

of Lancaster County, PA, completed the 20th stage of the 2006 Tour de France with an overall time of 89 hours, 39 minutes and 30 seconds, winning the race by 57 seconds in the closest three-way finish in the long history of the tour.

In winning the 93rd Tour de France, Floyd Landis became just the third American cyclist to win this most prestigious of races, joining previous American victors Greg Lemond and Lance Armstrong. He, like them before him, has become the face of American cycling, and, frankly, we could not ask for a better spokesman.

The Tour de France, with this year's race totaling over 2,200 miles, is known around the globe as one of the toughest physical challenges in the sporting world. It is an incredible feat for anyone to finish this grueling, 20-stage race. But that Floyd Landis finished—and that he won—is even more astounding. Landis suffers from osteoporosis of the hip, an ailment so severe he will require hip replacement surgery in the very near future. Yet, in a staggering display of determination and mental toughness, Landis put aside the pain that was, in his words, "bad, it's grinding, it's bone rubbing on bone," to win the race in convincing fashion.

Landis and his Phonak Hearing Systems team also demonstrated that cycling is a mental challenge as much as a physical one. In spite of the temptation to stay as the frontrunner and in the face of various pundits questioning their strategy, Phonak purposely relinquished the overall lead of the race in the 13th stage, conserving their energy for the late push that ultimately resulted in victory.

In the course of the race, Floyd Landis also proved the wisdom of the oft-quoted adage, "Never give up." After struggling through the 16th stage, a stage which saw him lose 10 minutes and fall from first to eleventh place, Landis stunned the field and the pundits with what former champion Lemond aptly described as "the best day I've seen in cycling in years . . . maybe ever," winning the 17th stage by more than 6 minutes and putting himself in prime position to win the race. Landis followed up his epic ride with a strong showing in the final individual time trial, outpacing his closest rival by nearly a minute and a half and regaining the overall lead, a lead he held for the remainder of the race.

Floyd Landis grew up in Farmersville, PA, a small town located about 50 miles to the southeast of Harrisburg. The Landis family was and is a tight-knit, modest group that instilled in Floyd a belief in the merit of working hard. As the story goes, Floyd was often so inundated with chores that the only time he could ride was in the middle of the night—which, of course, he did. Surely, as with so many of us, Floyd Landis's family played an integral role in shaping him into the man he is today and in the successes that he has enjoyed.

Floyd Landis, whom I am proud to call a fellow Pennsylvanian, has proven that with determination and an immense strength of spirit, even the most extreme obstacles can be overcome and success can be attained. He has inspired countless Americans across our Nation, and many more around the world, and I congratulate him on his remarkable achievement.

NOMINATION OF JEROME A. HOLMES

Mr. INHOFE. Mr. President, I ask unanimous consent that these letters in support of Jerome Holmes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 21, 2006.

Hon. JAMES M. INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I am writing to encourage the confirmation of the nomination of Jerome A. Holmes to be a United States Circuit Judge for the Tenth Circuit Court of Appeals.

As a U.S. District Judge for over 30 years I have known and worked with many federal law clerks, lawyers, district and circuit judges. I have known first hand of their intelligence, skills, judgment, character, temperament and sense of fairness. In every single one of these criteria Mr. Holmes has uniquely excelled. His scholarship and other credentials are well documented so permit me to emphasize one critically important additional one. Mr. Holmes is dedicated completely to the rule of law, the proper role of the judiciary and to applying and interpreting the law without regard to personal views on given issues. I have seen this commitment guide his every professional task, in civil and criminal cases, as a law clerk, prosecutor and civil practitioner. The Senators and the people of the country can be assured that, if confirmed, Jerome Holmes will be a circuit judge of compassion, fairness and a total commitment to the rule of law. Having personally observed these qualities throughout the years, I could not give a higher recommendation.

Respectfully,

RALPH G. THOMPSON.

JULY 24, 2006.

Senator JIM INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I write in support of the nomination of Jerome Holmes to be a Judge on the Court of Appeals for the Tenth Circuit. In his many years of public service—including over a decade with the Department of Justice—Jerome has earned a reputation for excellence that few can equal. He served as the Deputy Criminal Chief and the lead prosecutor on some of the most important and challenging investigations and cases in this Office. He was recognized by his fellow career prosecutors for his legal talents, fairness, and fine character.

