

Research of the National Science Foundation to participate in the program under this subsection; and

"(iv) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated."

SEC. 10. NATIONAL TECHNOLOGY MEDAL FOR ENVIRONMENTAL TECHNOLOGY.

In the administration of section 16 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711), Environmental Technology shall be established as a separate nomination category with appropriate unique criteria for that category.

SEC. 11. INTERNATIONAL ARCTIC RESEARCH CENTER.

The Congress finds that the International Arctic Research Center is an internationally-supported effort to conduct important weather and climate studies, and other research projects of benefit to the United States. It is, therefore, the scene of the Congress that, as with similar research conducted in the Antarctic, the United States should provide similar support for this important effort.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

**HATCH (AND OTHERS)
AMENDMENT NO. 3811**

Mr. COATS (for Mr. HATCH for himself, Mr. LEAHY, and Mr. DEWINE) proposed an amendment to the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; as follows:

On page 116, lines 22 and 23, strike "territory" and insert "commonwealth, territory,".

On page 118, strike lines 1 through 3, and insert the following:

"(2) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United";.

On page 132, lines 9 and 10, strike "that provide probable cause to believe that" and insert "from which";.

On page 132, line 13, strike "has occurred" and insert "is apparent,".

**HATCH (AND OTHERS)
AMENDMENT NO. 3812**

Mr. COATS (for Mr. HATCH for himself, Mr. LEAHY, Mr. DEWINE, and Mr. SESSIONS) proposed an amendment to the bill, H.R. 3494, supra; as follows:

On page 121, between lines 6 and 7, insert the following:

SEC. 203. "ZERO TOLERANCE" FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking "3 or more" each place that term appears and inserting "1 or more"; and

(2) by adding at the end the following:

"(c) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

"(1) possessed less than 3 matters containing any visual depiction proscribed by that paragraph; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.".

(b) MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)(5), by striking "3 or more images" each place that term appears and inserting "an image"; and

(2) by adding at the end the following:

"(d) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

"(1) possessed less than 3 images of child pornography; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Friday, October 9, 1998, at 10:30 a.m. for a markup of pending committee nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MICHAEL "MICK" BIRD THE TRANS-OCEANIC ROWING EXPEDITION

• Mr. INOUE. Mr. President, I rise today to bring my colleagues' attention to a very exciting expedition. Last month, Mr. Michael "Mick" Bird completed the second leg of an unprecedented 24,000 mile voyage around the world. On August 19, 1997, Mick Bird started rowing out to sea from Fort Bragg, California in his vessel *Reach*. After 66 days of rowing, on October 23, 1997, Mick arrived in Hilo Bay on the Big Island of Hawaii.

After putting the *Reach* in drydock in Hawaii, Mick returned to his home base in California to raise support and prepare for the next leg of his historic journey. Mick returned to Hawaii this Summer and put to sea in *Reach* on July 18, 1998 rowing for the Gilbert Islands, about 2,500 miles southwest of Hawaii and the halfway point between Hawaii and Australia. On September 22, 1998, 66 days and more than 2,200 miles from Hawaii, Mick made land fall on Majuro in the Marshall Islands, a bit north of his intended destination in the Gilberts. Mick is now happily home in California with his family preparing for his next leg to the north central coast of Australia; another 2,500 mile row.

Mick Bird, a former U.S. Air Force officer, is of Pacific Island descent and has family ties to the State of Hawaii. His voyage is more formally known as Trans-Oceanic, which is the name of the non-profit organization sponsoring this attempt at the world's first solo

circumnavigation of the globe by a rowing vessel. The goals of this expedition are, among others, to explore the limits of the human spirit, to raise awareness about ocean ecosystems, to be an example of individual achievement as well as teamwork, and to generate support for The National Tuberculous Sclerosis Association. The expedition is also using its World Wide Web sites (www.naaau.com) and www.goals.com/transrow) to create a direct link between Mick's vessel *Reach* and educators and students to share experiences and practical applications of math, science and geography.

