawyer, working with Presidents McKinley and Franklin Roosevelt to establish merchant marine laws. The U.S. Congress and the Maritime Commission recognized his work by naming in his honor a WWII Liberty Ship, the "S.S. Edwin H. Duff."

Mr. Duff served the Air Force Strategic Air Command Headquarters as a photo intelligence specialist, analyzing satellite and U2 photography during the Cold War. In 1962, he made the initial confirmation of a Russian missile in the Havana harbor that ultimately led to the Cuban Missile Crisis.

Mr. Duff also distinguished himself as a wildlife and fisheries biologist in the U.S. Forest Service, the U.S. Fish and Wildlife Service and the Bureau of Land Management. These agencies, as well as the Environmental Protection Agency, the American Fisheries Society, and Trout Unlimited have recognized him, for his expertise in conserving native fishes and in river restoration.

He was a member of America's first fisheries scientific exchange with the Republic of Ireland in 1989. In the ensuing years, he developed a management plan for restoration of Ireland's salmon species. Ireland was later awarded 19 million pounds from the European Union for this restoration, and Mr. Duff served as the chief external advisor from 1995–2000, restoring over 200 miles of salmon-bearing rivers and habitats. He has been instrumental in providing similar assistance to other European and Asian countries during his career.

I ask my colleagues to join me in recognizing Mr. Duff's achievements on the occasion of his retirement.

TRIBUTE TO THE COUNTY OF
WILL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. WELLER. Mr. Speaker, I rise today to honor the county of Will as it is recognized as the 2004 recipient of the Joliet Region Chamber of Commerce's annual "Salute to Industry Award". The County will be the 28th recipient of this award and lies within my 11th Congressional District in Illinois.

Will County was first established in 1836 by an act of the Illinois legislature, which subdivided it from Cook County. The area was a favorite hunting ground for the Indians as it had an abundant supply of water and timber. Travel was facilitated by the old Sauk Trail and by the Des Plaines, DuPage, and Kankakee Rivers.

Today, the County is the fastest growing county in Illinois and the fourth-fastest growing county in the nation. According to the U.S. Census the population of Will County as of April 2001, was a little over 502,000. It is estimated that Will County's population will reach over 800,000 by the year 2020 and over 1 million in 2030.

Will County is the only county in the State of Illinois that has the County Executive System. Mr. Joe Mikan is the current County Executive. The County Board is comprised of 27 members, of which three represent each of the nine districts.

County Executive Mikan and Will County elected officials are always striving for new advances to make it easier for constituents and businesses to operate in the County. They have streamlined business procedures, opened a Workforce Services division, and developed the Will County Archives Center. The County is also pursuing co-sponsorship of the future South Suburban Airport.

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

RECOGNIZING JOAQUIN
RECLOSADO, JR., A VETERAN'S
VETERAN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. FILNER. Mr. Speaker, I rise to recognize Joaquin Reclosado, Jr., a Marine and California National Guard veteran who is the driving force behind the Annual Sunset Retreat Ceremonies held in Imperial County, California in my Congressional District.

On November 11, 2003, the Eighth Annual Sunset Retreat was conducted by local veterans to celebrate Veterans' Day. Each year, a ceremony is held for veterans, with special attention to veterans of a prior war, women veterans, and this year, Native American veterans.

The Sunset Retreat is the brainchild of Mr. Reclosado, universally recognized as "Junior". He organized the first event in 1996. He oversaw the committees, obtained equipment and the venue, contacted participants, and made certain that the event took place. But for Junior, all agree that the Sunset Retreat Ceremony would not happen!

He was born in Calexico, California in 1935 of Mexican and Filipino parents and attended school in Calexico. He joined the Marines in 1953, serving in Korea and leaving active service in 1963. The next 27 years, Junior spent with the Imperial County Sheriff's Department and serving in the California National Guard. He retired from the Guard at the age of 60 with the rank of Sgt. Major.

In addition to his duties with the annual Sunset Retreat, Junior is active with the American Legion, the Veterans of Foreign Wars, the Korean War Veterans Association, and the 1st Marine Division Association, both in Imperial Valley and in the state of California. He organizes Memorial Day ceremonies, MIA-POW recognitions, and the details of veterans' funerals. He arranges for veterans to visit local schools. He is a frequent participant in events of the Imperial Valley United Veterans Council.

Junior Reclosado is someone who is deeply involved in bringing deserved attention to the contributions of the men and women in the Armed Forces and to our country's veterans. He is a veterans' veteran!

I am pleased to take this opportunity to honor him and his service to his community and to our nation.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, due to the inclement weather my flight was cancelled yesterday and I was absent for rollcall vote No. 6 on H.R. 3493, and rollcall vote No. 7 on H.R. 1385.

Had I been present, I would have voted "aye" on each of these rollcall votes.

BILL TO HONOR FORMER
GOVERNOR LUIS A. FERRÉ

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, last October, the people of Puerto Rico lost a great man. Former Governor Luis A. Ferré was a visionary who dedicated his life to his country. As Governor from 1968 to 1972, he was a proponent of many projects that ensured great economic development for the island. To honor his life, today I am introducing legislation, as a companion to legislation introduced by Senator RICK SANTORUM in the Senate, to designate the Luis A. Ferré United States Courthouse and Post Office Building, located at 93 Atocha Street in Ponce, PR, as a tribute to his life and work.

Former Governor Ferré was a brilliant politician, musician, businessman, and philanthropist who dedicated his life to serving his people and moving Puerto Rico forward. During his term as Governor, he created, among other things, the Environmental Quality Board, the Departments of Natural Resources and Housing, the Office of Youth Affairs, and the Tourism Company. Throughout his life, he also demonstrated his unwavering commitment to Puerto Rican culture and the arts by founding what is now the biggest newspaper in Puerto Rico and the Art Museum of Ponce.

He was an extraordinary man whose efforts and endeavors gave luster to Puerto Rico and to his native city of Ponce. During his years in the public service, he demonstrated true commitment and dedication to his country and his city by initiating public works and creating projects that contributed to the modern and developed Puerto Rico that we enjoy today.

His love for Puerto Rico and its people will live on forever in the hearts of all Puerto Ricans. Giving his name to the U.S. Courthouse and Post Office building in Ponce is a simple but long-lasting way to recognize his work and honor his life, and I ask you to join me in celebrating his life.

CELEBRATING BLACK HISTORY
MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with a great sense of honor that I rise to celebrate

Black History Month and its 2004 theme— Celebrating the 50th Anniversary of Brown v. Board of Education. On May 17th of this year, we will celebrate the anniversary of the Supreme Court's decision to desegregate public schools in America. Because of this ruling, many significant pathways have been opened within our country that focus on justice, equality, and the importance of education.

As we reflect on the importance of the Brown v. Board of Education ruling, I would like to take this opportunity to pay tribute to an individual from the First Congressional District that has represented the epitome of leadership in education within the African-American community, Dr. YJean Chambers. YJean passed away on Wednesday, November 12th, 2003, but her legacy of courage and dedication continues to inspire us all each day.

YJean and her family moved to Gary, Indiana from Kentucky when she was a young girl, seeking a better life for themselves. In 1939, she graduated from Gary Roosevelt High School ranking second in her class, and then went on to earn her Bachelor of Education degree from Illinois State University. She also went on to earn her Master of Arts degree from Purdue University, where she received Purdue University's highest award, Doctor of Humane Letters in 1993.

YJean knew how important education was to all members of her community and therefore shared her gift of knowledge and enthusiasm for learning by becoming a teacher in Madison, Illinois. After two years she began teaching speech and drama at her alma mater, Gary Roosevelt High School. In 1971, YJean became a full time professor at Purdue Calumet in Hammond, Indiana where she taught communications and was appointed Assistant Professor of Communications in 1973.

