

valor during World War II in attacking and shooting down the enemy aircraft transporting Japanese Admiral Isoroku Yamamoto; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. CRAIG, Ms. STABENOW, Mr. SCHUMER, Mr. JEFFORDS, Mr. SPECTER, Mrs. CLINTON, Mrs. BOXER, Ms. COLLINS, Mr. CRAPO, Mr. DAYTON, Ms. SNOWE, Mr. DOMENICI, Mr. COLEMAN, Mr. LEAHY, and Mrs. FEINSTEIN):

S. Res. 293. A resolution expressing the sense of the Senate that the President and United States Trade Representative should ensure that any future free trade agreements do not harm the dairy industry of the United States; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. ALLEN, Mr. AKAKA, Mr. PRYOR, Mr. KERRY, Mr. NELSON of Nebraska, Mr. DODD, Mr. DAYTON, Ms. MIKULSKI, Mr. GRASSLEY, and Mr. COCHRAN):

S. Res. 294. A resolution designating January 2004 as "National Mentoring Month"; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. BIDEN, and Mr. ALLEN):

S. Con. Res. 87. A concurrent resolution welcoming the Prime Minister of Turkey to the United States; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1108

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1108, a bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

S. 1143

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1189

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1189, a bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001.

S. 1335

At the request of Mr. GRAHAM of Florida, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1345

At the request of Mrs. MURRAY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1345, a bill to extend the authorization for the ferry boat discretionary program, and for other purposes.

S. 1431

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1484

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1484, a bill to require a report on Federal Government use of commercial and other databases for national security, intelligence, and law enforcement purposes, and for other purposes.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1588, a bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes.

S. 1700

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local

crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1813

At the request of Mr. LEAHY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. 2006

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2006, a bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 2034. To establish 3 memorials to the Space Shuttle Columbia in the State of Texas; to the Committee on Energy and Natural Resources.

Mrs. HUTCHISON. Mr. President, today in honor of the memory and sacrifice of seven astronauts whose lives were tragically cut short one year ago in the destruction of the Space Shuttle Columbia, I bring to the floor a bill to authorize the construction of several memorials in communities that were severely effected by the event.

This bill authorizes \$5 million to be used in communities along the Space Shuttle Columbia Recovery Corridor: specifically, Lufkin, Hemphill, and Nacogdoches, TX. Each of these communities have started work with NASA to memorialize the disaster and the indomitable spirit of adventure and courage, the spirit that defies complacency and accepts challenge, the spirit that each of these astronauts, and each of these communities showed.

This spirit of adventure turned space travel from dreams to a reality. It is this spirit of challenge which fueled the courage and ambition of seven men and women into the sky on January 6, 2003. It is also this same spirit that drives these communities to permanently commemorate the high price we sometimes pay for reaching new horizons.

Hemphill, TX, where the nose cone of the Shuttle was found, is also where the remains of the crew were recovered. The VFW post in Hemphill fed thousands of volunteers for weeks without so much as a complaint or a dime. The men and women of Hemphill did not take their task lightly, but rather with a solemn grace and dignity.

The greatest amount of debris came down in the populated areas of Nacogdoches, TX. Backyards and streets were littered with debris, permanently altering the community. The citizens of Nacogdoches pulled together and focused on the recovery, working day and night with NASA until the job was complete. A spirit of courage overran the community of Nacogdoches and their sacrifice should never be forgotten.

The population of Lufkin, TX doubled overnight as the retrieval effort started. The people of Lufkin opened their doors and hearts to thousands and made their civic center NASA's Columbia retrieval command center. From combing the streets and fields for debris to making home cooked meals for the recovery workers, the people of Lufkin mustered around the Columbia tragedy.

In recent years, America has borne too much tragedy and experienced too much grief, but our collective loss still sears our souls and the pain is never easy to bear. Today, just one year after they vanished into the deep blue skies of Texas, we pause to remember and honor Rick Husband, Kalpana Chawla, Laurel Clark, Ilan Roman, William McCool, David Brown, and Michael Anderson.

