

lands in conservation, wilderness study, or inventoried roadless areas or for lands not owned by the Federal government are presumed to have been abandoned unless a claimant can show that continued use of a right-of-way for highway purposes was clearly intended to continue after conservation designation or transfer of title by the United States.

Subsection (b) specifies what information must be included in a filing by a claimant.

Subsection (c) specifies procedures for review of claims by federal officials.

Subsection (d) requires reviewing officials to consult regarding pending claims.

Subsection (e) provides for issuance of a draft decision about a claim's validity, followed by a period of public comment.

Subsection (f) provides for issuance of a final decision on a claim within one year after release of the draft decision.

Subsection (g) requires a lawsuit challenging a final agency decision on a claim to be filed within 3 years after the decision and limits judicial review to review of the administrative record. It also provides that the Federal Government can decide to purchase a right-of-way that a court determines belongs to another party.

Subsection (h) requires a successful claimant to file information about the right-of-way with BLM and the relevant State within 5 years, and specifies that a failure to do so will constitute abandonment of the right-of-way.

Subsection (i) provides that the Federal government can choose to purchase a right-of-way determined to belong to another party.

Section 5 specifies that administrative decisions about claims are to be based on federal law and state laws that are consistent with federal law. It also provides that prior adjudications of R.S. 2477 rights-of-way are to be recognized.

Section 6 provides that nothing in the bill will affect provisions of FLPMA or the Alaska Lands Act related to rights-of-way.

#### TRIBUTE TO ROBERTO CLEMENTE

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. SERRANO. Mr. Speaker I rise today to pay tribute to Mr. Roberto Clemente, an outstanding athlete and a very successful baseball player. Thirty years ago, in 1973, the National Baseball Hall of Fame held a special election for Roberto Clemente, who had died on New Year's Eve, 1972, while attempting to deliver supplies to earthquake victims in Nicaragua. He was the first Latino elected to the Baseball Hall of Fame.

Born on August 18, 1934 in Carolina, Puerto Rico, Roberto Clemente Walker's pride and humanitarianism won him universal admiration. Despite an unorthodox batting style, the Pirates' great won four batting crowns and amassed 3,000 hits. He was equally brilliant in right field, where he displayed a precise and powerful arm. Clemente earned National League Most Valuable Player honors in 1966, but achieved his greatest fame in the 1971 World Series, when he batted .414. Tragically, Clemente's life ended at age 38—the victim of a plane crash while flying relief supplies to Nicaraguan earthquake victims.

Mr. Speaker, in 1952 Roberto Clemente attended an open tryout in Santurce, sponsored

by the Brooklyn Dodgers' Al Campanis. There were seventy-two kids at the tryouts that day. First Campanis had everyone line up in center field and throw to home plate. Throw after throw fell short until young Roberto's turn. He came up and threw a straight hard throw that hit the catcher directly in the mitt with a loud pop. So Campanis had him throw another one, which was as good as the first. Campanis then told the rest of the 71 young men to go home and asked Roberto to stay. Next, Campanis had Roberto run the 60-yard dash. He was amazed when Roberto ran it in a sizzling 6.4 seconds. Next, they moved to the batting cages. For 20 minutes, Roberto hit one line drive after another. Campanis and the Dodgers wanted to sign him right then, but he was only 17 and he had to be 18 before he would be able to play in the Major Leagues. Three days later, he signed with a local semi-pro team the Santurce Crabbers.

Clemente played with the Crabbers for 1 season before signing with the Brooklyn Dodgers in 1954. After spring training he did not join the Dodgers in Brooklyn, he was sent to the Dodgers' farm team, the Montreal Royals. Roberto was not happy and was homesick and in 1954, he was drafted by the Pittsburgh Pirates.

Clemente was only 20 years old and spoke almost no English at all. Pittsburgh was not integrated in 1955. When he went to Forbes Field he saw only two other black players. He encountered a lot of racial discrimination, starting in spring training when a Pittsburgh sportswriter labeled him a "Puerto Rican hot dog." His answer to all the social injustices he encountered was: "I don't believe in color; I believe in people."

Clemente got off to a great start with the Pirates. He had an inside-the-park home run against the Yankees, and drove in a run that gave the Pirates their first win of the season. He played right field for the Pirates.

Clemente played 5 seasons with the Pirates before they finally won the World Series. The year 1960 was the year the Pirates could do no wrong. Led by Roberto Clemente, Kick Groat, Bill Mazeroski, Bill Virdon, and Dick Stuart, Pittsburgh snatched first place in May and never let go. They won 23 games by their final at-bat. In May, Clemente had a .353 batting average. In one game at Forbes Field, he caught a ball and went head first into a concrete wall but somehow managed to throw his head back and only cut his chin. The Pirates faced the New York Yankees in the 1960 World Series. The Pirates took the series into the seventh game. Few people expected the Pirates to win, but sure enough, they pulled it off. The Pirates won the game in the ninth inning when Bill Mazeroski smashed the ball over the fence for a home run.