YJean gave selflessly to her community in so many ways, including being a member of several important educational organizations. She served as President of the Steel City Hall of Fame, sat on the Service Academies Nomination Board, was a member of the Board of Trustees of the Gary Community Schools, and was also a member of the Board of Directors of the Indiana School Board Association. YJean made history in Northwest Indiana by becoming the first African American woman elected to the Northwest Indiana Crime Commission and the first woman to serve on the Advisory Board of the Bank of Indiana.

Mr. Speaker, as we celebrate the anniversary of Brown v. Board of Education throughout Black History Month, let us pay tribute to our country's educational leaders such as Dr. YJean Chambers, who have taught us the true values of equality and determination. I respectfully ask that you and my other colleagues join me in commending Dr. Chambers, as well as all other outstanding African-American leaders in education for their efforts to build a better society for our country and the citizens of Northwest Indiana.

INTRODUCING A RESOLUTION TO
DECLARE THE WEEK OF FEBRUARY
22, 2004 AS NATIONAL
EATING DISORDERS AWARENESS
WEEK

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce a resolution declaring the week of February 22, 2004 as National Eating Disorders Awareness Week. I want to thank my friend TED STRICKLAND from Ohio for introducing this resolution with me, and for his support on this very important issue.

Conservative estimates indicate that 5 to 10 million girls and women and 1 million boys and men in the United States are struggling with eating disorders, including anorexia, bulimia, binge eating disorder, or borderline conditions. These conditions can lead to serious physical and mental health problems, yet affected individuals often do not seek treatment because of the shame and misunderstanding surrounding these disorders.

National Eating Disorders Awareness Week will serve as a way to increase public awareness of these disorders and to promote healthful eating habits and healthy body image. I urge my colleagues to join me in supporting this worthy endeavor, and I yield back the balance of my time.

HONORING LOWELL STANBERRY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Lowell Stanberry, a good friend and great American who has dedicated his life to helping others and fighting for what he believes.

Lowell is a legend in Dade City, Florida, which I formerly represented. He has worked hard his entire life and has been vitally important to the city's economic prosperity. He has volunteered in various capacities for numerous volunteer, civic, and philanthropic organizations which work to improve the lives of those who have lived in Lowell's community.

Lowell also has been a lifelong conservative. He was a Republican long before it was politically-expedient. "I think politics is kind of like religion," he says. "If you were born a Republican, I think you die a Republican."

He certainly has made his mark on local, state, and national politics. He helped make the Pasco County Republican Party what it is today. He has helped elect numerous public officials. I am unsure whether I would have won my first congressional election had it not been for Lowell's support. He also has been actively involved in other gubernatorial and presidential campaigns in Florida.

The East Pasco Republican Club recently honored Lowell with its Lincoln Heritage Award, which the group gives to an outstanding individual who upholds the ideals of service and intelligent compassion. I cannot think of a more deserving recipient than Lowell Stanberry.

Mr. Speaker, I am proud and honored to call Lowell a friend and fellow Republican. He has taught everyone with whom he has come into contact the importance of charity and of maintaining the courage of your convictions.

TRIBUTE TO THE LATE MR. JOHNY
CESAIRE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of Miami's unsung heroes, the late Johny Cesaire, also known popularly by my Haitian American constituency as P Jhony of Radio Pep La. His untimely demise due to cancer last Monday, January 16, 2004, leaves a deep void in our community.

Though I have had not the opportunity of bonding with him as did my mother, Congresswoman Carrie P. Meek, I do reserve the utmost respect and genuine admiration for his insatiable quest for simple justice and fairness for the less fortunate among us, particularly our newly-arrived Haitian refugees. Throughout his 10-year stint with Radio Pep La, he vividly put a true face and a brave voice on the struggle of Haitians across Florida and beyond by portraying their unjust and inhumane treatment on the part of government, along with its discriminatory immigration laws and provisions that, to this very day, continue to impact their lives negatively.

Mr. Cesaire was virtually the resilient and unyielding voice of the Haitian community that called to attention the cruel disenfranchisement of Haitians at almost every level of government. With his support the Haitian Refugee Immigration Fairness Act (HRIFA) came about in October of 1998 to bring longed-for hope and confidence to Haitians in South Florida and throughout the nation. Thanks to him, hundreds of Haitians and their families have been given a chance to seek the freedom and legalize their status in the United States.

Our community will be in mourning on Saturday, January 31, 2004 as his friends and admirers will come together at Holy Family Church to bury this seemingly ordinary man of God, who had done some great and extraordinary things during his earthly sojourn. I will certainly miss him for his undaunted leadership.

He talked and lived by the simple adage that the quest for personal achievement is not beyond the reach of those willing to dare the impossible on behalf of a people buffeted by so much discrimination and injustice.

This is the legacy that Johny Cesaire bequeathed to us, and it is with his nobility and compassion for the less fortunate that we will always remember him. I am greatly privileged to have been taught by him with this credo, and I thank him for giving me the honor of representing him in the U.S. Congress. I pray that God grant him Eternal Rest.

PERSONAL EXPLANATION

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. BALLANCE. Mr. Speaker, due to inclement weather, I was not present for rollcall votes Nos. 6 and 7. Had I been present, on rollcall vote No. 6, I would have voted "yea"; on rollcall vote No. 7, I would have voted "yea."

MEDICAL DEVICES TECHNICAL CORRECTIONS ACT

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. SOUDER. Mr. Speaker, I rise today in support of H.R. 3493, the Medical Devices Technical Corrections Act of 2003. This bill will help ensure medical devices are quickly approved and sent to market as intended by the Medical Device User Fee Modernization Act of 2002. In particular, the bill will clarify FDA third-party inspection requirements to ensure companies can use third-party inspectors for two consecutive inspections. Additionally, the legislation will authorize HHS to conduct a study to identify barriers to market entry for pediatric products, which often help small populations and, therefore, are not profitable to manufacturers.

These clarifications are critical to the medical device industry in the United States, which leads the world in the development and manufacturing of medical technology. Medical device companies produce nearly \$78 billion annually and generate nearly 6 percent annual growth. The products produced by these companies have a tremendous impact on our country's economy by creating great high-paying American jobs and consistently generating annual trade surpluses in the billions of dollars.

Advances in medical technology are improving the quality of life for people around the world as new and more effective treatments for various diseases and medical conditions are developed. New medical technology also helps reduce the cost of health care and Medicare as health problems are prevented and treated more easily through early detection, less invasive procedures and faster recovery times for the patient.

The medical device industry is critical to the economy of Indiana as well as the district I represent, Indiana's 3rd district. A large majority of the nation's orthopaedic devices are produced in Warsaw, Indiana, where DePuy, Zimmer and Biomet, three of the Nation's leading companies in orthopaedic devices are located. These companies control roughly 40 percent of the global market share of orthopaedic joint replacements and generate \$4 billion dollars annually in sales. The combined economic and societal impacts of these three companies to my district and the state are highly significant. I commend the House for summarily passing H.R. 3493 and I encourage my colleagues in the other body to vote in favor of H.R. 3493, the Medical Devices Technical Corrections Act of 2003.

NATIONAL NURSE ANESTHETISTS WEEK

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. COLLINS. Mr. Speaker, during this week, the fifth annual National Nurse Anesthetists Week, I recognize the work of nurse anesthetists and the important role they play in the delivery of safe and effective health care. This year, millions of Americans will undergo surgery or deliver a baby, and most of them will receive their anesthesia care directly from a Certified Registered Nurse Anesthetist (CRNA). During this week devoted to recognizing the work of CRNAs, CRNAs are celebrating their long history of providing safe anesthesia care.

I would like to thank the more than 30,000 members of the American Association of Nurse Anesthetists (AANA), AANA's president, Tom McKibban, AANA's Executive Director, Jeffery Beutler, and the staff of the AANA for their effort in promoting measures to ensure that Americans across our nation have access to quality health care services at the times they need it most. More than their promotion of commonsense legislation, though, I want to thank the AANA and its members for the work they do everyday in providing excellent care for their patients in what are often challenging and trying times for these Americans and their loved ones. In addition, CRNAs practice in every setting and are the sole anesthesia provider in more than two-thirds of all rural hospitals, ensuring that most Americans can have access to care within their own community.

