

1st Vice President of the South Texas Regional Convention.

Mr. Speaker, in 2001, Dr. Roberson was inducted into the Religious Hall of Fame in Dallas, TX. That same year, he received the L.A. Simpson Pastor of the Year Award. Over the years, he has received an NAACP Membership Citation, War Against Drugs Commendation and honors from the Sam Houston Area Council and the Boy Scouts of America. In 1986, he received an "Official Memorandum from the State of Texas" in honor of Martin Luther King Day. In 1982, the Mayor of Houston issued a proclamation declaring the month of June, 1982 as Building Project Days for Mt. Hebron Baptist Church, Inc.

Finally, Mr. Speaker, I am honored to have the opportunity to pay tribute to such a strong and dedicated leader who has, over the years, been a great friend and mentor. Dr. Roberson has, through his ministry, touched the lives of so many people and we are all the better for having him in our lives.

#### CELEBRATING THE LIFE OF GARY CLARK

#### HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 13, 2005*

Ms. MILLENDER-McDONALD. Mr. Speaker, Congresswoman LUCILLE ROYBAL-ALLARD and I rise today to celebrate the life of Gary Clark, who died on June 22, 2005 at age 47. Gary was a longtime resident of Signal Hill, CA in the 37th Congressional District.

Over the past two decades, Gary served with great distinction in the world of public transportation. He was the head of the Government Relations Department at the Los Angeles County Metropolitan Transportation Authority, one of the largest public transit agencies in the country.

He began his transit career with the Orange County Transportation Authority and in 1988 joined the Southern California Rapid Transit District, which eventually became LACMTA.

In his capacity as Deputy Executive Officer of Government and Board Relations, Gary played a leadership role in coordinating LACMTA's legislative advocacy in Washington and Sacramento. He spent a significant amount of time on Capitol Hill over the years and, as a result, we came to know him and his work well.

Gary possessed great integrity and intelligence. His friends, coworkers and family remember him as a person of dignity, strength and compassion despite the pressures of a demanding job. He was the quintessential public servant who dedicated himself to the needs of the community and firmly believed in the mission and purpose of public transportation.

In addition, Gary was a man of great faith. He served as Director of Music for 13 years at Grace United Methodist Church in Long Beach, CA. He also actively served Grace Methodist as a Trustee and member of its Worship Committee. Additionally, he was selected to be a lay delegate to the California Pacific Annual Conference of the United Methodist Church.

Although we know him primarily through his role in transportation policy, Gary displayed a

real zest for life and was passionate about many things—the church, politics, democracy, equality and sports. He was an ardent Los Angeles Dodgers fan and also closely followed the football team at UCLA, his alma mater.

Mr. Speaker, it is with sadness that we say farewell to a remarkable human being who personified the best in public service and served the public transportation community with honor and distinction. Gary will be truly missed. We extend our condolences to his partner, Peter Cobo, his mother, Berniece Clark, sisters Diane Kildun and Kathleen Larson, and nephews and nieces.

#### HONORING GARLAND, TX, TEACHER, SHERRY MULLINS

#### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 13, 2005*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Ms. Sherry Mullins, an outstanding teacher and community leader from Garland, TX. Ms. Mullins has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award in the field of history. This annual award is presented to a teacher who develops and uses creative teaching methods to enhance students' interest in history. In her tenure as a teacher at North Garland High School, Ms. Mullins has consistently helped her students achieve at the highest levels in the National History Day Program.

National History Day is a yearlong program in which students explore historical topics related to an annual theme. In preparing her students for the program, Ms. Mullins rose above the call of duty and equipped her students for success.

Mr. Speaker, I find it encouraging that there are extraordinary educators in this country like Ms. Mullins who work faithfully shaping the minds of our students. I hope you and our colleagues will join me in recognizing Ms. Mullins for her commitment to educating the potential leaders of tomorrow.

#### GAMBLING EXPLOSION

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 13, 2005*

Mr. WOLF. Mr. Speaker, gambling is exploding throughout our country. Tribal casinos have been propagating at an alarming rate.

I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor. The number of tribes now actively "reservation shopping" is extremely troubling. The cover story of the May 9, 2005, issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon, Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed.

Mr. Speaker, I would like to enter into the RECORD a copy of the letter I recently sent to President Bush urging his action on this matter, a May 9 memorandum prepared by the

Congressional Research Service (CRS) of the Library of Congress at my request detailing options the Bush Administration could take to address this issue, and the CQ Weekly sidebar article detailing the explosive growth of tribal casinos. If the administration believes it does not have authority to issue a moratorium to halt new tribal gambling operations, it should send Congress legislation so that we can take action.