And though the families' losses cannot be diminished, their pain and grief is shared around the world and our prayers are with them. This bill will memorialize their sacrifice and will honor the courageous spirit of the communities effected. Their sacrifices will never be forgotten.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2034

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Columbia Space Shuttle Memorials Act of 2004".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **MEMORIAL.**—The term "memorial" means each of the memorials to the Space Shuttle Columbia established by section 3(a).

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

#### SEC. 3. MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.

(a) **ESTABLISHMENT.**—There are established as units of the National Park System 3 memorials to the Space Shuttle Columbia to be located on the 3 parcels of land in the State described in subsection (b) on which large debris from the Space Shuttle Columbia was recovered.

(b) **DESCRIPTION OF LAND.**—The parcels of land referred to in subsection (a) are—

(1) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of E. Hospital Street and N. Fredonia Street, Nacogdoches, Texas;

(2) the parcel of land owned by Temple Inland Inc., located 10 acres of a 61-acre tract

bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas; and

(3) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas.

(c) **ADMINISTRATION.**—The memorials shall be administered by the Secretary.

(d) **ADDITIONAL SITES.**—The Secretary may recommend to Congress additional sites in the State of Texas related to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$5,000,000 for fiscal year 2004, to remain available until expended.

By Mr. GRAHAM of South Carolina (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DEWINE, Mrs. CLINTON, Ms. MURKOWSKI, Mr. ALLEN, Mr. SMITH, Ms. LANDRIEU, Mr. REID, Mr. LAUTENBERG, Mr. PRYOR, Mr. KERRY, Ms. CANTWELL, Mrs. LINCOLN, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. BOXER, Mrs. MURRAY, Mr. DORGAN, Mr. JOHNSON, Mr. BINGAMAN, Mr. DAYTON, Mr. KENNEDY, Ms. MIKULSKI, and Mr. NELSON of Nebraska):

S. 2035. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes; to the Committee on Armed Services.

Mr. SMITH. Mr. President, I rise today to join my colleagues in cosponsoring the National Guard and Reserves Reform Act for the 21st Century.

I am proud of Oregon's citizen-soldiers, and I firmly believe we need the Guard and Reserves more today than we have in decades. Forces of the United States National Guard and Reserves make essential and effective contributions to Operation Iraqi Freedom and other ongoing military operations. Oregon units have been on the vanguard of these operations.

While our dependence on the reserves has increased, their basic pay and benefits structure remained largely unchanged until last year. Through a strong bipartisan effort Congress passed a bill to extend TRICARE benefits to National Guard and Reservists. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well-being of Oregonians in uniform as well as that of their families.

This bill will improve the medical readiness of our Reserve and Guard forces, increase recruiting and retention, and offer faster and less cumbersome mobilizations. Healthier citizen-soldiers make our military more effective. As we continue the war on terror, we need a healthy and motivated fighting force. This legislation will work toward that end.

The Guard and Reserves in my State have selflessly responded to the call of our country, and we cannot forget that

part-time soldiers have full-time health needs. In order to ensure our citizen-soldiers are healthy when they are needed, I urge my Congressional colleagues to pass this bill to continue health care coverage to our Reservists and Guardsmen.

By Mrs. FEINSTEIN:

S. 2036. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to provide lawful permanent residence status to Jose Buendia Balderas, Alicia Aranda De Buendia and Ana Laura Buendia Aranda, Mexican nationals who live in the Fresno area of California.

I have decided to introduce legislation on their behalf because I believe this family is deserving of an exception.

Firstly, an immigration judge has granted the family relief, only to have that decision overturned by the Board of Immigration Appeals. Immigration Judge Polly A. Webber heard that Jose Buendia and his wife, Alicia Aranda de Buendia, should be granted cancellations of removal under the Immigration and Nationality Act. In her decision, Immigration Judge Webber stated that she felt that the Buendias 9-year-old son would face exceptional and extremely unusual hardship if the family was deported from the United States.

