

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-MES-  
SENGER

**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, GEN-  
ERAL MANAGER, WESTERN MU-  
NICIPAL 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