HOUSE OF REPRESENTATIVES,

*May 19, 2005.*

Hon. GEORGE W. BUSH,  
*The President, The White House,  
Washington DC.*

DEAR MR. PRESIDENT: Many in America, myself included, are deeply concerned by the explosive growth of tribal casinos. There are now more than 400 tribal casinos in 30 states. Tribes also are now aggressively seeking off-reservation land—commonly referred to as "reservation shopping"—to build even more facilities. This rapid expansion of casino gambling is spiraling out of control, with devastating consequences for our country.

This is not a Republican or a Democrat issue; nor is it a conservative or a liberal issue. It is a matter that calls for action in the best interest of every American. Casino gambling, once limited to places like Las Vegas and Atlantic City, is now coming to cities—and even small towns—across America and bringing with it all its social ills, like higher crime and suicide rates, increased personal bankruptcies and the break-up of families.

I write today asking that you issue an executive order placing an immediate two-year moratorium on the opening of any more tribal casinos until Congress can thoroughly review the Indian Gaming Regulatory Act (IGRA) of 1988. Congress, with the help of your administration, must examine the unintended consequences of this legislation and address the gaping loopholes in the law.

The moratorium also should apply to the federal recognition process of tribes, which is completely broken. As you know, I have long been calling for reforms of the tribal recognition process. I repeatedly asked former President Clinton and his administration to take action and have written your administration on several occasions asking for a top-to-bottom review of the process. To date, no steps have been taken to address the issue.

Something also needs to be done to address the issue of senior level staff leaving the Bureau of Indian Affairs and then immediately going out and representing tribes seeking federal recognition. Tougher restrictions must be put in place.

Native Americans have become mere pawns in what is now a billion dollar battleground as outside interests—and investors, some from outside the country—have worked behind the scenes to spur the growth of tribal casinos. In September 2001, the then General Accounting Office issued a scathing report saying the process was fraught with problems and needed improvement. The report concluded by saying because of weaknesses in the process, "the end result could be that the resolution of tribal recognition cases will have less to do with the attributes and qualities of a group as an independent political entity deserving of a government-to-government relationship with the United States and more to do with the resources that petitioners and third parties can marshal to develop a successful and political strategy."

The number of tribes now actively "reservation shopping" is extremely troubling. The cover story of the May 9, 2005 issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon,

Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed. The sidebar article detailing the battles being waged in these states over this issue is enclosed.

Also enclosed is a May 9, 2005, Congressional Research Service memorandum, which I requested, detailing options your administration can take to address this issue, including “(1) withdrawing authority to recognize new tribes; (2) directing that regulations be issued for land acquisition for gaming purposes and that regulations be rescinded for issuing procedures for class III gaming in the absence of a tribal-state compact; and (3) directing the Attorney General to take certain steps to enforce laws against illegal Indian gaming operations.”

The unintended consequences of IGRA have not been positive, either for the overwhelming majority of Native Americans who still live in poverty or for the hundreds of communities across America that are now home to tribal casinos. As long as reliance on gambling continues, the welfare of most Native Americans will be in jeopardy. At the same time, the victims of the gambling industry will continue to mount in community after community after community and the economic and social costs to those communities will only increase.

I implore you to involve your administration in this issue before it brings even more harm to the American people. Congress has begun to take steps to address some of these issues—legislation has been introduced in the House to prevent “reservation shopping”—but an executive order will have an immediate impact and is the right thing to do until the myriad of problems that have come with this explosive growth are addressed.

Sincerely,

FRANK R. WOLF,  
*Member of Congress.*

MAY 9, 2005.

MEMORANDUM

Subject Presidential Authority with Respect to Indian Gaming.

To Hon. Frank R. Wolf, Attention: Courtney Schlieter.

From M. Maureen Murphy, Legislative Attorney, American Law Division.

This responds to your request that our office provide you with a brief list of possible tools that the President might employ to curb “reservation shopping,” that is, locating Indian gaming on off-reservation, possibly distant, sites that are more conducive to gaming than traditional reservation lands. Specifically, you are interested in preventing recognition of new Indian tribes under the administrative acknowledgment process under 25 C.F.R. Part 83; limiting trust acquisition of land to be used for gaming; and curtailing the extension of casino gaming. We will address each in turn and indicate any Presidential authority or agency discretionary authority that may be used to pursue these goals.

