

Conservationist of the Year, one of two national awards presented by the agency. Ben was nominated for the award by co-workers and still attributes much of his success to them and to the ranchers with whom he works.

Mr. Speaker, rangeland management is a significant challenge facing the West and Ben Berlinger has tackled that challenge head-on. He has done much to promote awareness of conservation issues and to promote good stewardship of Southeastern Colorado's grazing land. His dedication is an inspiration to others and an immense benefit to his community. I thank him for his efforts.

IN HONOR OF GEORGE E. LEDFORD

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of George E. Ledford, United States Veteran, beloved husband to the late Marjorie Jean; dedicated father, grandfather, educator, community volunteer, and friend and mentor to many.

Mr. Ledford's life reflected a true example of an outstanding citizen—he lived each day with a consistent and deep commitment to his family, his community and to his country. He was an inspiring teacher for many years, and later, he was an effective and dedicated high school principal.

Mr. Ledford graduated from the Merchant Marines Academy in 1946. After serving in WWII, Mr. Ledford served for many years as a reservist in the United States Navy, and remained committed to the Marines throughout his life. Beginning in the nineteen seventies—and continuing after his retirement as an educator—Mr. Ledford volunteered his time and expertise in the role as admissions officer with the Merchant Marine Academy.

In that capacity, Mr. Ledford hosted informational "College Nights" for students considering a career in the military and also volunteered a significant amount of time that focused on outreach work for military families. And for many decades, Mr. Ledford represented the Merchant Marine Academy at the annual Military Academy Service Days, held at the Congressional District office. Mr. Ledford's kindness, honesty, openness, and willingness to share his personal experiences provided local students with a realistic glimpse of life in the military, and assisted them in making a sound decision regarding their future.

Mr. Speaker and colleagues, please join me in honor and remembrance of George E. Ledford, an outstanding American citizen whose integrity, warmth, wit and concern for others have served to uplift our entire Cleveland community. I extend my deepest condolences to Mr. Ledford's cherished daughters, Barbara and Cathy; cherished son, David; and also to his beloved grandchildren, and extended family members and friends. Although he will be deeply missed, George E. Ledford's spirit will live on in the hearts and memories of everyone he loved and inspired—especially his family, students, and closest friends—today, and for generations to come.

INTRODUCTION OF BILL DEALING WITH CLAIMS FOR RIGHTS-OF-WAY UNDER R.S. 2477

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to establish a process for orderly resolution of one of the most important problems associated with management of the Federal lands—claims for rights-of-way under a provision of the Mining Law of 1866.

That provision was later embodied in section 2477 of the Revised Statutes, and so is usually called R.S. 2477. It granted rights-of-way for the construction of highways across Federal lands not reserved for public uses. It was one of many 19th-century laws that assisted in the opening of the West for resource development and settlement.

More than a century after its enactment, R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976, often called "FLPMA," and was replaced with a modern and comprehensive process for establishing rights-of-way on Federal lands.

However, FLPMA did not revoke valid existing rights established under R.S. 2477—and, unfortunately, it also did not set a deadline for people claiming to have such rights to file their claims.

As a result, there is literally no way of knowing how many such claims might be filed or what Federal lands—or even lands that once were Federal but now belong to other owners—might be subject to such claims. But I have no doubt that potential claims under R.S. 2477 could involve thousands of square miles of Federal lands, not to mention lands that now are private property or belong to the states or other entities.

This is obviously a serious problem. It also is the way things used to be with regard to another kind of claim on Federal lands—mining claims under the Mining Law of 1872. However, that problem was resolved by section 314 of FLPMA, which gave people 3 years to record those claims and provided that any claim not recorded by the deadline would be deemed to have been abandoned.

The courts have upheld that approach. I think it should have been applied to R.S. 2477 claims as well. If it had been, R.S. 2477 would be a subject for historians, not a headache for our land managers or a nightmare for private property owners.

I think that now, finally—more than a quarter of a century since it was repealed—the time has come to let R.S. 2477 sleep in peace. And that is the purpose of the bill I am introducing today.

My bill is based on legislation proposed by Secretary of the Interior Bruce Babbitt in 1997, but is somewhat broader because it would apply not just to States or their political subdivisions with R.S. 2477 claims, but also to those individuals now able to assert such claims. It follows the sound example of FLPMA by providing that any R.S. 2477 claim not filed with the government within 4 years will be considered abandoned.

I think this is more than reasonable, because those interested in claiming rights-of-way under R.S. 2477 already have had ample time to decide whether they want to file a claim.

The bill also recognizes that as things stand now, R.S. 2477 claims are a potential threat to the National Parks, National Wildlife Refuges, units of the National Trails and National Wild and Scenic Rivers Systems, designated wilderness areas, and wilderness study areas as well as to lands that the United States has sold or otherwise transferred to other owners. It specifically addresses this threat by providing that any claim for such lands will be considered to have been abandoned when the lands were designated for conservation-purpose management or when they were transferred out of federal ownership unless a claimant can establish by clear and convincing evidence that there was a well-established right-of-way whose use for highway purposes was intended to be allowed to continue.