In addition to being a main provider within America's borders, CRNAs are also the main provider of anesthesia care to American service men and women stationed around the world. Overseas, CRNAs have been on the front lines supporting U.S. troops since World War I, and presently more than 165 nurse anesthetists are on duty in Iraq, comprising nearly 80 percent of the anesthesia providers serving in the conflict. For their service to their country and our men and women in uniform, our nation and this Congress will always be grateful.

In my own state of Georgia, there are currently 793 AANA members who provide care for the people of Georgia. I would also like to thank these CRNAs, Martha Kral, the President of the Georgia Association of Nurse Anesthetists (GANA), and Janice Izlar, GANA's Federal Political Director, for the quality health care services they provide to the people of Georgia.

It is my honor to recognize National Nurse Anesthetists Week and the work of CRNAs across the country. In the year ahead, I look forward to continuing to work with the AANA, that GANA, and CRNAs from across Georgia and across the nation to promote patient safety and to educate patients and their families about their anesthesia options and nurse anesthesia providers.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. BOOZMAN. Mr. Speaker, I would like the RECORD to show that I was unable to attend votes yesterday, January 27, 2004, due to inclement weather in Washington, DC that prevented my return. Should I have been present, I would have voted "yea" on H.R. 1385. I would have also voted "yea" on H.R. 3493, the "Medical Devices Technical Corrections Act."

RECOGNIZING THE CONTRIBUTIONS OF FREDERICK AND BARBARA MCGEHAN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize two faithful public servants who are constituents of mine, Barbara and Frederick McGehan.

Fred McGehan, the Public Affairs Officer and Director of the Boulder Public Affairs Office at the National Institute of Standards and Technology (NIST) in Boulder, is retiring in February after 30 years of service at NIST. Barbara McGehan, the Public Affairs Officer for the NOAA Research Laboratories in Boulder, retired at the end of 2003, after 21 years of service to the Federal Government, 18 years dedicated to serving the National Oceanic and Atmospheric Administration (NOAA) in Boulder. I've had the pleasure of working with both Fred and Barbara for the last five of their many years in the Federal Government.

After earning her Bachelor of Arts in History and Government at the State University of New York at Buffalo, Barbara worked for U.S. Rep. Richard McCarthy in the U.S. House of Representatives from 1965 to 1968. She worked for the Maryland Democratic Party from 1971 to 1973. She and Fred moved to Colorado in 1977, where Barb worked at the Sacred Heart of Mary Church, first on the church newsletter and later as a substitute teacher at Sacred Heart School.

In November 1985, Barbara started at NOAA in Boulder with the program that became the NOAA Forecast Systems Laboratory (FSL). She worked for FSL until 1994, when she accepted the position of Public Affairs Officer for NOAA in Boulder.

Fred graduated from Holy Cross College in Worcester, Massachusetts in 1963 with a B.A. degree in English, and afterward from Columbia University with a graduate degree in journalism. Fred put his education and training to good use by working as a general assignment reporter at the Providence Journal in Rhode Island, and then covering science, space and medicine for Newhouse National News Service and the Baltimore Sun. With his experience in news reporting under his belt, Fred began his "next career" in public affairs at the National Institute of Standards and Technology (then known as the National Bureau of Standards) in its headquarters laboratory in Gaithersburg, Maryland, in 1974.

When he and Barb moved to Boulder in 1977, Fred continued his work at NIST as a science writer and public affairs specialist before taking over as Public Affairs Officer and Director of the Boulder Public Affairs Office. In his public affairs capacity and also while serving as Executive Officer and Acting Director of the NIST Boulder Laboratories and at various times during his nearly 30 years at NIST, Fred also has devoted enormous energy to working with the community.

Fred and Barbara have three grown children and are active in St. Thomas Aquinas Church in Boulder. Fred is an avid fan of Colorado Rockies baseball.

Of course, after so many decades of service, Fred and Barb deserve to have all the time in the world to spend with their children, be active in their community, and go to ball games. I'm sure they plan a very active retirement.

But Barb and Fred will be missed by their colleagues and by the millions of Americans who benefit every day from NOAA and NIST research and services. They were outstanding public affairs officers and advocates for their respective labs. During my visits to NIST and NOAA, they both helped me understand the many ways in which the labs influence people's everyday lives.

More importantly, Fred and Barb inspired me to continue my fight for Federal funding for research activities at NOAA and NIST and for infrastructure improvements that these labs so direly need. Fred and Barb have my assurance that I will continue to work in Congress to advance the needs and promote the tremendous achievements of Boulder's NIST and NOAA labs.

A SPECIAL TRIBUTE TO JIM DAUBEL FOR HIS DEDICATED SERVICE TO THE NEWS-MESSENGER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, and good friend, from Ohio. Jim Daubel is set to retire after a 26-year tenure as president, publisher, and editor of the Fremont News-Messenger.

Mr. Speaker, when Jim was just a boy, his father, Don Daubel, would take him to the old Fremont News-Messenger building on Arch Street. Jim remembers climbing up on the newsroom desks where he'd bang away on the typewriters the reporters would use everyday. As exciting as those memories were for Jim, they were just the beginning.

The Daubel family has been a journalism institution in Fremont dating back to 1925 when Jim's grandfather, F.J. Daubel, purchased the Fremont Messenger at a bankruptcy sale with his brother-in-law L.E. Kinn and associate J.N. Kinn. In 1937, the family purchased the Fremont News, creating the News-Messenger that Jim Daubel would know his entire life.

By the time Jim was in the 8th grade, he was working part-time in the print shop, a job he would hold through high school. After he went off to Marquette University in Wisconsin, where he would receive his journalism degree in 1963, he moved into the newsroom.

After almost 50 years in journalism, of which the last 30 were spent with The News-Messenger and Port Clinton News Herald, Jim said it was "just time" to step down and leave the business—and the paper—that has been such a part of him for as long as he can remember.

Jim will leave big shoes to fill in the halls of Fremont's News-Messenger. His wisdom, honesty, and forthrightness are attributes to which all in journalism should aspire. He 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 Jim Daubel. Our communities are served well by having such honorable and giving citizens, like Jim, who care about their well being and stability. We wish Jim and his family all the best as we pay tribute to one of our district's finest citizens.

HONORING R.H. "ANDY"
ANDERSON

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. LARSEN of Washington. Mr. Speaker, today I rise to honor a man with a distinguished record of community service in the state of Washington. R.H. Anderson is set to retire after an exemplary career that has spanned six decades. His colleagues and friends know him as Andy. The people of the Second Congressional District also know him as a dedicated public servant who has worked to improve the quality of life for thousands of residents and businesses in Washington State.

A graduate of Seattle's Lincoln High School, Andy began his career as a photojournalist. He began learning about the world of politics as a student at the University of Washington when he was assigned to cover the HUAC hearings being held in Seattle.

Andy developed a love of radio and began spending time at a local jazz station. Soon he was doing odd jobs such as pulling records for late night disc jockey Bill Apple at KRSC, a radio station in Seattle. Apple soon recognized that Andy had real talent and a tremendous voice for radio. Andy began doing some news stories on the air, unpaid at first, before landing a job on the 10 p.m. to 1 a.m. slot.

Andy was then hired at Seattle radio station KVI, which had a jazz format at the time, as a temporary replacement for their regular disc jockey. Upon the return of the regular broadcaster, Andy found a niche at Everett station KRKO, where he was hired as a newscaster. His love of politics had been ignited while covering the HUAC hearings, and Andy was delighted to be covering the political world.

Andy began working at Bellingham radio and television station KVOS in 1955. He was on the cutting edge of the television era, and began covering politics and elections on camera. Andy could finally show his community the political universe that he had been describing with his voice for nearly a decade. In 1956, KVOS hired a young radio announcer by the name of Al Swift. Andy and Al formed a close friendship during their work together.