The immigration judge's decision was based on testimony taken from Jose and Alicia Buendia, as well as Alicia Buendia's sister, who is a lawful permanent resident. The immigration judge found that if the Buendia's son "wanted to go to school in Mexico past sixth grade, he would have major obstacles in being able to do so, which the Court can only take as extreme hardship in terms of 2-hour transportation that may or may not be available, separation from parents, perhaps having to live in a strange environment with strange people, moving away from his relatives in the United States . . . being subjected to substandard health care, economic instability, and poor living conditions."

Unfortunately, the Board of Immigration Appeals overturned the immigration judge's decision. In a one paragraph decision the Board of Immigration Appeals concluded "that the respondent failed to establish the required hardship to his United States citizen son, who was age 9 at the time of the hearing." That one sentence was the basis for overturning an immigration judge's decision.

Secondly, Mr. Buendia attempted to legalize his immigration status but was not successful due to an unscrupulous lawyer and a misinterpretation by the Immigration and Naturalization Service concerning applicants eligibility to apply for legalization under the 19876 amnesty law.

Because Mr. Buendia has been in this country for so long, he qualified for legalization pursuant to the Immigration and Reform Control Act of 1986. Unfortunately his legalization application was never acted upon.

One reason it was not acted upon is because his attorney, Jose Velez, was convicted of fraudulently submitting legalization and Special Agricultural Worker applications. Because of the criminal conviction, all of Mr. Velez's applications were suspect. Although Mr. Buendia's application under the legalization program was found not to contain any fraudulent documentation associated, here began his problems.

Mr. Buendia's legalization application was flagged under Operation Desert Deception, a large-scale investigation which targeted providers of fraudulent applicants and documentation under the legalization and Special Agricultural Workers program. Dozens of people, including INS officers, were convicted of legalization fraud, bribery or tax evasion. At the time of filing Mr. Buendia's application with the Immigration and Naturalization Service the attorney, Jose Velez, was under investigation.

Although Mr. Buendia qualified for legalization because he arrived in the United States prior to January 1, 1982 he was not able to attend his interview in 1990 due to the investigation into his attorney.

Thirdly, it took the Immigration and Naturalization Service nearly 7 years to make a finding concerning his case. He was originally scheduled to be interviewed in June of 1990 on his application for legalization. The official Memo to File by the Immigration and Naturalization Service determining Mr. Buendia's application contained no fraudulent information was not posted until January 1997.

Fourthly, in the intervening years another problem arose. An interpretation by the Immigration and Naturalization Service as to the application of the law to legalization cases such as Mr. Buendia's. Because Mr. Buendia departed the United States in 1987 to marry his wife in Mexico, the Immigration and Naturalization Service stated he was no longer eligible for legalization when it again reviewed his application in 1997. This issue was litigated in *CSS v. Meese* and Mr. Buendia was a class member in this lawsuit. Unfortunately this lawsuit provide unhelpful to Mr. Buendia because the end result of the litigation was a much more limited class of eligible applicants.

Finally, and of substantial importance, this family has been here for 17 years and built a life here. The Buendias own property, are hard workers, are community minded and have two children in school—one of whom is a U.S. citizen.

Mr. Buendia is a valued employee of Bone Construction. He has been employed by this cement company for the past 5 years. He has proven himself, rising to become a lead foreman. His

employer, Timothy Bone, says Mr. Buendia is a "reliable, hardworking and conscientious" employee.

Mr. Buendia has an exemplary work history. From 1981 to 1989 he worked for Ascension Hernandez as a landscaper in League City, TX. Thereafter he moved to Las Vegas, NV where he continued to work in landscaping. In 1990 he and his family settled in Reedley, CA where he began working in construction. Knowing nothing about construction, having a background in landscaping, Mr. Buendia was disciplined and persistent in his training and is now a lead foreman for a cement construction company. Mr. Buendia is such a hard worker that he even has his own cement company, which he works on weekends.

Alicia Buendia, Jose Buendia's wife, works as a seasonal fruit packer. Cliff Peters, the owner of Wildwood Orchards where Alicia Buendia worked during the 2003 season, says she is "a hard worker, dependable, and consistently did a good job." He added that work would be available to her on an ongoing seasonal basis. Mrs. Buendia has worked as a seasonal fruit packer for several years.