Options to achieve the above results include: (1) withdrawing authority to recognize new tribes; (2) directing that regulations be issued for land acquisition for gaming purposes and that regulations be rescinded for issuing procedures for class III gaming in the absence of a tribal-state compact; and (3) directing the Attorney General to take certain steps to enforce laws against illegal Indian gaming operations.

Recognition of New Tribes. The Department of the Interior (DOI) has a regulation, 25 C.F.R., Part 83, detailing an administrative process by which an American Indian group may establish that it exists as an Indian tribe. Rather than being the result of a

special delegation from Congress to the Secretary of the Interior (SOI) to make determinations as to whether or not groups satisfy specified criteria requiring recognition as Indian tribes, 25 C.F.R., Part 83, is based on various statutes delegating authority to the DOI. It, thus, might be possible for the President to issue a directive withdrawing from DOI the power to recognize groups as Indian tribes. Were that to occur, however, groups seeking to establish themselves as Indian tribes and eligible for benefits and services provided to federal Indian tribes would likely turn to the federal courts or Congress to obtain federal recognition.

Limiting Trust Acquisition of Land for gaming. Unlike the tribal acknowledgment process, the trust land acquisition process rests on authority specifically delegated to DOI by statute. There are general Indian land acquisition regulations. There is, however, no specific DOI regulation detailing a procedure that must be satisfied before land may be taken into trust for gaming purposes. Although DOI issued a proposal to this effect on September 14, 2000, and reopened the comment period on December 27, 2001, no final regulations have been issued. Should DOI decide to revisit the issue of amending its Indian land acquisition regulations and issue proposed regulations for land acquisition for gaming, it is possible that provisions could be included in such regulations that would have the effect of modifying the land acquisition process to such an extent that the overall effect would be to limit acquisitions for gaming purposes, including off-reservation acquisitions. Although it would seem that even if the President has no direct authority to modify or promulgate such regulations, he would be able to provide DOI with policy guidance to move in that direction.

Curtailing the Extension of Casino Gaming. Although SOI, rather than the President, has been delegated authority under the Indian Gaming Regulatory Act (IGRA), that authority is limited. For class III gaming to occur, there must be a tribal-state compact and SOI has authority to approve such compacts. Approval may be withheld only for three specified reasons, and the compact is deemed approved if SOI does not act within 45 days.

One way that might be available to SOI to curtail further casino gaming is to rescind regulations that the SOI has issued authorizing the promulgation of procedures for class III gaming when a State raises an Eleventh Amendment sovereign immunity defense to a suit brought by a tribe to compel negotiation of a tribal-state compact. These regulations, 25 C.F.R. Part 291, have not yet been used. Without the regulations, there would be no possibility of class III gaming in the absence of a tribal-state compact.

Other options that might be available to the President include instructing the Department of Justice to review all casino gaming on Indian lands and, to the extent permitted under applicable statutes, bring federal prosecutions or seek judicial injunctions against any gaming being operated in violation of IGRA or state law.

We hope this information is helpful to you and that you will call upon our office should you need further assistance.

M. MAUREEN MURPHY,  
*Legislative Attorney.*

[From the CQ Weekly, May 9, 2005]

RESERVATIONS NOT REQUIRED

The best casino sites on Indian reservations have been taken, and some tribes are looking elsewhere for new markets. States around the country are debating proposals for off-reservation gambling, in addition to

the expansion of existing casinos. Here are some of the proposals:

OREGON

Gov. Theodore R. Kulongoski has signed a deal with the Confederated Tribes of the Warm Springs Reservation to build a casino in the Columbia River Gorge, with the state getting a share of the revenue. The tribe would close a smaller casino in central Oregon. The federal government now must approve the site. The local congressman, Greg Walden, supports the plan. Meanwhile, across the river in Washington, just north of Portland, the Cowlitz Tribe wants to build a casino with the backing of the Mohegans of Connecticut.

KANSAS

Gov. Kathleen Sebelius has an agreement with two tribes—the Kickapoo and the Sac and Fox—to build a casino in the Kansas City area. Legislators also have been looking at other proposals for expanding gambling in the state, and there are reports of other plans for Indian casinos in the works. A court ruling on the state’s education funding, expected soon, could leave Kansans scrambling to find more money for schools—and gambling could be the most attractive option.

