

The bill before the House made 14 of these provisions permanent with two of the provisions scheduled to sunset in ten years.

The purpose of a sunset is to allow Congress oversight over the implementation of the law. By making these fourteen provisions permanent, Congress abdicates its responsibility to review these provisions in favor of granting power to the executive branch. As co-equal branches of government, I strongly believe Congress has a responsibility to check the power of the executive branch, not cede authority that can threaten the civil liberties of our citizens today and tomorrow.

Provisions in the Patriot Act continue to allow for government access to business records, private e-mail accounts, library reading lists and the monitoring of Internet habits. Credit card information and other private records including medical, employment and personal financial records can also be monitored. Virtually every aspect of an individual's life can come under profound scrutiny by government officials based on suspicion. This to me is frightening and to millions of honest, hardworking Americans.

Fighting terrorism, organized crime and narco-terrorism is critical to keeping our communities and families safe. The men and women in law enforcement from local, state and Federal agencies—and throughout the criminal justice and counter-terrorism systems—have my deep admiration and respect. Their job is difficult, but this legislation fails to provide additional resources to confront threats and keep our communities safe. It instead creates endless opportunities for the violation of civil liberties and the freedoms we deeply cherish as a nation.

Many people speak of sacrificing some of our freedoms in the name of security. This is a formula that empowers terrorists and encourages the very enemies of freedom. It is the wrong approach. I applaud my Republican colleagues who have joined Democrats in working for a common-sense Patriot Act that protects our security and our liberties. It is my hope that as this bill moves to conference committee with the Senate that the extremes in this legislation are tempered by a wisdom that embraces the American people's respect for privacy and desire for freedom.

AMERICANS WITH DISABILITIES
ACT (ADA) 15TH ANNIVERSARY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. ROSS. Mr. Speaker, on July 26, 1990, President George H. W. Bush signed into law the landmark Americans with Disabilities Act. This legislation was the world's first comprehensive declaration of equality for people with disabilities.

The Americans with Disabilities Act (ADA) was the next step in the civil rights revolution that began with the Civil Rights Act of 1964. The ADA extended broad civil rights protections to America's 54 million citizens with a disability. To the over 97,000 working disabled Arkansans, this legislation has helped to establish greater options for individuals who are willing and able participants in our communities.

Among its key provisions, the ADA prohibits employers with 15 or more employees from discriminating against qualified individuals with disabilities. It calls for the removal of barriers to access for people with disabilities to a wide range of public accommodations, including restaurants, lodgings, places of entertainment, hospitals, doctors' offices, pharmacies, grocery stores, and all other retail and service establishments. It also requires the removal of barriers to access for people with disabilities to various public services, including public transportation. Additionally it mandates that telecommunications be made accessible to those with speech and hearing impairments through the use of special relay systems.

Over the last 15 years, there is no question that the ADA has ushered in significant change. One need only look around to see the signs of progress: curb cuts, wheelchair lifts, Braille signs, and assistive listening devices at movie theaters. The ADA has made transit systems and communications systems more accessible. And, perhaps most importantly, the ADA has begun to change society's attitudes toward people with disabilities.

Despite this important and widespread progress, the promise of the ADA remains unfulfilled for far too many. A major focus of the ADA, for example, was to improve employment opportunities. However, the evidence shows that there has been little change in the employment rate of people with disabilities. Only 32 percent of people of working age who have a disability are employed. And today, people with disabilities are still three times more likely to live in poverty.

Furthermore, we can still find disparities for the disabled in education, housing, and technology. It is for this reason that we need to take greater steps to ensure that the disabled community not only has access to, but is also participating in gainful elements of all programs and facets of society. I call on my fellow colleagues to join together in a bipartisan effort to find ways we can strengthen the ADA and fulfill our commitment to our disabled communities.

FREEDOM FOR RENE GÓMEZ
MANZANO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Rene Gómez Manzano, a political prisoner in totalitarian Cuba.

Mr. Gómez Manzano is a lawyer and a distinguished member of the pro-democracy opposition in Cuba. Along with fellow Cuban patriots Martha Beatriz Roque and Felix Bonne Carcasses, he is a leader of the Assembly to Promote Civil Society. The Assembly is an umbrella organization of over 300 groups of Cubans who have asserted their independence from the totalitarian state. On May 20, 2005, the Assembly carried out a meeting of approximately 200 Cubans who publicly demonstrated their rejection of totalitarianism and their support for democracy and the rule of law in Havana. Mr. Gómez Manzano was one of the primary architects of that historic, admirable accomplishment. Accordingly, he has

been the constant target of Castro's machinery of repression. He has been harassed by the tyrant's thugs and, now, unjustly incarcerated as a political prisoner for his peaceful activities.