I would like to congratulate Mr. Bird on his very impressive accomplishments to this point, and to express my good wishes for the safety and success of the rest of this voyage around the world. I also wish to commend him and Trans-Oceanic for enhancing public awareness and education. I encourage my colleagues to have a look at Trans-Oceanic's web sites and share them with educators at home to follow along with this amazing journey. •

TRIBUTE TO JUDGE ROBERT I.H. HAMMERMAN

• Mr. SARBANES. Mr. President, I rise to acknowledge the unique and extraordinary contributions made to Baltimore and the State of Maryland by Judge Robert I.H. Hammerman who, this past summer, retired after thirty-seven years of distinguished service to our citizens and legal system. During his career on the bench, Judge Hammerman was a leader in court reform and the efforts to establish an effective yet caring system of juvenile criminal justice. These efforts were directed not only at changing the system, but also at exerting every effort possible to give young men in need the opportunity for academic and athletic development.

His remarkable commitment to the youth of Baltimore is most exemplified by the Lancers Boys Club which he founded 50 years ago and which greatly affected the lives of approximately 3,000 young men of all different backgrounds and races. Through his remarkable commitment, Judge Hammerman influenced several generations of young men whose leadership has affected every facet of State and national life. "Bobby" Hammerman, as he is known by his fellow Baltimoreans, served his community with exceptional dedication as a jurist but also, even more importantly, as a good and caring citizen. I want to take this occasion to express my own appreciation for his life of service and ask to have printed in the RECORD several articles from the Baltimore Sun and the Baltimore Jewish Times which chronicle his accomplishments.

The articles follow:

[From the Baltimore Sun, July 16, 1998]

WITH CLOSING ARGUMENT, JUDGE ENDS 37-YEAR TERM

MD.'S HAMMERMAN QUESTIONS BEING FORCED TO PUT DOWN GAVEL AT 70

By Dennis O'Brien

The longest-serving trial judge in Maryland history hangs up his robes today—and he is not happy about it.

"I'm not retiring. They're retiring me," says Baltimore Circuit Chief Judge Robert I.H. Hammerman.

After 37 years of deciding other people's fates and disputes, Hammerman says this choice is being made for him: He will turn 70 tomorrow, the mandatory retirement age for judges under Maryland law.

He sees little sense to being forced out because of his age, especially since he is fit enough to walk up the five flights of stairs to his courtroom two or three times each day, he still needs only four hours of sleep each night, can beat 20-year-old opponents at tennis and plays an hour of squash five times a week.

He loves the work routine that begins at 5:30 a.m. and involves listening to hours of arcane legal arguments.

"I feel like every day is a new day, and every day is different. I've never felt tired, or bored at this job," he says.

Hammerman has asked Court of Appeals Chief Judge Robert Mack Bell to allow him to serve in retirement as much as possible as a part-time judge, a position that would mean "specially assigning" him to any courthouse in Maryland where judges are short-handed.

Bell says he intends to take Hammerman up on his offer. "I think he's been a great judge," said Bell, who served with Hammerman on the Baltimore Circuit Court in the 1980s before Bell was appointed the state's top judge.

It upsets Hammerman that Maryland law will allow him to serve as a part-time judge for only one-third of any calendar year.

Hammerman, who is single, gives the impression of being willing to go just about anywhere to hear a case.

"I've always said that when my time is up in this world, I want it to be one of three courts: a court of law, a tennis court or a squash court," Hammerman said.

FROM THE BEGINNING

Robert Israel Harold Hammerman was born in Baltimore, the son of Herman Hammerman, a lawyer who did mostly real estate work for his older brother, S.L. Hammerman, a prominent Baltimore developer.

A graduate of City College, the Johns Hopkins University and Harvard Law School, Hammerman was appointed in 1961 by Gov. J. Millard Tawes to be a judge on the old Baltimore Municipal Court to decide traffic cases, neighborhood disputes and misdemeanor offenses. He was appointed six years later to the Supreme Bench of Baltimore, which became the Baltimore Circuit Court in 1983.

He spent his first eight years on the Supreme Bench presiding over the city's Juvenile Court and is credited with bringing the court into compliance with a landmark 1967 Supreme Court case, *In Re Gault*, that guaranteed juvenile offenders the same right to an attorney as adults.

IN THE SPOTLIGHT

Over the years, Hammerman has presided over some of the city's most publicized trials, including the 1995 jury trial for John Joseph Merzbacher, then 53, a former Catholic Community Middle School teacher accused of sexually abusing 14 students and other teen-agers between 1972 and 1979.

