

Speaker, I would say to the gentleman that the Committee on Rules, as this announcement stated, may meet, I believe may very likely meet on this, and the Committee on Rules will obviously consider any request from any Members with regard to amendments. If the gentleman from Maryland or any other Members have amendments, we will be more than glad to listen to them and will give them all the merited courtesies.

Mr. HOYER. If the gentleman will continue to yield, Mr. Speaker, I appreciate very much that warm assurance that the gentleman from Florida will be glad to listen to me or to others.

I am a big fan of Martina McBride. I do not know if the gentleman is familiar with her. She is one of the great country music singers in America, and she has a song, the title of which is "I know you can hear me, but are you listening." And I know you may hear me, but I want you to be listening as well.

As the gentleman knows, as he is a long-time distinguished member of the Committee on Rules, we are very hopeful we will start this session off on the right foot and that the minority will be given, as your minority asked when you were in the minority, for the opportunity to offer amendments and substitutes so that our perspective can be considered as well as the majority's perspective. We think that serves the American people well. We think it is what you asked for when you were in the minority. We believe we gave it to you most of the time. You are correct, not all the time.

But we would hope, and this bill I think is not one of the very contentious bills that we will take up perhaps during the session, but we would hope that that opportunity would be afforded the minority.

Mr. LINCOLN DIAZ-BALART of Florida. Once again reclaiming my time, Mr. Speaker, I thank the gentleman very much for his comments and concerns, and as I stated before, what we are asking at this point, precisely because we will be looking very much forward to amendments, is that if any Members have ideas for such, is to please be ready with them because there may be a requirement that amendments be printed in the CONGRESSIONAL RECORD prior to consideration on the floor.

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#### GENERAL LEAVE

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 610.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### PRESIDENTIAL DETERMINATION EXEMPTING U.S. AIR FORCE'S OPERATING LOCATION NEAR GROOM LAKE, NEVADA FROM DISCLOSURE OF CLASSIFIED INFORMATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

##### *To the Congress of the United States:*

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 16, 2003, I issued Presidential Determination 2003-39 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 2003-39 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that, in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that might require the disclosure of classified information.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 28, 2004.*

#### CERTIFICATION OF AUSTRALIA GROUP PURSUANT TO CONDITION 7(C)(i) OF THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND ON THEIR DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

##### *To the Congress of the United States:*

Consistent with the resolution of advice and consent to ratification of the

Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 28, 2004.*

#### APPOINTMENT AS MEMBERS TO ANTITRUST MODERNIZATION COMMISSION

The SPEAKER pro tempore. Pursuant to section 11054 of the Antitrust Modernization Commission Act of 2002 (15 U.S.C. 1 Note), and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the following members on the part of the House to the Antitrust Modernization Commission:

Mr. Donald G. Kempf, Jr., New York, New York, and

Mr. John L. Warden, New York, New York.

#### HONORING THE MEMORY OF SHELLEY MARSHALL

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to honor the memory of Shelley Marshall. Mrs. Marshall was a budget analyst for the Defense Intelligence Agency who was killed in the attack on the Pentagon.

I rise to commend the efforts of her husband, Donn Marshall, to honor her memory. Using his wife's retirement savings and money he expects to receive from the 9-11 Victims Compensation Fund, Donn established the Shelley A. Marshall Foundation. The foundation has held tea parties, one of Shelley's favorite pastimes, for senior citizens and high school students. The Marshall Foundation has also provided resources for story hours in libraries

and has held writing and art contests at high schools both in West Virginia and Virginia.

Through the foundation, Shelley Marshall will continue to touch the lives of people in need in West Virginia and around the country. I thank Donn Marshall and the couple's children, Drake and Chandler, for their commitment to helping others and for the worthwhile way they have preserved Shelley's memory.

The Washington Post wrote an article on January 22, 2004, about the Marshall Foundation, which I include for the RECORD.

[From the Washington Post, Jan. 22, 2004]

9/11 MONEY FUNDS A DREAM

MAN PLANS TRIBUTE TO WIFE LOST IN  
PENTAGON

(By Jacqueline L. Salmon)

SHEPHERDSTOWN, W. VA.—In the tiny townhouse he rents behind an office park, Donn Marshall unfurls an armful of papers on the living room couch. They are plans for a house to be built on land he has purchased nearby.

Modeled on an 18th-century Irish country house, it will have bedrooms for Marshall's two children, Drake and Chandler, and room for as many as six guests—everything that Marshall and his wife, Shelley, ever dreamed of.

But it will go ahead without her. Shelly Marshall, a Defense Intelligence Agency budget analyst, was among the 184 people who died Sept. 11, 2001, when terrorists flew an airplane into the Pentagon.

"I think it should be almost like a monument," Marshall said, as he smoothed wrinkles from the house plans. "In a sense, it's Shelley's money."