Eight years before, in 1997, after co-authoring the important and historic work "La Patria es de Todos" ("The Homeland Belongs to All") with Martha Beatriz Roque, Felix Bonne Carcasses and another Cuban patriot, Vladimiro Roca, Mr. Gómez Manzano was arrested by the dictatorship and sentenced to various years in the gulag. During his unjust imprisonment, and after being released, Mr. Gómez Manzano never wavered in his commitment to bring freedom, democracy and human rights to the Cuban people. Unfortunately, in an additional act of extreme and despicable repression by the dictatorship, Mr. Gómez Manzano, along with dozens of others, was arrested once again on July 22, 2005, before he could attend a peaceful demonstration in front of the French Embassy in Havana to protest the resumption of the European Union's policy of so-called engagement with the terrorist regime in Havana.

I have never had the honor of personally meeting Mr. Gómez Manzano, but I can certainly say that I know him quite well. I have spoken to him by telephone during various Congressional hearings and other public events dedicated to highlighting the suffering and oppression of the Cuban people. He is a great patriot, a man of the law, a man of peace, and an apostle of freedom for Cuba.

Mr. Speaker, it is completely unacceptable that, while the world stands by in silence and acquiescence, Mr. Gómez Manzano languishes in the gulag because of his belief in freedom, democracy, human rights and the rule of law. We cannot permit the brutal treatment by a demented and murderous tyrant of a man of peace like Mr. Gómez Manzano for simply supporting freedom for his people. My colleagues, we must demand the immediate and unconditional release of Rene Gómez Manzano and every political prisoner in totalitarian Cuba.

ON THE INTRODUCTION OF A BILL
TO EXCLUDE SOLID WASTE DISPOSAL FROM THE JURISDICTION
OF THE SURFACE TRANSPORTATION BOARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. MENENDEZ. Mr. Speaker, I am proud to be joined by a number of my New Jersey colleagues to introduce legislation that will close a glaring loophole in current law that allows railroads to brazenly flout the critical Federal, State, and local environmental protections that keep our rivers clean, our air clear, and our families healthy.

In my district, a small railroad has recently begun operation of a solid waste transfer facility for construction and demolition debris. These sites are open to the air, polluting the surrounding neighborhoods with wind-blown debris, and have extremely poor stormwater controls, if any at all, allowing rain to leach through the trash piles and into sensitive wetlands. I have seen video of these sites, which

sometimes reach the height of a 3-story building, and they are horrible eyesores that make you wonder how this can all be legal.

Of course, Mr. Speaker, it really isn't legal. At least, it's not legal according to the State, which recently fined the operator of these sites \$2.5 million, or the county and local planning boards, which have sent me impassioned pleas asking for help. But because of this loophole in Federal law, it may all be perfectly legitimate. The railroad claims that because of the exclusive jurisdiction of the Surface Transportation Board over railroad activities, they are exempt from all State and local regulations regarding the handling of solid waste. That is only partially true.

Mr. Speaker, when Congress passed the Interstate Commerce Commission (ICC) Termination Act in 1995, it created the Surface Transportation Board (Board) and gave it broad authority over rail transportation issues. The jurisdiction of the Surface Transportation Board was deemed to be "exclusive" over activities that are integral to rail operations. The intent of this was to allow railroads, which cross State lines, to avoid having to deal with a patchwork of State economic regulations that might hinder interstate commerce. Subsequently, the courts have ruled that this exclusive jurisdiction of the Surface Transportation Board preempts State and local regulations when it comes to permitting requirements. Hence, railroads are exempt from having to comply with local land use plans when, for example, they decide to lay additional track, although they are still required to comply with Federal environmental statutes such as the National Environmental Protection Act (NEPA).

However, despite the preemption of local regulations, Congressional intent was very clear at the time the ICC Termination Act was passed. The conference report states very clearly that the Board's exclusive jurisdiction does not generally preempt State and Federal law. The only restriction is that States do not attempt to economically regulate the railroads. The Surface Transportation Board concluded in 1999, in their decision in the dispute between the Borough of Riverdale and the New York Susquehanna and Western Railroad, that "Congress did not intend to preempt Federal environmental statutes such as the Clean Air Act and the Clean Water Act." The U.S. District Court for the District of Vermont recently affirmed that statement in the case of Green Mountain Railroad Corporation v. State of Vermont.

I believe it is quite clear that these waste transfer stations are threats to the environment, and that the railroad's claim of Surface Transportation Board preemption to avoid compliance with any environmental regulations is wholly without merit. However, it could take years to put that issue to rest. Meanwhile, the people of New Jersey would continue to get exposed to fouled air and water as a result of unregulated and uncontrolled solid waste transfer sites, and more people would be put at risk as these sites multiply across the State.

