

Southeast Alaska, Natives from these five communities were denied rights to land and local resources that Natives enrolled to other village and urban corporations in Southeast Alaska received under ANCSA.

ANCSA prohibits the Native villages in Southeast Alaska from obtaining an administrative and/or judicial solution. Section 11 of ANCSA establishes a general process for determining Native village eligibility for villages outside Southeast Alaska. A completely different process was set forth under Section 16 of ANCSA for determining the eligibility of Native villages in Southeast Alaska. Unlike Section 11, there is no provision in Section 16 providing an appeal right or other procedures for qualification of Southeast Alaska Native villages not included in the original list.

Appeals to the Alaska Native Claims Appeal Board of the U.S. Department of the Interior in 1974 and 1977, on behalf of Natives enrolled to the villages of Haines, Tenakee and Ketchikan were denied based on a narrow, technical reading, of ANCSA Section 16. The Appeals Board ruled that Section 16 prevents the Board from even considering whether “unlisted” Southeast villages could be determined eligible for benefits, thus precluding any administrative or judicial redress.

In 1994, a congressionally directed study determined the omission of these Southeast Alaska Native villages from ANCSA to be erroneous. In 1993, the Federal government contracted with the Institute of Social and Economic Research (ISER) at the University of Alaska, Anchorage, to prepare a report on the status of these villages. ISER presented its report to Congress in February 1994, concluding that the eligibility requirements for villages eligible to form Native corporations were met by the Native communities of Haines, Ketchikan, Petersburg, Tenakee and Wrangell. The report notes that, with the exception of Tenakee, the communities appeared on early versions of Native village lists, and their subsequent omission was not clearly explained in any provision of ANCSA nor in the accompanying legislative history. In short, the ISER report found no distinction between the five communities and other Southeast Alaska communities listed in Section 16, and thus no justification for omission of these five Southeast Native communities from ANCSA.

A solution to the myriad of issues that have prevented a resolution to this situation has presented itself in past congressional sessions. These past legislative attempts have failed for a variety of reasons outside the control of the Southeast Alaska Native villages. My legislation addresses these issues and seeks to build a solid, bipartisan coalition of support among key members of Congress, the Administration, and other outside interest groups. The legislation presents a compromise that has been favorably received by the affected villages, Sealaska Corporation, the state and others. The elements of the compromise include the following:

The Native residents enrolled to the five Native villages will be allowed to organize five urban corporations, one for each unrecognized community.

The newly formed Corporations would be provided the following compensation package:

The Congress would recognize the five communities as Alaska Native Villages, pursuant to the Alaska Native Claims Settlement Act.

The Secretary of the Interior would offer, and the Urban Corporation for each community could accept, the surface estate to approximately 23,000 acres of forest lands.

Sealaska Corporation, the Native Regional Corporation for Southeast Alaska, would receive title to the subsurface estate to the designated lands.

The Urban Corporations for each community would receive a lump sum payment to be used as start-up funds for the newly established Corporation.

The Secretary of the Interior would determine such other appropriate compensation to redress the inequities faced by unrecognized communities for the past 30+ years.

I thank my colleagues and urge your support for this important legislation for five Southeast Alaska communities.

TRIBUTE TO MS. CYNTHIA DUNN
KEARLY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor a teacher who has made an impact on our community through selfless dedication and commitment to her students. Ms. Cynthia Dunn Kearly is a special education teacher at Douglas MacArthur Elementary School in Alexandria, Virginia. But to her students and their families, she is much more than that. An educator with gifts of creativity and passion, Ms. Kearly serves as an inspiration for what great instructors can offer.

At Douglas MacArthur Elementary School, Ms. Kearly is regularly asked to take students with special needs and foster in them confidence and success. Her work with students has not only earned her the respect of parents and her colleagues, but has also won her numerous accolades locally and nationwide. As an educator in the Alexandria City Public School system, Ms. Kearly was a recipient of the Harry Burke Award for Outstanding Performance in Special Education. This honor has been bestowed on many great teachers and Ms. Kearly's selection follows perfectly in this tradition.

Additionally, Ms. Kearly's exemplary work is being recognized nationally as well. She is one of three teachers nationwide to be awarded the 2005 Commonwealth Academy Recognition for Educators (CARE) Award. The CARE award recognizes outstanding educators who have made significant contributions to leaving no child behind in their local communities. The focus of the award is to highlight teachers who work with students that have organizational, attention and learning challenges. To her coworkers and supervisors, there is little doubt that Ms. Kearly is a worthy recipient. The Superintendent of Schools for the City of Alexandria has said about her that “She truly exemplifies the kind of professional who should be recognized and honored for her great work with special needs students.”

Mr. Speaker, I am proud to have Ms. Kearly teach within Virginia's Eighth Congressional District. She is transforming lives with her selfless dedication to serving young people in our community. I often remind friends and neighbors that good teachers are among our great

est assets in Northern Virginia. For this reason, we must take opportunities to encourage our best and brightest to commit themselves to this service, but also to thank the men and women already giving so much of themselves.

