

Federal government agencies were allowed to testify. Other stakeholders, such as state and local governments, industry representatives, tribal governments, and citizen groups did not have a full opportunity to participate in hearings on the bill. This provision falls under the jurisdiction of the Committee on Resources and that is where the reviews and debate of this issue should have taken place.

Mr. Speaker, the Secretary of the Interior already has the authority under current law to issue permits for actions that might kill, harm or injure migratory birds in the course of government activities. In addition, the U.S. Fish and Wildlife Service and DOD have been developing regulations pursuant to Executive Order 13186 to resolve migratory bird disputes. And, in March 2002, a U.S. court recognized for the first time the DOD must comply with MBTA and ordered the military to apply for the administrative remedy already available. The DOD has chosen to fight this court ruling in the case of *Center for Biological Diversity vs Robert B. Pirie, Jr.*, Acting Secretary of the Navy; Donald H. Rumsfeld, Secretary of Defense, (U.S. District Court for the District of Columbia).

The members of this body should also be aware of the ridiculous arguments that the DOD was making in court to support its efforts to exempt itself.

In the above-mentioned case, the DOD claimed:

... plaintiffs have suffered insufficient injury because the more birds that the defendants (DoD) kill, the more enjoyment Mr. Frew (a plaintiff) will get from seeing the ones that remain: "bird watchers get more enjoyment spotting a rare bird than they do spotting a common one."

Let me also quote Judge Sullivan's finding with respect to DoD's argument (on page 17 of his opinion):

Suffice it to say, there is absolutely no support in the law for the view that environmentalists should get enjoyment out of the destruction of natural resources because that destruction makes the remaining resources more scarce and therefore valuable. The Court hopes that the federal government will refrain from making or adopting such frivolous arguments in the future.

I also oppose the bill's provisions concerning the Price-Anderson Act, which are incomplete, insufficient, and fail to protect the public interest.

First, let me make clear that I am a strong supporter of the Act's reauthorization, and believe the best course at this late date would be for the other body to approve H.R. 2983, the Price-Anderson reauthorization passed by the House last November on suspension. Second, it is highly regrettable that this issue has been allowed to languish and, as a consequence, the Act lapsed in August. It is equally regrettable, however, that when my colleagues on the Armed Services Committee chose to address the Department of Energy (DOE) contractor issue in this bill, they did not take the logical step of including reforms from H.R. 2983 to make contractors accountable for irresponsible actions that harm the public.

Under current law, DOE contractors are completely indemnified for accidents involving nuclear materials, even if the accident resulted from willful misconduct or gross negligence.

This means that the taxpayer actually is required to reimburse a contractor for the cost of public harm caused by its own misconduct.

No other government contractor enjoys the right to unconditional indemnification, even those engaged in nuclear or other hazardous work for the defense agencies. When the House passed its version of Price-Anderson reauthorization, that bill included a bipartisan provision which prohibited indemnification of contractors for "conduct which constitutes intentional misconduct." The DOE claims that despite the current law's safety disincentive, it is necessary to secure contractors' services. I cannot imagine why the Department should even wish to hire a contractor who is not willing to be held accountable for its intentional misconduct.

Finally, it is my understanding that several contractors have signed contracts with DOE since the Act lapsed in August, under alternate statutory authority which can continue to fill the gap until Congress has an opportunity to address this issue thoroughly next year. In other words, there is no emergency that needs to be addressed in this bill, and in any event no reason for Congress to continue the unjustifiable policy of unconditionally indemnifying DOE contractors for intentional misconduct.

Mr. Speaker, in adopting the Migratory Bird Treaty Act exemption for DOD one of our Nation's most important environmental laws has been undermined. And by providing total indemnification for DOE contractors, even when they engage in intentional misconduct, we reduce public safety. Therefore, I rise in opposition to this conference report.

HONORING CORPORAL ANTONIO SLEDD

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. DAVIS of Florida. Mr. Speaker, I would like to take a moment to honor Corporal Antonio Sledd for his courage and sacrifice for our country. On October 8, 2002, Tony was killed when two Kuwaiti terrorists opened fire on members of the 11th Marine Expeditionary Unit training in the Persian Gulf.

Tony was born in San Juan, Puerto Rico, but grew up in Tampa, where he attended Gaither High School. After graduating in 2000, Tony joined the Marines and earned the National Defense Service medal for serving during a time of conflict and a Deployment Ribbon for serving abroad for more than 90 days. At his funeral, he was awarded the Purple Heart and promoted from Lance Corporal to Corporal.

Friends and family remember Tony for his enthusiasm and devotion to his country. It was Tony who encouraged his twin brother, Michael, to join the Marines. Tony was planning a lifetime of service—after serving in the military he hoped to earn a degree in criminology, so he could pursue a career in the FBI.

