

HONORING THE STUDENTS OF  
EAST BRUNSWICK, NEW JERSEY  
COMPETING IN THE WE THE  
PEOPLE: THE CITIZEN AND THE  
CONSTITUTION PROGRAM

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 4, 2005*

Mr. HOLT. Mr. Speaker, I rise today to honor the students of East Brunswick High School that recently won the national finals for the We the People: The Citizen and the Constitution program. The participating students from East Brunswick High School, after winning the statewide competition, represented New Jersey in this year's final. Through their hard work and determination, the national finals competitors earned the opportunity to visit and compete in our nation's capital. East Brunswick High School was the defending champion and I am proud to say that they have achieved this high level of excellence again this year. They won because they are articulate, have presence of mind, and can think on their feet, and because they know the U.S. Constitution inside and out.

The students of East Brunswick came a long way to earn the right to compete in Washington. To participate, every student needed to learn about a variety of concepts ranging from the philosophical origins of the Constitution to its role and interpretation in today's society. After spending countless hours reading primary and secondary sources, the students created a four minute presentation to answer the question posed to them about the Constitution. The students then formulated their own opinions, which needed to be defended during six minutes of questioning from judges. The judging is based on the students understanding of constitutional principles and their knowledge of both historical and contemporary issues. At the national competition, the judges are practicing lawyers, college professors, as well as current and former State Supreme Court judges.

The education of our youth about our democracy and the meaning and importance of our Constitution is imperative. As important as it is to have a basic knowledge of the laws and interpretations of the Constitution, it is equally as important to understand the reasons for which they were created. Every United States citizen should know and understand these fundamental principles, and through participation in this program, the students from East Brunswick High School have accomplished just that. These competitors serve as examples to students throughout the nation as to what one can achieve with an in-depth knowledge of the tenets of our government. These students are our future leaders and the next generation that will continue to defend democracy and uphold the Constitution. I know these students, and while I admire their knowledge and intelligence, I admire even more their passionate dedication to our American ideals.

The participating students from East Brunswick competed against more than 1,200 students from across the country. This program was created by The Center for Civic Education in 1987 and over 26 million students have participated in it. The goal of the program is to educate high school students on the impor-

ance of continued civic involvement. These exceptional students met here in Washington from April 30th to May 2nd to display their knowledge of the U.S. Constitution and its founding principles.

I would like to congratulate the students of East Brunswick High School, who are: Rajiv Agarwal, Elliot Chiu, Yan Cui, Aditi Eleswarapu, Michael Genson, Stephanie Horowitz, Frances Huang, Manisha Johary, Michael Kofstky, Kevin Kuo, Sam Lau, Alexandra Palmer, Resham Patel, Mark Pruce, Panwan Punjabi, Caroline Rana, Natalie Rana, Sana Sheikh, Allison Sorkin, Ilana Stern, Eric Struening, Lauren Volosin, and teacher Alan Brodman.

These names themselves suggest such a diversity of origins and heritage that it calls forth our national motto "E Pluribus Unum"—from many we are one. That these students devote themselves to learning about our system of self-government that is the key to our greatness is inspiring.

I am so proud of these young constitutional scholars and wish them luck in all their future endeavors. May these exceptional students continue to understand and uphold democracy.

INSTRUCTION TO CONFEREES ON  
MEDICAID

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 4, 2005*

Mr. WESTMORELAND. Mr. Speaker, during my absence for the birth of my granddaughter, Kate, the House considered a motion to instruct the conferees on the budget resolution, H. Con. Res. 95.

On rollcall vote No. 134, I would have been proud to join my colleagues from Georgia, led by Mr. DEAL of Georgia, in opposing the motion to instruct. One thing I have learned about Washington during my time here so far is that a "cut" is actually not a cut at all—it is merely a reduction in the rate of growth. When we have so many programs driven by formulas that continue to grow year after year, the way to deal with the problem is not by denying any problem exists, but by taking steps to deal with the underlying issues that created the problem.