As Assistant United States Attorneys together, I had the opportunity to work closely with Jerome on counterterrorism, public corruption, and civil rights investigations and cases. I observed first-hand his tremendous dedication, legal acumen, judgment, ethics, professionalism, and commitment to equal justice under the law.

I am confident that, as a Judge on the Court of Appeals, he will continue to serve our Nation with great distinction.

If I can provide you any further information, please do not hesitate to contact me.

Sincerely yours,

JOHN C. RICHTER.

CROWE & DUNLEVY,
Oklahoma City, OK, June 14, 2006.

Hon. JAMES M. INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I am writing in support of the nomination of Jerome A. Holmes, Esq. to the United States Court of Appeals for the Tenth Circuit. I have known Jerome by reputation since 1991 when I was working for the Honorable Glenn English (D-OK) and personally since 1993 when I moved back to Oklahoma to begin my legal career.

Jerome is a known leader in a multitude of community activities. He currently serves as a Commissioner on the American Bar Association's Commission on Homelessness and Poverty where his local work has translated into national recognition. He also serves as Chairman of the Board for our local City Rescue Mission, a homeless shelter located in Oklahoma City. As a member of the board myself, I can attest to Jerome's devotion to assisting those who are less fortunate and his incredible leadership style culminating in proven results for the homeless of Oklahoma.

Hard work and dedication to his profession are just some of Jerome's hallmarks through which he has earned the respect of his colleagues in the legal profession. He always displays a judicious demeanor and temperament that will serve him and his country well on the Tenth Circuit Court of Appeals. The first person to turn the lights on and the last to turn the lights off at our office, Jerome's unwavering commitment to his chosen profession is evident. I highly recommend Jerome Holmes for confirmation—both personally and professionally—one cannot find a better nominee.

Very truly yours,

WILLIAM H. HOCH,
For the Firm.

CROWE & DUNLEVY,
ATTORNEYS AND COUNSELORS AT LAW,
Oklahoma City, OK, June 14, 2006.

Re Jerome Holmes

Senator JAMES M. INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR: I write to support the nomination of Jerome Holmes to serve on the United States Court of Appeals for the Tenth Circuit. Having served as United States Attorney for the years 2001–2005, I am well acquainted with the very high standards expected in the federal judicial system, and I know that Jerome would be an outstanding addition to the bench.

I have known Jerome for many years in the course of us both practicing law in Oklahoma City. I worked closely with Jerome when we were both Assistant U.S. Attorneys in the early 1990s and observed first hand Jerome's work ethic, professional excellence, and intelligence.

Later when I returned to the U.S. Attorney's Office in 2001, I had the opportunity to work very closely with Jerome again. One of Jerome's strengths is his ability to take on and be successful with the hardest and most complex tasks. For example, he served as Anti-Terrorist Coordinator for the Western District of Oklahoma. He made a success of that position because of his ability to analyze the complex issues involved, his ability to work well with many different government agencies, and his outstanding judgment. He also proved himself to be an outstanding administrator in his service as Deputy Chief of the Criminal Division.

One of the most significant cases Jerome prosecuted was a public corruption case involving the Oklahoma Department of Health. In that case, a nursing home owner had been bribing the Deputy Commissioner of the Department of Health. Jerome tried the case, won convictions, and won the appeals. The case was significant not only because it was a complex and difficult public corruption case, but because it led to material reform at the Department of Health and within the nursing home industry in Oklahoma. The case is an example of the dedication Jerome brings to his work as a public servant.

Jerome's character is beyond reproach. He approaches every task with the highest level of professional integrity and ethics. He has the right temperament for service on the bench as well. He can be counted on to be courteous, fair, and reasonable in any endeavor.

Jerome is well liked and well respected within the local bar. His ability to get along with people and inspire trust in others is illustrated in his election as Vice President of the Bar Association for the State of Oklahoma and his selection to serve on prestigious community boards such as the Oklahoma Medical Research Foundation, the Oklahoma Academy for State Goals, and the Oklahoma City National Memorial Foundation.

Jerome would be an outstanding court of appeals judge. He possesses the judgement, intelligence, professional excellence, and integrity to be a truly great judge.

Sincerely yours,

ROBERT G. MCCAMPBELL.

Oklahoma City, OK, July 6, 2006.

Re Nomination of Jerome A. Holmes

Hon. EDWARD M. KENNEDY,
U.S. Senator,
Washington, DC.