Tony's friends call him a hero and remember his sense of humor and how he went out of his way to take care of others. In honor of

Tony, the community created a Gaither High School Education/Scholarship Fund to help future students who share Tony's dreams.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Tony's family. He was an American hero who will be remembered for his courage and sacrifice.

TUBERCULOSIS AND TUCKER HIGH SCHOOL

HON. CYNTHIA A. MCKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. MCKINNEY. Mr. Speaker, I rise today to call attention to a forgotten disease, which is anything but forgotten right now in my congressional district. A number of students and administrators at Tucker High School in DeKalb County, Georgia are learning more than they care to know about tuberculosis.

Last week, about 200 Tucker High School students and staff had to be tested and treated after someone at the high school tested positive for tuberculosis. Tuberculosis is the forgotten disease, and as history continues to show us every time we forget and ignore TB, we are doomed to repeat history with continued outbreaks of tuberculosis as well as stronger strains of the disease such as multi-drug resistant tuberculosis. Every time government agencies are forced to cut back on funding for tuberculosis programs the rate of infection increases in populations who need our help the most.

Tuberculosis is truly a global disease, with more than 2 billion people around the world carrying the infection. Right here in the United States, the South has one of the highest rates of TB infection because of the vast health disparities between blacks and whites. African Americans have higher rates of TB in the United States because of poverty conditions in the South and in urban areas. Because of that poverty, African American also have a difficult time accessing tuberculosis medications and primary care treatment for the disease.

That is why I am a co-sponsor of H.R. 1167: The Comprehensive Tuberculosis Elimination Act of 2001 and H.R. 1168: The Stop TB Now Act. This legislation effectively implements recommendations listed in an Institute of Medicine report entitled "Ending Neglect: The Elimination of Tuberculosis in the United States". These recommendations attack tuberculosis on a national and international level. The legislation does so by increasing the authorized funding levels for both the Centers for Disease Control and Prevention (CDC) as well as the National Institutes of Health (NIH), giving them more ammunition to fight this treacherous disease here in the United States and abroad.

We in the Congress have an unprecedented opportunity to eliminate tuberculosis in the United States and reduce this scourge, so other high schools do not have to go through the same trauma and interruption of their daily lives as the students, staff, and faculty have faced at Tucker High School. I urge the House of Representatives to pass H.R. 1167: The Comprehensive Tuberculosis Elimination Act of 2001 and H.R. 1168: The Stop TB Now Act.

REGARDING THE RETIREMENT OF
GEORGE O. WITHERS**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SKELTON. Mr. Speaker, this is the time of year that we say farewell to some old friends. That's never easy. But it is even harder when the friend in question spent considerable time and energy helping make us all look good.

George Withers, who is leaving the Armed Services Committee staff at the end of this year, came to Capitol Hill in 1978. He had served his country in the Navy during Vietnam. But he has spent twenty-four years proving that national service doesn't end when you take off the uniform. As legislative director on a personal staff, then press secretary and a professional staff member of the committee, George has made America better every day.

A lot of young go-getters come to work on the Hill, Mr. Speaker. But George proved that you don't have to be obnoxious to get things done. His real sense of decency and values have provided a reference and example for not only the Armed Services Committee staff, but all of us who worked with him.

George has been the conscience of the committee staff. He is a devoted advocate for those Americans who most need and deserve Congress's protection. Discussions of national security can get pretty esoteric, but George makes sure that we keep our focus on people, both those in uniform and those our military exists to protect. As a former enlisted man and NCO, he never lets the former officers on the staff forget who the real troops are.

Mr. Speaker, while our staff works in a non-partisan way, George is a determined, thoroughgoing, old-school Democrat. But look at the pictures on his office walls. Yes, he has photos of himself with our former colleagues Ron Dellums and Silvio Conte. But there's John Kasich, too, and President Bush. All of which speaks to the fairness and openmindedness with which George approached his job. He lets his political beliefs inform his work, but never get in the way of doing what was right for the country.

To my way of thinking, George has only one flaw. The B-2 bomber is the pride of Whiteman Air Force Base, in my district. George led the fight at the staff level against the B-2, and succeeded for quite some time. In gratitude for George's exemplary service, I promise not to have one named for him.

In recent years, George's primary duties have concerned the military construction budget. Every member of this body whose district has received military construction funds—and that's most of us—has George Withers to thank.

But he was also our committee's driving force on policies concerning Latin America. Whether the question was the naval bombing on Vieques or the United States' role in Colombia, George fought for a sensible, humble foreign policy.

George's decency doesn't stop at the Capitol door, either. When he isn't here—during the few hours each year we let the staff out—George actively supports charities. He loves riding his bike, and he loves it even more when he's getting contributions for every mile he rides.