The House Leadership has taken admirable steps to deal with the problems of continued growth in mandatory spending, and I am thrilled that we are moving forward with reductions in mandatory program spending. These are not cuts, but are commonsense steps to manage the people's resources wisely.

INTRODUCING THE RAILROAD  
COMPETITION IMPROVEMENT  
AND REAUTHORIZATION ACT OF  
2005

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 4, 2005*

Mr. OBERSTAR. Mr. Speaker, twenty-five years ago, Congress voted to deregulate the Nation's railroad industry and enacted the

Staggers Rail Act. The railroad industry at that time was in dire straits. Years of low profits, deferred maintenance, and ill-conceived regulatory policies had resulted in a very sick industry. We were assured that deregulation was the cure. We were told that economic regulation had outlived its usefulness; that it was preventing the industry from competing effectively with trucks, barges, and pipelines; and that there were still a sufficient number of rail carriers to provide significant rail-to-rail competition. We deregulated the industry.

At the outset, some good things did happen. America's railroads are much healthier today than they were in 1980. Industry rates of return that hovered in the 1–2 percent range in the 1970s were up in the 6–9 percent range in the 1990s. Today, U.S. railroads account for 42 percent of intercity freight ton-miles; more than any other mode of transportation. In fact, U.S. railroads move four times more freight than all of Western Europe's freight railroads combined.

North American railroads currently earn \$42 billion in annual revenues. The most recent financial reports are strong. For the first quarter of 2005, BNSF Railway's freight revenues increased \$451 million, or 18 percent, to a first quarter record of \$2.9 billion. Consumer products revenues increased \$203 million, or 22 percent. Agricultural products revenues were up \$86 million, or 20 percent, to \$524 million. Industrial products revenues increased \$84 million, or 15 percent, to \$647 million. And coal revenues rose \$78 million, or 15 percent, to \$598 million resulting from record haulage of 66 million tons for utility customers.

Union Pacific reported a first quarter 2005 record for commodity revenue: \$3 billion in 2005, up 8 percent from 2004. Energy revenues were up \$81 million, or 14 percent, to \$668 million. Agricultural revenues were up \$37 million, or 9 percent, to \$448 million. Industrial products revenues were up \$67 million, or 12 percent, to \$630 million. And chemical revenues were up \$31 million, or 8 percent, to \$441 million.

CSX's surface transportation revenue for the 2005 first quarter was \$2.1 billion versus \$1.9 billion in 2004. Metals revenues were up \$19 million, or 16 percent, to \$138 million. Forest products revenues were up \$84 million, or 11 percent, to \$176 million. Coal, coke, and iron ore revenues were up \$84 million, or 20 percent, to \$506 million. And automotive products revenues were up \$6 million, or 3 percent, to \$208 million.

Norfolk Southern's general merchandise revenues for the 2005 first quarter reached a record \$1.1 billion, an increase of 12 percent over the same period in 2004. Metals and construction revenues led the growth with a 22 percent increase, followed by paper, up 19 percent, and chemicals, up 14 percent. Coal revenues increased 17 percent to \$467 million in the first quarter compared with the same quarter last year.

With the exception of Union Pacific, all of the Class I railroads in the U.S. are making higher profits. BNSF's net earnings for the first quarter of 2005 were \$321 million, up \$128 million from the same period in 2004. CSX's net income was \$579 million, up \$30 million from 2004. Norfolk Southern's net income was \$194 million, up \$36 million from 2004. And although Union Pacific's profits were lower than 2004 figures, the railroad's net income was \$128 million in 2005.

But all of these gains have come at a price. Competition requires competitors. Yet since 1980, over 40 Class I railroads have consolidated into just seven Class I railroads serving the entire North American continent, four of which—two in the West (Union Pacific and BNSF Railway) and two in the East (CSX and Norfolk Southern)—control over 95 percent of the railroad business. This unprecedented consolidation has resulted in entire States, regions, and industries becoming captive to a single Class I railroad.