TRIBUTE TO THE LATE MARK
ELMORE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to Mark Elmore of Olathe, who worked and guided Johnson County Developmental Supports, JCDS, for 27 years. Sadly, Mark Elmore died Sunday, May 15, at the age 61. I knew Mark Elmore. He was a good and decent man.

Based in Lenexa, JCDS is a comprehensive community service agency that supports Johnson County people of all ages with mental retardation and other developmental disabilities, along with their families. It provides direct services to more than 500 individuals daily. Elmore joined the agency as executive director in 1978. His leadership moved the agency from a period in the late 1970s, when staff cutbacks were a reality and financial stability was threatened, to the steady growth and fiscal solvency JCDS enjoys today.

Annabeth Surbaugh, chairman of the Johnson County Board of Commissioners, led the Johnson County community in mourning the death of this dedicated and well respected leader. As she stated publicly on learning of his death, Mark Elmore's commitment to JCDS was total. He took tremendous pride in the accomplishments of JCDS, leading the highly recognized agency through nine consecutive 3-year national accreditation awards. His self-imposed job description included doing whatever was needed to provide the best services and programs to consumers with special needs to enhance their overall quality of life.

Chairman Surbaugh noted that in the early years of developing JCDS, Elmore was known to have taken clients into his own home, to visit them in their homes and at work, and to even shovel snow off sidewalks outside the facility to ensure the safe arrival of both staff and consumers. “Johnson County has lost a great man with a great heart and a great friend. Mark Elmore was a man of high principles. His encouragement, dedication, and compassion for the special-needs community set an example for all of us,” Surbaugh said. “He was the heart and soul of JCDS.”

Mark Elmore also was well known throughout the state of Kansas, becoming a driving force in creation of developmental disability programs and legislation in the state. Elmore was a key player in the development and implementation of the 1995 Developmental Disability Reform Act, which emphasized opportunities for integration and inclusion in community life. Changes ushered in by the Act have resulted in a continued expansion of services and supports at the local level, and the advance of what has now become a coordinated network of individual and agency service providers, which in Johnson County now serves nearly 1,000 individuals and families.

In a statement, Gayle Richardson, chairperson of the JCDS Governing Board, spoke

on behalf of the agency in reacting to Elmore's death. "If you wish to learn how to leave this world a better place, I command Mark Elmore to you. He was not only a skilled professional, but a man beloved by his family, staff, and the folks he served at JCDS. He gave his heart and his mind to his job, and his legacy to us is a flourishing agency, whose mission is to enhance the lives of people with disabilities—not a glamour job, but a most satisfying one," Richardson said. "He made us proud and eager to fulfill this mission. One of his last gifts was to work with the Board to ensure the health of JCDS beyond his term, which came all too soon."

County Manager Michael B. Press agreed. "His life truly exemplified the spirit of public service: to help the needy, to succor the distressed, and to serve the community without regard to the necessary personal sacrifices required," he said. "Our hearts and prayers are with his family at this time. He will be missed."

Mark Elmore is survived by his wife, Jeanette; son and daughter-in-law, Brenton and Kirsten Elmore; daughter and son-in-law, Tracie and Raymond Kaiser; and two grandsons. The couple would have celebrated their 40th anniversary next month.

Mr. Speaker, Johnson County has suffered a tremendous loss with the untimely death of Mark Elmore. I join with all Johnson Countians in mourning his loss, and place in the CONGRESSIONAL RECORD two articles from the local news media reporting on Mark Elmore's life and legacy:

[From the Kansas City Star, May 18, 2005]

ADVOCATE FOR THE DISABLED DEAD AT 61

Mark Elmore, the Olathe man whose dedication and passion for those with developmental disabilities spanned more than three decades, died Sunday of a brain tumor. He was 61.

As executive director of Johnson County Developmental Supports, Elmore helped create landmark legislation in Kansas. The new laws allowed those with mental and physical challenges to live in their own homes and learn life skills vital to landing a job, making friends and finding meaning in life.

"He gave his heart and mind to this job," said Gayle Richardson, chairwoman of the support group's board of directors. "His legacy to us is a flourishing agency."

"Flourishing" was not the adjective Elmore would have chosen 27 years ago.

In 1978, he was hired to turn around the agency facing deep federal cuts that threatened to close its doors.

He streamlined the agency and improved services by listening to parents and their children about their desire to live at home, away from sterile and impersonal institutions. He found money to hire expert workers and expand services.

When Elmore started, the agency served 66 persons. Today, Johnson County Developmental Supports, also known as JCDS, serves 530 clients daily and oversees aid for more than 1,300 residents. Its annual budget is \$20 million.

"Johnson County has lost a great friend with a great heart," said Annabeth Surbaugh, chairwoman of the Johnson County Commission. "Mark Elmore was the heart and soul of JCDS."

In the early years, Elmore was known to take clients in to his own home for days and weeks at a time, Surbaugh said.

Those who knew him best describe a tireless, 36-year cheerleader and fund-raiser for the developmentally disabled who organized lobbying efforts in Topeka to create new laws and disability programs.

In 1996, he was the first to receive the Distinguished Leadership Award from InterHab, an advocacy group he helped found in 1969.

