

itself is significant in that what was formerly a closed process is now open to public scrutiny. Also significant is the fact that these are countywide plans, thus providing greater uniformity than before when practices varied from judge to judge. From what I've seen, the Task Force has successfully built bridges with county government and leading advocate and public interest groups for meaningful collaboration and significant reform."

The following are some of the highlights of what Texas's courts, counties, and Task Force have accomplished.

More Indigent Defendants Receiving Court Appointed Counsel—In 2002, 278,479 persons received court appointed counsel. In 2004, 371,167 persons received court appointed counsel. This represents a 33% increase while all criminal case filings are up only 8%. Courts and local government are taking their responsibilities seriously.

Public Access—Every indigent defense plan (adult and juvenile) and every county's indigent defense expenditures are posted electronically and available to anyone with access to the Internet. In addition, all model forms, procedures, and rules promulgated by the Task Force are available online at www.courts.state.tx.us/tfjd.

In response to Task Force recommendations, judges across the state have submitted amendments to bring indigent defense plans into compliance with the law. Also, every indigent defense plan has been reviewed by the Task Force and is in accordance with the law.

Accountability—Because of centralized oversight of plan submission, the judiciary is accountable to the Task Force. County officials are accountable to the Task Force through expenditure reporting and because of receipt of state grants. Prior to this act each county and court in Texas was left to its own means on how to provide these services.

Training and Outreach—Each year since 2001, the Task Force and staff have provided presentations across the state to 1,200 or more judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and on the responsibilities of the State regarding effective indigent defense representation. One program of particular interest was designed specifically for State district trial judges who hear capital offenses. This program was sponsored by the Center for American and International Law in Plano, Texas on August 19–20, 2004.

Spending Up Almost 50% Since 2001—The State and counties have significantly increased expenditures for indigent defense services statewide to improve the quality of counsel appointed to represent the poor.

In 2001, counties expended approximately \$92 million on indigent defense services without any state assistance. In 2002, county and state spending together reached approximately \$107 million—\$15 million more than was spent in 2001. In 2003, county and state spending together amounted to approximately \$130–\$38 million more than was spent in 2001. And, the most recent reports for FY04 reveal county and state spending together totaled approximately \$137 million—\$45 million more than 2001. All in all since the Fair Defense Act passed the State and counties are expending almost 50% more than they did prior to the Fair Defense Act. Neither the State nor the counties are abdicating their responsibilities—to the contrary, the State and counties are providing their best efforts to secure additional revenue sources as well as implementing process changes to ensure tax payers receive the most value possible for their tax dollars.

Nine Administrative Judicial Regions Working Collaboratively with Task Force—

The Nine Administrative Judicial Regions are responsible for the development of qualifications and standards for counsel in death penalty cases. Notwithstanding the Texas Defender Service report referenced by Mr. Leahy in his testimony, the nine administrative presiding judges take very seriously their responsibilities under Texas law. Through officially published standards and qualifications and a thorough screening process, they ensure that only the most capable and competent attorneys are appointed in death penalty cases.

The report that Mr. Leahy relies on was criticized by many criminal justice stakeholders in Texas. I was disappointed with the secretive and surprise tactics utilized by the authors in its preparation. No Task Force members or staff were consulted prior to the report's publication. More significantly, the nine administrative judges were not consulted regarding its preparation or its findings prior to its release. For a Dallas Morning News article regarding this report, I noted the report's lack of methodology and stated that the report's conclusions "may be a matter more of form over substance." John Dahill, general counsel for the Texas Conference of Urban Counties and a former Dallas County prosecutor, was more blunt. "It just riles me to no end that the Texas Defender Service and the Equal Justice Center didn't bother to inquire of people with knowledge in each of these counties," he said. Counties generally follow the regional plan for appointment of counsel in capital cases, he said, and Dallas County follows the plan of the first administrative judicial region. That region covers 34 counties in northeast Texas.

Judge John Ovard of Dallas, who presides over the 1st administrative region, said he had not had a chance to read the report but said the county's failing grade surprised him. "We're in compliance with the task force . . . which is the primary state agency we report to," he said. "I certainly am interested in looking at it and see why they came to those conclusions."

Task Force staff meets quarterly with the 9 Administrative Presiding judges. The Task Force provides administrative assistance to the 9 Administrative Judicial Regions in posting the lists of standards and attorneys qualified for appointments in electronic format readily available to anyone in Texas. This collaborative effort is not mandated by State law but is being done at the request of the 9 Administrative Presiding judges to ensure that this process is open to the public and administered consistently across the State.

