

Mike was born on May 16, 1957 in Fort Lee, Virginia and later grew up in central Iowa. Mike was the eldest of eight children born into a family with a rich military history. Although unable to continue in the tradition of his grandfather, who served in the Pacific front during World War II, and his father, who served in the Army, due to an accident that left him blind in one eye, Mike grew up with a strong sense of responsibility and a keen intellect.

After graduating from Lakeview High School, Mike attended Briar Cliff College in Iowa for two years before moving to Vermont in 1978. There he met his wife of 24 years, Jane, across the parking lot of the Midas Muffler in Burlington where he worked. Together they started a family with the birth of daughter, Laura, in 1981 and then with the three month premature birth of their triplets, John Richard, Jennifer and Amanda in 1982. Sadly, Amanda passed away nine days later due to a ruptured heart valve.

While a bookkeeper for Midas Mike's love of and involvement in the automotive industry began. He later followed that love to St. Paul, Minnesota where he began working for Lehman's Garage, Inc. Through the years Mike advanced to Chief Financial Officer and served on numerous automotive industry committees, such as NACE, NABC and ICAR. On December 3, 2003, Mike received the first ever "Q" Award from the National Auto Body Council in recognition of the "individual who quietly persist in doing the right thing for the Collision Repair Industry."

After being diagnosed with Stage Four Colon Cancer in June of 2003, Mike was blessed with the help of the many friends he had acquired during his journey. He was also recently reunited with the son, Travis Tentinger, he had given up for adoption in 1978 and discovered that he was a grandfather of three adorable children. Although Mike's battle with his cancer ended on February 4, 2004, this reunion and the constant support of his friends and family made the last months of Mike's life as full as possible.

Mike Seger was the type of man who is the backbone of community life in our country: quiet, dependable, hardworking. I urge the House to join me in mourning the passage of Mike Seger and extending our condolences to his family and friends.

#### MEDICAL DEVICES TECHNICAL CORRECTIONS ACT

SPEECH OF

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2004*

Mr. TOWNS. Mr. Speaker, the House is to be commended for swift action this week on S. 1881, The Medical Device User Fee and Modernization Act. This bill removes the barriers that would have prevented the program from functioning as intended. I am particularly pleased about the provisions concerning third party inspections, which were included in the bill.

The training for the third party inspection program is complete and with passage of S. 1881, the program will finally get underway. S. 1881 also rightly includes an 18-month delay in the implementation of the labeling provisions

in section 301 of MDUFMA. During this time, questions concerning the requisite scope of the labeling requirement can be resolved. The agency, industry and the Congress have an interest in reaching a solution that permits the identification of the manufacturer of some categories of products by the end user, yet maintains flexibility for the many other products produced by FDA regulated industries. I am certain all interested parties will continue to work toward that balanced solution. And I look forward to finalizing the labeling provisions in a manner, which meets the concerns of industry, consumers and the FDA.

#### PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT

SPEECH OF

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 10, 2004*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements:

Mr. SHERMAN. Mr. Chairman, the proponents of H.R. 339, the Personal Responsibility in Food Consumption Act, argue that those who legally manufacture or sell food should be protected from lawsuits which claim the consumption of their product caused weight gain, obesity and/or weight related health conditions. However, the bill applies to manufacturers and sellers of food, as defined by Section 201(f) of the Food, Drug, and Cosmetic Act, including various nutritional and weight loss supplements, like Ephedra, which are in effect marketed as drugs.

Congress should deal separately with statutes regarding food purveyors and those lawsuits relating to the manufacture or marketing of nutritional supplements which are marketed as if they are drugs—some of which have the same benefits and risks of drugs.

The amendment offered by the Gentlewoman from Texas (Ms. JACKSON-LEE) sought to clarify the bill. But the proponents of the bill rejected this amendment. As a result, the bill is confusing in its scope and I voted against it for that reason.

I hope the bill is improved in the Senate to apply only to those who sell "food" as that term is normally used. Products marketed as drugs should be dealt with separately.

#### PERSONAL EXPLANATION

**HON. PORTER J. GOSS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 11, 2004*

Mr. GOSS. Mr. Speaker, this evening I had to depart early for a previously scheduled meeting. As a result, I was not able to be present for rollcall votes 52, 53, and 54. Had I been present, I would have voted "no," on rollcall votes 52 and 53. I would have voted "yea," on rollcall vote 54. I request that this

statement appear at the appropriate place in the RECORD. Thank you.

#### COMMEMORATING THE LIFE OF HENRY JO VON TUNGELN

**HON. FRANK D. LUCAS**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 11, 2004*

Mr. LUCAS of Oklahoma. Mr. Speaker, today I wish to remember and honor an outstanding citizen, Henry Jo Von Tungeln from Calumet, Oklahoma, who passed away on February 28th.