In 1965 Andy worked in Canada as an assistant to the president of Canawest Film Pro-

ductions, an arm of KVOS. Andy wrote scripts and produced feature films, commercials, and corporate films. Andy moved back to Bellingham in 1976 and back into his role as news director after Al Swift left KVOS to work for Representative Lloyd Meeds.

Andy set up a major news organization at KVOS TV. His efforts brought a sizable viewing audience to local news programming, providing a great lead-in audience to the CBS evening news. The news department ran soundly under Andy's direction until 1983, when KVOS was sold and the news department eliminated.

Andy's old friend Al Swift, meanwhile, had been serving as a Member of Congress since 1979. Swift's District Manager, Bill McDonald, had passed away and Al Swift hired Andy as his new District Manager.

While serving as District Manager for Congressman Al Swift, Andy was instrumental in creating the PACE (now NEXUS) lane for frequent travelers between the United States and Canada. This expanded trade and reduced waiting time at the border. Thousands of individuals and businesses benefited from Andy's involvement in bringing rapid travel between the two nations.

After Congressman Swift chose to retire in 1994, Andy began a consulting business that he successfully ran for several years. Andy then retired but still maintained a burning desire for public service.

After I won election to Congress in 2000, I asked Andy to come out of retirement to join my team. For the past three years, he served as director of my Bellingham office, representing me in the northern area of my district. His tireless and outstanding efforts on behalf of the people of Washington's Second Congressional District are legendary and will be truly missed.

Andy's career in public service can be measured not only in economic benefits, but also in the amount of improved quality he brought to the lives of those in the region. He was always available to answer a question, investigate and solve a problem, and to champion programs to help the residents of Washington state.

Mr. Speaker, Andy's friends, colleagues, and family are holding numerous gatherings to celebrate his great career. I am honored to pay tribute to Andy Anderson, a true friend and a dedicated public servant. His direct work with the public may be ending, but the public will always know the impact of his service. The achievements of Andy Anderson will be felt for many decades due to his passion for improving the lives of his fellow residents. I ask all of my colleagues to join me in congratulating Andy on his fine career and his unwavering commitment to Washington State, and our nation.

TRIBUTE TO DON HARRIGER, GENERAL MANAGER, WESTERN MUNICIPAL WATER DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community

of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Don Harriger, General Manager of the Western Municipal Water District is one of these individuals. On Wednesday, January 28, 2004, he will be honored at a special retirement dinner.

Don was appointed General Manager in 1989, and has been responsible for the planning, direction, management, and overall supervision of the activities and operations of the District.

Prior to his appointment as General Manager, Don served the District as Assistant General Manager. In that previous position, he was appointed by the court to two Watermaster Committees, appointments he currently still holds. The Western-San Bernardino and the Santa Ana River Watermaster Committees were established as part of the 1969 Stipulated Judgments that settled the massive water rights issues in the Santa Ana Watershed. In June of 2003, Don was elected chairperson of the Santa Ana River Watermaster Committee.

Before joining Western, Don was Chief Engineer and Assistant Manager of the Santa Ana Watershed Planning Agency, the forerunner of the present-day Santa Ana Watershed Project Authority (SAWPA), a joint powers agency responsible for regional water resources planning and project implementation. At SAWPA, he was primarily responsible for the technical direction of the development of the Santa Ana Watershed Basin Plan. Prior to his position at SAWPA, Don was associate engineer with the State of California, Department of Water Resources.

A California registered professional engineer, Don received his Bachelor of Science Degree in Civil Engineering from the University of Illinois and his Master of Science Degree from California State University Sacramento. He and his wife Arvina reside in Riverside.

Don's leadership at the Western Municipal Water District has contributed immensely to the betterment of the District and the community of Riverside, California. I am proud to call Don a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

HONORING JUDGE JOSEPH
MATTINA UPON THE OCCASION
OF HIS RETIREMENT

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. REYNOLDS. Mr. Speaker, as the Western New York community gathers tonight to celebrate the life and career of the Honorable Judge Joseph Mattina, I rise to pay tribute to this outstanding jurist and dedicated public servant.

Throughout his career, Judge Mattina has been an exemplary community leader. Over his 40 years as a Supreme Court and Surrogate Court Judge, he has displayed a selfless commitment to our fellow citizens and to the

betterment of our community. He has truly served our society with tireless devotion, and his community contributions distinguish him as an example for us all.

As a judge, his name has become well known throughout both New York State and our nation. He has presided over significant and challenging trials, such as the Attica Prison Rebellion. He has also been influential in overseeing important programs throughout the State.

But Judge Mattina is known not only for his contributions to his profession, but for his contributions to our community. He is a decorated awardee, recipient of such awards as "Outstanding Citizen of the Year" and the "National Brotherhood" award. He has been honored by Time Magazine and has been inducted as a charter member of the Hall of Honor at the National Judicial College. He will be honored yet again this year when a state-of-the-art medical center located in Buffalo, NY is named after him: the Judge Joseph S. Mattina Medical Center. This is in recognition of his more than 35 years of service as a volunteer and as an important advocate of the construction of this facility.

Judge Mattina has earned a legacy of outstanding leadership and superb dedication. He has made significant and considerable contributions to our community, for which we are all incredibly thankful.

Mr. Speaker, I ask that this Congress join me in honoring Judge Joseph Mattina, and wish him the best of luck upon his retirement.

S. 877—CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003—CAN-SPAM ACT OF 2003 (PL 108-187)

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. DINGELL. Mr. Speaker, this statement represents my views as well as the views of W.J. "BILLY" TAUZIN, Chairman of the Committee on Energy and Commerce, on S. 877 the Can-Spam Act of 2003 ("the Act"). Our views on Sections one through five of the Act are contained in a separate statement submitted today by Chairman TAUZIN.

Section 6 of the legislation prohibits a person from allowing commercial e-mail messages in violation of section (5)(a)(1) to be sent by a third party if that person had knowledge of such promotion, expected to receive economic benefit from such promotion, and took no action to prevent the transmission of the e-mail messages or report such messages to the Federal Trade Commission. This section should not be interpreted to preclude any action brought under section 5 arising out of the same conduct.

Section 7 of the legislation sets forth enforcement provisions for the Act.

Subsection (a) provides for enforcement of the Act by the Federal Trade Commission (FTC) under section 18(a)(1)(B) of the Federal Trade Commission Act.

Subsection (b) provides for enforcement of the Act by certain other Federal functional regulators.

Subsection (e) provides the FTC and the Federal Communications Commission (FCC)

may seek injunctive relief or cease and desist orders without the showing of knowledge otherwise required under this Act.

Subsection (f) sets forth enforcement of the legislation by the States.

Paragraph (1) provides that the attorney general, or other official or agency of the State, may bring civil actions exclusively in Federal district court to enjoin violations of section 5 of the Act or obtain damages on behalf or residents of the State, equal to the greater of actual damages or statutory damages as determined under paragraph (3).

Paragraph (2) provides that State attorneys general may seek injunctive relief without the showing of knowledge otherwise required under the Act.

Paragraph (3) sets forth statutory damages.

Subparagraph (A) provides that for purposes of paragraph (1)(B)(ii) damages are determined by multiplying the number of violations, with discrete separately addressed unlawful messages each counting as a separate violation, by up to \$250.

Subparagraph (B) limits the damages a state attorney general may recover for violations of section 5, other than section 5(a)(1) to no greater than \$2,000,000.

Subparagraph (C) allows the court, in its discretion, to increase the amount of damages awarded under subparagraph (b) to three times the amount set therein if the court finds that the defendant's conduct was willful and knowing or the defendant's unlawful activity includes one or more of the aggravating violations set forth in section 5(b).

Subparagraph (D) provides for a reduction of damages. In assessing damages under subparagraph (A), the court may consider factors including whether the defendant has established and implemented, with due care, commercially reasonable practices and procedures designed to prevent violations of section 5. The court may consider whether the violation occurred despite commercially reasonable efforts to maintain compliance with the practices and procedures designed to prevent such violations.