The bill also spells out what information must be included in a claim, how claims are to be considered administratively, and the rules for judicial review of administrative decisions about the validity of R.S. 2477 claims.

Mr. Speaker, this is a fair, balanced bill. It gives claimants under R.S. 2477 ample opportunity to come forward and seek to have their claims upheld, with an opportunity to seek ultimate redress from the courts if necessary. At the same time, it gives the American people—the owners of the Federal lands—and private property owners assurance that the time will come when they will know what they own, without having to worry about new R.S. 2477 claims being made against their lands.

In my opinion, such legislation is long overdue, and deserves the support of every Member of Congress.

For the information of our colleagues, I am attaching a brief outline of the main provisions of the bill.

OUTLINE OF R.S. 2477 RIGHTS-OF-WAY ACT OF 2003

The bill is based on a legislative proposal sent to Congress by Secretary of the Interior Bruce Babbitt in 1997. Here is a section-by-section outline of its provisions:

Section 1 provides a short title, has findings about the bill's background, and states its purpose of setting a deadline for filing claims and specifying how claims will be handled.

Section 2 defines key terms used in the bill.

Section 3 deals with the filing of claims for rights-of-way based on R.S. 2477:

Subsection (a) sets a deadline of 4 years after enactment for filing.

Subsection (b) specifies where claims must be filed: in the state or regional office of a federal agency responsible for management of claimed Federal lands; with the commanding officer of a military installation subject to a claim; or with the Bureau of Land Management if the claimed lands are no longer in Federal ownership.

Subsection (c) provides that claims not filed by the deadline shall be deemed abandoned—this parallels Section 314 of the Federal Land Policy and Management Act of 1976, which required recordation of unpatented mining claims. A claimant would have 3 years to file a lawsuit challenging the effect of this provision on a claim.

Subsection (d) provides for coordination among federal agencies.

Subsection (e) provides that R.S. 2477 claims by non-Federal parties can only be validated in accordance with the process established by the bill.

Section 4 provides procedures for handling R.S. 2477 claims:

Subsection (a) specifies that claimants have the burden of proof and that claims for

lands in conservation, wilderness study, or inventoried roadless areas or for lands not owned by the Federal government are presumed to have been abandoned unless a claimant can show that continued use of a right-of-way for highway purposes was clearly intended to continue after conservation designation or transfer of title by the United States.

Subsection (b) specifies what information must be included in a filing by a claimant.

Subsection (c) specifies procedures for review of claims by federal officials.

Subsection (d) requires reviewing officials to consult regarding pending claims.

Subsection (e) provides for issuance of a draft decision about a claim's validity, followed by a period of public comment.

Subsection (f) provides for issuance of a final decision on a claim within one year after release of the draft decision.

Subsection (g) requires a lawsuit challenging a final agency decision on a claim to be filed within 3 years after the decision and limits judicial review to review of the administrative record. It also provides that the Federal Government can decide to purchase a right-of-way that a court determines belongs to another party.

Subsection (h) requires a successful claimant to file information about the right-of-way with BLM and the relevant State within 5 years, and specifies that a failure to do so will constitute abandonment of the right-of-way.

Subsection (i) provides that the Federal government can choose to purchase a right-of-way determined to belong to another party.

Section 5 specifies that administrative decisions about claims are to be based on federal law and state laws that are consistent with federal law. It also provides that prior adjudications of R.S. 2477 rights-of-way are to be recognized.

Section 6 provides that nothing in the bill will affect provisions of FLPMA or the Alaska Lands Act related to rights-of-way.

#### TRIBUTE TO ROBERTO CLEMENTE

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. SERRANO. Mr. Speaker I rise today to pay tribute to Mr. Roberto Clemente, an outstanding athlete and a very successful baseball player. Thirty years ago, in 1973, the National Baseball Hall of Fame held a special election for Roberto Clemente, who had died on New Year's Eve, 1972, while attempting to deliver supplies to earthquake victims in Nicaragua. He was the first Latino elected to the Baseball Hall of Fame.

Born on August 18, 1934 in Carolina, Puerto Rico, Roberto Clemente Walker's pride and humanitarianism won him universal admiration. Despite an unorthodox batting style, the Pirates' great won four batting crowns and amassed 3,000 hits. He was equally brilliant in right field, where he displayed a precise and powerful arm. Clemente earned National League Most Valuable Player honors in 1966, but achieved his greatest fame in the 1971 World Series, when he batted .414. Tragically, Clemente's life ended at age 38—the victim of a plane crash while flying relief supplies to Nicaraguan earthquake victims.