MINNESOTA

Gov. Tim Pawlenty has proposed a casino in Minneapolis-St. Paul and is talking with the White Earth Band of the Chippewa Indians and a non-tribal operator about running it jointly. Gambling is already big business in Minnesota. But Pawlenty is having trouble selling his new casino idea to the legislature. Competing tribes also object to the deal. For now, anyway, his prospects are uncertain.

FLORIDA

In March, voters in Broward County, north of Miami, voted to allow slot machines at places with parimutuel betting, such as racetracks. The vote also could be an opening for two tribes—the Seminole and the Miccosukee—to get into Las Vegas-style slots, since the Supreme Court has said tribes are entitled to any kind of gambling allowed in a state. The tribes are pressing for talks with Gov. Jeb Bush. Meanwhile, the state legislature has been fighting over how to regulate and tax machines in Broward.

CALIFORNIA

A deal for one tribe to build a huge casino in the Bay Area might fall flat, but Gov. Arnold Schwarzenegger has struck revenue-sharing agreements with 10 tribes since he took office, allowing them to start or expand casinos. He is in talks now with a number of others.

ILLINOIS

The Ho-Chunk Nation of Wisconsin wants to open a casino in the Village of Lynwood, on Chicago’s south side. The tribe has the backing of the town board as well as officials from some neighboring communities. Local Rep. Jesse L. Jackson Jr. is lobbying for it and says local and state governments could expect a share of the revenue. A congressman from an adjoining district, Jerry Weller, is fighting it.

NEW YORK

In 2001, to boost revenue and tourism, the legislature approved six new casinos. One tribe has opened two in western New York and is building a third. Gov. George E. Pataki now wants to let five tribes put casinos in the Catskills. The deal would title tribal land claims. A Supreme Court ruling in a separate New York case has forced him to rework four of the deals, which would have let the tribes buy thousands of acres of land. The court rejected the Oneida Nation’s effort to unilaterally declare sovereign authority on newly purchased land and all

local taxes and regulations, knowing the tribe has to go through the Bureau of Indian Affairs.

OHIO

A number of mayors state lawmakers and others been discussing ways to bring gambling to Ohio. Some have been negotiating with the Eastern Shawnee of Oklahoma, which claims historic ties to the state. The mayor of one town testified before Congress recently, saying that a tribal casino complex would bring new jobs and money to an area hard hit with the loss of manufacturing jobs. However, Gov. Bob Taft has said he opposes gambling.

THE INTRODUCTION OF THE NASA  
AUTHORIZATION ACT OF 2005

**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 13, 2005*

Mr. GORDON. Mr. Speaker, I am today introducing the "National Aeronautics and Space Administration Authorization Act of 2005". I am joined as cosponsors by all of my Democratic colleagues on the Science Committee, and I hope that other Members on both sides of the aisle will join us once they have had a chance to review the legislation.

Mr. Speaker, the legislation being introduced today provides an authorization for NASA that is credible, practical, and conferenceable. It recognizes that NASA has been, is, and should continue to be a multi-mission agency with significant R&D activities in science, aeronautics, and human space flight. This bill makes it clear that we support the President's goal of making exploration beyond low Earth orbit the long-term objective of NASA's human space flight program, and that we believe it is important to move forward aggressively to develop the Crew Exploration Vehicle and its associated launch vehicle. At the same time, it should be clear that we also believe that NASA's aeronautics R&D program needs to be revitalized because of its benefits to the nation's economy, national security, and quality of life. Similarly, NASA's science programs should also be supported because they offer the potential of dramatically increasing our knowledge of the Earth, the solar system, and the rest of the universe, as well as providing the opportunity for applications that can benefit life back here on Earth.

As a result, the legislation recognizes the need to ensure that the productive balance that has existed between NASA's major program areas is protected. To enforce that balance, the bill provides clear funding guidance, a restructuring of NASA's accounts into human-space-flight and nonhuman-space-flight accounts, flexible "firewalls" between NASA's major accounts, and consultation requirements in the event changes to the existing balance are contemplated.

Let me mention a few of the other main features of the bill. It provides a three-year authorization and funding guidance for NASA's major programs. Funding guidance contained in the bill includes:

Funding for a Hubble Space Telescope servicing mission.

Additional funding for the James Webb Space Telescope to compensate for the impact of the delay in selecting a launch vehicle

for the mission, as well as for other programmatic challenges, so that this high priority mission can remain on track.

Funding for university research restored to FY 2005 levels.

Funding for the Earth Science program's Glory mission restored.

Additional funding for the high priority Earth Science program's Global Precipitation Mission (GPM).