Subsection (f) also provides that in the case of a successful action under paragraph (1), the court, in its discretion, may award costs of the action and reasonable attorney's fees to the State.

Subsection (g) provides for a limited right of action by bona fide Internet service providers. Paragraph (1) grants to Internet service providers adversely affected by a violation of section 5(a)(1), 5(b), or 5(d) or a pattern or practice that violates paragraph (2), (3), (4), or (5) of section 5(a) the right to bring civil action in Federal district court. The term "Internet access service" is defined to have the same meaning given that term in section 231(e)(4) of the Communications Act of 1934.

Subsection (g)(2) contains a special definition of "procure" for purposes of ISP enforcement actions that includes a scienter requirement with regard to whether a person who initiates commercial email on their behalf is engaging or will engage in a pattern or practice that violates this Act. It is the intent, with regard to the falsification violations of Section 5(a)(1), that "conscious avoidance of actual knowledge" be construed broadly in a manner consistent with a fundamental purpose of this Act to prohibit and deter falsification techniques in commercial e-mail. Therefore if the procurer has an indication that the initiator is

or has engaged in any falsified spamming technique prohibited by Section 5(a)(1) or 18 U.S.C. 1037, the Act is intended to be read so that such a procurer meets the standard of "conscious avoidance of actual knowledge" of violations of the Act by an initiator unless the procurer and takes reasonable steps to prevent such violations by the initiator.

Actual knowledge or conscious avoidance of actual knowledge could be evidenced, for example, by information obtained by the procurer directly from an initiator, or via a complaint, warning or cease and desist communication received from a recipient, Internet access service, or law enforcement alerting the procurer that an initiator to whom the procurer is providing consideration is violating the law. Conscious avoidance of actual knowledge could also be evidenced, for example, by: (1) Doing little or nothing to determine whether suspect initiators who are marketing partners, resellers, affiliates, agents or contractors of the procurer are violating or have violated Federal or State law; (2) failing to follow the procurer's stated policies or procedures prohibiting illegal e-mail advertising methods by initiators who are marketing partners, resellers, affiliates, agents or contractors; (3) repeatedly allowing initiators who are engaged in illegal e-mail advertising methods to provide false information or to fail to identify themselves when they sign up to conduct e-mail advertising for the procurer's products or services; (4) repeatedly paying initiators whom the procurer has terminated for violating the procurer's e-mail policies prohibiting illegal spamming methods; or (5) allowing initiators who have been terminated for violating the procurer's policies prohibiting illegal e-mail activities repeatedly to sign up for new accounts. The above is not an exhaustive list of ways in which the requisite state of mind can be evidenced.

Subparagraphs (f) and (g) allow enforcement actions for violations of certain parts of Section 5 to be brought by States and ISPs only for a "pattern or practice" of violations. The Act regulates a wide variety of commercial e-mail practices, some of which are deemed more deplorable than others and subject to higher penalties.

Such action may seek to enjoin further violations by defendants, or collect certain limited monetary damages. It is our intention that these cases be based on bona fide violations and not used as tools for anti-competitive behavior among competitors. Additionally, we intend that Internet access service providers provide actual Internet access service to customers.

Statutory damages for Internet service providers are at a lower level than those provided to federal and state regulators.

Section 8 provides for the effect of the legislation on other law.

Section (b) provides for preemption of state laws that expressly regulate the use of e-mail to send commercial messages, including laws that regulate the form or manner of sending commercial e-mail (e.g. labeling requirements). It does not preempt statutes dealing with fraud, falsity, or deception in any portion of a commercial e-mail message or attachment thereto. Thus, State opt-in spam laws, such California S.B. 186 enacted in the fall of 2003, state opt-out spam laws, and state ADV labeling requirements for commercial e-mail would be entirely preempted, except to the

limited extent that those laws also prohibited use of falsification techniques or deception such as those prohibited in 18 U.S.C. 1037, Section 5(a)(1) and Section 5(a)(2) of this Act. Similarly, State anti-spam laws, such as Virginia's, that expressly regulate or criminalize e-mail falsification techniques would not be preempted. In addition, Section 8(b) is not intended to preempt general purpose State deceptive trade practice laws, or State common law rules, such as State trespass to chattels theories, that have been used in anti-spam litigation. Nor does Section 8(b) preempt State laws relating to acts of fraud or computer crime. However, to the extent any State or local law regulates the manner of sending commercial e-mail, the mere titling of the law as an "anti-fraud statute" or the combination of commercial e-mail regulation provisions with actual falsification or computer crime provisions in the same statute is not sufficient to avoid preemption of those regulatory provisions by this Act.

Section 9 provides the FTC with authority to establish a do not e-mail registry.

The provision requires the FTC to set forth a plan and timetable for establishing a national do not e-mail registry. The FTC is required to report to the Congress on any practical, technical, security, privacy, enforceability or other concerns the FTC may have with such a registry.

We expect that the FTC will proceed with due care in this important inquiry. In particular, the FTC should take care not to inadvertently adopt a do not e-mail registry that would facilitate the availability of working e-mail addresses to persons who might use them in violation of this Act.

Section 14 requires the FCC to promulgate rules to prevent the sending of unsolicited e-mail messages to wireless customers, without the express consent of such customers.

S. 877—CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003—CAN-SPAM ACT OF 2003 (PL 108-187)

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. TAUZIN. Mr. Speaker, this statement represents my views as well as the views of the Ranking Member of the Committee on Energy and Commerce, JOHN DINGELL, on S. 877, the CAN-SPAM Act of 2003 ("the Act"). The House passed S. 877 by unanimous consent on December 8, 2003, and the President signed S. 877 into law on December 16th 2003 (Public Law 108-187). These views are in addition to those included in the November 21, 2003 and December 16, 2003, floor debate on S. 877.

The purpose of the CAN-SPAM Act of 2003 is to prohibit certain predatory and abusive practices used to send commercial e-mail, provide consumers with the ability to more easily identify and opt-out of receiving other unwanted commercial e-mail, and to give such opt-outs the force of law. The legislation provides enforcement tools to the Federal Trade Commission (FTC), the Department of Justice (DOJ), other Federal regulators, States' Attor-

neys General and bona fide Internet service providers (ISPs) to enforce compliance with the Act.

The Act's scope provides extensive jurisdiction over commercial e-mail by, among other things, cross-referencing definitions of terms such as "protected computer" as that term is used in Section 1037(e) of Title 18, United States Code. This jurisdiction may be interpreted to extend extraterritorially. It is the intent of the Act to broadly assert jurisdiction over commercial e-mails—from any source—that are sent to U.S. recipients or that use protected computers in the U.S. to affect any of the deceptive spamming activities prohibited in Section 1037 of Title 18 or Section 5(a)(1) of the Act's civil provisions, as well as jurisdiction over computers and computer servers engaged in communication with the United States which are used to send such commercial e-mails that otherwise cause harm to commerce in the United States. However, the managers also recognize that because of the nature of the Internet, commercial e-mail which is in no way falsified may transit the United States as a matter of routine conveyance without the knowledge of the initiator or sender, without being received by any U.S. consumers and with minimal impact here. For example, a travel agency located in Spain using computers that are sometimes in communication with the United States might send unfalsified commercial e-mail promoting travel specials exclusively to consumers in Chile but those e-mails would be routed as a matter of course through computer servers located in California without the knowledge of the initiator or sender. The Act is not intended to regulate the contents of such legitimate commercial e-mail messages (by, for instance, imposing the Act's required inclusions and opt-out regime) merely because they transit the United States or are sent from computers in communication with the United States, provided such commercial e-mails are not falsified in a manner prohibited by Section 1037 of Title 18, or Section 5(a)(1) or directed to or received by U.S. consumers and do not otherwise cause harm here.

Section 1 of the legislation sets forth the short title, the CAN-SPAM Act of 2003.

Section 2 of the legislation sets forth various Congressional findings and determinations. Such findings and determinations are in addition to those in this statement.

Section 3 sets forth definitions.