Hammerman sentenced the former teacher to four life terms for raping one of the students.

In recent years, Hammerman said, the courts have been flooded with criminal cases—particularly drug cases. When he was appointed to the Supreme Bench there were 15 judges, he said. These days there are twice that many judges—and the courts are still swamped, he said.

"The drug culture just permeates everything we do here," he said.

BE ON TIME, OR ELSE

In court, Hammerman developed a reputation as a strict, uncompromising no-nonsense judge, who appeared each morning on the bench at exactly 9 a.m. and expected lawyers to be just as punctual.

"He's very big on punctuality," said David Moore, a former law clerk who is now a Baltimore assistant state's attorney.

Many lawyers also say that Hammerman is prone to lose his temper, is often quick to make up his mind on a case and will dress down lawyers who either try to argue him out of his position or fail to show proper respect.

"He's never held me in contempt, but he's chewed me out," said Curt Anderson, a criminal defense lawyer, former state delegate and a longtime friend. "It reminded me of being 17 again and being chewed out—it was that bad."

Lewis A. Noonberg, another lawyer and longtime friend, attributes Hammerman's legendary short fuse to his work ethic and his competitive edge.

"He loves sports, and he loves to beat the pants off people half his age. He doesn't get any thrill out of beating me 'cause I'm only 10 years younger than him," said Noonberg, 60.

REPUTATION FOR HONESTY

Hammerman admits to being competitive and to insisting on civility in his courtroom.

But more than anything, he says, he values his reputation for honesty. So he says it offended him when he was charged with leaving the scene of an accident after a fender-bender outside the Pikesville library on Reisterstown Road on April 5, 1997.

The driver of the car who reported the accident, Ronnie N. Albom, said publicly after Hammerman was cleared of the charge on Sept. 22, 1997, that his position as a judge helped him win the acquittal in Baltimore County District Court, a charge that Hammerman vehemently denies.

Hammerman said that there was no accident and no damages, that he did not know the judge who acquitted him and that he turned down an offer to have the case dismissed if he would pay the \$77 in damages to Albom.

"For one thing, there was no accident. Second, I didn't leave the scene; that's how they got the information that they later used to file these false charges," Hammerman said.

LEGACY OF THE LANCERS

Although as a judge he has often been in the public eye, Hammerman may be best known throughout the city for his work as adviser to the Lancers Boys Club, a high-profile civic organization for teen-age boys established by three childhood friends in 1946. The club, which boasts Mayor Kurt L. Schmoke and numerous other prominent people as members, has been the judge's pet project ever since.

Hammerman has used the club to steer 3,000 boys to civic activism through activities such as tutoring in schools, working in soup kitchens and participating in community cleanup drives. The club encourages members to study in school, play sports and strive for success and rewards them with

overseas trips, dinners and lectures that have included celebrity guest speakers.

In retirement, Hammerman says, he probably will spend more time on club activities, lining up speakers, corresponding with members and making arrangements for trips, dinners and other events.

Anderson, who joined the Lancers when he and Schmoke were students at City College, praises Hammerman for his club work.

"You've got to hand it to him," Anderson said. "He's probably touched thousands of lives."

[From the Baltimore Jewish Times, July 10, 1998]

A GOOD WAY TO LEAVE—BALTIMORE'S CHIEF JUDGE ROBERT I.H. HAMMERMAN MIGHT BE RETIRING, BUT HE'LL NEVER STOP WORKING
(By Christine Stutz)

One can only imagine how crestfallen Chief Judge Robert I.H. Hammerman will feel when his alarm goes off at 3:52 a.m. on July 17, and he remembers he's not due in court.

For July 17 is his 70th birthday, which means it's also the first day of his retirement, a status he finds about as appealing as a dip in a frozen lake.

"I'm not retiring," Judge Hammerman says, indignantly. "They're retiring me."

With 37 years of service to the city of Baltimore, Judge Hammerman has the longest tenure of any judge in the Maryland court system. For a man who lives by a strict work ethic and personifies the core values associated with that ethic, every day off the bench will carry a certain emptiness.

That's why he's offering to hear cases as a retired "recall judge" in whatever local jurisdiction needs him, 12 months a year—even though by law he can only be paid for four months of service.