Their daughter, Ana Laura, is in the 10th grade at Reedley High School where she has earned a 4.0 GPA which shows she is a highly motivated student. An important consideration in this case is that Ana Laura was brought to the United States by her parents when she was only 2 years old. Ana Laura, who will be 16 years old this year, has known no other country than the United States. She believes she is an American. But now she is told she must return to Mexico, a country she has never lived in.

The Buendia's son, Jose, who was born in the United States, is in 8th grade. Like his sister, this is the only country he knows.

Ana Laura and Jose's elementary school principal speaks highly of not only the children but the Buendias. This even though the children are now in high school. Mary Ann Carouso, principal, says in an e-mail to my office, "I can tell you that I have rarely met 2 more active, concerned, supportive parents than Alicia [sic] and Jose Buendia! . . . I don't think they ever missed a parent club meeting." Principal Carouso also says that "Both Jose and Alicia continued to help at our school for several years after their youngest child had graduated . . . Jose, Sr. frequently hauled chairs across a dark parking lot at 9:00 p.m. at night following a parent club meeting . . . He often talked about what parents should be doing to help the school out so that excess money didn't have to be spent on simple construction projects. Alicia is a mom who just never says no to requests for help." With that type of endorsement it seems to me we should be thankful to have such involved parents in our communities.

This family has embraced the American dream, and I believe they should

be allowed to continue to live in this country. If this legislation is approved, the Buendias will be able to continue to make significant contributions to their community and the United States. It is my hope that Congress passes this private legislation.

I ask unanimous consent numerous letters of support our office has received from members of the Reedley community be printed in the RECORD.

There being no objection, material was ordered to be printed in the RECORD, as follows:

BONE CONSTRUCTION, INC.,  
Fresno, CA, December 16, 2003.

Senator DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

Thank you for responding to Jose and Alicia Buenda's tragic story. Simply, in my judgment the Immigration and Naturalization Service has run amok in regards to Jose's persistent effort to properly be granted citizenship. And, consequently, he and Alicia are being treated outrageously unjust and ordered to be deported from Bakersfield on December 31, 2003 for no legitimate reason, leaving behind their two children without parental guidance and financial support. Personally, I am embarrassed by "the system's" total disregard for the Buenda family and failure to recognize their "rights" and exemplary citizenship. The Buenda's story is a tragedy and someone should be held responsible.

Jose has been employed with Bone Construction Inc., for the past four years. He is a gentleman and model employee who has earned the position of lead foreman. He and his family enjoy our benefit package of health insurance and a retirement plan. He possesses a valid social security number, work visa and driver's license. And he has requested the appropriate withholding taxes. Simply, he is self directed and a leader in our organization with a very promising future.

Your response is urgently being anticipated. Jose has turned to me for counsel. He is obviously terrified by the order of deportation and does not know what to do in regards to compliance. For sure, he does not want to be a fugitive. We are working feverishly to find a compassionate ear and immediate assistance. We are praying for a Christmas miracle.

Respectfully,

TIMOTHY F. BONE.

WILDWOOD ORCHARDS,  
January 9, 2004.

Re Alicia A. Buendia.

To Whom It May Concern: Alicia Buendia worked in the Wildwood Orchards packing shed during the 2003 season. She earned approximately \$10.00 per hour packing fresh fruit on a piecemeal basis.

She was a hard worker, dependable, and consistently did a good job. Work would be available to her on an ongoing seasonal basis.

Sincerely,

CLIFF PETERS,  
Owner.

From: Mary Ann Carouso <carouso-m@kingscanyon.usd.k12.ca.us>  
To: <shelly\_abajian@feinstein.senate.gov>  
Date: Tuesday, January 6, 2004  
Subject: Jose & Alicia Buendia  
Good morning, Shelly.

First, here is the information you wanted on the children.

(1) Ana "Laura" Buendia, Grade 10, Reedley High School (John Campbell, principal).

