

access to their government's actions. This amendment was developed behind closed doors. Laws that limit the use of FOIA for public oversight of government actions should only be enacted after wide public consultation and discussion, which has not occurred with this provision.

Mr. Speaker, I am also disappointed with a provision of this conference report affecting OMB Circular A-76, which lays out the procedures used when the government privatizes work currently performed by federal employees. Under existing law, the private sector has the legal right to protest the results of such a public/private competition, but the public sector employees do not. This is fundamentally unfair.

The Senate bill would have addressed this inequity by granting both the official who submits the agency's bid, and a person representing a majority of the affected federal employees legal standing to protest at both the GAO and in the Court of Federal Claims. Instead of adopting this approach, the conference report gives standing only to the agency official, and only at the GAO. The report also requires the agency official to file a protest if a majority of the affected federal employees request that he do so, unless the official determines there is no reasonable basis to protest. While this limited approach is an improvement over existing law, I would have preferred the original Senate language, and will continue working to ensure that federal employees have all the legal rights currently afforded to contractors.

Finally, I strongly oppose section 3116, a provision that reverses an important aspect of the nation's nuclear waste cleanup policy. Specifically, it allows the Department of Energy to abandon millions of gallons of highly radioactive waste in leaking tanks in South Carolina and Idaho. It also sets a dangerous precedent for the cleanup of radioactive waste in Washington. This provision has not been adequately considered in either chamber of Congress.

#### THE LIBERATION OF NAVASSA AND DESECHEO ISLANDS BEGINS

**HON. NICK J. RAHALL, II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. RAHALL. Mr. Speaker, in my capacity as the ranking Democratic member on the Committee on Resources, it has been both a pleasure and an honor to oversee the management of our Federal public lands and resources.

It is not an exaggeration to say that our system of public lands—our parks, forests, refuges and wilderness areas—is second to none when it comes to providing world-class opportunities for Americans to enjoy outdoor recreation. That is, of course, when the general public is actually allowed to access and use their public lands.

Regardless of the fact that the Federal Government holds land in trust for the American people, sadly it appears that what the people own, the people may not necessarily ever get to use.

This is the case with two tiny islands in the Western Caribbean. Navassa and Desecheo

islands have interesting histories, but I doubt most Americans even know they exist, let alone that the islands are, in fact, part of our very own country.

The story of Navassa Island is a classic tale of American capitalism. It came to be part of America in the late 1800's through the mining and sale of petrified bird guano—yes, guano—as fertilizer. It is also the site of one of our Nation's early, ugly labor disputes. Over time, guano went out of fashion, but the outpost served a new purpose for 80 years, as a light source to guide ships through the islands of the Caribbean. In 1996, with the advent of new technologies, the lighthouse went dark. The property, however, remained part of the U.S.

Eventually that island and Desecheo Island, a former military training range, were incorporated into the National Wildlife Refuge system. The designation rightfully recognizes the unique qualities of the two islands, which are rich in uncommon plant and animal life. But, in turn, it has also led to their being essentially fenced off from the people who own them—the American public. For in fact, today, the Fish & Wildlife Service bars legal access to these two islands apparently under any circumstance.

That might be the end of the story, were it not for a group of Ham radio operators, who, after having been granted special use access to these public lands for twenty years, were suddenly denied permission to visit the islands to broadcast.

Indeed, for no sensible reason, the Fish and Wildlife Service—the same agency that had been granting access to these radio operators—arbitrarily reversed course and denied permits for a non-controversial recreational activity that had been approved for two decades of responsible and uneventful public use.

Not only did the agency cut off these broadcasters, it did so even after they agreed to assume all liability, to submit to any regulation or permit condition, and even to pay all administrative, management and travel costs for the Federal agency to remove all financial and logistical hurdles.

This is an instance of outrageous administrative arrogance to deny a permit for a recreational use that has been shown to be harmless to fish and wildlife. Public recreation at our National Wildlife Refuges is as much a part of the history of Refuge System as the critters themselves.

The Secretary of the Interior has been given congressional authority to grant special use permits for just such circumstances, when a public use is not incompatible with the purpose of the refuge. Yet, for some reason that escapes me, this Secretary will not budge. In the case of these two islands, the Secretary's discretionary powers amount to guano.

Such hubris cannot be allowed to stand unchallenged. Along with my colleague, the Chairman of the Resources Committee, RICHARD POMBO, I am introducing today legislation to address this deplorable situation and to restore the public's right of access to its Federal public lands. The liberation of Navassa and Desecheo Islands begins today.

This legislation would accomplish two main goals. First, it would require the Fish and Wildlife Service to issue regulations within 120 days after the bill's enactment to resolve this particular dispute. Second, to ensure access at both refuges the legislation would require

the Service to establish at least one period of time each year for public access for each island.

Language authorizing the Service to specify use periods and to attach reasonable permit restrictions in order to protect resources and public safety should provide adequate flexibility to balance the competing interests of resource protection and public recreation.