But that is beside the point. Because I also believe that the operation of a solid waste transfer facility is in no way integral to the operation of a railroad. This question has not been settled by the courts or the Surface Transportation Board, but it can be settled unambiguously by Congress. The legislation we are introducing today would explicitly state that the Surface Transportation Board does not

have exclusive preemption over the operation of solid waste transfer facilities, and that these facilities would be subject to local zoning and environmental regulations. We can not stand idly by while some unscrupulous railroads exploit an unintended loophole in Federal law when the price is the health and well-being of our constituents and our environment. I urge my colleagues to join us in cosponsoring this bill.

VOTING RIGHTS ACT 40th
ANNIVERSARY COMMEMORATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. HOLT. Mr. Speaker, I rise today to commemorate the 40th anniversary of enactment of the Voting Rights Act of 1965. The Voting Rights Act marked a watershed moment in American history, and I hope my colleagues will join me in celebrating the many ways in which it has transformed our democracy.

On Monday night, it was my great honor to join Representative LEWIS; Wade Henderson, the Executive Director of the Leadership Conference on Civil Rights; and hundreds of civil rights leaders at the commencement of the National Conference Commemorating the 40th Anniversary of the Voting Rights Act of 1965. In 1965, one could not have imagined a room in Washington, DC, full of elected leaders from various racial, ethnic, religious and socio-economic backgrounds. Today there are 81 members of Congress that are of African-American, Latino, Asian, and Native American descent, as well as thousands of minorities in State and local elected offices across the Nation. Due in large part to the Voting Rights Act, America's leadership is a reflection of our diversity.

The struggle for enfranchisement has been fought by citizens themselves to obtain and protect their right to vote. Representative LEWIS and the hundreds of civil rights activists who joined him on the Edmund Pettus Bridge in March 1965 showed courage and perseverance in the face of violent opposition. Unfortunately, they did not win the struggle for total voter enfranchisement on that fateful day in Alabama. The shocking and unconscionable murders of Michael Schwerner, Andrew Goodman, and James Chaney—killed in June of 1964 for registering black voters in Mississippi—did not win that struggle. But the sacrifices of voting rights activists over the past century have paved the way for the enfranchisement that we all seek. The Voting Rights Act has made progress possible, but there is still more to be done.

When I speak with students, I often ask, "What is the greatest invention in history?" Knowing of my background in physics, they usually suggest some scientific invention. In fact, I believe the greatest invention is our system of Constitutional democracy. It has transformed not just America, but the world, demonstrating that peaceful and productive government with the consent of the governed is possible. That consent is given by the vote. Thomas Paine wrote that the right to vote is "the primary right by which other rights are protected." For that reason, assuring the continued effectiveness of the Voting Rights Act is of monumental importance.

Application of the Voting Rights Act faces challenges in the 21st century. The 2000 and 2004 presidential elections demonstrated that disenfranchisement, though legally abolished, still exists in practice. In order to preserve influence of the Voting Rights Act, key protections of which are scheduled to expire in 2007, we must address voting irregularities that occurred in recent elections.

Mr. Speaker, I commend the work of the 89th Congress and honor the enactment of the Voting Rights Act. The work of voting activists has transformed America and helped advance the cause of universal suffrage. We must work to preserve and advance its legacy.

THE FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEARS 2006 AND 2007

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise to express my concern with the Foreign Relations Authorization Act for Fiscal Years 2006 and 2007. While this bill authorizes I numerous commendable programs that strengthen U.S. efforts to advance foreign policy interests and America's role in the world, I am very concerned that this bill has become a vehicle for an extremist agenda which harms our Nation's global leadership role.

Having started working on this reauthorization in the International Relations Subcommittee on Africa, Global Human Rights and International Operations, I would like to express my appreciation to Chairman SMITH for accepting language to conduct a report on the issue of child marriage around the world. Child marriage, often involuntary and far too frequently intergenerational, puts girls as young as 8 and 9 years old at severe physical, emotional and health risk. The transmission of HIV, complications from early pregnancies and diminished economic and social power are common consequences of this harmful tradition practice that undermines U.S. development efforts in many African and Asian nations.

My principal opposition to the final version of this bill is the result of the inclusion of the Hyde amendment to impose an onerous set of mandates on the United Nations. This amendment will hold the U.N. hostage to the whims of Republicans in the U.S. Congress. The Hyde Amendment is virtually identical to the Henry J. Hyde United Nations Reform Act of 2005 (HR. 2745) which I voted against on June 17, 2005. This legislation is opposed by the Bush Administration and eight former U.S. ambassadors to the U.N. Sadly, this amendment taints a bill that could have otherwise been generally acceptable.

Finally, I would like to comment the amendment offered by Representative TOM LANTOS, ranking member on the International Relations Committee, requiring the State Department to develop a strategy to counter perceptions among international students they are no longer welcome to study at our institutions of higher education. While national security is our top priority, if we are serious about reaching out to the international community and repairing damaged credibility in the world, we must be