Biology with Tony Rocella  
 Drama 2 with Erin Bray  
 French 2 with Gail Hutchinson  
 PE with Pablo Saenz  
 Tutorial with Pablo Saenz  
 Video Prod. with Noe Camacho  
 English with Jennifer Moore  
 Geometry with James Rudometkin  
 Jose "Alex" Buendia, Grade 8, Grant Middle School, (Bill Wachtel, principal).  
 Homeroom with Lynn Mann  
 Science with Eric Thiessen  
 Algebra with Lee Bull  
 Reading/Writing with Jean Crawford  
 PE with Rick Furlong  
 Computer with Kristie Bartlett  
 Academic Skills with Monica Benner

Secondly, I promised to give you some notes on the conversation we had last night. Both Laura and Alex attended elementary school here at Jefferson School, where I am the principal. I can tell you that I have rarely met 2 more active, concerned, supportive parents than Alicia and Jose Buendia! As a new principal, I appreciated the eagerness that Jose and Alicia demonstrated in stepping up to any matter of parental involvement! Neither of them let the language barrier stand in the way of their VERY ACTIVE involvement at our school. I don't think they ever missed a parent club meeting. Alicia was at school several days a week volunteering for whatever project I needed help on. She attended district level meetings as our parent representative for several years. Both Jose and Alicia continued to help at our school for several years after their youngest child had graduated. (I used to tease them about having more children so I could keep them at Jefferson forever!) Jose, Sr. frequently hauled chairs across a dark parking lot at 9:00 p.m. at night following a parent club meeting that had to be held at our neighboring school. He often talked about what parents should be doing to help the school out so that excess money didn't have to be spent on simple construction projects. Alicia is a mom who just never says no to requests for her help. Both Ana (Laura) and Jose, Jr. (Alex) were good students at Jefferson, whose teachers were always delighted to see their names on their rosters at the beginning of the year. I can't help but feel that, if anything, these 2 extraordinary parents are being punished for simply being too honest. I want VERY MUCH to help them. I have appreciated TREMENDOUSLY the work of Senator Feinstein's office in assisting these great folks. My letter of support is included in the Buendia packet. Please let me know how I can rally support for these amazing people. I owe them that at the very least, for their extraordinary friendship to Jefferson Elementary School.

Sincerely,

MARY ANN CAROUSSO.

S. 2036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENT STATUS FOR JOSE BUENDIA BALDERAS, ALICIA ARANDA DE BUENDIA, AND ANA LAURA BUENDIA ARANDA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda enter the United States before the filing deadline specified in subsection (c), Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 202(e) of that Act.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2037. A bill to transfer administrative jurisdiction of a parcel of real property comprising a portion of the Defense Supply Center in Columbus, Ohio, and for other purposes; to the Committee on Armed Services.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2037

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TRANSFER OF ADMINISTRATIVE JURISDICTION, DEFENSE SUPPLY CENTER, COLUMBUS, OHIO.**

(a) TRANSFER REQUIRED.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 20 acres and comprising a portion of the Defense Supply Center in Columbus, Ohio.

(b) USE OF THE REAL PROPERTY.—The Secretary of Veterans Affairs shall use the real property as the site for the construction of a new outpatient clinic for the provision of medical services to veterans.

(c) ENVIRONMENTAL ASSESSMENT OF REAL PROPERTY.—

(1) ASSESSMENT.—Prior to the transfer of the real property under subsection (a), the Secretary of the Army shall conduct an environmental assessment of such property to document all reasonably ascertainable information that exists on the environmental condition of such property.

(2) COSTS.—Any costs incurred in conducting the assessment under paragraph (1), including any costs associated with any ac-

tions undertaken to bring such property into compliance with any Federal, State, or local environmental laws or regulations, shall be borne by the Secretary of the Army.

(d) DESCRIPTION OF REAL PROPERTY.—

(1) SURVEY REQUIRED.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(2) COST.—The cost of the survey carried out under paragraph (1) shall be borne by the Secretary of Veterans Affairs.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 2039. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded posthumously to Rex T. Barber of Terrebonne, Oregon, for acts of valor during World War II in attacking and shooting down the enemy aircraft transporting Japanese Admiral Isoroku Yamamoto; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, I am pleased to be joined by Senator SMITH in introducing a bill to waive all statutory time limitations so that Colonel Rex T. Barber, of Terrebonne, OR may be posthumously awarded a Medal of Honor.