Summary—For the first time in Texas history the State is providing oversight, fiscal assistance, and technical support to local government and courts to improve the delivery of indigent defense services. All 254 counties in Texas are in compliance with the state reporting requirements. Each indigent defense plan in Texas has been reviewed by the Task Force to ensure it provides for prompt appointment of qualified counsel and reasonable compensation for appointed counsel. Since the passage of the Fair Defense Act, staff has provided presentations across the state to more than 4000 judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and the responsibilities of State regarding effective indigent defense representation. The key criminal justice stakeholders in Texas are being trained and the Texas system has improved dramatically since the passage of this law. Furthermore, in what may be its greatest achievement, the Task Force has created an efficient and collaborative infrastructure for continuing implementation of the Fair

Defense Act and for future improvements to indigent defense procedures statewide.

Thank you for considering my views. If you need any further information, feel free to contact me or any member of the Task Force. We are at your disposal to build on the successes all Texans have experienced since the passage of the Fair Defense Act.

Sincerely,

JAMES D. BETHKE,

Director, Task Force on Indigent Defense.

RECOGNIZING LUKAS JOHNSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lukas Johnson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Lukas has been very active with his troop, participating in many Scout activities. Over the many years Lukas has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Lukas Johnson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHRISTIAN BROTHERS ACADEMY'S CLASS AA FOOTBALL STATE TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to an extraordinary group of athletes, the Christian Brothers Academy's football team. CBAS captured its first State title in Class AA, the state's largest classification for any Section 3 team in the history of the tournament.

The 41 to 35 victory was a nail biting, come-from-behind win lead by Coach Joe Casamento, senior Greg Paulus, senior Lavar Lobdell, senior Bruce Williams, senior Brian Bojko and senior Erik Estabrook. While these individuals paved the way to victory in the final game of the season, the entire CBA football roster is responsible for the 2004 flawless success. They and their families who offer daily support deserve special recognition.

Lavar Lobdell, Erik Estabrook, Bruce Williams, Matt Kinnan, Greg Paulus, Max Greenky, Peter Giordano, Joe Nicoletti, Mike Paulus, Jim Chapman, Matt Halliday, Greg Khanzadian, Jovon Miller, Steve Peltz, Joe Losurdo, Adam Drescher, Mike Kenien, Alfonso Merola, Ricardo Donalson, McKenzie Mathews, Jim Brennan, Austin Merola, Brian Bojko, Greg Hadley, Dario Arezzo, Mike Suits, Pat McNamara, Tim Bobbett, Evan Mazur, Jon Knaust, Dan Delluomo, Andy Bongiovanni,

Rich Cummings, Mike Dracker, Matt Oliver, Eric Fletcher, Tom DiStasio, Steve Kuhns, Matt Rainbow, Brian Dushatinski, Peter Paris, Mark Callahan, Leon Saddler, Stephen Pride, Kevin Didio, Kris Estabrook, Matt Wilson and Bill Urciuoli were all instrumental components of this CBA powerhouse.

Throughout the 2004 season, the team overcame fatigue, injury, sweltering August heat, and a rigorous schedule, to complete an unblemished record of 13 wins and 0 losses, truly exemplifying the definition of a champion.

I commend Christian Brothers Academy's 2004 football team for their hard work and perseverance and congratulate them on a perfect season. You have set the standard for future Purple and Gold teams.

Congratulations to the Champs.

HONORING TEENA M. BOREK

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. MARIO DIAZ-BALART of Florida. I would like to rise in order to honor Teena M. Borek—the 2004 Woman of the Year in Agriculture. She is a pioneer in the agriculture industry and an incredible example to young women throughout America.

When her husband tragically died in 1980, Teena decided to run their farm and became the only female vegetable farmer in Miami-Dade County. Impressively, she was able to successfully run the farm while raising two young toddlers, who are now both involved in agriculture.

In the late 1980s, Teena Borek played a large role in bringing needed computer technology to farms and worked with the Community Bank of Florida to ensure that appropriate financing mechanisms were in place to increase access to this important technology. Not surprisingly, Borek Farms was the first Homestead vegetable farm to use a computer.

Using her knowledge from when she first handled the books at Borek Farms, Teena also helped implement an accounting program for farms that is still in use today.

Her achievements in advancing agricultural crops is also unparalleled. Teena became the first Miami-Dade County farmer to use the linear irrigation system and Borek Farms had the first commercially grown Florida 7862 tomato.

One of her greatest achievements, however, is the impact she has had on young women. As a female pioneer in Florida agriculture, she has paved a path for young women in an industry that has largely been dominated by men. Currently, she is serving as the second female President of the Dade County Farm Bureau and has mentored many young women, including the current executive director of the Farm Bureau.

I have had the honor of visiting with Teena and learning about the many achievements she has made for Florida's agriculture industry. After getting to know her and better understand the work of Steven Borek Farms, it seems clear that Teena's contribution to Florida agriculture will be understood well beyond our lifetime.