These captive shippers often tell me that the Surface Transportation Board (STB) has been too concerned about the financial health of the railroads and not concerned enough with the financial health of the railroads' customers.

I believe them. The STB's procedures have made it difficult for rail customers to secure meaningful relief from high rail rates and poor rail service, even though the Staggers Rail Act directed the STB's predecessor, the Interstate Commerce Commission, to ensure that rail rates remain reasonable when there is an absence of effective competition.

During the years since the STB was first authorized in 1997, I have received numerous complaints from captive shippers about the high rates they are charged and the poor service they sometimes receive.

Laramie River Station is an example. Laramie River Station (LRS) is a coal-based electric generating plant that produces power for more than 1.8 million consumers in Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. LRS is served by a single railroad, BNSF Railway, which delivers 8.3 million tons of coal annually from the Wyoming Powder River Basin to LRS, a distance of approximately 175 miles. In September 2004, the LRS contract expired and BNSF unilaterally imposed massive freight rate hikes on the LRS traffic. Basin Electric Power Cooperative, one of the owners of LRS, tells me that these increases call for more than double LRS' prior freight rates. The initial tariff rates are projected to double again over time. According to LRS' owners, these increased rates are four times BNSF's average coal rates, and will cost electric power consumers \$1 billion over the next 20 years.

Dairyland Power Cooperative, a generation and transmission cooperative located in La-Crosse, Wisconsin, has experienced similar problems. The Cooperative asserts that failure by the Union Pacific Railroad to deliver 25 percent of scheduled shipments of Utah coal resulted in Dairyland's overall fuel budget increasing by roughly 10 percent. Dairyland is also bracing for a 49 percent increase in rail rates in 2006. Other shippers have suffered similar fates.

The lack of true competition has also affected farmers. Montana grain producers advise me that their counterparts in Nebraska—where a limited amount of rail competition exists—pay less in transportation costs than Montana farmers to ship grain to Portland, Oregon, despite the 200 miles in additional distance the Nebraska grain has had to travel. The Montana farmers estimate that this disparity has cost them about \$60 million a year.

In these and other similar cases, the captive shippers have found that there is no realistic possibility of meaningful relief from the STB. This is hardly the competitive environment envisioned when Congress voted to deregulate the railroad industry.

Unfortunately, my concerns have fallen on deaf ears at the STB. This year, Chairman Roger Nober has discussed the possibility of moving a "clean" STB reauthorization bill (i.e., one with no change to existing law other than funding levels) in the 109th Congress. I have told him the same thing I told him in the 108th Congress and the same thing I told his predecessor: I believe that any STB reauthorization bill must adequately address the concerns of captive shippers.

That is why I introduced legislation in the 106th Congress, the 107th Congress, and the 108th Congress that would reauthorize the STB and reform its policies and procedures. Other Members of Congress, including Congressman RICHARD BAKER, introduced similar legislation to reform railroad regulation. But to date Congress has failed to act upon these bills, and the STB has operated without an authorization since 1998.

When the Transportation and Infrastructure Committee held hearings on railroad competition last Congress, it was obvious that Congressman BAKER and I shared the same concerns about captive shippers and the lack of competition in the railroad industry. So this year, we've decided to join forces. Congressman BAKER and I, and 13 of our colleagues on both sides of the aisle, are introducing a bipartisan STB reauthorization and reform bill, entitled the Railroad Competition and Improvement Act of 2005. A bipartisan companion bill, S. 919, has been introduced in the Senate.

This bill will preserve existing rail-to-rail competition in areas of the United States where competition is working, and take action to reduce impediments to competition that adversely affect rail customers. The bill establishes four new primary objectives of U.S. rail transportation policy, all of which focus on competition and shipper needs. These primary objectives are: (1) To maintain consistent and efficient rail transportation service for shippers, including the timely provision of rail cars requested by shippers; to promote effective competition among rail carriers at origins and destinations; and to maintain reasonable rates in the absence of effective competition.

