

cases involving subsidies in nonmarket economy countries like China by requiring Commerce to make a determination about the WTO consistency of the law prior to applying it.

In every other trade remedy case, the Department of Commerce must apply U.S. law as enacted by Congress. The law is presumed to be consistent with WTO obligations unless the WTO finds otherwise.

Under Mr. ENGLISH's bill, Commerce could not apply countervailing duty laws to China and other nonmarket economies to the fullest extent authorized by Congress, but rather could apply the law only to the extent to which Commerce makes a separate determination that the law would pass muster in the WTO. As a result, it is likely that Commerce would not apply the law as intended by Congress, thereby denying American workers and businesses a remedy authorized by both WTO rules and U.S. law.

Second, and even more importantly, section 3(b)(2) of the English bill raises Constitutional issues. After the provision has been applied in a CVD investigation and were a WTO panel to rule against some aspect of the provision, the English bill would create the first directive under U.S. law that WTO decisions are to be self-implementing.

The English bill creates this self-implementing provision by directing Commerce to "ensure that the application [of the provision] is consistent" with WTO rules. In all other cases under U.S. AD/CVD law, the Uruguay Round Agreements Act of 1994 (section 129) creates a procedure for congressional consultation prior to Commerce or USTR taking any action to alter U.S. law, regulation or practice. While Congress technically would not have to approve a change to regulation or practice, in practice, neither the Clinton nor Bush administrations have ever even suggested that it would make such a change absent (bipartisan and bipartisan) congressional approval.

The inclusion language in the English bill authorizing, if not directing, Commerce to change regulation or practice even absent Congressional approval undermines the broader statutory scheme carefully established in 1994, shifts the balance of action for implementing WTO decisions that affect one provision of the AD/CVD laws toward the Administration, and erodes further congressional authority over the unfair trade laws.

In simple terms, section 3(b)(2) of the English bill authorizes Commerce to take action to align U.S. law with the decisions of a WTO panel or Appellate Body—without the assent of Congress as provided under existing U.S. law (in the case of Commerce, changes to regulation or practice).

Mr. Speaker, section 3(b)(2) of H.R. 3283 is bad policy and may be unconstitutional as a matter of law. By requiring the Department of Commerce to ensure WTO compliance before acting on Chinese subsidies, the bill would prevent the Administration from vigorously enforcing our trade laws. In addition, the provision violates traditional notions of separation of powers by specifically directing the Department of Commerce to take steps to alter the application of U.S. law without an act of Congress.

JAKE STOWERS' DEDICATION TO
PINELLAS COUNTY'S ENVIRONMENTAL
STEWARDSHIP

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 7, 2005

Mr. YOUNG of Florida. Mr. Speaker, Pinellas County, Florida, which I have the privilege to represent, is Florida's most densely populated county. You would not know it though because our county commissioners have done an outstanding job over the years in preserving park lands and greenways for our residents and visitors to enjoy Florida's natural beauty.

At the point of that effort has been Pinellas County's Assistant Administrator Jake Stowers, who has poured his life and soul for more than 30 years into giving our urban community an abundance of green spaces and outdoor recreational opportunities. As Jake said in a recent interview by the publication Bay Soundings, "I can have you in the woods in 15 minutes." And he's right.

The National Association of Counties and the Trust for Public Land recognized Pinellas County's efforts this spring by presenting it with the prestigious County Leadership in Conservation award at a national convention in our Nation's Capital.

Following my remarks, I would like to include for my colleagues a profile of Jake Stowers from the spring 2005 edition of Bay Soundings. It includes information about Pinellas County's unique commitment, under Jake's leadership, to preserving our county's environment. The county is home to a 47-mile urban trail called the Pinellas Trail, 4,200 acres of parkland, 14,000 acres of preserves including the recently completed 8,000-acre Booker Creek Preserve, and Fort DeSoto Park, which this year was ranked as our nation's most beautiful beach. Along with the members of the Pinellas County Board of County Commissioners, Jake has had a hand in every one of those projects.

Mr. Speaker, Jake Stowers is a case study of what love and passion for your job will yield, in this case for the greater good of an entire community. It has been a real pleasure to work with Jake on a number of projects over the years and I know the people of Pinellas County will greatly miss him when he retires next year. However, the legacy of his lifelong work will live on for generations of future Pinellas County residents and visitors.

[Bay Soundings, Spring 2005]

JAKE STOWERS: DESIGNING WITH NATURE

(By Mary Kelley Hoppe)

Jake Stowers has a passion for livable communities, places you can work and call home and still be able to get away from it all without leaving town.

He found his patch of paradise in Pinellas County, where he was born and raised near Safety Harbor. Home today is along an intercoastal waterway in Largo, where he lives with his wife, Jo, and two sons.

Just as a wellspring of environmental consciousness in the 1970s was sparking a wave of landmark federal clean water and air legislation, Stowers began his career with Pinellas County as an urban forester. His initial plans to study law were scrubbed after a wildlife biologist at the University of Florida fueled his appetite for field work. After

graduating with a degree in forestry, he went on to receive a masters degree in agriculture with a forestry focus.

