

basis for the 9th Circuit's decision in *Conservation Force v. Manning*.

I am not a lawyer, but my understanding is that lawyers and judges use that term to refer to the judicially-established doctrine that the commerce clause is not only a "positive" grant of power to Congress, but also a "negative" constraint upon the States in the absence of any Congressional action—in other words, that it restricts the powers of the states to affect interstate commerce in a situation where Congress has been silent.

Section 2(a) of the bill would end the perceived silence of Congress by affirmatively stating that state regulation of fishing and hunting—including State regulation that treats residents and non-residents differently—is in the public interest. This is intended to preclude future application of the "dormant commerce clause" doctrine with regard to such regulations.

Section 2(b) would make it clear that even when Congress might have been silent about the subject, that silence is not to be construed as imposing a commerce-clause barrier to a state's regulation of hunting or fishing within its borders.

This bill is neither a federal mandate for state action nor a Congressional delegation of authority to any state. Instead, it is intended to reaffirm state authority and make clear that the "dormant commerce clause"—that is, Congressional inaction—is not to be construed as an obstacle to a state's regulating hunting or fishing, even in ways that some might claim adversely affect interstate commerce by treating residents differently from nonresidents.

It's also important to note that the bill is not intended to affect any federal law already on the books or to limit any authority of any Indian Tribe. Section 3 of the bill is intended to prevent any misunderstanding on these points.

Section 3(1) specifies that the bill will not "limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce."

Thus, to take just a few examples for purposes of illustration, the bill will not affect implementation of the Endangered Species Act, the Migratory Bird Treaty Act, the Lacey Act, the National Wildlife Refuge Administration Act, or the provisions of the Alaska National Interest Lands Conservation Act dealing with subsistence.

Section 3(2) similarly provides that the bill is not to be read as limiting the authority of the federal government to temporarily or permanently prohibit hunting or fishing on any portion of the federal lands—as has been done with various National Park System units and in some other parts of the federal lands for various reasons, including public safety as well as the protection of fish or wildlife.

And Section 3(3) explicitly provides that the bill will not alter any of the rights of any Indian Tribe.

Mr. Speaker, this bill is narrow in scope but of national importance because it addresses a matter of great concern to hunters, anglers, and wildlife managers in many states. I think it deserves broad support.

For the information of our colleagues, here is a brief outline of the bill and a letter of support from the International Association of Fish and Wildlife Agencies:

OUTLINE OF BILL

Section One provides a short title—"Reaffirmation of State Regulation of Resident

and Nonresident Hunting and Fishing Act of 2005."

Section Two has two subsections:

Subsection 2(a) states that it is the policy of Congress that it is in the public interest for each state to continue to regulate the taking of fish and wildlife for any purpose within its boundaries, including by means of laws or regulations that differentiate between residents and non-residents with respect to the availability of licenses or permits for particular species, the kind and numbers of fish or wildlife that may be taken, or the fees charged in connection with issuance of hunting or fishing licenses or permits.

Subsection 2(b) states that silence on the part of Congress is not to be construed to impose any barrier under the commerce clause of the Constitution to a state's regulation of hunting or fishing.

Section Three specifies that the bill is not to be construed as—limiting the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce; limiting the authority of the federal government to prohibit hunting or fishing on any portion of the federal lands; or altering in any way any right of any Indian Tribe.

Section Four defines the term "state" as including the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

INTERNATIONAL ASSOCIATION
OF FISH AND WILDLIFE AGENCIES,
Washington, DC, February 9, 2005.

Hon. MARK UDALL,
House of Representatives, Cannon House Office
Building, Washington, DC.

DEAR CONGRESSMAN UDALL: The International Association of Fish and Wildlife Agencies, whose government members include the fifty state fish and wildlife agencies, strongly supports your bill to reaffirm state regulation of resident and non-resident hunting and fishing. This bipartisan bill is necessary to address the recent decision of the Ninth Circuit in *Conservation Force v. Manning*, 301 F.3d 985 (9th Cir. 2002), cert. denied, 537 U.S. 1112 (2003). That unprecedented decision concluded that hunting of big game in Arizona substantially affects interstate commerce such that differential treatment of residents and nonresidents must be strictly scrutinized by federal courts.

By subjecting to strict scrutiny analysis under the dormant Commerce Clause state preferences for residents in highly prized species, the Ninth Circuit decision strikes at the ability of states to maintain the level of local sacrifice and contribution necessary to produce big game.

We appreciate your interest in rectifying the problems caused by the Ninth Circuit ruling and appreciate also the effort of your staff to assure the bill is sharply drawn so that it neutralizes the effect of the court ruling, but beyond that neither enlarges nor diminishes state authority. The limitations provisions of section 3 are written to insure that no existing federal or tribal authority relating to fish and wildlife would be affected.