The bill will also:

Eliminate "bottlenecks." Under the bill, on the request of a shipper, the carrier must establish a rate for any two points on the carrier's system where traffic originates, terminates, or can be interchanged. In addition, the reasonableness of the rate would be subject to challenge. This bill will give shippers access to competitive rail service even if a single carrier has monopoly control over a short, bottleneck portion of a route.

Create competitive rail service at switching points. The bill requires rail carriers to enter into reciprocal switching agreements where the STB finds that such agreements are in the public interest or where agreements are needed to ensure rail service is competitive. The bill also prohibits the STB from requiring that the petitioning carrier show conduct inconsistent with antitrust laws.

Eliminate "paper barriers." These barriers are contractual agreements that prevent short-line railroads that cross two or more major rail systems from providing rail customers access to competitive service on one of these systems. The agreements require the short-line railroads to deliver all or most of its traffic to the major carrier that originally owned the short line facilities. Under the bill, where such

restrictions were approved prior to the enactment of this Act and have been in effect for at least 10 years, the STB must terminate the restriction, upon request, unless the STB finds that the termination would be inconsistent with the public interest or materially impair the ability of an affected rail carrier to provide service to the public.

Establish a new regulatory process for "Areas of Inadequate Rail Competition." The bill allows the STB to designate a State or substantial part of a State as an Area of Inadequate Rail Competition (AIRC), upon petition of a Governor or Attorney General of a State, Member of Congress, or the Rail Customer Advocate of the Department of Transportation. Upon the designation, the STB has 60 days to provide remedies authorized by current law to resolve the anti-competitive conduct. The bill also requires the Rail Customer Advocate to conduct an oversight study of AIRCs within one year of the date of enactment.

Highlight rail service problems. The bill requires the STB to post on its website a description of each complaint from a customer about rail service. The STB is also required to submit an annual report to Congress regarding rail service complaints, and the procedures the STB took to resolve them.

Create an arbitration process for certain rail disputes. The bill allows either party to submit a dispute over rail rates, rail service, and other matters under the jurisdiction of the STB for "final offer" binding arbitration, for relief within the jurisdiction of the STB.

Eliminate fees for filing rail rate cases. Shippers are now required to pay a \$61,000 fee for filing a rate case. Effective May 6, 2005, this filing fee will double to \$102,000. The filing fee for all other complaints will increase from \$6000 to \$10,100.

Improve the rate reasonableness standard. The bill prohibits the STB from using their current practice of requiring shippers challenging rail rates to submit estimates of the costs of constructing and operating a new, hypothetical railroad that carries only the commodity that the shipper transports. The STB currently compares the expense of the hypothetical railroad with existing rates to determine whether the challenged rates are reasonable or not. Under the bill, the STB would be required to adopt a new method based on the railroad's actual costs, including a portion of fixed costs and an adequate return on debt and equity.

Create an Office of Rail Customer Advocacy in the Department of Transportation. The Rail Customer Advocate would accept rail customer complaints; collect, compile, and maintain information regarding the cost and efficiency of rail transportation; and participate as a party in STB proceedings. The Rail Customer Advocate may also petition the STB for action.

Authorize a study of rail transportation competition. The bill requires the National Academy of Sciences to conduct a comprehensive study of rail carrier competition since the enactment of the Staggers Rail Act of 1980.

Require the STB to consider all effects of mergers. Under the bill, the STB must consider the effects of mergers on local communities and is required to impose conditions to mitigate the effects of those mergers.

Reauthorize the STB. The bill provides the STB \$24 million for FY2006, \$26 million for FY2007, and \$28 million for FY2008.