Also important, this legislation will help to harmonize existing use policies in regard to Navassa and Desecheo Refuges with three other remote refuges in the Pacific—Baker Island, Johnson Island and Jarvis Island. These three refuges, all accessible by way of special use permits, show plainly that controlled public recreational access is possible even at extremely remote and fragile refuges. In fact, the ham radio operators were successful in securing a permit to visit Baker Island as recently as 2002. In fairness, the same access should be provided to Navassa Island and Desecheo.

I am fully aware of the Service's need to balance public access with the Refuge System's overall "wildlife first" mission.

The Service cannot, however, be allowed to selectively choose to implement those parts of its authority it favors but ignore those requirements to provide for public recreation which are clearly stated in existing law.

I urge members to support this important legislation.

#### PERSONAL EXPLANATION

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. GALLEGLY. Mr. Speaker, on October 8, 2004, I was unable to vote on ordering the previous question on H. Res. 843, waiving points of order against the conference report to accompany H.R. 4200, the National Defense Authorization Act for fiscal year 2005 (rollcall 524); had I been present I would have voted "yea." Also, I was unable to vote on a motion to instruct conferees on S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States government (rollcall 525); had I been present I would have voted "nay." Additionally, I was unable to vote on the motion to table H. Res. 845 (rollcall 526); had I been present I would have voted "aye."

Mr. Speaker, on October 9, 2004, I was unable to vote on several measures before the House: H. Con. Res. 518, providing for an adjournment of the two Houses (rollcall 527); had I been present, I would have voted "yea"; On agreeing to the conference report on H.R. 4200, the DOD Authorization for fiscal year 2005 (rollcall 528); had I been present, I would have voted "yea"; on agreeing to the conference report on H.R. 4837, the Military Construction Appropriations bill for fiscal year 2005 (rollcall 529); had I been present, I would have voted "yea"; and on agreeing to the conference report on H.R. 4567, the Homeland Security Appropriations bill for fiscal year 2005 (rollcall 530); had I been present, I would have voted "yea."

**A PROCLAMATION HONORING  
PETER AND SYLVIA MANASSE  
ON THEIR 60TH WEDDING ANNI-  
VERSARY**

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. NEY. Mr. Speaker:

Whereas, Peter and Sylvia Manasse were married in New York City on November 11, 1944; and

Whereas, Peter and Sylvia Manasse have shown the love and commitment necessary to live a long and beautiful life together; and

Whereas, Peter and Sylvia Manasse must be commended for their loyalty and dedication to their 3 sons, 8 grandchildren, 3 great-grandchildren, and extended family; and

Whereas, Peter and Sylvia Manasse have both served their community. Mr. Manasse represented an American trading company in Milan, Italy and was always active in issues of U.S./European trade as a vice president for some 25 years of the American Chamber of Commerce in Italy. Mr. Manasse helped businesses in the Italian textile and steel industries re-establish their export markets to the United States and elsewhere after World War II. For his work in the export markets, he received the Gold Medal of the Milan Chamber of Commerce on December 22, 1977. Mrs. Manasse co-founded Milan's first International School in the late 1950's and then went on to have a successful career as a journalist for Italian magazines. Both Mr. and Mrs. Manasse have received the distinction of being named Chevalier in the Order of St. Charles for their services to the Principality of Monaco.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Peter and Sylvia Manasse as they celebrate their 60th Wedding anniversary.

**HONORING JACK AND CARTER  
HARDESTY**

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. WOLF. Mr. Speaker, it is my pleasure to draw the attention of the House to a noble couple on the occasion of the dedication of the Jack and Carter Hardesty Bridge in Clarke County, VA. The Hardestys have been a vital part of the Clarke County community for over half a century, and now their name will be honored and associated with the bridge over U.S. Route 340 which crosses the Norfolk Southern Railroad line about a mile from the West Virginia border.

State Senator Russ Potts sponsored the legislation in the Virginia General Assembly to dedicate the bridge in their name. I was honored to join him; Virginia Governor Mark Warner; the Honorable Al Smith, former member of the Virginia House of Delegates; the Honorable Jack Marsh, former Virginia Congressman and former Secretary of the Army; members of the Hardesty family and their friends and neighbors at the dedication ceremony and unveiling of the bridge marker on October 4. The Clarke County High School Band and

school Concert Choir provided music for the event.

Carter, who passed away last year, was a special woman. She sent literally hundreds of cards each year to county residents that she personally picked out and wrote notes in for every occasion. These cards were often just pick-me-ups for friends that were down. Apparently, even a flat tire didn't escape her notice. The cards she sent made her an irreplaceable part of the community that is dearly missed.

Carter was also an active member of the Crums United Methodist Church. She spent 25 years teaching numerous Sunday school classes. Pastor Sandra Stamey of Crums UMC gave the invocation at the dedication ceremony.