On a summer internship with the Department of the Interior in Gainesville, Stowers studied ways to keep hungry migratory blackbirds out of crop farms. Following a short stint as Ft. Lauderdale's first urban forester, he headed back home to Pinellas County and a job that allowed him to pursue what has become a life-long passion, infusing a growth-hungry county with green spaces and corridors for wildlife and folks seeking escape from the urban jungle.

"I can have you in woods in 15 minutes," boasts Stowers, an avid angler and hunter whose dad taught him to flyfish. Indeed, Florida's most densely packed county harbors a remarkably rich number of natural getaways accessible within a quick drive. Along with a 47-mile urban trail that runs north and south, Pinellas County has 4,200 acres of parkland and 14,000 acres of preserves including the more than 8,000-acre Brooker Creek Preserve completed last year. Fort DeSoto Park at the county's southernmost tip is the top ranked beach in the continental U.S.

When Stowers retires next year as assistant county administrator, he'll leave an indelible mark as a catalyst and champion for environmental stewardship and balanced growth. While quick to credit county commissioners and residents who have repeatedly supported conservation efforts at the ballot box, he's lauded as the go-to person who has helped steer, nudge and implement numerous environmental initiatives and policies.

For the past 30-plus years, he has worked behind the scenes to facilitate conservation land purchases, establish an environmental trust fund that's leveraged millions of federal dollars, and craft smart growth policies—at the bidding of and, simultaneously influencing, the county commissioners he serves.

"Jake is such an incredible asset," says County Commissioner Susan Latvala, who recently returned from Washington, D.C. where Pinellas County's environmental initiatives were recognized with a prestigious award for County Leadership in Conservation from the Trust for Public Land and the National Association of Counties (NACo). "His knowledge, love and passion for the environment are contagious," she adds.

Almost everyone can recall a favorite book that had a major impact on their lives. For Stowers, it was "Design with Nature" by Ian McHarg, hailed as one of America's most influential landscape architects. McHarg's book, published in 1969, placed landscape architects at the center of an emerging environmental movement. Long before words like watersheds and impervious surface became important in planning cities and buildings, it was the first to discuss what we now call sprawl and advocate a means for sustainable urban development. The message was this, says Stowers: "Let the natural systems guide you in designing where to build on a property." McHarg's ideas made a lasting impression.

As an urban forester starting in 1974, Stowers worked to strengthen local ordinances that spelled out how sites should be developed. Once the county determined the land use, "our job was figuring out 'how do I build it in the best way,'" he said. "We'd literally go out and walk the woods, putting stakes in the ground," trying to steer builders clear of the wetland fringe. "Early on it was very contentious, but developers came to see it as part and parcel of developing wisely."

A county charette completed just before Stowers came on board earmarked environmentally sensitive lands for preservation.

The seminal document became a roadmap for county commissioners in the decades to come. Their commitment coupled with behind-the-scenes work by Stowers and others paid off. To date, all but one of the 162 properties flagged in the charette have been purchased, notes Latvala.

Stowers rose to become assistant director of a fledgling environmental management department guiding it through a period of significant growth. "I kind of inherited Jake," said former director Steve Peacock, now with Florida Design Consultants. "It was one of the best things to happen to me and the organization."

The two were involved in the county's aggressive land-buying campaign to acquire lands that would ultimately form the 8,300-acre Brooker Creek Preserve, a vast wilderness area located in the northeast corner of Pinellas County. The land was snatched up in parcels with earliest purchases targeted to protect groundwater quality and waters flowing into Lake Tarpon. Adoption of the county's growth management plan in 1989 encouraged expansion of the conservation lands around that area. A Penny for Pinellas sales tax and state Preservation 2000 funds provided additional funds.

"Once we had the land, we needed to let people come in and the concept of environmental education centers evolved," Stowers says. "It was the commitment of the county commissioners to build these that became instrumental in passing the second penny tax."

"He's a rainmaker," says former County Commissioner Sallie Parks. "Jake was always good at understanding where there were areas for compromise."

Most weekends find Stowers out on the water. Fort DeSoto and Weedon Island are favorite boating destinations, but the quiet stretches of Tampa Bay's Braden and Hillsborough rivers hold special charms. "I can take a fly rod and popping bug or a spider and catch bluegill all day," says Stowers.

Fishing is a family affair, exercised every chance they get. Stowers recalls a trip deep into the Alaskan wilderness where the family spent time with Apabaskan Indians, whose poverty failed to dim their joy for the land and fishing. "We try to build those kind of cultural experiences in whenever we can," he says.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA, 2005

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 2, 2005

Ms. SLAUGHTER. Mr. Speaker, our thoughts and prayers go out to all those affected by the devastating destruction of Hurricane Katrina. I know that the American people are a generous people. I know that the men and women of this Nation feel the suffering of their fellow citizens, and will continue to stand with them in any way that they can.