"His life truly exemplified the spirit of public service: to help the needy . . . and to support everything fine and noble," said Mike Press, the county manager.

Outside of work, Elmore enjoyed home remodeling, spending time in the Colorado Rocky Mountains and restoring a Model A, Thunderbird and a 1965 Mustang. He had planned to retire later this year.

Last week he underwent a biopsy of a spot on his brain. Surgery revealed a tumor more extensive than originally thought. He lapsed into a coma and did not regain consciousness.

He is survived by his wife, Jeanette; son and daughter-in-law, Brenton and Kirsten Elmore; daughter and son-in-law, Tracie and Raymond Kaiser; and two grandsons. The couple would have celebrated their 40th anniversary next month.

Services will be at noon Saturday at the College Church of the Nazarene, 2020 E. Sheridan St., Olathe. The family suggests memorial contributions to Friends of Johnson County Developmental Supports, 10501 Lackman Road, Lenexa, KS 66219.

Dennis Tucker, associate executive director of the support group, will serve as interim director until a new leader is named.

[From the Olathe News, May 18, 2005]

LONGTIME COUNTY EXECUTIVE DIRECTOR DIES

(By Dan J. Smith)

The man who for nearly three decades led a county agency that provides care for people with developmental disabilities has died.

Olathe resident Mark Elmore helped grow Johnson County Developmental Supports and had served as the organization's executive director since 1978. Elmore, who was 61, died Sunday at Olathe Medical Center.

"Mark was one of the special people that come around once in a lifetime," said Trish Moore, Elmore's friend and director of human services and aging for the county. "He believed in what he was doing, and he created programs that will last and help people forever. He left a great legacy."

Under Elmore's leadership, JCDS earned three-year national accreditations nine consecutive times and provided services each day to more than 500 people with mental retardation and other disabilities.

"He had incredible passion for what he was doing," Moore said. "He had wonderful ethics, and he was a great advocate. He was the person that you would want as a colleague, as a neighbor and as a friend."

Elmore opened his home to several JCDS clients during the agency's infancy, said Annabeth Surbaugh, chair of the Johnson County Commission.

"I've been here as an elected person for 13 years, and to myself and many people in this county, Mark was Developmental Supports," Surbaugh said. "He had been there so long, and he was so committed to it that it wasn't a job. It was his mission in life."

"If you wish to learn how to leave this world a better place, I command Mark Elmore to you," a written statement read from Gayle Richardson, chair of the commission-appointed JCDS board, which oversees the agency. "He was not only a skilled professional, but a man beloved by his family, staff and the folks he served at JCDS."

"He made us proud and eager to fulfill his mission," Richardson wrote. "One of his last gifts was to work with the board to ensure the health of JCDS beyond his term, which came all too soon."

Elmore and his wife, Jeanette, would have celebrated their 40th wedding anniversary next month. Jeanette, two children and two grandchildren survive.

A noon funeral service is scheduled for Saturday at the College Church of the Nazarene, 2020 E. Sheridan St. Penwell-Gabel Funeral Home is handling funeral arrangements.

The family suggests memorial contributions to the Friends of Johnson County Developmental Supports, 10501 Lackman Road.

Dennis Tucker, associate executive director of JCDS, will assume interim executive director duties until a successor is named.

IN RECOGNITION OF NATIONAL TRANSPORTATION WEEK

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. CUMMINGS. Mr. Speaker, as a member of the Transportation and Infrastructure Committee, I rise today, during National Transportation Week, to recognize our remarkable transportation accomplishments and to draw attention to the critical challenges that we now face.

During the half-century that has passed between the first permanent Transportation Week in 1962 and this week in 2005, we have created a world-class transportation system that moved our nation forward to the 21st century.

We built an Interstate System that now extends more than 46,000 miles.

We built major new subway systems in cities like San Francisco; Washington, DC; and Atlanta.

We created a cabinet-level Department of Transportation.

We created Amtrak to preserve intercity passenger rail service.

And we maintained and expanded a Federal transportation financing system based largely on the collection of gas taxes.

Unfortunately, that system of financing is now breaking down and our forward progress is threatened.

This week, as we celebrate the 43rd annual National Transportation Week, we are 2 years into the effort to reauthorize Federal transportation spending.

Unfortunately, all the proposals currently under consideration fall short of funding our extensive transportation needs.

The transportation reauthorization legislation adopted by the House would provide \$284.9 billion, while the bill passed this week by the Senate would provide \$295 billion. Both of these funding levels are imperfect compromises.

Chairman YOUNG and Ranking Member OBERSTAR originally introduced the House reauthorization legislation at a funding level of \$375 billion.

The Bush Administration has, however, demanded that spending be limited to \$284.9 billion—or a figure that is approximately \$90 billion below the level of investment that even the Department of Transportation says is needed.

What is the real difference between \$375 billion and \$285 billion?

It is the difference between merely maintaining a transportation system in which drivers experience nearly 4 billion hours of delay and constructing the new roads and transit facilities necessary to reduce congestion and to save some of the more than 40,000 lives lost on our highways each year.