She may be most recognized for her work in Miami-Dade County, but her achievements have impacted the entire state of Florida.

While advancing the entire industry through technological expansion, she paved the path for generations of women hoping to enter the industry.

I ask my colleagues to join me in honoring and congratulating Teena M. Borek on being named the 2004 Woman of the Year in Agriculture by the Florida Farm Bureau.

CONGRESSIONAL TRIBUTE TO
RALPH CERNY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a man who has made remarkable contributions to the health of the people of northern Michigan. Ralph Cerny is retiring from his position as CEO of the Munson Medical Center in Traverse City on December 31st, closing a long career dedicated to providing his community with quality health care. Mr. Cerny's 38 years as a hospital administrator and community leader serve as a shining example of his profession.

In 1964, Ralph Cerny graduated from Cornell University with a Bachelor's Degree in Economics. The year before, he actually had his first experience at Munson Medical Center, working as a summer intern. From Cornell University, Ralph went on to study Hospital Administration at the University of Michigan, where he not only earned a Master's degree, but also met his wife, Maureen.

After graduating from U of M in 1966, Ralph began his career as an Associate Administrator at the University of Nebraska Medical Center in Omaha. He remained there for seven years, but in 1973, he returned to Michigan as the CEO of the Memorial Medical Center of West Michigan in Ludington.

In 1985, the long-time CEO of Munson Medical Center, Jack Bay, asked Ralph to move north and join Munson as Chief Operating Officer. He accepted, and began a 19 year tenure that saw Munson grow into a nationally-recognized hospital and health care provider at the center of a regional network of community-based hospitals.

In his eight years as COO, and eleven years as CEO, Munson Medical Center has created a cardiovascular program that has been recognized on four occasions for superior clinical and operational performance; opened a new South Tower for patient care, opened a new ambulatory surgery center; and initiated an air ambulance service. This excellence has not gone unnoticed either. Munson received the National Quality Health Care Award in 2000 and was named one of the Nation's Top 100 hospitals six times.

In short, Mr. Speaker, Ralph's leadership has had a lasting impact on the quality of care at Munson Medical Center, and on the quality of life in the Grand Traverse Region. I worked closely with Ralph Cerny and the Munson Medical family, and I have seen firsthand his dedication to his work and to his community.

While Ralph will be missed at Munson, he has more than earned this retirement. As much as he has given to his career, Ralph has always had time for his family, and I know he looks forward to spending more time with his wife Maureen, their three sons Tim, Tyler,

and Ryan, and their five grandchildren. I also suspect he will spend more time indulging in two of his favorite pastimes: golf and downhill skiing.

Mr. Speaker, Ralph Cerny's commitment to his family, his community, health care, and Munson Medical Center serves as an example to all of us. I ask the House to join me in honoring him, thanking him for his service, and wishing him well in his retirement.

HOUSE ADMINISTRATION COMMITTEE HAS BROAD JURISDICTION OVER "CONGRESSIONAL CONTINUITY"

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. LARSON of Connecticut. Mr. Speaker, on May 4, 2004, I introduced House Resolution 623. This was a one-line resolution which stated: ". . . That the House of Representatives should address issues relating to the potential incapacity of its Members." I did this to make an important jurisdictional point.

The resolution, which was referred solely to the Committee on House Administration, served to highlight the committee's jurisdiction over how to deal with the status of incapacitated Members, and, by implication, more broadly with certain other matters relating to the continuity of Congress. The committee already has principal jurisdiction over the conduct of congressional and Presidential elections, the qualifications and credentials of House Members, and administrative control over the internal operations of the House, including Chamber security.

I would hope that in the 109th Congress, our committee, where I serve as the ranking minority member, will more forcefully exercise the authority it has to address a range of issues which threaten the ability of Congress to function in the event of a national catastrophe. We need to develop specific, and constitutional, proposals to address the potential absence of incapacitated Members. If the only effective way is through a constitutional amendment, as I suspect it is, then that argument should be clearly made.

Much attention in the 108th Congress has gone to other committees, such as Rules and Judiciary, which have specialized roles in considering certain types of continuity measures. If a proposal is introduced as a House rule, it will be referred to the Rules Committee; if it is a constitutional amendment, it will go to Judiciary. The Rules Committee held a useful hearing this year on incapacity, but its ability to deal with elements of the issue beyond changes to the rules of the House is limited.

This Congress has been a huge disappointment because of its failure to effectively address many issues involving the stability of our structure of Government, deficiencies brought to the forefront by the September 11 attacks, as well as a disturbing tendency to paper over controversies with legislation which fails to substantively address the problem.

For example, the House earlier this year rejected a constitutional amendment offered by Representative BAIRD of Washington which would have reconstituted the House quickly through temporary appointments, pending special elections, if a large number of Members