We are here today to discuss what our government must do in the wake of this disaster. The emergency appropriations bill set to be passed this afternoon is a step in the right direction. Everyone in this chamber realizes that more money—much more—will be needed in the days and months ahead. I'm confident that

this Congress won't think twice about doing everything necessary to meet the critical needs of the desperate citizens in the affected regions of our country.

The shock and grief which has rightly motivated this degree of Federal support is, however, already giving way to anger. Over the past 4 years, a great portion of our national discourse has focused on preparedness. Members of Congress have created new government entities, spent billions upon billions of dollars on them, and spoken at great length about the need for our country to be perpetually vigilant and always ready to respond to any disaster which could befall it.

It is therefore not surprising that the loss of life produced by this hurricane—perhaps four times as great as the human cost of September 11, 2001—has incensed our citizens and shocked observers around the world. It has revealed that we are still unable to respond to homeland disasters in the fast and aggressive manner required.

But as is often the case, what has happened in the Gulf States has also revealed what can only be described as a skewed set of national priorities. Simply put, this was a tragedy which didn't have to happen. People at all levels of government have known for years that New Orleans was a greatly vulnerable city. In fact, in 2001, the Federal Emergency Management Agency produced a list of the worst disasters which could confront our country. A hurricane striking New Orleans was at the top of that list.

And so, it would be reasonable to expect that during the years leading up to this past week, local, State, and Federal Governments would have been doing everything within their power to prepare a complete and carefully planned strategy for how to deal with the aftermath of such an event.

They didn't. It was obvious that we still are not ready to evacuate a large number of people from their homes to safety quickly and effectively. This failing is a danger to all Americans, and must be corrected immediately.

But what is worse, our government spent the last few years actually undermining our readiness for disaster prevention in New Orleans and the surrounding region. Federal funds for flood control projects in that city have faced massive recent budget cuts. To cite but one example: The U.S. Army Corps of Engineers, which has so valiantly struggled against the rising floodwaters this week, had to struggle previously against an 80 percent cut of its funding for New Orleans in 2004. Predictably, one of the major motivators of cuts like these was the spiraling costs of American military operations in Iraq, which continue to siphon off tens of billions of dollars from domestic programs.

The natural defenses of New Orleans faced an assault as well. In 2003, the current Administration reversed a previous commitment to defending coastal wetlands which would have helped to mitigate the effect of storms on the Gulf coast. Instead, the areas were opened up for rapid development.

Nor were the people of the region given the tools they needed for survival. Poverty in America has been increasing year after year. Now, 12.7 percent of our population lives in poverty—that's four million more people than in 2001. As is overwhelmingly obvious, those damaged the most by Hurricane Katrina were some of our country's poorest citizens. Before

the storm hit, they were out of direct communication with authorities. They had no means to evacuate themselves or their families. And during the critical hours when wealthier residents were fleeing, the poorest were left alone to fend for themselves.

It is true that the devastation vested upon New Orleans and the Gulf region was the product of an act of nature. But its severity was greatly exacerbated by a combination of a lack of vision by our leaders and a failure to properly prioritize our Nation's energies and resources. Despite all the talk to the contrary, our government has viewed elective foreign wars as more important than having a real system in place here at home which can respond to any contingency. It hasn't seriously worked to address the poverty which makes millions of people all the more vulnerable to disasters. And it has seen commercial activity as simply being more valuable than defending the naturally existent barriers to disaster which we should be perfectly willing to save.

If anything positive can come from this, I hope it's a wake up call. This week, our failures had horrific consequences for millions of people, and they were especially devastating for just those men and women our society should be focused on the most: the poor, the elderly, the sick, the needy, the displaced, and the homeless. We must meet these serious problems head on and work to solve them. Our errors should not be covered up with political grand standing and slaps on the back. This failure must not be swept under the rug. If we don't learn from this horrible, horrible mistake, I fear we will repeat it, at a new point in time, and at a new place on the map.

This Congress must do what is right for the people of this Nation. They will be watching.

CONGRATULATIONS TO WANDA SAMEK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Wanda Samek on her installation as President of the National Society of Accountants. Entering into this role serves as a symbol of Mrs. Samek's ongoing devotion and commitment to the organization.

During her affiliation with the National Society of Accountants, Mrs. Samek has held numerous leadership positions, chairing various committees and task forces. In addition, she has received multiple honors, such as being named Accountant of the Year in 1994, winning the Golden Quill Award in 1998, and the President's Award in 2003. For her tireless service and dedication, Mrs. Samek was presented in 1996 with the Society's most prestigious accolade, the Distinguished Service Award.

Within her new role as president, Mrs. Samek will provide leadership to the National Society of Accountants by serving as chairman of the organization's Board of Directors and its Executive Committee which is responsible for monitoring and implementing investment policy. During her tenure, she will also be presiding over many meetings of the association. In addition, she will deliver the annual message of the National Society to its National Council of Delegates, providing them