Colonel Rex T. Barber was a World War II fighter pilot who risked his life to shoot down Admiral Isoroku Yamamoto, the Commander in Chief of the Combined Japanese Fleet and architect of the attack on Pearl Harbor.

Our bill not only waives the statutory time limitations applying to the Medal of Honor, but also requests that the President posthumously award the medal to this deserving man.

On April 18, 1943, Barber, then a first lieutenant in the 399th Fighter Squadron of the South Pacific Air Forces, Army Air Corps, undertook a top secret mission to shoot down Yamamoto. Barber successfully attacked a bomber transporting Yamamoto despite heavy counterattacks by Japanese fighters escorting the admiral. Upon return to base, Barber found more than 100 holes in his aircraft. Admiral Yamamoto's plane crashed in flames, killing Yamamoto and his crew.

This brave exploit of Colonel Barber is well-documented, and I look forward to working with my colleagues in the Oregon delegation, the Congress, and ultimately the President, to see that his bravery is formally recognized.

I ask unanimous consent that the text to the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2039

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO REX T. BARBER FOR VALOR DURING WORLD WAR II.**

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744 of title 10, United States Code, or any other time limitation applicable with respect to the awarding of certain medals to

persons who served in the Air Force, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of that title to Colonel (retired) Rex T. Barber, United States Air Force, of Terrebonne, Oregon, for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the conspicuous acts of gallantry and intrepidity of Rex T. Barber at the risk of his life and beyond the call of duty on April 18, 1943, while serving as a first lieutenant in the 339th Fighter Squadron of the South Pacific Air Forces, Army Air Corps, in successfully attacking and shooting down the enemy bomber aircraft transporting Admiral Isoroku Yamamoto, the Commander in Chief of the Combined Japanese Fleet and architect of Japan's attack on Pearl Harbor.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 293—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT AND UNITED STATES TRADE REPRESENTATIVE SHOULD ENSURE THAT ANY FUTURE FREE TRADE AGREEMENTS DO NOT HARM THE DAIRY INDUSTRY OF THE UNITED STATES

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. CRAIG, Ms. STABENOW, Mr. SCHUMER, Mr. JEFFORDS, Mr. SPECTER, Mrs. CLINTON, Mrs. BOXER, Ms. COLLINS, Mr. CRAPO, Mr. DAYTON, Ms. SNOWE, Mr. DOMENICI, Mr. COLEMAN, Mr. LEAHY, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Finance:

##### S. RES. 293

Whereas the United States is home to thousands of dairy producers, with dairy farmers in every State;

Whereas, as of the date of this resolution, the United States and the Australia are negotiating the development of a free trade agreement;

Whereas these negotiations could have dire consequences for several of the agricultural industries of the United States, including the dairy industry;

Whereas improper treatment of dairy in the United States-Australia Free Trade Agreement could concentrate the exporting focus of Australia largely on the United States; and

Whereas significantly increasing access to the dairy markets of the United States for Australian imports would greatly undermine milk prices, thwarting Federal efforts to support dairy producers and their families: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the President and the United States Trade Representative should exercise great caution in negotiating and drafting the trading terms that would apply to the dairy industry under the proposed United States-Australia Free Trade Agreement.

Mr. FEINGOLD. Mr. President, as many of my colleagues know, Wisconsin's dairy industry is one of the largest industries in the State, generating billions of dollars for the State's economy. With an estimated impact of \$18.5 billion, milk sustains over 16,000 farm families and nearly 200,000 jobs in the

State. With thousands of dairy farms and hundreds of dairy processors, the industry is vital to creating and sustaining good jobs in Wisconsin. These numbers do not capture the full import of the dairy industry, however. In Wisconsin, dairy is more than an issue of dollars and cents—it is part of our heritage that every Wisconsinite takes pride in.