Henry Jo was born on May 13, 1931 southwest of El Reno, Oklahoma. He was a fourth generation farmer and rancher in Canadian County. He was known throughout his community and the State for his commitment to community service and to the agriculture industry.

Henry Jo was a tireless champion of agriculture, which was exemplified through his dedication to numerous agriculture organizations. He was active in the Oklahoma Farm Bureau, where he served as Vice President of The Oklahoma Farm Bureau State Board of Directors. He also served as the Canadian County Farm Bureau President for 45 years. He served 3 terms as Chairman of the Oklahoma Wheat Commission and was appointed by three Governors. He also served as Secretary, Vice Chairman and Chairman of the U.S. Wheat Associates. He served on the Dean's Advisory Committee for the Oklahoma State University Division of Agriculture. In 2000, Henry Jo received the OSU Master Agronomist award. He was elected to the Oklahoma Agriculture Hall of Fame in 2002. Henry Jo served on the Oklahoma Beef Council Board of Directors. He received the Oklahoma Farm Bureau Service Award. Henry Jo served on the International Trade Commission. He was elected Progressive Farmer Man of the Year in 2001. He also received the Agriculture Ambassador Award from Redlands Community College.

Perhaps Henry Jo was best known for opening his home to many of us for discussions about the things that would benefit his community and the agriculture industry, so that future generations could enjoy the same way of life that he so enjoyed. He welcomed many to his dinner table, including international groups who were visiting Oklahoma to learn more about our agricultural products. He was an amazing ambassador for our State.

Mr. Speaker, I join today with Henry Jo's family, friends, and community to honor his life and his commitment to his family, his community, and to the advancement of agriculture. He was an outstanding man and will truly be missed by all who knew him.

#### SPECIAL TRIBUTE TO GARY L. BRYENTON FOR HIS DEDICATED SERVICE IN THE STATE OF OHIO

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 11, 2004*

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to

Mr. Gary L. Bryenton, an outstanding gentleman and good friend from Ohio, upon his retirement from his position as the Executive Partner of the Baker and Hostetler law firm, headquartered in Cleveland, OH.

Gary Bryenton grew up on a farm in Litchfield, OH, in Medina County. He graduated from Buckeye High School in 1957.

Gary started his professional career following his graduation from Heidelberg College in 1961. He then moved on to work for the Arthur G. McKee Company in Cleveland, as an assistant editor. Gary was graduated from Case Western Reserve Law School in 1965, where he served as Editor-in-Chief of the law review and was a member of the National Moot Court Team. Upon graduation, Gary joined the law firm of Baker, Hostetler & Patterson as an associate.

Mr. Speaker, in 1972, Gary became a partner in his law firm and was appointed Managing Partner of the Cleveland Office. He became a member of the Policy Committee in 1987, was appointed Chief Operating Officer in 1996, and was elected as the Executive Partner (CEO) of the 550-member firm in 1997.

The responsibilities of this position involved directing and managing all executive functions, serving as principal spokesman for the firm, serving on numerous charitable, civic, private, and public company boards of directors, and occasionally taking on the responsibilities as legal counsel for some of the firm's larger clients.

Mr. Bryenton has held a number of other administrative positions at the firm, in addition to chairing the firm's Policy Committee. These other positions include Chairman of the Recruiting Committee, Chairman of the Practice Development Committee, and Chairman of the firm's Community Relations and Political Action Committees. Mr. Bryenton has served as a trustee of the Cleveland Bar Association, a member of its Professional Ethics Committee, and Editor of the Cleveland Bar Journal.

He also serves on the boards of directors of many corporations and on the boards of trustees of numerous charitable and civic organizations. Mr. Bryenton is a Board member of the Cleveland Orchestra, The National Conference for Community and Justice, The Greater Cleveland Growth Association, and the Rock and Roll Hall of Fame and Museum. He is the Chairman of the Board of Trustees of Heidelberg College, from which he and his wife, Barbara, were graduated.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Gary L. Bryenton. Our communities are served well by having such honorable and giving citizens, like Gary, who care about their well being and stability. We wish Gary and his family all the best as we pay tribute to one of Ohio's finest citizens.

#### INTRODUCTION OF A BILL THAT WOULD GRANT UNCONDITIONAL AND PERMANENT TRADE RELATIONS TO UKRAINE

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 11, 2004*

Mr. LEVIN. Mr. Speaker, today my brother, Senator LEVIN, and I have introduced a bill

that would grant unconditional and permanent normal trade relations (PNTR) to Ukraine and remove Ukraine, unconditionally and permanently, from the application of the so-called Jackson-Vanik amendment. The legislation would provide an historic update in U.S.-Ukraine trade relations. It would strengthen U.S.-Ukraine relations and reinforce progress Ukraine has made in many areas. Additionally, the legislation would ensure that Congress continues to play an active role—with the Administration and with Ukraine—in confronting trade disputes and negotiating the terms of Ukraine's WTO accession.