The next season Clemente won the National League batting title and a Gold Glove for the bestfielding right fielder. In 1966, he won his first MVP award.

Four years later, in 1970, Clemente was honored on Roberto Clemente Night at the Pirates' new Three Rivers Stadium. He was given a lot of awards and gifts including a scroll signed by over 300,000 people in Puerto Rico. Thousands of dollars were also donated in his name to his favorite charity in Pittsburgh. The entire ceremony was broadcast on radio and TV in Puerto Rico.

In 1971, the Pirates again won the World Series again with Clemente finishing the se-

ries with a .414 batting average and several spectacular catches. In 1972, he had another great season. During the season, he hit his 3,000th career hit. Only 10 players before him had done that.

In December 1972, a massive earthquake struck the Central American country of Nicaragua. An estimated 7,000 people were killed, and thousands of people were left without food, shelter, or water. Nicaragua badly needed help. So Clemente was asked to be an honorary chairman of the Puerto Rican Earthquake Relief Committee, and he immediately agreed.

He started to raise money as fast as he could. Contributions of food, money, clothing, and medicine poured in and were sent to Nicaragua. However, some of the supplies were being stolen and sold for high prices. When Roberto heard what was going on he was furious, and decided to accompany the next planeload of supplies to Managua and supervise their distribution himself.

On December 31, 1972 at 9:22 p.m., the old DC-7 rumbled down the runway and took off. Before long, there was trouble. One of the engines exploded so the pilot turned the plane around and started heading back. However, there were more explosions and the plane went down in the Caribbean Sea. Unfortunately, Roberto Clemente was not rescued and died at sea.

Through his dedication, discipline, and success in baseball, Roberto Clemente served as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of baseball.

Mr. Speaker, I ask my colleagues to join me in remembering Mr. Roberto Clemente for his contributions and dedication to baseball, as well as for serving as a role model for the youth of Puerto Rico and the U.S.A.

#### PAYING TRIBUTE TO ROBERT OGBURN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Robert Ogburn and thank him for his extraordinary contributions to both the 12th Judicial District of Colorado and the greater San Luis Valley. Judge Ogburn officially retired from his job as a District Judge in January after more than twenty-six years on the bench. Today I would like to honor Judge Ogburn's long and distinguished career of service to his community before this body of Congress and this nation.

Judge Ogburn began his legal career in the Army's Judge Advocate General's office. In 1966 he entered private practice and later served as a District Attorney. Judge Ogburn was appointed to the bench in 1976, at the same time taking over duties as District 3 Water Judge. The longest tenured judge on the 12th Judicial District bench, Judge Ogburn presided over many of the major San Luis Valley water cases in the past quarter century, as well as the area's high-profile criminal cases.

In addition to his career on the bench, Judge Ogburn has offered his time and talent as a teacher at the National College of Court Trial Judges in Reno, Nevada and at Adams

State College. He was one of only about thirty judges from across the United States to attend an advanced seminar in Anglo-American Jurisprudence at England's Oxford University in 1988. An amateur historian, Judge Ogburn has authored numerous articles for historical journals and serves on the boards of both the San Luis Valley Historical Society and the state historical society. He and his wife, Ann, have been married over forty years and have three children and six grandchildren.

Mr. Speaker, Robert Ogburn is an exemplary servant to his community and to the State of Colorado, and it is with great pride that I recognize his career before this body of Congress and this nation. Judge Ogburn's presence will be greatly missed in the courtrooms of the 12th Judicial District, and I would like to extend to him my congratulations on his retirement and wish him the best in his future endeavors.

HAPPY 100TH BIRTHDAY,  
ANASTACIO A. CISNEROZ

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my constituent, Anastacio A. Cisneroz, who celebrates his 100th birthday on April 15, 2003 at Pico Adobe Historical Park in Mission Hills.

Born in Purandido, Michoacan, Mexico, Anastacio and his family fled to the United States in 1918 to avoid the hardships caused by the Mexican Revolution and to find a better life. Anastacio was 15 years old, and the hunger and suffering endured by his family remains fresh in his mind.

During their journey to the San Fernando Valley, Anastacio's mother, Refujio Armenta, and youngest brother, Perfidio, died of a particularly virulent strain of influenza which also killed millions of others. His father, brother, sister and he continued by train through Ciudad Juarez to El Paso on December 25, 1918.

In 1932 he married Jessie Menjares and purchased a home in San Fernando where he lives to this day. He has nine children, 31 grandchildren, 52 great grandchildren and 5 great, great grandchildren—5 wonderful generations.

Because of his determination, work ethic, and spirit, Anastacio thrived in the United States even though things were not always easy. In 1942, he began working for Lockheed. The hours were long and the work was hard, but Anastacio took pride in his efforts and was extremely successful. He retired with the respect and admiration of his peers and supervisors after 27 years of service.