While he will tell you that he loves his work here, just ask him about his children, Sam and Lizzie. You'll see what love really means by the sparkle in his eyes. And we were all thrilled when George married Donna earlier this year. His departure from our little world means that he will have even more opportunities to love and care for them, and even his cat, Tom. But I warn you, George, cats don't always love you back.

I will miss George Withers cheerful counsel personally. The Congress will be poorer for his departure. But the real accolade is that people around the world who will never know his name have better lives today because George Withers was part of this House.

HONORING HERBERT D. AND
ELEANOR MEYERHOFF KATZ**HON. PETER DEUTSCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. DEUTSCH. Mr. Speaker, it is with great pride that I rise today to honor community leaders, Herbert D. and Eleanor Meyerhoff Katz, for their strong commitment to the Jewish community on a local, national, and international level. Their dedication and distinguished leadership has enabled many communities to be stronger and more vibrant while maintaining a deep connection to their Jewish roots and culture.

As a couple, Herbert and Eleanor have served as a model for the concept of charity. However, each has taken on numerous leadership roles on their own. The United Jewish Community of Broward County was formed under the direction and guidance of Mr. Katz. He is a past-president of the Jewish Federation and was an integral leader in the creation of the UJCBC, which combined two existing federations and now serves the 3rd largest Jewish community in America. Mr. Katz's other posts include: President of American Friends of the Hebrew University of Jerusalem; Vice Chair of the United Jewish Appeal; recipient of a Presidential Appointment to Board member of the United States Holocaust Memorial Council; Secretary/Treasurer of the American Israel Public Affairs Committee; University of Pennsylvania Associate Trustee and Chairman of the Board of Overseers for the Center for Advanced Judaic Studies.

Eleanor Meyerhoff Katz is a graduate of Wellesley College, and has been heavily involved in education. Mrs. Katz is a long-standing Board member of the Jack and Rose Orloff Central Agency for Jewish Education. She is also a member of the Executive Committee of Hillel, The Foundation for Jewish Campus Life, Chairman of the Board for Curry College, a Board member for the Washington Institute for Jewish Leadership and Values, a past president of the Beth Shalom Day School and the Jewish High School of South Florida, and a committee member for the Jewish Federation of South Broward.

Mr. and Mrs. Katz were also instrumental in establishing the Chair for the Joseph Meyerhoff Professor of Modern Jewish History at the University of Pennsylvania.

The Katzs have played an integral part of life in South Florida. Their commitment and love for their community has led them to take

a leadership role in the Community Capital Campaign for the United Jewish Community of Broward County, with the new Eleanor M. and Herbert D. Katz Building, which will house many religious organizations and serve as a focal point for Jewish life.

Mr. Speaker, it is indeed a truly special occasion that I stand here today and commend these fine individuals for their outstanding achievements and service to the world community. Their unparalleled dedication to the ideas of community serve as an example for us all.

COMMEMORATING THE 50-YEAR
ANNIVERSARY OF THE
WESTLANDS WATER DISTRICT**HON. CALVIN M. DOOLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. DOOLEY. Mr. Speaker, I rise today to pay tribute to the Westlands Water District, which celebrates its 50-year anniversary on November 17, 2002. I have the privilege of representing many Westlands water users in Congress.

The Westlands Water District encompasses over 600,000 acres, of which 560,000 acres are applicable for irrigated agricultural production in Fresno and Kings counties. Westlands is comprised by approximately 600 family-owned farms and 2,400 landowners, making Westlands the largest water district in the world.

For 50 years, the Westlands Water District has been a leader in innovative irrigated agriculture and water resource utilization in the Western United States. Through its irrigation practices, Westlands and its farmers have helped develop the west side of the San Joaquin Valley into one of the leading agricultural producing regions in the world.

Farming in the area known as Westlands began during California's Gold Rush era. Irrigated agricultural production began around 1915 and by 1942, landowners organized to develop a water supply system.

Westlands Water District itself was formed in 1952 and began delivering contracted water from the U.S. Bureau of Reclamation to farms on the west side of the San Joaquin Valley in 1968.

The leadership that has characterized the first 50 years of the Westlands Water District has helped to make the west side of the San Joaquin Valley a unique place of opportunity for families and small businesses.

Today the farmers of Westlands produce over 60 different commercial food and fiber crops sold for fresh, dry, canned and frozen food markets, both domestic and for export. The estimated annual production value of agricultural commodities produced in Westlands is \$1 billion, which generates approximately \$3.5 billion in related economic activity for Fresno and Kings Counties.

Mr. Speaker, I ask my colleagues to join me today in congratulating the Westlands Water District for fifty years of valuable service to the residents of the west side of the San Joaquin Valley and in wishing them continued success in the future.