The term "Commercial electronic mail message" is defined as any e-mail message, the primary purpose of which is commercial advertisement or promotion of a commercial product or service. The definition of commercial electronic mail message does not include transactional e-mail. The purpose of this provision and its relationship to the definition of "transactional or relationship message" is to exclude from most of the requirements of the legislation, e-mail messages that are pursuant to existing transactional relationships between a consumer and an e-mail sender.

The term "Electronic mail message" is intended to capture e-mail messages sent to a unique electronic mail address as that term is commonly understood and should be read to include messages sent to a unique electronic mail address where the reference to the Internet domain or "domain part" in the message is implicit and does not appear or is not displayed explicitly. This is not intended to expand or contract the commonly understood

concept of "Electronic mail message" and "Electronic mail address" but to ensure the bill covers those e-mail messages where either the domain part is implicit or is added upon transmission or delivery of the message to a recipient by the owner of the Internet domain to facilitate delivery of the message.

Section 4 sets forth civil and criminal penalties for fraudulent, abusive and predatory commercial e-mail.

The section provides that intentionally sending multiple commercial e-mail messages from a protected computer without authorization is subject to the penalties set forth in subsection (b) of section 4. The purpose of this provision is to prevent fraudulent use of third party's computer for purposes of sending commercial e-mail.

The section also provides that materially falsifying header information in multiple commercial e-mails is subject to the penalties set forth in subsection (b) of section 4. The purpose of this provision is to prevent fraudulent practices that disguise the route or source of a commercial e-mail message.

The section also provides that using information that materially falsifies the identity of the actual registrant for five or more e-mail accounts or online user accounts, or two or more domain names, and intentionally sending commercial e-mail messages from any combination of such addresses or accounts is a violation of this Act and subject to the penalties set forth in subparagraph (b) of section 4. The term "online user accounts" is meant to include registration for an account on a website that facilitates sending of e-mail messages to other users of such website. The purpose of this provision is to prevent the fraudulent establishment of e-mail accounts, online user accounts, web addresses or domain names from or through which unwanted commercial e-mail messages are intentionally sent or routed.

The section also provides that one who falsely represents one's self to be the registrant or bona fide successor in interest to the registrant of five or more Internet protocol addresses and intentionally sends multiple commercial e-mails from such addresses is subject to the penalties set forth in subsection (b) of section 4.

Subsection (b) of section 4 sets forth criminal penalties under the legislation. An offense as defined in section 4 is punishable by a fine or imprisonment of not more than five years or both if the offense is committed in furtherance of a felony (other than one defined in this Act), or the defendant has previously been convicted of a criminal offense under this Act or under the laws of any State, for conduct involving the sending of multiple unlawful commercial e-mail messages or unauthorized access to a computer system. Other violations under section (b) are punishable by a fine or imprisonment of not more than three years, or both.

Section 4 (in newly created 18 U.S.C. 1037(d)(2)) and Section 5(a)(6) contain definitions of "materially" that apply to certain falsification violations of the Act's criminal and civil provisions. The phrase "identify, locate, or respond" as used in this definition is intended to be interpreted broadly to encompass all methods of technical falsification that impede the ability of the recipient, an ISP, the FTC or appropriate Federal regulator, the DOJ, or a State Attorney General either to identify the source of the e-mail or whether the e-mail

comes from an approved or known sender, to locate or bring enforcement action against an initiator of the e-mail, or to respond by taking countermeasures against or transmitting the e-mail message back to the initiator. Materially falsifying may also include, for example, falsifying certificates or similar sender authentication mechanisms used by a recipient or an Internet access service to identify the source of an e-mail message.

Section 5 of the legislation sets up a regulatory regime for sending commercial e-mail messages.

The section prohibits the sending of commercial e-mail messages or transactional or relationship messages with headings that are materially false or materially misleading. The section also prohibits knowingly sending commercial e-mail messages with deceptive subject headings.

The section requires a person sending commercial e-mail messages to conspicuously identify such messages as a solicitation or advertisement and provide to each recipient a conspicuous means of opting-out from receiving subsequent commercial e-mail messages. The term "clear and conspicuous" as it applies to the requirements of Section 5(a) is intended to be consistent with the meaning of that term as set forth in FTC guidance documents (e.g. "Dot-Com Disclosures" available via online publications at <http://www.ftc.gov>). It is intended that a required inclusion can meet the "clear and conspicuous" standard in a number of ways. The Act does not authorize the FTC to require the notice to be placed in a specific location such as the subject line or body of a commercial e-mail. The FTC is required by this Act to conduct a study of required labels in the subject line of commercial e-mail messages but cannot prescribe an inclusion of such label or notices in the subject line without further Congressional action. In addition, the sender of the commercial e-mail message must provide a reply e-mail address or other Internet-based mechanism, such as a clear and conspicuous link to an opt-out form, on a website that will enable recipients to reject further commercial communications within the scope of the opt-out from the sender. In addition, the sender must ensure the return e-mail address or other form of Internet-based communication is capable of receiving opt-outs for not less than 30 days from the transmission of each commercial e-mail message. We intend that senders of commercial e-mail provide a convenient, clear and simple way for consumers to opt-out of commercial e-mail. We also intend that senders of commercial e-mail devote sufficient resources to monitoring and maintaining records of consumer opt-outs so that giving effect to these consumers' opt-outs will be prompt and permanent.

The section expressly provides that senders of commercial e-mail may provide recipients with a menu of options of commercial e-mail messages that the recipient may or may not wish to receive. Such a menu must include the option of receiving no additional commercial e-mail messages. An opt-out menu gives consumers the option to continue to receive a sub-group of defined communications from a sender, if the consumer so desires.

The section provides that senders must give effect to customer opt-outs within ten business days of receiving such opt-outs. This time period is subject to regulatory modification by the FTC as described below. It further provides

that subsequent affirmative consent by a consumer (an opt-in) will allow a sender lawfully to send commercial e-mail to a consumer so consenting. The burden of proving subsequent affirmative consent should be on the sender in any dispute between a sender and a recipient of commercial e-mail.

This provision prohibits the sender, or any other person who knows that the recipient has made an opt-out request, from selling, leasing, exchanging or otherwise transferring or releasing the e-mail address of the recipient other than for purposes of compliance with this Act or any other law.

Subparagraph (5) of section 5(a) sets forth specific required inclusions in commercial e-mail. These include clear and conspicuous identification that the message is an advertisement or a solicitation; a clear and conspicuous notice of the opportunity to opt-out of receipt of subsequent commercial e-mail messages; and a valid physical postal address of the sender.

Subsection (b) of section 5 provides that harvesting e-mail addresses or generating e-mail addresses by means of a dictionary attack constitutes an aggravating factor for illegal transmission of commercial e-mail under subsection (a) of section 5. Use of automated means to generate e-mail addresses, or gathering e-mail addresses is not by itself illegal, unless the commercial e-mail messages sent to the generated or harvested addresses as a result of such activity do not comply with the requirements of subsection (a).

Subpart (2) makes reference to online user accounts. As in section 4, the term online user accounts is meant to include registration for an account on a website that facilitates sending of e-mail to other users of such website or any other protected computer not affiliated with the website.

Subsection (c) of section 5 requires the FTC to conduct a rulemaking on the 10-day period required for e-mail senders to comply with customers' opt-out requests. As technology allows, we hope that that period will be shortened.

Subsection (d) sets forth additional requirements for transmission of commercial e-mail messages containing sexually explicit material. In particular, such e-mail messages must alert recipients in the subject heading of the e-mail that the message contains sexually explicit material. Additionally, the sender must provide a means of opting-out from receipt of such messages in a manner that does not involve viewing sexually explicit images.

My views, as well as those of Ranking Member JOHN DINGELL, regarding Sections six through 16 of the Act are continued in the Statement of JOHN DINGELL submitted contemporaneously with this statement.

