

will be reuniting for the first time in over fifty years.

If you were black and in the Navy before 1942, the only service you could render is that of mess attendant or steward. These positions were lowly and limited. So, in an effort to elevate their position and further integrate America's armed forces, then President Franklin Delano Roosevelt recruited and trained black musicians for service in a Naval band. These men became the members of the Great Lakes Band.

During the war, these extraordinary musicians traveled around the country lifting the spirits of servicemen and civilians with their melodies. In fact, it has been said that there has never been so many good musicians at any one place, at any one time, as there were at Great Lakes.

In spite of their committed and unprecendented service to our country, there is little awareness of their contributions and acknowledgments have been few. Mr. Speaker, that is why, especially as we come to the end of Black History Month, I believe it is highly appropriate, to ask my colleagues to join me in a salute to these extraordinary veterans. Their contributions are far-reaching, long-lasting, and worthy of our praise.

MARTIN LUTHER KING, JR.
MEMORIAL

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. WATSON. Mr. Speaker, I rise to encourage my colleagues to cosponsor a bill I have introduced today, which will extend the authority to construct a memorial to Rev. Martin Luther King, Jr. here in our nation's capital.

I must commend Alpha Phi Alpha Fraternity, Incorporated, of which Dr. King was a member, for their tireless efforts in bringing this project to fruition. In 1996, Congress authorized the fraternity to establish a foundation to manage the fundraising and design of a memorial to Dr. King. Alpha Phi Alpha accomplished both tasks by launching the Martin Luther King Jr. National Memorial Project Foundation Fund, Incorporated and developing and appropriate design.

The site for the monument covers four acres on the Tidal Basin between the Presidents Lincoln and Jefferson memorials. Dr. Martin Luther King, Jr. will be the first African American honored as such on the Mall of the nation's capital. Similar to the everlasting work and message of Dr. King, the memorial will last in perpetuity.

Mr. Speaker, it is long overdue that a monument is raised to honor the life and legacy of Dr. King. He made an enormous impact on America's collective moral fiber like no other human being. His principles of non-violence are universal and helped millions of people to overcome what seemed like insurmountable obstacles. It is fitting that his image be placed in the nation's capitol and enjoy the same status and significance as others who have left an indelible imprint on our nation and the world.

I encourage my colleagues to cosponsor this measure.

INTRODUCTION OF THE CLEAN
WATER AUTHORITY RESTORA-
TION ACT OF 2003

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation to restore protection from destruction and pollution to all of the Nation's waters, including wetlands. This bill will amend the Clean Water Act to reestablish the original intent of Congress in that 1972 law to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

In January 2001, the Supreme Court issued an opinion that denies federal Clean Water Act protection for thousands of acres of waters that serve as habitat for migratory birds. Congress must approve this bill to overturn that decision—the Solid Waste Agency of Northern Cook County v. Army Corps of Engineers (The SWANCC case). This case was decided 5–4 contrary to the intent of Congress and against the grain of nearly 30 years of judicial and administrative precedent.

Unfortunately, since the Court's decision, the Administration has done nothing to rectify this misguided and misinformed undermining of Federal protections over waters of the United States, including wetlands. Where the environmentally responsible position to limit the impact on our nation's environment would have been to narrowly interpret the SWANCC decision and to support Congressional action to overturn this decision, the Administration has, instead, proposed to explore amending its rules and regulations to expand the list of waters not covered by the Clean Water Act. Instead of supporting efforts to correct the damage, the Administration's action continues the abandonment of at least one-fifth of the nation's waters. This is unconscionable.

Until the Supreme Court's decision in the SWANCC case, section 404 of the Clean Water Act served as the primary federal protection for wetlands that serve important habitat, flood control and water quality improvement functions. In the absence of section 404 protection, small, isolated waters, including wetlands, could be filled or drained without regard to the impact on the environment or human needs.

The Supreme Court has adopted a very narrow reading of the intent of Congress in drafting the Clean Water Act and has determined that protection of small water bodies is beyond the reach of the Act. As is stated in the dissenting opinion, "the Court takes an unfortunate step that needlessly weakens our principal safeguard against toxic water." I agree and would further observe that the Court's decision opens an opportunity for waters across the Nation to be destroyed and degraded—and one which this Administration is all too willing to exploit.

A bedrock objective of the Federal Water Pollution Control Act Amendments of 1972 was to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The legislative history and the statutory language of the Clean Water Act make it abundantly clear that Congress intended the broadest possible constitutional interpretation for the provisions of this precedent-setting law.

The essence of the Supreme Court's opinion is that when Congress used the term "navigable waters" in the Clean Water Act, Congress intended that there be some nexus to actual navigation and commerce. Congress, in the Clean Water Act, was very deliberate and careful to define "navigable waters" as, "the waters of the United States, including the territorial seas." Likewise, the legislative history and court decisions prior to SWANCC have given the term "navigable waters" the broadest possible interpretation.

The proposed legislation will eliminate the use of the term "navigable waters" throughout the Clean Water Act and replace it with "waters of the United States." A definition of waters of the United States also would be added to mean coastal waters, territorial seas, all interstate and intrastate bodies of water (including tributaries) to the full extent that they are subject to the power of Congress under the Constitution; specifically including a river, stream, lake, natural pond, mudflat, sandflat, wetland, slough, prairie pothole, wet meadow, playa lake, natural pond, and an impoundment to any of these waters. The proposed definition is a combination of long-standing interpretations of jurisdiction by the Environmental Protection Agency and the Corps of Engineers prior to the January 2001 decision. The bill restores Clean Water Act authority; the bill does not expand that authority.

Trout Unlimited, National Audubon Society, National Wildlife Federation, Sierra Club, American Rivers, Clean Water Network, Natural Resources Defense Council, Earthjustice, Defenders of Wildlife, U.S. Public Interest Group, Association of State Floodplain Managers, The Ocean Conservancy, the Izaak Walton League of America, and Clean Water Network support this legislation.

MILITARY RETIREE DISLOCATION
ASSISTANCE ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to reintroduce a common sense piece of legislation to help our military personnel preparing to retire. As my colleagues know, service members and their families will move many times in a typical military career. These permanent changes of station or PCS often involve considerable additional expense, including the loss of rental deposits, connecting and disconnecting utilities, and wear and tear on household goods.

To help defray these additional costs, Congress in 1955 adopted the payment of a special allowance—a dislocation allowance. This was done to recognize that duty station changes and resultant household relocations are due to the personnel management decisions of the armed forces and not the individual service members. This amount was increased in 1986 and again in recent years. This is an important benefit for our military members.

However, as important as this benefit is, there is a category of service members who are not eligible to receive the dislocation allowance—the military retiree. This is despite the fact a vast number are subject to the