DEAR SENATOR KENNEDY: This letter is written to you in your capacity as a member of the Senate Committee on the Judiciary, and in support of the pending nomination of Jerome A. Holmes to the Tenth Circuit Court of Appeals. Under separate cover I have also written to Senator Specter with a copy to Senator Leahy. Rather than merely sending a copy of the other letter to you, I wanted to take time to write to you personally.

For the past 30 years I have had the pleasure of serving as a member of the legal profession, as an active trial lawyer on both the State and Federal level. For 22 of those years, I have also served as the chief municipal judge for the City of The Village, a community located in the northwest quadrant of the Oklahoma City metropolitan area. My practice is not on the appellate level, although, of necessity, I carefully follow the decisions that emanate from the appellate courts.

Since my primary practice involves criminal defense, I have, on numerous occasions, had reason to meet with, oppose and observe Attorney Holmes. There has never been a time when I felt the nominee was anything less than candid, knowledgeable, professional and ethical. He is a worthy opponent, an excellent trial attorney, and has the respect of my fellow defense counsel.

The appellate courts of our country need—and deserve—to have jurists of Attorney Holmes' high caliber. I have absolutely no doubt that the nominee would devote his considerable intellect to ensuring that the Constitution is properly protected and that cases before him are decided based on the law. If he is elevated to the Tenth Circuit, there will undoubtedly be times when I dis-

agree with his opinion, as is always the case. I can, however, assure you that I firmly believe he will never insert personal beliefs or bias into his judicial thoughts.

Please permit me a point of personal privilege as part of this letter.

In 1961 I reported to Marine Barracks, 8th & Eye Streets, as a PFC just out of Parris Island. For the next two years I served as a member of Ceremonial Guard Company.

The highlight of my tour at 8th & Eye was on July 12, 1962 when, as a member of the Silent Drill Team, I had the honor of drilling for President Kennedy, the reviewing officer that evening for the Sunset Parade. I saved the program and sent it to the President. An autographed copy of the program and the transmittal letter from Ms. Lincoln occupy a position of honor on my office wall.

Senator, I am a Democrat, with deep ties to the party. My father was a Central Committeeman in Ohio, and my grandmother was the party's poll watcher in our small town. I imagine Attorney Holmes is a Republican or he would not have been nominated. His party affiliation does not bother me in the least. He is a lawyer first and foremost and will, I believe, continue to bring honor to our profession and Constitutional protection to our clients.

As I told Senator Specter, should an opportunity present itself, I would be honored to personally appear before the Committee to speak on behalf of Jerome Holmes.

Respectfully yours,

ROBERT A. MANCHESTER, III.

OKLAHOMA CITY UNIVERSITY,
SCHOOL OF LAW,
Oklahoma City, OK, July 21, 2006.

Re Confirmation of Jerome Holmes

Senator JAMES INHOFE,
U.S. Senator,
Washington, DC.

DEAR SENATOR INHOFE: I write in support of the confirmation of Jerome Holmes to serve as a Judge of the United States Court of Appeals for the Tenth Circuit.

I have worked closely with Mr. Holmes over a period of years on an important committee of the Oklahoma Bar Association tasked with revising the rules of professional conduct for lawyers. As co-chair of this committee, I observed him closely. He was always extremely well-prepared, thoughtful, cooperative, and considerate. In addition, as a supervisor of student externs from my law school, he was always conscientious and responsible.

While Mr. Holmes has taken positions on issues with which I disagree, I have no reservations regarding the criteria by which he should be judged in this confirmation: professional competence, integrity, and judicial temperament.

Thus, I hope the Senate will confirm Jerome Holmes for this position.

Sincerely yours,

LAWRENCE K. HELLMAN,
Dean and Professor of Law.

CROWE & DUNLEVY,
Oklahoma City, OK, July 21, 2006.

Re confirmation of Jerome Holmes.

DEAR SENATOR INHOFE: I wish to voice my support for the confirmation of Jerome Holmes to serve as a Judge of the United States Court of Appeals for the Tenth Circuit.

I have known Jerome Holmes for several years, first when he was an Assistant U.S. Attorney, and most recently when he associated with my firm, Crowe & Dunlevy of Oklahoma City. I know him to be very intel-

ligent, very diligent and to possess a high degree of competence on the functioning of the federal judicial system. His background in the law will serve him well in this position. He is dedicated to serving the justice system and the legal profession.