PERSONAL EXPLANATION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. TIBERI. Mr. Speaker, on January 27, 2004, the flight I was scheduled to travel on from Columbus, OH to Washington D.C. was cancelled due to weather. As a result, I was unable to cast a vote on Rollcalls 6 and 7. Had I been able, I would have voted "yea" on

H.R. 3493 Medical Devices Technical Corrections Act of 2003 and H.R. 1385 to extend the authorization for the United States Postal Service to issue a special postage stamp to benefit breast cancer research.

HONORING THE CONTRIBUTIONS
OF CATHOLIC SCHOOLS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 492, a resolution honoring the contributions of Catholic schools and supporting the goals of Catholic Schools Week.

The accomplishments of Catholic schools and their tremendous impact on students and communities throughout the nation is evident in the Fifth Congressional District of Illinois, where schools like St. Ferdinand Catholic Elementary, St. Patrick High School, and Notre Dame High School for Girls provide a quality education while instilling values that will serve their students throughout their lives. These schools provide strong academic curriculums and engender significant parental involvement. They not only teach students the importance of academic achievement, but also provide a balanced perspective on life that promotes responsibility, justice and social service.

Catholic schools also promote ethnic and racial diversity. Increasing numbers of children in Catholic schools in my district come from our minority communities. Students in Catholic schools achieve exceptionally high graduation rates, with increasing numbers advancing to higher education and giving back to the community through volunteer service.

It is also important to recognize that the Catholic school experience fosters more than just scholastic excellence. It provides spiritual guidance to students by encouraging fundamental ideals and an appreciation for family values, community service, and faith in their own lives. This, in turn, shapes Catholic school students into leaders of tomorrow.

I want to take this opportunity to applaud the recent accomplishments of two teachers at a Catholic school in my district—Mother Theodore Guerin High School in River Grove, Illinois—who have been recognized for their outstanding service to their students and to their community. Sister Adelaide Ortegale received the Dr. Nathan Jones Special Achievement Award last October. This honor is awarded to educators for their outstanding work with African-American students. Sister Ortegale has taught Art for thirty years and is the sponsor of the African-American Club at Mother Guerin.

I also want to recognize Mary Stephany, a social science teacher at Mother Guerin who has been chosen as an Ambassador to Chicago's Field Museum for 2003–2004. In this role, Ms. Stephany will be a liaison for her school, serve on education advisory committees to the museum, and mentor other teachers.

I thank these two outstanding individuals as well as all of the dedicated Catholic school teachers in my district for their love of learning and their devotion to their students.

Mr. Speaker, I support this important resolution and encourage Catholic schools in my

district and across the United States to continue contributing to the development of strong moral, intellectual and social values in America's young people. I thank my colleague, Representative VITTER, for introducing this resolution, and I thank the National Catholic Educational Association and the United States Conference of Catholic Bishops for their sponsorship of Catholic Schools Week.

TRIBUTE TO MARK JOSEPH
LUMER

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Mr. Mark J. Lumer of Huntsville, AL, for his 28 years of outstanding service in supporting the U.S. military, in particular, our soldiers in Kosovo, Bosnia, Afghanistan, and the Middle East. He is the Contracting Executive at the United States Army Space and Missile Defense Command, USASMDC, in Huntsville, AL. I stand today to applaud Mark Lumer for his many years of service and loyalty in North Alabama's role in supporting our soldiers in the field.

Mark Lumer has risen through the ranks of the Federal Government and earned his current position as the Principal Assistant Responsible for Contracting at the USASMDC Contracting and Acquisition Management Office with offices in Washington, DC; Huntsville, AL; Colorado Springs, CO; and Kwajalein Missile Range in the Marshall Islands. As the Director of Contracts, he oversees over \$14 billion in active contracts, annual expenditures of about \$2 billion and a staff of approximately 80.

Mark Lumer achieved the highest distinction in his field as a member of the Senior Executive Service when he was recognized by President Bush in 2001 with the "Presidential Meritorious Rank Award." In 2000, the Secretary of the Army presented Mr. Lumer with the "Decoration for Exceptional Civilian Service," the Army's highest civilian award. In addition, he has been recognized nationally for his contributions to the small business industry located in historically underutilized business zone (HUBZone) areas and received an award from the President of the National Institute of Severely Handicapped for his innovative contracting techniques that substantially increased job opportunities for handicapped individuals.

A native of New York, residing in both Virginia and Alabama, Mark Lumer has made Huntsville his home away from home. He has taken an active role in the Huntsville community serving as a board member of the U.S. Space and Rocket Center Foundation and the Space Center Museum Committee. In addition, Mark Lumer is a leader in the Huntsville community as a much sought after speaker for local organizations such as the Huntsville Association of Technical Societies, Huntsville Chapter of the National Contract Management Association, and the Huntsville Association of Small Business in Advanced Technology.

Among his many contributions to North Alabama, Mark Lumer is most recognized for his support to the small business community to include minority and women-owned businesses. He is also an advocate for historically black

colleges, universities, and minority institutions and ensures grants are awarded annually to these schools through local programs such as the Education and Employment for Technological Excellence in Aviation, Missiles, and Space.

I join his family, his wife Gail, his son Michael, his son-in-law Mo, his daughters Anne and Sarah, and friends and co-workers in congratulating him on a job well done. On behalf of the people of Alabama's 5th Congressional district, I want to express my gratitude to Mark for his extraordinary service to our community and our Nation.

HONORING COLONEL J. THOMAS
MANGER, FAIRFAX COUNTY POLICE CHIEF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, Mr. MORAN of Virginia, Mr. WOLF, and I rise today to honor Chief Tom Manger for 27 years of dedicated service to the Fairfax County Police Department (FCPD.)

The FCPD is the largest local police department in the Commonwealth of Virginia, with 1,300 sworn and 500 civilian members. Manger first joined the FCPD in 1977 as a patrol officer. He quickly rose through the ranks, demonstrating great commitment to the safety and security of Fairfax County and the greater Washington, DC metropolitan area. Manger was promoted to deputy chief in 1995 and to acting chief in 1998. On January 10, 1999, the Fairfax Board of Supervisors appointed him chief of police.

Through impressive organization and development efforts, he brought officers closer to the people they serve, making community policing a top priority. Moreover, he held the department to the highest ethical policing standards, instituting a number of new policies to increase FCPD accountability to the public. Fairfax County's crime rate is the lowest in the country for a jurisdiction over one million people.

Over the past few years, Chief Manger has faced challenges ranging from hurricane flooding to anthrax scares. Under his leadership, the FCPD received the Fairfax County Human Rights Commission award for combating bias crimes. In 2002, when sniper shootings shocked the nation, Chief Manger tirelessly worked to capture and convict the two snipers for the murder of FBI employee Linda Franklin.

Throughout his accomplished career, Chief Manger has received numerous awards, including the Silver Medal of Valor. He significantly contributed to the FCPD tradition of excellence and will be greatly missed. We extend our heartfelt thanks for nearly three decades of service to Fairfax County and wish him the best of luck as police chief in Montgomery County, Maryland.

Mr. Speaker, Fairfax County's loss is Montgomery County's gain. Chief Manger is an outstanding police chief, and a shining example to all others in his field. We ask that our colleagues join us in applauding Chief Manger.

MARATHON VARSITY FIELD HOCKEY TEAM, NEW YORK STATE CHAMPIONS

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Mr. BOEHLERT. Mr. Speaker, I would like to take this opportunity to congratulate the Marathon Varsity Field Hockey Team for their outstanding performance this season. Winning the State Championship will 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.

The long list of season accomplishments is truly something to take pride in. Breaking the state record with 68 consecutive wins, making the lady Olympians third in the nation with such an amazing winning streak, brings pride not only to Marathon but brings pride to the entire state of New York.

Head Coach Karen Funk deserves special praise for leading this fine group of student athletes to the highest possible achievement in the New York State Class C conference. Through Coach Funk'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.