"I don't know anyone who has tried, and continues to try, harder than he does simply to be a good judge," says Baltimore Circuit Court Judge David Ross, a longtime colleague and friend of Judge Hammerman's who retired voluntarily two years ago.

"He gives a lot and he expects a lot," says David L. Palmer, a former Baltimore assistant state's attorney who now works in the law offices of Peter Angelos. "He takes a lot of pride in the courtroom."

At the luncheons and dinners planned in his honor in the coming weeks, the vigorous, white-haired jurist will be lauded as a man of intellect, industry and integrity. No doubt he also will be teased about his tennis game, his fondness for iced tea and Rold Gold pretzels, and his fastidious nature.

On the bench, he is Chief Judge Robert I.H. Hammerman, a stickler for detail and a force to be reckoned with. The first week on the job, every trial lawyer in town learns two cardinal rules about the Hammerman court: be on time and be prepared. Those who have incurred his wrath are probably still smarting from it.

In his private life, though, he is Bob Hammerman, a sports enthusiast who attends Smashing Pumpkins concerts and shares his cluttered den with a giant Mickey Mouse doll. At 11:25 every evening, the Harvard Law School graduate opens a pint of Baskin Robbins ice cream and sits down to watch the sports segment on the Channel 2 evening news. About halfway through "Nightline," he reaches the bottom of the container and calls it a night.

At precisely 3:52 a.m., his alarm goes off, and he begins another day. He's at the courthouse by 5:30, when even the pigeons are still sleeping.

A lifelong member of Reform Har Sinai Congregation in Upper Park Heights, Judge Hammerman blows the shofar, or ram's horn, every Rosh Hashanah. For the past 25 years

he also has blown the shofar during Ash Wednesday services at Immaculate Heart of Mary, a Catholic church in Towson.

Although he says he never set out to be a role model, Judge Hammerman takes pride in exemplifying certain character traits he holds dear: punctuality, diligence, honesty, respectfulness and generosity. As founder of the Lancers Boys Club in 1946, he has influenced more than 3,000 young men to strive for excellence.

A doting father figure to many current and former Lancers, he cheers them on at ballgames, follows their academic progress, and is always available for late-night phone calls when advice or encouragement is needed.

With his guidance, countless Lancers have attended prestigious colleges and professional schools and become outstanding business and community leaders. Baltimore Mayor Kurt L. Schmoke, state Del. Samuel I. "Sandy" Rosenberg and former Alex. Brown chairman Alvin "Buzzy" Krongard are Lancers alumni.

"I believe in discipline everywhere. Discipline is something we haven't enough of in our society," says the judge, who graduated Phi Beta Kappa from Johns Hopkins University in 1950.

"It isn't enough to do something that will simply pass muster, that is adequate," he tells his protégés. "You must do it to the very best of your ability."

In his first assignment, to the juvenile court, he took great pains to find something a young offender was interested in and "use that as a building block," he says. One boy, who had brought a loaded gun to school, loved football, but there were no organized teams in his Southwest Baltimore neighborhood.

The judge arranged for him to play with the Randallstown Rams, and made attending practices a condition of his probation. The youth became a star of the team, and then—with the judge's help—attended Baltimore Polytechnic Institute and went on to college.

DEMANDING, BUT FAIR

It's difficult to imagine a profession for which Judge Hammerman is better suited. As a judge, he can use his brilliant mind to serve mankind, but in a secure, controlled environment where he's very much in charge.

"It has allowed me to use the habits I believe in, in constructive ways," he says.

David Rosenberg, a litigation partner with the Washington, D.C., law firm of Wright, Robinson, Ostheimer & Tatum, clerked for Judge Hammerman in 1985-86.

"He really influenced me and had a profound effect on my career," says Mr. Rosenberg. "I was always amazed. He never took the bench without looking at the file completely. And I was always struck by the fact that he let the lawyers have their say."

Even though the judge has been very demanding of his law clerks, they praise him for teaching them what it takes to be a successful lawyer.

"His demands were not so much that Robert I.H. Hammerman was an important person, but the people who went into that courtroom were important people," says state Del. Robert L. Frank of Reisterstown, who clerked for the judge in 1984-85. "In a society of me-first people, he has given far more than he'll ever get."

Judge Hammerman, who never married, lives in the same Park Heights apartment he shared with his mother, the late Belle Greenblatt Hammerman. Every item in the home has a history he's eager to share, and which he recalls in great detail.