Although I am a registered Democrat, I believe Jerome Holmes is entitled to non-partisan support because he will be an outstanding jurist who will follow the law, not personal views or beliefs.

I hope the Senate will confirm Jerome Holmes for this very important judicial post.

Sincerely,

WILLIAM G. PAUL,
Past-President, American Bar Association.

Senator JAMES INHOFE

U.S. Senator,
Washington, DC.

Re Nomination of Jerome Holmes.

DEAR JIM: I write in support of the nomination of Jerome Holmes to become a Judge of the United States Court of Appeals for the Tenth Circuit.

Jerome is a very bright, capable, and conscientious person. I have known him for many years, and I know that he became a very able prosecutor in the years he served as an Assistant United States Attorney for the United States Western District of Oklahoma. In that position, he demonstrated common sense and fairness in applying the law.

When Robert Macy retired as the District Attorney for Oklahoma County, I served, at the appointment of then Governor Frank Keating, on the committee to select a successor. Jerome Holmes was one of the finalists, and I was assigned the task of doing a workup on his skills, abilities, and suitability for the job. In that capacity, I interviewed several federal judges and several agents of the F.B.I. who had observed and worked with Jerome in his years in the U.S. Attorney's Office. All were high in their praise for Jerome, his dedication, and work ethic.

He has been most helpful in establishing minority scholarships here at the College of Law.

He is a delightful person, and I commend him to you for this judgeship enthusiastically and without reservation.

ANDREW M. COATS,
Dean and Professor, College of Law.

COUNTY OF SAN DIEGO,
DEPARTMENT OF THE PUBLIC DEFENDER,
San Diego, CA, June 15, 2006.

Re Jerome A. Holmes

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am honored to support the nomination of Jerome A. Holmes to the Tenth Circuit Court of Appeals. I am a deputy public defender, Chair of the ABA Commission on Homelessness and Poverty and co-founder of the Homeless Court Program.

Jerome is a member of the ABA Commission on Homelessness and Poverty. Jerome's contributions to the Commission's discussions on homeless and poverty issues are always well reasoned and articulate. He is inquisitive and insightful. Commission members rely on his input and value his contributions. I know Jerome to be thoughtful and deliberative in his approach to a myriad of issues that come before the Commission. He is respectful of diverging viewpoints that

come with review of a wide range of issues such as housing, education and people involved with the criminal justice system, to name but a few.

I am confident Jerome will uphold the highest level of judicial decorum and professional integrity as a member of the Tenth Circuit Court of Appeals. I recommend Jerome A. Holmes for appointment to this important judicial position.

If you have any questions, please call me at (619) 338-4708.

Sincerely,

STEVEN BINDER,
Deputy Public Defender.

CITY RESCUE MISSION,
Oklahoma City, OK, June 21, 2006.

Re Nomination of Jerome A. Holmes, Esq. to the United States Court of Appeals for the Tenth Circuit.

Hon. JAMES M. INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: I am writing in support of the nomination of Jerome A. Holmes, Esq., to the United States Court of Appeals for the Tenth Circuit. I have known Jerome since 2001 when Jerome and I were selected for the class of Oklahoma City Leadership. In 2003, Jerome was asked to serve as a director on the board of City Rescue Mission, a local homeless shelter and rehabilitation center located in Oklahoma City.

Jerome is a recognized leader in many levels of community service. Locally, he currently serves as Chairman of the Board for City Rescue Mission. His leadership has greatly contributed to City Rescue Mission's national recognition as a model rescue mission for the homeless and poor. Nationally, he currently serves as a Commissioner on the American Bar Association's Commission on Homelessness and Poverty where his work has received national recognition. I can personally attest to Jerome's leadership ability seasoned with character and integrity.

Jerome is passionately dedicated to his profession as well as his volunteer leadership roles. He has gained the respect of his colleagues in the legal profession as well as those in the human services realm. I have witnessed Jerome in a variety of leadership situations and have always been greatly impressed with his demeanor, temperament, and thoroughness. Jerome is the first person I call when I need a fair unbiased carefully considered point of view—he leaves no stone unturned. I highly recommend Jerome Holmes for confirmation to the United States Court of Appeals for the Tenth Circuit—he will serve our country well.

Respectfully,

REV. GLENN GRANFIELD,
President/CEO.

OKLAHOMA CITY, OK
July 24, 2006.