Additional funding to allow ongoing, scientifically productive spacecraft missions such as Voyager and Ulysses to continue.

Funding preserved for fundamental, applied, and commercial life sciences and other micro-gravity research not tied to the human exploration program.

Aeronautics funding restored to the FY 2004 level and the decline contained in the President's five-year budget for aeronautics reversed.

Increased funding for education, including for the National Space Grant program.

Full funding for the Space Shuttle program.

Full funding for the International Space Station program.

Human Exploration funding to allow accelerated development of the Crew Exploration Vehicle (CEV) and its associated launch vehicle as well as for further implementation planning for NASA's human exploration program.

Funding provided for promoting technology transfer initiatives at NASA.

Some of the policy provisions contained in the bill include:

Ensuring that if the overall NASA budget is cut, the authorized levels for each of NASA's major programs would be cut proportionately, so no one area would suffer disproportionate cuts.

Having NASA prioritize its science programs and periodically assess their performance.

Having NASA develop a plan to ensure the continued health of the critically important Deep Space Network.

Directing NASA to schedule a Hubble servicing mission once NASA has successfully returned the Shuttle to flight.

Establishing a national policy for aeronautics R&D and initiating technology programs to advance the aeronautical state-of-the-art in key areas.

Directing NASA to honor its international obligations to the International Space Station program.

Strongly encouraging NASA to have a goal of retiring the Space Shuttle in 2010 and initiating Crew Exploration Vehicle (CEV) operations, but directing NASA not to retire all of the Shuttles until the CEV is operational unless the Administrator determines continued Shuttle operations would not be safe.

Establishing priorities for NASA's Human Exploration program for the next three years—namely, development of the CEV and its associated launch vehicle, and definition of the overall exploration architecture and prioritized implementation plan.

Directing NASA to work to improve access to its educational programs by minorities and economically disadvantaged students.

Directing NASA to seek an independent review of its educational programs and the extent to which they are effective in achieving STEM goals.

Establishing a prize program at NASA to encourage needed technology developments.

Encouraging NASA to aid in the development of the commercial space sector.

Directing NASA to develop a workforce strategy for its civil service workforce, seek input from the affected employees, and not undertake RIFs until Congress has had a chance to review NASA's plans.

Directing NASA to develop a financing policy for its test facilities that protects key national assets.

Providing NASA with enhanced use lease authority at its Centers.

Limiting off-shoring of contracts for the procurement of goods and services.

Having the Aerospace Safety Advisory Panel (ASAP) take on additional responsibilities, namely monitoring NASA's long-term compliance with the Columbia Accident Investigation Board's (CAIB) safety recommendations.

Establishing an independent commission to evaluate the safety of the International Space Station.

Providing a framework for establishing an independent commission in the event of a future human space flight accident.

Mr. Speaker, as you can see, the bill that we are introducing today is intended to provide clear Congressional direction to NASA with respect to priorities and balance. At the same time, it is intended to be flexible enough to accommodate changing circumstances and emergencies. Not everyone will agree with every provision in this bill—but that's been the case with every significant piece of legislation that I can remember being considered by this body. That is what the legislative process is all about. At the same time, I believe that the NASA Authorization Act of 2005 does provide a credible, practical, and conferenceable vehicle for providing needed guidance to NASA for the next three years.

NASA is an agency that has been committed to excellence in all of its areas of endeavor. It truly is a workforce of "rocket scientists". The legislation I am introducing today provides the policy and funding guidance that will position NASA for a productive and exciting future, and I hope that we can move it towards speedy enactment.

Finally, Mr. Speaker, I would like to close by stating a sentiment that I know is shared by all Members. Namely, our thoughts and prayers are with all of the members of the NASA family as they prepare to return the Space Shuttle to flight, and in particular we wish the crew of the Space Shuttle *Discovery* well on their upcoming journey.

PERSONAL EXPLANATION

**HON. TERRY EVERETT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 13, 2005*

Mr. EVERETT. Mr. Speaker, on June 30th, I met with Governor Bob Riley and attended the Base Realignment and Closure Commission Regional hearing in Atlanta, Georgia in support of Alabama's military installations. As a result, I was unable to vote on rollcall votes 345–362. Had I been present, I would have voted as follows:

Rollcall Vote 345: "no." An amendment by Jim Davis to prohibit use of funds in the bill to enforce regulations preventing family travel to Cuba. Amendment failed.

Rollcall Vote 346: "no." An amendment by Barbara Lee to prohibit use of funds in the bill