Both resident and nonresident hunters and anglers contribute to conservation, yet it is essential to conservation efforts in the several States that the level of hunting and fishing opportunity for residents not be eroded. The passion and unity that derives from direct involvement by residents in fish and wildlife programs is a critical asset in resource protection and management. The bill you have introduced reaffirms that the states are the appropriate stewards of fish and wildlife resources within their borders, the hallmark of the highly successful model of fish and wildlife protection and manage-

ment in the United States. Permit numbers, license fees, hunt areas and season dates are best handled through the legislative and rulemaking processes at the state level.

Thank you again for your initiative in taking this bill forward. We look forward to working with you and your staff to achieve enactment of the bill.

TERRY CRAWFORTH,
President.

IN PRAISE OF OSCAR NOMINATION FOR AUTISM DOCUMENTARY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. BURTON of Indiana. Mr. Speaker, tonight I stand up to do something which some of my colleagues might at first glance think is unusual; namely I intend to praise the Hollywood establishment, and more precisely, the Academy of Motion Pictures Arts and Sciences. Normally when Members come to the Floor to talk about Hollywood, it is to discuss how out of touch Hollywood is with mainstream American values, but tonight I would like to commend Hollywood for doing something right. In a few short weeks are the Academy Awards, and this year there is a very special nominee in the category of documentary short subject; a concise film entitled: "Autism is a World."

This groundbreaking documentary gives viewers a front row seat into a week in the life of an extraordinary woman, Sue Rubin, as she confronts the day-to-day challenges of living with autism. The film's story chronicles Sue's journey to overcome her autism and a false childhood diagnosis of mental retardation to become a highly intelligent college junior—with an IQ of 133—and a tireless disabled rights activist. But Sue is not only the star of the film she is also the film's writer—she wrote the entire screenplay through facilitated communication, a process by which a facilitator supports the hand or arm of a communicatively impaired person while using a keyboard or typing device. Joining forces with Oscar award winning director, Gerardine Wurzburg, and Syracuse University Professor Douglas Biklen, founder of the Facilitated Communication Institute at Syracuse University, these three gifted individuals created a powerful film that tugs at the heart strings and at the same time challenges all the commonly held perceptions and stereotypes of autism.

Sue Rubin is truly an exceptional young woman. From the very beginning she never allowed herself to fall victim to her disability; and since the age of 13—when she was first able to show her true intelligence and express herself to the world through facilitated communication—she has used her experience to educate others about autism, and has been a shining example to her fellow students at Whittier College in California where she excels as a history major. She has also traveled throughout the United States to speak out publicly in support of the autism community and facilitated communication.

Medical research has not unlocked all the answers to autism and its causes, but through films like "Autism is a World," and the incredible efforts of individuals like Sue Rubin,

Douglas Biklen and Gerardine Wurzburg to reshape the way we think about autistic individuals we will hopefully come to realize that individuals afflicted with autism have so much to offer the world. I congratulate Sue Rubin and thank her for this courageous film; it is an excellent contribution to this year's Academy Awards. I wish everyone associated with this film the best of luck on Oscar night.

TRIBUTE TO ALBERT ROUTIER
VAUGHAN

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, Mr. Albert Routier Vaughan passed away on December 25, 2004, after a distinguished career spanning 42 years with the U.S. Secret Service and Vanderbilt University and a well-earned retirement. He was a resident of Highlands, North Carolina, at the time of his death.

Mr. Vaughan was born Albert Pouletaud in Paris, France, but became friends with a detachment of U.S. Marines in World War I. These marines were instrumental in getting him to the United States. Ted Vaughan, a sergeant in the detachment, gave young Albert instructions on how to reach the Vaughan household in Nashville. Ted Vaughan was a law enforcement officer. He helped young Albert, who became a Vaughan, with his career as a U.S. Secret Service Agent.

Mr. Vaughan served with distinction in his 32 year career with the Secret Service. He received many distinguished awards, including the prestigious Albert Gallatin award. He served ably under five presidents from Hoover to Kennedy.

After his retirement from the Secret Service, Mr. Vaughan served for 10 years as Director of Safety for Vanderbilt University in Nashville. His experience in the Secret Service proved invaluable for his position at Vanderbilt. He greatly enhanced the safety and security of the university and its environs during his tenure.

Mr. Vaughan was laid to rest on December 29, 2004, in his adopted hometown of Nashville. We are grateful that Mr. Vaughan as a young man adopted this country as his own and that those U.S. Marines were able to secure his passage. We are thankful for his long and distinguished service to our country and to Vanderbilt and for his life of service. We extend our heart-felt condolences to his family.

THE 60TH BIRTHDAY OF BOB
MARLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. RANGEL. Mr. Speaker, I rise to commemorate one of the most enduring figures of our time. Today marks the 60th anniversary of the birth of musical icon Bob Marley. The past week has seen a global celebration of Marley's life and works, and rightly so.