Hon. JAMES INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: This letter is written to support the nomination of Jerome Holmes to the 10th Circuit Court of Appeals. I am an African American attorney and active member of the community as well as an adjunct teacher at Douglass High School and I hope that Jerome is confirmed by the U.S. Senate. I have known Jerome for almost 15 years and I am very proud to call him a friend. It was that friendship I relied upon when I asked that he serve as a volunteer coach for the Frederick Douglass High School Mock Trial team which has a predominantly African American student population.

Jerome was very instrumental in helping the Frederick Douglass team in the first

year of competition advance in the competition. It was a result of his personal and professional dedication to the students that he was successful in helping inspire these young African American students both male and female to excel in this academic competition. I know Jerome stated that he was greatly enriched by the young men and women that competed on his team.

I strongly believe that Jerome Holmes has the integrity, personal track record and character to represent the 10th Circuit in a successful manner. Jerome Holmes is a good person who has always reflected his strong belief in the American dream. I personally witnessed as he was able to effectively, passionately and successfully share with the Douglass students that the dreams they hold can be realized in the same manner. I am confident that Jerome Holmes if given the opportunity to serve will uphold the Constitution first and foremost and serve in such a manner that I along with the mock trial students at Douglass will celebrate this achievement.

If I can provide additional information please don't hesitate to contact me.

L. DON SMITHERMAN, ESQ.,
Attorney at Law.6

RURAL PLANNING ORGANIZATIONS OF AMERICA

Mr. BOND. Mr. President, this past June, the National Association of Development Organizations, NADO, formed the Rural Planning Organizations of America, RPO America, a national voluntary organization, which was designed to strengthen our Nation's rural transportation planning, development, and infrastructure system.

Under the leadership of NADO, RPO America will support rural transportation planners and practitioners by providing professional development, peer networking, research and educational initiatives in order to promote and showcase the benefits and value of transportation planning and infrastructure development throughout our Nation's rural communities.

Investing in our rural roadways and bridges is more than just investing in concrete and steel; it is also an investment in our future. For this reason, it is essential that our Nation's rural transportation professionals be provided with the necessary tools and support to promote and showcase the value, benefits, and accomplishments of rural transportation planning and development.

Efficient transportation infrastructure plays a critical role in a successful and thriving community. Furthermore, a reliable transportation system within our Nation's rural community is not only critical to our rural communities but also to our Nation's economy.

Mr. President, I ask my colleagues to join me in recognizing this newly formed organization that will support the role of rural transportation planners and the efforts to improve rural community access throughout the country.

SMALL BUSINESS PENSION AND RETIREMENT SAVINGS

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this Chamber to help small businesses, as they are the driver of this Nation's economy, responsible for generating approximately 75 percent of net new jobs annually.

On Monday I introduced legislation that would help to address the retirement needs of millions of small business employees. My bill will make it easier for small employers to offer pension and 401(k) benefits to their employees, who typically have lower retirement savings rates. My bill makes it easier for small businesses to offer a "DB/K plan" which is a combination of a defined benefit plan and a section 401(k) plan that is included in a single plan document. Currently, due to defined benefit plans' complex rules and high establishment costs, many small businesses are unable to set up these types of pension plans for their employees. Instead, many small businesses choose to offer less complex 401(k) plans that do not require employer contributions and offer their employees less guaranteed retirement benefits.

Many small employers would like to offer defined benefit pension plans but are currently hampered by top-heavy rules designed to prevent large companies from exclusively offering pensions to key employees. These well-meaning regulations prevent most small companies, with a few key employees, from providing pension benefits. Legislation that establishes DB/K plans would provide small businesses with reasonable exemptions from these top-heavy rules. This increased flexibility will enable employers to offer employees pension benefits as well as the capability to save incrementally in 401(k) type accounts.

Another advantage of DB/K plans is that they offer employees increased flexibility. Employees with DB/K plans would be allowed to take their DB/K assets with them when they switch employers. This portability would make DB/Ks attractive to many younger employees, who tend to change jobs often. Portability is a DB/K innovation not offered by traditional defined benefit plans which have vesting periods and stop accumulating value when the employee leaves a company. For older workers, the main attraction would be the defined benefit feature, which provides that at least part of their retirement savings would provide a monthly pension check at retirement.

According to the Employee Benefit Research Institute, only 16 percent of employees at companies with 10 workers or fewer and 32 percent of employees at companies with 100 employees or fewer participate in their company-sponsored retirement savings plans. Comparatively, almost 60 percent of employees at companies with more