This legislation is the culmination of a month's long effort, involving consultations with the Ukrainian Embassy, Ukrainian groups in the United States, other Members of Congress, including some on the Helsinki Commission, and other groups that have expressed an interest in Ukraine's removal from Jackson-Vanik. I think that it addresses many of the concerns that have been raised in a way that will help Ukraine PNTR on its way through Congress.

The legislation expands on a Ukraine PNTR bill that my brother and I introduced a couple of years in the 107th Congress (H.R. 4723/S. 3089). The bill we are introducing today reflects updates and improvements from our previous bill, which we believe will help this one garner the broad support necessary to push the issue along.

I am aware that there are elections in Ukraine later this year, and we all know how important it is that those elections be conducted transparently and fairly, in accordance with international norms. My reasons for supporting PNTR for Ukraine relate to the importance of Ukraine and what PNTR can mean for its economic and democratic development, not to any individual candidacy.

It is useful to recall that the Jackson-Vanik amendment was itself an amendment to Title IV of the Trade Act of 1974, a trade statute. In particular, Title IV created a framework for conducting trade relations with non-market economies. The Jackson-Vanik amendment, which has been an effective tool for raising freedom of emigration and human rights concerns, is a key element of Title IV; however, the underlying purpose and function of the statute were and remain the conduct of trade relations.

Accordingly, PNTR legislation must address fundamental trade issues. Consistent congressional practice is to grant PNTR to a country that is subject to Jackson-Vanik only at the time of the country's WTO accession, or when negotiations on accession were effectively completed. In this way, Congress's vote on PNTR has served as a way to signal approval for the country's WTO accession agreement. Under this approach, Congress was able to exercise its constitutional prerogative to regulate commerce with foreign nations, and the American people benefited from the Administration negotiating the strongest possible agreement.

This precedent has led to an important series of successful accessions to the WTO, including most notably for China, on terms that reinforced the WTO rules-based system, and brought great benefits to the people of the United States as well as other WTO countries.

In the case of Ukraine, WTO accession terms are still being negotiated. I believe it is appropriate to depart from that precedent and

grant Ukraine PNTR now, so long as Congress retains a meaningful, effective tool to ensure that U.S. interests are fully addressed in those negotiations. And, there are many critical issues that still need to be addressed—Ukraine's protection for intellectual property rights, commitments to open its auto market, commitments in the services and other sectors, to name just a few. Moreover, there have been a number of recent trade tensions with Ukraine—including in the poultry sector. While these appear to have been addressed, they renewed concerns in Congress about trade relationships with Ukraine.

This legislation ensures that Congress will continue to play an active role in addressing trade problems as they emerge and in obtaining a strong WTO accession agreement from Ukraine. While giving up the precedent of using the PNTR vote as a proxy for approval of WTO accession, the legislation allows Congress to consider a resolution directly addressing the terms of agreement between the U.S. and Ukraine on Ukraine's WTO accession. While in its form, this resolution would be non-binding on the Executive, it would provide Congress with an important tool to assure itself continuing oversight over the Executive as it forms the terms of Ukraine's WTO accession.

There are two sides to the PNTR coin—the trade issues and the "Jackson-Vanik" issues. The Jackson-Vanik amendment was a historic piece of legislation, aimed at addressing a serious problem in the former Soviet Union. It set forth important criteria related to freedom of emigration necessary for certain countries to obtain normal trade relations with the United States. Even from its inception, however, the Jackson-Vanik amendment was not only concerned with freedom of emigration, but also reflected the American commitment to human rights and freedom of religion. This fact is evident not only in the preamble of the Jackson-Vanik amendment, but also in the operation of U.S. relations with the former Soviet countries for nearly 30 years.

I think it is appropriate, then, that as we consider graduating Ukraine from the Jackson-Vanik amendment, that we place a strong emphasis on American values of freedom of emigration, religious freedom, and human rights issues. These were the issues at the core of the Jackson-Vanik amendment, and continue to be relevant when considering termination of this amendment. I am glad that we were able to craft a bill that addresses these vital issues in a responsible way, rather than giving them "check-the-box" cursory treatment or not addressing them at all.

#### INTRODUCTION OF FEDERAL AIR MARSHAL LEGISLATION

**HON. FRANK A. LOBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 11, 2004*

Mr. LOBIONDO. Mr. Speaker, I rise today to introduce legislation to allow the Federal Air Marshal Service to offer their specialized training services to foreign law enforcement personnel.

Last December, in the wake of perceived threats to certain flights from foreign countries, the Department of Homeland Security placed