I am pleased that a number of organizations are supporting this bipartisan effort, including

the Alliance for Rail Competition, Consumers United for Rail Equity, the American Chemistry Council, the National Industrial Transportation League, Edison Electric Institute, the National Association of Wheat Growers, and the National Barley Growers Association.

I join with my colleagues from both sides of the aisle, in introducing this bill. Together, we will work to ensure passage of this important legislation.

SUPPORTING THE GOALS AND  
IDEALS OF NATIONAL HEPATITIS  
B AWARENESS WEEK

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 4, 2005*

Mr. ENGEL. Mr. Speaker, I rise today to share my support for House Resolution 250, Supporting the Goals and Ideals of a National Hepatitis B Awareness Month. Chronic liver disease is the tenth leading cause of death in the United States, so it is imperative for the Congress and federal government to become more focused on Hepatitis viruses.

Viral hepatitis represents a disease entity caused by at least 5 unrelated viruses which attack the cells of the liver. The majority of viral hepatitis cases are due to the hepatitis A virus (HAV), hepatitis B virus (HBV), or hepatitis C virus (HCV). Infection with hepatitis B virus can produce a chronic infection which may lead to death from chronic liver disease.

Studies show that 4.9 percent of Americans have been infected with HBV, of whom 1.25 million are chronically infected. The expected direct medical costs associated with acute and chronic HBV infection for one U.S. birth cohort are estimated to be \$81.9 million. The consequences of hepatitis-induced chronic liver disease may not become apparent until decades after infection.

Using the national data, it is estimated that more than 931,000 New Yorkers have been infected with HBV, with 46,550 of these persons chronically infected. An estimated 342,000 New Yorkers have been infected with HCV, with 237,500 of these persons chronically infected. Hepatitis B and hepatitis C are complex infections that have significant epidemiologic, social and medical impact.

In addition to the potential financial burden to the state and the Nation, viral hepatitis can have a tremendous impact on the lives of many New Yorkers. As a result, the New York State Department of Health (NYSDOH) identified the need for a comprehensive, collaborative and organized approach by partners across New York to address the public health problems associated with viral hepatitis.

On June 3 and 4, 2003, the NYSDOH, along with partners and stakeholders from across the state, participated in the Viral Hepatitis Strategic Planning Summit. This summit was to be the beginning of the development of a statewide viral hepatitis strategic plan. The two-day meeting began with presentations by representatives from the Centers for Disease Control and Prevention and the NYSDOH. Then the participants were divided into four focus areas: (1) Prevention, (2) Education, (3) Surveillance and Research, and (4) Medical and Case Management. The focus areas served as the central elements of the strategic

plan. By the end of the 2-day meeting, each focus area identified 3 to 5 priority issues, which were then developed into long-term goals, each with strategies and 5-year action plans for meeting the goals.

On Wednesday, May 11, at the Millennium Hilton, 55 Church St. in New York City, the Aim for the B campaign will conduct a media event to call greater awareness to hepatitis B. Speakers and panelists for the New York event include confirmed representatives from the Mayor's office, Hepatitis B Foundation, Weill Cornell Medical Center and Charles B. Wang Community Health Center. There will be other community events from coast-to-coast the week of May 9, and I salute those associated with this outreach and prevention effort.

Mr. Speaker, thank you for the chance to convey my unity of support for House Resolution 250 and for the impressive awareness efforts being conducted nationwide to address hepatitis B.

IN RECOGNITION OF MR. RICHARD  
H. WIENER ON THE OCCASION OF  
HIS INSTALLATION AS THE 107TH  
PRESIDENT OF THE BERGEN  
COUNTY BAR ASSOCIATION

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 4, 2005*

Mr. ROTHMAN. Mr. Speaker, I rise today with great pleasure to honor Mr. Richard H. Wiener, the incoming President of the Bergen County Bar Association in the great state of New Jersey. Mr. Wiener will be inaugurated as the Bergen County Bar Association's 107th President on the occasion of its Annual Dinner Dance on Friday, May 6th, and I ask that my esteemed colleagues join me in recognizing his outstanding achievements on behalf of the legal profession and on behalf of the communities of northern New Jersey.