However, I remember Carter best for her service at the Lord's Acre Booth at the Clarke County Fair. She was cochairman of the booth.

Carter was only one half of this dynamic duo. A dairy farmer by profession, Jack has served Clarke County as a member of the board of supervisors and his long list of community, civic, and public service activities is unparalleled. We all share with him and his family in the grief of Carter's loss. She left a great legacy behind for the husband and family and community that she dearly loved.

I want to share with our colleagues an article about the dedication ceremony from The Winchester Star.

[From the Winchester Star, Oct. 5, 2004]

**CEREMONY CELEBRATES HARDESTY INFLUENCE**  
(By Jessica Sabbath)

BERRYVILLE.—Gov. Mark R. Warner visited Clarke County Monday to honor a husband known for his lifelong service to the county and a wife known for her heartfelt cards.

More than 200 people joined the governor, area politicians, and the extended Hardesty family at the dedication of a county bridge to John D. "Jack" Hardesty and his late wife, Carter.

The bridge, on U.S. 340, crosses over the Norfolk Southern Railroad line about a mile from the West Virginia border.

The couple is part of eight generations of Hardestys that have been prominent in the county. Speakers praised the couple for the couple's commitment to faith, family, and the county.

"Jack Hardesty and his family represent not only the best of public service, but the best of what it means to be a Virginian," Warner said against the backdrop of rolling green hills.

The ceremony was held at Oakland Orchard by state Sen. H. Russell Potts Jr., R-Winchester, and the Virginia Department of Transportation.

It wasn't the first time a Hardesty family ceremony brought the governor to Clarke County. In March 2002, Warner declared Virginia Agriculture Week at Harvue Farms, the dairy farm Jack Hardesty and his father established in 1949.

Jack Hardesty served on the county Board of Supervisors for 30 years, and was its chairman for 18 years.

He was named "Dairyman of the Year" in 1992 and has been president of the Maryland-Virginia Milk Producers Association for the past five years. He served five gubernatorial appointments and has been on the board of the Bank of Clarke County for 40 years.

Carter Hardesty, who died last October, was known as the "Card Lady" of Clarke County. She sent out between 15 and 20 cards each week to county residents for just about any occasion.

During the ceremony, Potts, who sponsored the legislation in the Virginia General Assembly to dedicate the bridge, held up a stack of cards he had received from Carter Hardesty.

"She would even send a card out when somebody's car broke down," Potts said.

Carter Hardesty taught Sunday School at Crums United Methodist Church for 25 years. She was the co-chair of the Lord's Acre booth in the Clarke County Fair for 35 years.

U.S. Rep. Frank R. Wolf, R-10th, praised the couple's service to the county and family.

"They have played a vital part of this community in a unique way," Wolf said, adding he hopes future generations of Hardestys would carry on the tradition.

Danny Hardesty, grandson of Jack Hardesty and a senior at Clarke County High School, said the ceremony and his grandfather's service had done just that.

"He laid down the roadwork for us all to follow," Danny said.

The governor made a late, but rather striking entrance. A few minutes into the ceremony, a helicopter carrying the governor approached while the Clarke County High School Band played "The Star Spangled Banner."

A mix-up in the location of the helicopter caused the governor to make a last-minute sprint to Richmond International Airport to catch a flight into Winchester.

There, Warner jumped on the helicopter that flew him into Clarke.

"I was not trying to interfere with the band's wonderful rendition," Warner said at the dedication. "Neither sleet, nor rain, nor snow, nor hail nor misplaced helicopter could keep me away." Warner recalled receiving a card from Carter Hardesty when he began his term and found the state's budget in worse-than-expected shape.

"Don't worry, Mark," Warner recalled the card saying. "You'll get through it all right."

Potts, Wolf, former Del. Alson H. Smith Jr., former Congressman and former Secretary of the U.S. Army John O. Marsh all spoke at the event, held on a warm and sunny fall day.

"My wife arranged the weather," Jack Hardesty told the crowd. "I know Carter's looking down and enjoying this."

During an emotional high point of the ceremony, tears welled in the eyes of the family and many members of the audience as Alexandra Masters, a junior at Clarke County High School, sang pop singer Sarah McLachlan's "Angel."

The Hardesty family stood with politicians as Warner and Jack Hardesty unveiled a green highway sign that read "Jack and Carter Hardesty Bridge."

Potts said it would be fitting that after crossing over the Virginia border, people would first see the bridge.

"The bridge that represents that 'Highway to Heaven' that the Hardestys tried to make Clarke County," Potts said.

**TRIBUTE TO FATHER SPENCER T.  
KEZIOS**

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2004*

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Father Spencer T. Kezios for his leadership and service to the community. The San Fernando Valley, and indeed the entire world community, is truly fortunate to benefit from his unyielding dedication to promoting education, religious tolerance, and peace. Father Kezios has consistently demonstrated