America's Dairyland is already threatened by bad trade agreements, but one of the worst for dairy farmers is currently in the works. U.S. negotiators are trying to wrap up a trade agreement with Australia, which is expected to include new terms of trade for agricultural commodities. Any agreement with Australia, and any subsequent agreement with New Zealand, could have a very negative impact on Wisconsin's dairy industry.

The administration has contemplated changes to our trade laws that would lay open our markets to dairy and other farm products from Australia and possibly New Zealand. Australian and New Zealand milk producers are among the many who have been using a trade loophole on milk protein concentrates to undercut our domestic dairy prices, a loophole that I am working to close. Further imports from Australia can only push U.S. milk prices lower.

This proposal comes at a time when dairy farmers are just beginning to think about a recovery from the low milk prices of the past few years. The impact of this agreement on the Nation's dairy industry, and Wisconsin in particular, will be significant. According to the National Milk Producers Federation, the flood of imports from Australia that would follow from a trade agreement could cost this country nearly one-quarter of our dairy farms. Wisconsin has been losing dairy farms at an alarming rate, and we certainly cannot afford a trade agreement that hastens that change.

I have opposed the efforts of the U.S. Trade Representative to pursue this agreement given its negative consequences for Wisconsin. I have clearly stated my position, and the position reiterated to me by dairy farmers across the State, to Ambassador Zoellick. Joined by 30 of my State colleagues, I have called upon President Bush to respond to the concerns of Americans regarding the negotiations on a free trade agreement with Australia. Today, along with several of my of my colleagues—Senators KOHL, CRAIG, STABENOW, SCHUMER, JEFFORDS, SPECTER, CLINTON, BOXER, COLLINS, DAYTON, CRAPO, DOMENICI, and SNOWE. I am submitting a resolution reiterating the fact that we must ensure that our dairy industry, especially dairy producers, will not suffer undue hardships if this agreement is put in place.

If the U.S. gives Australia significantly increased access to our dairy market, this will greatly undermine milk prices, thwarting federal efforts to support dairy producers and their

families. Estimates suggest that an agreement with Australia would cost this country more than 150,000 jobs that depend on a healthy U.S. dairy sector. Wisconsin's communities are at great risk, and I call on all my colleagues to join me in working to protect the country's dairy industry from an unfair trade agreement with Australia.

Mr. KOHL. Mr. President, I join my colleague from Wisconsin in support of this resolution. I remain deeply concerned about the direction the President's negotiators are headed in the U.S.-Australia Free Trade negotiations.

I know there are lots of moving parts to this or any trade negotiation. But if recent reports are correct the U.S./Australia negotiations seem to be boiling down to a handful of critical issues—among them are dairy and drugs. Australia is angling for more access to our dairy markets. The Bush Administration, on behalf of pharmaceutical manufacturers, is pushing for greater access to Australia's Pharmaceutical Benefits Scheme.

I suspect I know who wins if the Bush administration has to make a trade-off between the interests of dairy farmers and huge pharmaceutical corporations. The Bush administration demonstrated remarkable loyalty to pharmaceutical manufacturers during debate on the Medicare bill. I suspect those loyalties are alive and well and fear they may trump the interests of thousands of dairy producers and processors across the country.

Out of an abundance of caution, I will reserve judgment on the final package until we have something more concrete to review. But the President's negotiators should be on notice that we will be closely following these negotiations to assure that dairymen's concerns are given every consideration.

#### SENATE RESOLUTION 294—DESIGNATING JANUARY 2004 AS "NATIONAL MENTORING MONTH"

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. ALLEN, Mr. AKAKA, Mr. PRYOR, Mr. KERRY, Mr. NELSON of Nebraska, Mr. DODD, Mr. DAYTON, Ms. MIKULSKI, Mr. GRASSLEY, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 294

Whereas mentoring is a strategy for motivating and helping young people succeed in life, by bringing them together in structured and trusting relationships with caring adults who provide guidance, support, and encouragement;

Whereas mentoring offers a supportive environment in which young people can grow, expand their vision, learn necessary skills, and achieve a future that the young people never thought possible;

Whereas a growing body of research shows that mentoring benefits young people in numerous ways, through improvements in