A member of the Bergen County Bar Association since 1983 and a member of its Board of Trustees for the last dozen years, Richard H. Wiener has distinguished himself in the practice of law. His leadership has been recognized by his colleagues at Aronsohn, Weiner & Salerno, P.C. of Hackensack, New Jersey, a highly regarded law firm well-known for representing many prominent banking institutions and leasing companies in countless and often highly complicated litigation matters. The Managing Partner of his firm since 1985, he has demonstrated particular expertise in commercial litigation and family law for more than two decades. Because of his peers' acknowledgment of his professional abilities and his sharp legal intellect, Richard H. Wiener currently serves as Chairman of the Legal Committee for the Eastern Association of Equipment Lessors and as a prominent member of the National Legal Committee of the Equipment Leasing Association, and has lectured extensively around the nation on behalf of both organizations on various aspects of banking law and equipment leasing.

A graduate of the University of Maryland and the Hofstra University School of Law, Richard H. Wiener has also achieved professional recognition for his thorough and meticulous legal scholarship and his impeccable professional reputation. He served a Judicial

Clerkship under the Honorable Edward J. Van Tassel JSC from 1983 to 1984, and has been named to numerous leadership positions by the Bergen County Bar Association. He currently serves as Chairman of the Bench Bar Liaison Committee, as an active member of both the Civil Practice and Family Law Committees, and is a longtime member of the Bergen County Judicial Selections Committee. Previously, Richard H. Wiener was appointed Chairman of the Bergen County Ethics Committee on Fee Arbitration by the Supreme Court of the State of New Jersey, and was one of two attorneys named by the State Supreme Court to serve on the Committee on Character from 1994 to 2002. One of his most enduring legacies to the legal profession is the purchase of the building housing the Bergen County Bar Foundation's headquarters, also home to the offices of the Bergen County Bar Association, which was made possible through the tireless fundraising efforts that he helped lead along with several other prominent members of the Bar Association.

Above all, Richard H. Wiener has distinguished himself as a man dedicated to his family and his community. He, his wife Bonnie, and their beloved daughter Danielle have lived in Wyckoff, New Jersey for eleven years. In that Borough, he has devoted his time and effort to innumerable good causes. A past President of the Wyckoff Public Library Board of Trustees, Richard H. Wiener currently serves the Borough as its Traveling Softball Coordinator, an active basketball and softball coach, and as Chairman of the Wyckoff Recreation Committee. These are but a few of his many volunteer activities over the years.

Mr. Speaker, my distinguished colleagues, I ask that you join me in recognizing the professional and civic contributions of the next President of the Bergen County Bar Association, Mr. Richard H. Wiener.

"TORN FROM THE FLAG"—NEW  
DOCUMENTARY FILM FOR THE  
50TH ANNIVERSARY OF THE 1956  
HUNGARIAN REVOLUTION

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 4, 2005*

Mr. LANTOS. Mr. Speaker, I want to call the attention of my colleagues to a new documentary film now in production dealing with the 1956 Hungarian Revolt against Soviet occupation. Entitled "Torn from the Flag," the film is being prepared as part of the 2006 celebration marking the 50th anniversary of the Hungarian uprising. This film will include important archival material and recently opened files that have not been available until recently. It will also include insightful interviews with Hungarian freedom fighters, former political prisoners, secret police, and foreign citizens who participated in or witnessed the events.

On October 13, 1956, students and workers commenced a spontaneous uprising against the repressive communist dictatorship. Against all odds, they successfully took on and defeated the police and installed a new government. There were eighteen days of freedom before Soviet tanks and military forces launched a major attack on November 4 crushing, once and for all, the uprising. Some