Section 205(b) also expressly recognizes that compliance with the March 17, 2003 biological opinion concerning water operations in the Middle Rio Grande, as well as activities being conducted pursuant to P.L. 106–377, P.L. 107–66, and P.L. 108–7, constitute compliance with all ESA requirements as related to those actions, both federal and non-federal, that are incorporated as the proposed action in the biological opinion. Notwithstanding Section 205, the Secretary is to continue pursuing recovery of listed species in the Middle Rio Grande, including support for the Middle Rio Grande ESA collaborative program.

I believe we are in agreement on the effect of Section 205. Moreover, I think the legislation is an appropriate response to the Tenth Circuit's decision and strikes a proper balance by providing certainty for all water users in the Middle Rio Grande basin while still maintaining the policy that all water users have a shared interest and responsibility to comply with the requirements of the ESA. Given the benefits of this approach I would ask my colleague, as Chairman of Energy and Water Appropriations Subcommittee, to maintain this approach in the conference with the House of Representatives and to include this interpretive language as part of the conference report.

Mr. DOMENICI. I appreciate that my colleague and fellow New Mexican worked with me to help alleviate the current situation with the silvery minnow. I concur with his understanding of the language which is designed to narrowly address the silvery minnow situation in the Rio Grande. It is intended to prohibit the use of San Juan-Chama water in the Rio Grande for endangered species purposes and to implement the March 17, 2003 Biological Opinion. I also concur with his view of the benefits of Section 205 in general, and will strongly advocate for its retention in conference, as well as inclusion of this interpretive language in the conference report.

Mr. BINGAMAN. I thank the distinguished Chairman for his consideration and explanation of this important matter. I believe that this language offers hope for the minnow and protection for the people of New Mexico.

MAKAN DELRAHIM

Mr. HATCH. Mr. President, I would like to take a moment today to express in public my thanks and appreciation to the Judiciary Committee's Chief Counsel and Staff Director, Makan Delrahim. Makan's departure is a tremendous loss for the Senate and for me personally. But, we are fortunate that he will continue to serve our country in his new position in the Bush administration as Deputy Assistant Attorney General for the Justice Department's Antitrust Division.

Makan is, in my opinion, a fine example of a great American success story. Makan's family fled from Iran when he was eight years old, and he quickly learned English and immersed himself in American life.

After learning business fundamentals at his father's gas station, Makan unleashed his newfound American entrepreneurial spirit and pursued several successful business enterprises before receiving a bachelor of science in physiology from UCLA. Later, he earned a law degree from George Washington University and also a Master of Science in biotechnology from Johns Hopkins. On top of it all, he became a registered patent attorney.

Clearly, his wide range of abilities and interests explain in part why he has served the Judiciary Committee and the Congress so exceptionally well. He is a brilliant thinker with the rare ability to quickly grasp a wide variety of complex issues.

It was a stroke of good fortune for me when, back in 1995, Makan joined my Judiciary Committee health staff for a term as an intern. As an intern, Makan distinguished himself as an exceptional talent, and after spending a few years practicing law at the Patton, Boggs, I convinced him to come back to the Judiciary staff as counsel handling e-commerce, antitrust and emerging technologies policy. I was once again so impressed with his dedication and ability that in 2001, I asked Makan to serve as Chief Counsel and Staff Director for the Judiciary Committee.

As Chief Counsel, Makan has been my right hand, providing valuable counsel on all matters that come before the Committee. I am particularly proud of his leadership in the development and passage of Hart Scott Rodino reform, the TEACH Act, the PATRIOT Act and the PROTECT Act, to name just a few. He has proved himself to be a skillful negotiator with the ability to bring parties together on divisive issues. It is no wonder that Makan is widely respected on both sides of the aisle.

Makan has worked tirelessly and capably, and I am afraid that his office in the Dirksen Building has become his virtual home as he has worked late into the night and many weekends over these past years. If he had stayed in private law practice and worked these hours, he would probably be a billionaire by now.

As Staff Director, Makan has demonstrated the extraordinary ability to find the greatest strengths in each staff member and to foster those strengths. And I am especially proud of Makan for helping me recruit a brilliant and impeccably qualified staff, and in doing so, bringing an unprecedented level of diversity to the Committee.

We will miss Makan's charismatic style and his ready sense of humor. And, we will miss his extraordinary ability to multitask. He is the only person I know who is capable of carrying on an intelligent conversation while simultaneously checking his email and talking on his cell phone.

Since Makan won't be here to ignore my advice anymore, let me offer it once again: He should get married. And, on a serious note, Makan has not only been a trusted adviser, he has been a friend. He has made us proud and we will miss him.

ADDITIONAL STATEMENTS

HONORING MONICA AND BERNARD BENNING

• Mr. BURNS. Mr. President, today I rise in honor of Monica Conter Benning and Bernard Floyd Benning, Barney, on the celebration of their 61st wedding anniversary on August 20, 2003. Monica and Barney are the only surviving couple of the Pearl Harbor attack who both were in the immediate Pearl Harbor area at the time of the bombing. As the courtship between these two officers evolved in the setting of World War II, their experiences during the attack on America, December 7, 1941, are an important part of American history.

Barney, a college ROTC 2nd Lt. from Niles, MI, was ordered to active duty to Hawaii in May 1941. Barney joined an anti-aircraft battery in Fort Kamehameha at the entrance of the Pearl Harbor channel.

Army nurse 2nd Lt. Monica Conter of Apalachicola, FL served at Walter Reed General Hospital in 1940–1941, and was the official model for the Army Nurse Corps Recruiting Program. Monica was later assigned to the new Hickam Field Hospital, adjacent to Pearl Harbor and separate by a lone chain link fence. Monica is the only nurse still living today who was on duty at Hickam Field Hospital at the time of the attack. During the attack on December 7th, a bomb fell on the hospital lawn about 60 feet from the building, leaving a large crater. A banyon tree sapling was planted in the crater several days after the attack. Today, beside the huge tree is a granite monument and plaque, honoring Monica's service as an Army nurse on duty that fateful day.

Monica and Barney Benning first met on a prearranged ''blind date'' in September 1941; the beginning of a lifetime together. Their courtship continued with regularity until that ''Day of Infamy,'' December 7, 1941—the first terrorist attack on America. The following Wednesday, when Barney appeared at Hickam Hospital in a dirty, wrinkled uniform, it was quite an emotional moment when they found each other alive.

''Off Duty'' time was infrequent and often they were miles apart and usually on some kind of alert status until the American victory at the Battle of Midway in May.

They wed on August 20, 1942, in the temporarily camouflaged Hickam Field Chapel; the original chapel was destroyed on December 7.