Mr. Speaker, in 1952 Roberto Clemente attended an open tryout in Santurce, sponsored

by the Brooklyn Dodgers' Al Campanis. There were seventy-two kids at the tryouts that day. First Campanis had everyone line up in center field and throw to home plate. Throw after throw fell short until young Roberto's turn. He came up and threw a straight hard throw that hit the catcher directly in the mitt with a loud pop. So Campanis had him throw another one, which was as good as the first. Campanis then told the rest of the 71 young men to go home and asked Roberto to stay. Next, Campanis had Roberto run the 60-yard dash. He was amazed when Roberto ran it in a sizzling 6.4 seconds. Next, they moved to the batting cages. For 20 minutes, Roberto hit one line drive after another. Campanis and the Dodgers wanted to sign him right then, but he was only 17 and he had to be 18 before he would be able to play in the Major Leagues. Three days later, he signed with a local semi-pro team the Santurce Crabbers.

Clemente played with the Crabbers for 1 season before signing with the Brooklyn Dodgers in 1954. After spring training he did not join the Dodgers in Brooklyn, he was sent to the Dodgers' farm team, the Montreal Royals. Roberto was not happy and was homesick and in 1954, he was drafted by the Pittsburgh Pirates.

Clemente was only 20 years old and spoke almost no English at all. Pittsburgh was not integrated in 1955. When he went to Forbes Field he saw only two other black players. He encountered a lot of racial discrimination, starting in spring training when a Pittsburgh sportswriter labeled him a "Puerto Rican hot dog." His answer to all the social injustices he encountered was: "I don't believe in color; I believe in people."

Clemente got off to a great start with the Pirates. He had an inside-the-park home run against the Yankees, and drove in a run that gave the Pirates their first win of the season. He played right field for the Pirates.

Clemente played 5 seasons with the Pirates before they finally won the World Series. The year 1960 was the year the Pirates could do no wrong. Led by Roberto Clemente, Kick Groat, Bill Mazeroski, Bill Virdon, and Dick Stuart, Pittsburgh snatched first place in May and never let go. They won 23 games by their final at-bat. In May, Clemente had a .353 batting average. In one game at Forbes Field, he caught a ball and went head first into a concrete wall but somehow managed to throw his head back and only cut his chin. The Pirates faced the New York Yankees in the 1960 World Series. The Pirates took the series into the seventh game. Few people expected the Pirates to win, but sure enough, they pulled it off. The Pirates won the game in the ninth inning when Bill Mazeroski smashed the ball over the fence for a home run.

The next season Clemente won the National League batting title and a Gold Glove for the bestfielding right fielder. In 1966, he won his first MVP award.

Four years later, in 1970, Clemente was honored on Roberto Clemente Night at the Pirates' new Three Rivers Stadium. He was given a lot of awards and gifts including a scroll signed by over 300,000 people in Puerto Rico. Thousands of dollars were also donated in his name to his favorite charity in Pittsburgh. The entire ceremony was broadcast on radio and TV in Puerto Rico.

In 1971, the Pirates again won the World Series again with Clemente finishing the se-

ries with a .414 batting average and several spectacular catches. In 1972, he had another great season. During the season, he hit his 3,000th career hit. Only 10 players before him had done that.

In December 1972, a massive earthquake struck the Central American country of Nicaragua. An estimated 7,000 people were killed, and thousands of people were left without food, shelter, or water. Nicaragua badly needed help. So Clemente was asked to be an honorary chairman of the Puerto Rican Earthquake Relief Committee, and he immediately agreed.

He started to raise money as fast as he could. Contributions of food, money, clothing, and medicine poured in and were sent to Nicaragua. However, some of the supplies were being stolen and sold for high prices. When Roberto heard what was going on he was furious, and decided to accompany the next planeload of supplies to Managua and supervise their distribution himself.

On December 31, 1972 at 9:22 p.m., the old DC-7 rumbled down the runway and took off. Before long, there was trouble. One of the engines exploded so the pilot turned the plane around and started heading back. However, there were more explosions and the plane went down in the Caribbean Sea. Unfortunately, Roberto Clemente was not rescued and died at sea.

Through his dedication, discipline, and success in baseball, Roberto Clemente served as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of baseball.

Mr. Speaker, I ask my colleagues to join me in remembering Mr. Roberto Clemente for his contributions and dedication to baseball, as well as for serving as a role model for the youth of Puerto Rico and the U.S.A.

#### PAYING TRIBUTE TO ROBERT OGBURN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 3, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Robert Ogburn and thank him for his extraordinary contributions to both the 12th Judicial District of Colorado and the greater San Luis Valley. Judge Ogburn officially retired from his job as a District Judge in January after more than twenty-six years on the bench. Today I would like to honor Judge Ogburn's long and distinguished career of service to his community before this body of Congress and this nation.

Judge Ogburn began his legal career in the Army's Judge Advocate General's office. In 1966 he entered private practice and later served as a District Attorney. Judge Ogburn was appointed to the bench in 1976, at the same time taking over duties as District 3 Water Judge. The longest tenured judge on the 12th Judicial District bench, Judge Ogburn presided over many of the major San Luis Valley water cases in the past quarter century, as well as the area's high-profile criminal cases.

In addition to his career on the bench, Judge Ogburn has offered his time and talent as a teacher at the National College of Court Trial Judges in Reno, Nevada and at Adams