Bob Marley is one of the most transcendent and iconic figures in modern music history. In

the course of his life he would become the greatest cultural Ambassador that Jamaica, and arguably the Caribbean, has ever known. He introduced Rastafarianism to the world, and established his music, Reggae, once a little known Jamaican art form, as one of the world's most recognizable musical genres.

His music gave voice to the daily struggles of not only Jamaican people, but of all people struggling with oppression and poverty. He vividly captured not only their struggles to survive, but also the deep spiritual core that collectively sustained them.

In so doing, his songs would become anthems for oppressed people around the world, and inspire millions to unite in the quest for universal justice and freedom. So powerful was his persona and message that he was able to bridge the divide between the warring political parties in Jamaica, subsequently decreasing political violence in the country. Because of his power to move people, Marley would at times be viewed as a potential political threat at home and abroad.

The story of this great life would begin very humbly. He was born in the rural Jamaican village of St. Ann's Parish in 1945. He would leave his home for the capital city of Kingston at the age of 14, in hopes of becoming a musician. There he would begin his career as local singer. He was also introduced to Rastafarianism—whose philosophy and approach to life greatly influenced him and his music—and to a reggae genre still in its infancy.

In 1963 he would form a band with Peter Tosh and Bunny Livingston that would become known as The Wailers. The Wailers would spend the next few years developing their sound, and gaining a local following. In 1966, Bob would marry Rita Anderson, a woman who would have a profound effect on his life and music. As a means of supporting his new family, he temporarily emigrated to Newark, Delaware, where he worked in a factory.

Upon his return to Jamaica, he reformed The Wailers, dedicating himself to his music. This period would see The Wailers produce a wealth of new material, eventually signing to the Island Records label. This relationship would produce the first Bob Marley album to be released outside Jamaica, *Catch a Fire*. Soon he and his band were receiving worldwide acclaim.

The Wailers would eventually disband however, and Marley would embark on a solo career. He would see his success and notoriety grow over the next few years. In 1976, his album *Rastaman Vibration*, hit the Top Ten in the United States. He had officially brought Reggae into the mainstream.

While his fame grew internationally, he was viewed as almost a mystical figure in his native Jamaica. His popularity and radical message of empowerment and unity was perceived as a threat to the established order, both in Jamaica and beyond. On December 3, 1976, he was wounded in an assassination attempt, an event that forced him to leave Jamaica for over a year.

However, violence could not temper his musical voice or soaring popularity. In 1977, he had his biggest selling record to date, *Exodus*. This period would also see him tour the world, including an independent Zimbabwe, whose struggle for freedom and racial justice was immortalized in one of his songs. Tragically, at

the height of his career, he was diagnosed with cancer—a virulent form which rapidly took his life.

Since his death in 1981, his legend has only grown. His message of freedom, unity, and justice has echoed with each passing decade. One of his biggest hits was a song entitled *One Love*, which was judged in an international poll to have been the most influential song of the 20th century. The world has not yet achieved the universal love for which he advocated, but it is, and will remain, united in its love for him.

URGING THE EUROPEAN UNION TO
MAINTAIN ITS ARMS EMBARGO
ON THE PEOPLE'S REPUBLIC OF
CHINA

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BURTON of Indiana. Mr. Speaker, the Status Quo in the Taiwan Straits is under threat. This has far less to do with unilateral steps being taken by Taiwan and much more to do with People's Republic of China's (PRC) decision to apparently leave its "Good Neighbor" policy by the wayside, and embark on a new campaign to promote its economic and military ambitions across the Straits and throughout the region.

For several months now, based on speeches by Jiang Zemin, it appears that China is in the process of drafting a so-called Anti-Secession Law which obligates the People's Liberation Army to use military force to annex Taiwan if Beijing believes Taiwanese rhetoric or actions are moving the Island towards independence.

The prospect of a lifting of the European Union's arms embargo against China, together with the drafting of this Anti-Secession Law, and the publication of a PRC white paper last year entitled, "China's National Defense in 2004," calling Taiwan's independence advocates the "biggest immediate threat to China's sovereignty and territorial integrity," are alarming items in and of themselves, but taken as a whole they represent a disturbing trend in China's thinking about the situation in the Taiwan Straits.

Officials at the State Department and our friends in Taiwan are extremely uneasy to say the least over these signals of a change in China's posture towards Taiwan—and with good reason. Saber rattling by the PRC is nothing new, but this Anti-Secession Law represents a dangerous new dimension.

If enacted, this Anti-Secession Law will create the legal grounds for Beijing to punish anyone speaking or acting against reunification of Taiwan and China. Moreover, the law will permit, in fact it will compel, Chinese leaders to use force against Taiwan if China considers Taiwanese leaders are engaging in so-called separatist activities.

The Law clearly undermines efforts to enhance the goodwill that has grown-up across the Straits in recent years spawned by deep socio-cultural ties, and the increasing economic interdependence between Taiwan and the Mainland. If this Anti-Secession Law is enacted, the response from the Taiwanese will