Today, Anastacio likes to travel, work in his vegetable garden, shop in supermarkets and walk to the barbershop. He attributes his longevity to hard work, good food, sleeping well and never smoking or drinking. He says that the secret of his long life is "living with common sense."

We respect and honor Anastacio and hopefully, we will all learn from his wisdom.

Mr. Speaker, I am proud to ask my colleagues to join me in saluting Anastacio Cisneroz on his 100th Birthday.

HONORING SERGEANT GAYLE D.  
MILLER COOPER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sergeant Gayle D. Miller Cooper, Officer in Charge of Communications, on the occasion of her retirement from the Cleveland Police Department that spans twenty-five years of service to the Cleveland community.

Raised in Cleveland, Sergeant Cooper graduated from John F. Kennedy High School in 1969. She attended Cuyahoga Community College and Case Western Reserve University, then joined the Cleveland Police Department in 1977. Sergeant Cooper was one of the first female officers assigned to work in zone cars—a pioneering and courageous achievement in a formerly male dominated profession. Her determination and ability to make a difference as a police officer opened many doors for women who followed in her path.

Sergeant Cooper's outstanding work and personal dedication to helping others was clearly reflected throughout her tenure of service. In 1980, she was promoted to Detective in the Vice Unit of the 5th District. Her varied professional experience also included positions as Police Academy recruiter, instructor, and background investigator. Officer Cooper focused her commitment, courage and intellect on issues involving women and children. She became the Domestic Violence expert for the Cleveland Police Academy, and in 1993, was appointed as Detective in the Youth Gang Unit. Later, Officer Cooper became the Juvenile Liaison Officer for the City of Cleveland. Promoted to Sergeant in 2001, she was also appointed to the position of Officer in Charge of Communications that same year.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of Sergeant Gayle D. Miller Cooper upon her retirement from the Cleveland Police Department. Sergeant Cooper's exceptional and courageous service on behalf of the citizens of Cleveland, have served to lift the spirits and the lives of countless individuals, families—and the entire Cleveland community.

INTRODUCTION OF BILL TO ASSIST OWNERS OF CERTAIN FAMILY BUSINESSES

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a bill to make it easier for people who share ownership of an unincorporated business with a spouse to comply with the tax laws and also receive Social Security and Medicare benefits they have earned. The problems the bill addresses arise from the fact that under current law an unincorporated business owned by a married couple is classified as a partnership for purposes of the federal income tax. That means the business is subject to complex record-keeping requirements and

the owners are supposed to file a partnership income-tax return.

However, the Internal Revenue Service estimates that it can take a partnership as much as 200 hours to complete and file that kind of tax return—enough work to keep a person who works a 40-hour week busy for more than a month. And this has to be done every year. When we think of everything else they have to do to keep their businesses running, it is not surprising that many of these couples take what looks like an attractive shortcut. They do that by filing as if their businesses were sole proprietorship—a kind of filing that the IRS estimates can take as little as 2 hours. But, attractive as that shortcut seems, it can lead to serious trouble.

First, of course, it is a technical violation of the tax laws, which means a couple taking that shortcut could be subject to penalties for failing to file as a partnership. But that's not the worst part. Because spouses who own and run a business are self-employed, they need to complete self-employment tax forms to report and pay their Social Security and Medicare taxes. But to file as if their business were a sole proprietorship, they must report all income from the business under the name of just one spouse—and, if they do that, only that named spouse can receive credit for paying into Social Security and Medicare. That means the other spouse—the one not named as the "sole proprietor"—should become disabled, he or she would not qualify for Social Security disability benefits. It also means that if the "unnamed" spouse dies, the named spouse and his or her children would not qualify for Social Security survivor benefits. And it means that the "unnamed" spouse would not qualify for Medicare.

Further, in the event of a divorce, it can be very difficult for an "unnamed" spouse to prove that he or she owns a share of the business for purposes of dividing the assets.

My bill will help couples like these to avoid these problems by enacting several recommendations outlined by Nina E. Olsen, the National Taxpayers Advocate, in her most recent annual report to Congress.

Under the bill, if a married couple filing a joint tax return are the only owners of an unincorporated business, they could decide what part of the business's profits or losses each spouse would claim, and that share would be taken into account in determining their self-employment earnings. That way, each spouse could receive some credit for Social Security and Medicare. And, depending on state law, this also could facilitate more equitable divisions of property in the event of divorce.

The Taxpayer Advocate's report indicates that while this change in the law would mean a major reduction in the record-keeping requirements applicable to many people, it would have little or no effect on federal revenues.

I am not sure how many people in Colorado stand to benefit from this bill. However, according to the IRS, it appears that more than 2,000 Colorado couples who operate ranching or farming businesses would be covered by its provisions, and that it could also assist thousands of other Colorado couples who operate other kinds of unincorporated businesses.

So, considering that Colorado is far from the most-populous State, I am not surprised that the Taxpayer Advocate's report indicates there could be as many as 2 million couples across