The 2003 Marathon Field Hockey Team: Ashley Abbatiello, Caitlin Barber, Shanna Barrows, Nikki Billings, Staci Billings, Rebecca Bliss, Grace Chrysler, Megan French, Jamie Gofgosky, Brittini Griep, Danielle Griep, Katie Gutches, Leslieann Gutches, Stefanie Hatch, Ashley Holbrook, Emily McDonald, Theresa Parker, Jacki Rose, Margo Stone, Frankie VanDeWeert, Sarah Veninsky, Katie Yudiciatis, Coach Karen Funk, JV Coach Patti Trabucco, JH Coach Sue Malmberg.

IN HONOR OF CALIFORNIA STATE SENATOR BYRON D. SHER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor California State Senator Byron Sher, the most highly regarded environmental legislator in California, who will be retiring this year after representing San Mateo and Santa Clara Counties in the California State Legislature for nearly a quarter century. Senator Sher will be honored on Friday, January 30, 2004 by the San Mateo County Democratic Party for his extraordinary public service.

Senator Sher began his public service in 1965 when he was elected to the Palo Alto City Council where he served for nine years, including two terms as Mayor. He was a Commissioner of the San Francisco Bay Conservation and Development Commission from 1978 to 1980, and served on the Committee on Environmental Quality for the National League of Cities and the League of California Cities. His work on these bodies would serve him exceedingly well in years to come.

Byron Sher was elected to the California State Assembly in November, 1980, where he served with distinction as a leader on environmental policy for over fifteen years. He was then elected to the Senate in 1996 in a special election to represent the 11th District, which is geographically and culturally diverse, spanning from Belmont to San Jose, and which includes major portions of the South San Francisco Bay and the San Mateo County Coast.

Throughout Senator Sher's legislative career, he has been regarded as the premier legislator on environmental issues. He is not only the first Chairman of the Senate Environmental Quality Committee, he is also the author of countless benchmark laws that have led the State of California to enact some of the most significant environmental protection policies in our Nation. Among the laws he has authored are the California Clean Air Act, the Integrated Waste Management Act, and the Safe Drinking Water Act. He has strengthened the State's timber regulations with his Surface

Mining and Reclamation Act and been at the forefront of computer recycling programs to ensure that the dangerous byproducts of the information age, such as mercury, don't contaminate our landfills and water supplies. Senator Sher also authored the Nation's first law to prevent toxic contamination of water supplies from leaking underground storage tanks. Virtually all his legislation is considered the gold standard for environmental conservation and protection laws throughout our country.

Senator Sher is also considered one of the foremost experts on consumer protection and government ethics. He has consistently been ranked one of the State's top ten legislators for intelligence and integrity by the California Journal Magazine. Despite the many demands on his time, Senator Sher continues to serve as a member of the Steering Committee of the National Council on Competition and Electric Services, as a California Commissioner on the National Conference of Commissioners on Uniform State Laws, and as a member of the Wildlife Conservation Board.

Byron Sher has also been an important part of the academic community. He was a Fulbright Research Scholar in New Zealand and held academic teaching positions in law at Southern Methodist University, the University of Southern California and Harvard Law School before coming to Stanford University. At Stanford, Senator Sher's passion for the rights of his fellow citizens could be seen in the coursework he taught as a professor of law: Consumer credit, consumer protection, as well as contract and commercial law. At Stanford he's been Chairman of the Human Relations Commission and the Faculty Senate, and was a member of the University Budget Priorities Advisory Commission.

Mr. Speaker, I'm proud to call Byron Sher my friend and my colleague in public service. This quiet, humble, decent and brilliant man is a source of great pride to the Democratic Party, to our mutual constituents, to all Californians and to our entire Nation. I ask my colleagues to join me in honoring and thanking Senator Sher for his lifetime of extraordinary service to California and our country. Because of him and his distinguished service, we are unmistakably a stronger and a better Nation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 29, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 3

9:30 a.m.
 Armed Services
 To hold hearings to examine the Defense Authorization request for Fiscal Year 2005 and the future years defense program. SH-216

Foreign Relations
 Business meeting to consider pending calendar business. SD-419

10 a.m.
 Banking, Housing, and Urban Affairs
 To hold hearings to examine fund operations and governance relating to current investigations and regulatory actions regarding the mutual fund industry. SD-538

Budget
 To hold hearings to examine the President's fiscal year 2005 budget proposals. SD-608

2 p.m.
 Governmental Affairs
 To hold hearings to examine workforce issues relating to preserving a strong United States Postal Service. SD-342

FEBRUARY 4

9:30 a.m.
 Energy and Natural Resources
 Business meeting to consider pending calendar items. SD-366

Foreign Relations
 To hold hearings to examine AIDS and hunger. SD-419

Governmental Affairs
 To continue hearings to examine workforce issues relating to preserving a strong United States Postal Service. SD-342

Indian Affairs
 To hold hearings to examine President's fiscal year 2005 budget request. SR-485

10 a.m.
 Budget
 To hold hearings to examine the President's fiscal year 2005 budget proposals. SD-608

Finance
 To hold hearings to examine the Administration's Health and Human Services budget priorities. SD-215

Judiciary
 To hold hearings to examine the nominations of William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit, William S. Duffey, Jr., to be United States District Judge for the Northern District of Georgia, and Lawrence F. Stengel, to be United States District Judge for the Eastern District of Pennsylvania. SD-226

2:30 p.m.
 Banking, Housing, and Urban Affairs
 Economic Policy Subcommittee
 To hold hearings to examine national flood insurance repetitive losses. SD-538

Energy and Natural Resources
 Public Lands and Forests Subcommittee
 To hold hearings to examine S. 1354, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, S. 1575, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, H.R. 1092, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada, S. 1778, to authorize a land conveyance between the United State and the City of Craig, Alaska, S. 1819, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, and H.R. 272, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries. SD-366

FEBRUARY 5

10 a.m.
 Banking, Housing, and Urban Affairs
 To hold hearings to examine the Office of the Comptroller of the Currency's rules on national bank preemption and visitorial powers. SD-538

Health, Education, Labor, and Pensions
 To hold hearings to examine maintaining confidence in consumer products relating to mad cow disease. SD-430

FEBRUARY 9

10 a.m.
 Governmental Affairs
 To hold hearings to examine the Department of Homeland Security's budget for fiscal year 2005. SD-342

FEBRUARY 10

9:30 a.m.
 Armed Services
 To resume hearings to examine the Defense Authorization request for Fiscal Year 2005 and the future years defense program. SR-325

10 a.m.
 Energy and Natural Resources
 To hold hearings to examine the President's proposed fiscal year 2005 budget for the Department of Energy. SD-366

2 p.m.
 Veterans' Affairs
 To hold hearings to examine the Administration's proposed fiscal year 2005 Department of Veterans Affairs' budget. SR-418

FEBRUARY 11

9:30 a.m.
 Indian Affairs
 To hold hearings to examine the President's fiscal year 2005 budget request. SR-485

FEBRUARY 12

10 a.m.
 Budget
 To hold hearings to examine the President's fiscal year 2005 budget proposals. SD-608

Energy and Natural Resources
 To hold hearings to examine the President's proposed fiscal year 2005 budget of the Department of the Interior. SD-366

FEBRUARY 24

2 p.m.
 Veterans' Affairs
 To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Disabled American Veterans. SH-216

MARCH 2

9:30 a.m.
 Armed Services
 To hold hearings to examine the defense authorization request for fiscal year 2005 and the future years defense program. SH-216

10 a.m.
 Energy and Natural Resources
 To hold hearings to examine the President's proposed fiscal year 2005 budget for the Forest Service. SD-366

MARCH 4

10 a.m.
 Veterans' Affairs
 To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Jewish War Veterans, and the Blinded Veterans Association. 345 CHOB

MARCH 10

10 a.m.
 Veterans' Affairs
 To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars. SH-216

MARCH 18

10 a.m.
 Veterans' Affairs
 To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Air Force Sergeants Association,

the Retired Enlisted Association, Gold Star Wives of America, and the Fleet Reserve Association.

345 CHOB

MARCH 25

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to ex-

amine the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.

345 CHOB

SEPTEMBER 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

345 CHOB