The Marshall family expects to receive about \$2 million from the federal fund created to compensate the injured and the families of the 2,976 people killed that day at the Pentagon and the World Trade Center in New York. Although the money will not take away the grief that has diminished only slightly in 2½ years, Marshall said it will free him to work full time on the charitable foundation he established in his wife's name—his way of fighting back.

The fund, established by Congress to protect the airlines from billion-dollar lawsuits, has reached the family of almost every victim. Fund administrator Kenneth R. Feinberg, a Washington lawyer, said that by last month's final deadline, 2,924 families—98 percent—had surrendered their right to sue the airlines in return for an average award of just under \$2 million.

But many who took the settlement wrestled with "survivor's guilt," said Larry Shaw, director of Northern Virginia Family Service, whose counselors are working with many families of Pentagon victims. "They felt that they were benefiting from the loss of someone they loved."

Shaw said family service counselors tell families that the settlement is part of their recovery process. "And part of the recovery is being able to fulfill some dreams that you had in your life," he said.

Shelley Marshall was a woman of passionate and varied interests. She put together family scrapbooks and hosted Victorian-style tea parties with her mother-in-law, Phyllis Marshall. She loved to spot hawks while out walking. Shortly before her death, she had begun to collect kickknacks decorated with dragonflies.

On Sept. 11, Shelly and Donn had commuted in separate cars to the Pentagon from

their then-home in Charles County, with Donn carrying the children. Together, they said goodbye to Drake and Chandler at the Pentagon day-care center. Then Shelley headed to her office in the southwest wing of the Pentagon, and Donn drove to his Crystal City office, where he also worked for the Defense Intelligence Agency.

Moments after the plane buried itself in the Pentagon, Donn drove back to the blazing structure to search frantically for his family. The children were unharmed. He couldn't find Shelley.

Three days later, he got the news that she was dead.

The words of a grief counselor who visited him resonated. "Give your sorrow meaning," he urged Marshall. "It was like he flipped a switch," Marshall recalled.

With his wife's retirement savings, he set up the Shelley A. Marshall Foundation. He has used the proceeds to organize dozens of intergenerational tea parties for elderly nursing home residents and high school students across the Washington area, where Shelley grew up, and in West Virginia, where his parents live.

He has also funded story hours at libraries in both places, set up writing contests at high schools and arranged high school art workshops to reflect the interests of his late wife. In all, the foundation has spent about \$60,000 on such events and plans to expand nationwide as well as overseas, where tea enthusiasts in Britain and Moscow are planning offshoots.

"I didn't want [Osama] bin Laden to have the last word on her life," Marshall, 39, said. "She died far too young, and I wanted her to be able to touch people."

All together, he figures, more than 5,000 people have participated in the foundation's activities.

"We can leave September 11 as a black day in history," Donn Marshall told guests at a fundraising tea party at the Pentagon City Ritz-Carlton in November, on what would have been Shelley's 40th birthday. "Or we can look at it as a day when something incredible started—and that's what we're trying to do."

The foundation work has drawn in family and friends. Shelley's mother, Nancy Farr, makes hundreds of cucumber sandwiches and shortbread for the nursing home parties. The work, Farr said, "is a blessing. Shelley will always be with us in our hearts, but other people know her because of the foundation."

Sometimes the work fends off Marshall's loneliness. Sometimes it doesn't. He believes that Shelley is still near. The signs are everywhere. The way the heat in his home clicks on when he asks her for a signal that she's present. A door that blows shut to remind him to take the children's coats to their school on a cold day. A dragonfly balloon from his son's birthday party that drifts into the bedroom and stops by his bed.

The signs comfort him—a little. "I know she's okay and that's huge," he said. "Now I just have to deal with not seeing her for a long time."

Shelley used to make a pot of tea each night for Donn, and he has taught himself to make tea the way she did. She had collected dozens of different kinds from her favorite tea shops—fragrant Oolongs, delicate "white" teas and black teas such as light-bodied Darjeeling and full-flavored Assams—and could recite their characteristics.

Last January, Marshall quit his job and moved his family to West Virginia to be closer to his parents in Martinsburg and Shelley's in Herndon. He said the compensation fund should support his family and put the children through college while he works full time on the foundation.

His next step is having their house built on 18 acres of woods and meadow that he bought

just outside Shepherdstown, a cozy town of 1,500.

"I'm going to get people to come up for the weekend," he said. "We'll have two to three different people at the dinner table, hopefully, on the weekends—my artist friends, politicians. I want a lot of people coming in and interesting the kids with their ideas—I think they should have an extraordinary life after what happened to them."

When Marshall came out to see the land for the first time, he heard a scream above him and looked up to see a hawk. It circled over his head.

"I said, 'Okay, this is the place.'"

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. LEWIS) is recognized for 5 minutes.

(Mr. LEWIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VOTING RIGHTS FOR CITIZENS OF  
THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, the denial of voting rights to people in the District of Columbia who pay their