He opens the glass doors of a secretary to reveal the complete works of Tolstoy, Hugo,

Dickens and Hawthorne—classics he says his father, whose family could not afford to send him to college, devoured each night before retiring. Filed among the yellowed pages of those books are all of Judge Hammerman's school report cards.

In the same way that he recalls his happy childhood, Judge Hammerman looks back with pride on a stellar career as one of the city's most prominent public figures.

"I feel I have been very privileged, very fortunate, very lucky to have had this job," he says. "I have no regrets. None."

"And it's a good way to leave."●

REAUTHORIZATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAM IN THE WATER RESOURCES DEVELOPMENT ACT OF 1998

● Mr. FEINGOLD. Mr. President, last night, the Senate passed the Water Resources Development Act of 1998. I wanted to voice my support for this bill. In particular, I appreciate the section that reauthorizes the Army Corps' Upper Mississippi River Environmental Management Program, known as EMP. I wish to commend the hard work of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Montana (Mr. BAUCUS) and their staff members, Dan Delich and Jo Ellen Darcy, in order to complete a WRDA bill prior to the adjournment of the 105th Congress. I appreciate the time and attention they have paid to ensuring that EMP is reauthorized in this bill.

I also want to extend my sincere thanks to the Senior Senator from Missouri (Mr. BOND), who shepherded the EMP provisions through the Committee. I have enjoyed working with him on the reauthorization of this important program. He and his staff have worked along with me and my staff to make sure this section was well crafted and met the needs of the Upper Mississippi states and the Mississippi River environment. The manager's amendment makes the necessary changes to the Committee language to meet the needs of all interested parties.

From its inception, the EMP has been a program that enjoys bipartisan support. Initially conceived and sponsored in the House by my former colleague from Wisconsin (Mr. Gunderson) and the Congressman from Minnesota (Mr. OBERSTAR), the EMP was originally authorized in the Water Resources Act of 1986. At the same time, Congress designated the Upper Mississippi River "a nationally significant ecosystem and a nationally significant commercial navigation system."

Since its inception, the EMP has been a cooperative effort between the Corps, the Upper Mississippi states, conservationists, and commercial shipping and other economic interests. The program's purpose is to regain and protect significant areas of diverse, productive fish and wildlife habitat, to establish long-term resource monitoring which gauges dynamic changes and impacts of future developments, and to

improve and assess recreational uses so vital in our nation's midsection. The EMP involves extensive federal-state planning, coordination, and cost-sharing.

I am pleased that this legislation will prevent termination of this program in 2001, as provided in the earlier authorizing legislation. This bill will ensure that necessary funding, and approved habitat rehabilitation and enhancement projects will continue. I also recognize, with a total ten year authorization of \$350 million, that it is among the largest program authorizations contained in the bill.

I am very pleased that the collegial spirit surrounding work on EMP is also well-rooted on the House side. My colleague in the Wisconsin delegation (Representative KIND) is working with Representative OBERSTAR in steadfastly pursuing this reauthorization this year.

The manager's amendment reauthorizes EMP through 2009 at an increased total funding level of \$33.5 million per year. It also makes some important changes to the program. It creates an independent technical advisory committee to review habitat projects and monitoring plans. It authorizes the Corps to complete a habitat and natural resource needs assessment of the Upper Mississippi Basin within three years of WRDA enactment. And, it provides Congress with another comprehensive assessment of the program, its projects and effectiveness, by 2005.

I believe these to be positive changes to the program. I look forward to the Conference on this matter, and I urge my colleagues in the other body to act quickly on this legislation.●

ANNIVERSARY OF IMPORTANT MILESTONES TOWARD ENDING NUCLEAR WEAPONS TESTING

● Mr. HARKIN. Mr. President, today I want to recognize the anniversaries of some important milestones along the road to ending nuclear weapons testing. This month marks some major steps we have taken toward an international ban on nuclear weapons tests, a cornerstone of our Nation's nuclear weapons non-proliferation policy. These anniversaries also remind us how much more remains to be done if we are to honor the vision of those who have worked to reduce the threat of nuclear war.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80-14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. This treaty was signed by 108 countries.

Our Nation's agreement to the Limited Test Ban Treaty marked the end of our Nation's aboveground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now