

sometimes reach the height of a 3-story building, and they are horrible eyesores that make you wonder how this can all be legal.

Of course, Mr. Speaker, it really isn't legal. At least, it's not legal according to the State, which recently fined the operator of these sites \$2.5 million, or the county and local planning boards, which have sent me impassioned pleas asking for help. But because of this loophole in Federal law, it may all be perfectly legitimate. The railroad claims that because of the exclusive jurisdiction of the Surface Transportation Board over railroad activities, they are exempt from all State and local regulations regarding the handling of solid waste. That is only partially true.

Mr. Speaker, when Congress passed the Interstate Commerce Commission (ICC) Termination Act in 1995, it created the Surface Transportation Board (Board) and gave it broad authority over rail transportation issues. The jurisdiction of the Surface Transportation Board was deemed to be "exclusive" over activities that are integral to rail operations. The intent of this was to allow railroads, which cross State lines, to avoid having to deal with a patchwork of State economic regulations that might hinder interstate commerce. Subsequently, the courts have ruled that this exclusive jurisdiction of the Surface Transportation Board preempts State and local regulations when it comes to permitting requirements. Hence, railroads are exempt from having to comply with local land use plans when, for example, they decide to lay additional track, although they are still required to comply with Federal environmental statutes such as the National Environmental Protection Act (NEPA).

However, despite the preemption of local regulations, Congressional intent was very clear at the time the ICC Termination Act was passed. The conference report states very clearly that the Board's exclusive jurisdiction does not generally preempt State and Federal law. The only restriction is that States do not attempt to economically regulate the railroads. The Surface Transportation Board concluded in 1999, in their decision in the dispute between the Borough of Riverdale and the New York Susquehanna and Western Railroad, that "Congress did not intend to preempt Federal environmental statutes such as the Clean Air Act and the Clean Water Act." The U.S. District Court for the District of Vermont recently affirmed that statement in the case of Green Mountain Railroad Corporation v. State of Vermont.

I believe it is quite clear that these waste transfer stations are threats to the environment, and that the railroad's claim of Surface Transportation Board preemption to avoid compliance with any environmental regulations is wholly without merit. However, it could take years to put that issue to rest. Meanwhile, the people of New Jersey would continue to get exposed to fouled air and water as a result of unregulated and uncontrolled solid waste transfer sites, and more people would be put at risk as these sites multiply across the State.

But that is beside the point. Because I also believe that the operation of a solid waste transfer facility is in no way integral to the operation of a railroad. This question has not been settled by the courts or the Surface Transportation Board, but it can be settled unambiguously by Congress. The legislation we are introducing today would explicitly state that the Surface Transportation Board does not

have exclusive preemption over the operation of solid waste transfer facilities, and that these facilities would be subject to local zoning and environmental regulations. We can not stand idly by while some unscrupulous railroads exploit an unintended loophole in Federal law when the price is the health and well-being of our constituents and our environment. I urge my colleagues to join us in cosponsoring this bill.

VOTING RIGHTS ACT 40th
ANNIVERSARY COMMEMORATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. HOLT. Mr. Speaker, I rise today to commemorate the 40th anniversary of enactment of the Voting Rights Act of 1965. The Voting Rights Act marked a watershed moment in American history, and I hope my colleagues will join me in celebrating the many ways in which it has transformed our democracy.

On Monday night, it was my great honor to join Representative LEWIS; Wade Henderson, the Executive Director of the Leadership Conference on Civil Rights; and hundreds of civil rights leaders at the commencement of the National Conference Commemorating the 40th Anniversary of the Voting Rights Act of 1965. In 1965, one could not have imagined a room in Washington, DC, full of elected leaders from various racial, ethnic, religious and socio-economic backgrounds. Today there are 81 members of Congress that are of African-American, Latino, Asian, and Native American descent, as well as thousands of minorities in State and local elected offices across the Nation. Due in large part to the Voting Rights Act, America's leadership is a reflection of our diversity.

The struggle for enfranchisement has been fought by citizens themselves to obtain and protect their right to vote. Representative LEWIS and the hundreds of civil rights activists who joined him on the Edmund Pettus Bridge in March 1965 showed courage and perseverance in the face of violent opposition. Unfortunately, they did not win the struggle for total voter enfranchisement on that fateful day in Alabama. The shocking and unconscionable murders of Michael Schwerner, Andrew Goodman, and James Chaney—killed in June of 1964 for registering black voters in Mississippi—did not win that struggle. But the sacrifices of voting rights activists over the past century have paved the way for the enfranchisement that we all seek. The Voting Rights Act has made progress possible, but there is still more to be done.

When I speak with students, I often ask, "What is the greatest invention in history?" Knowing of my background in physics, they usually suggest some scientific invention. In fact, I believe the greatest invention is our system of Constitutional democracy. It has transformed not just America, but the world, demonstrating that peaceful and productive government with the consent of the governed is possible. That consent is given by the vote. Thomas Paine wrote that the right to vote is "the primary right by which other rights are protected." For that reason, assuring the continued effectiveness of the Voting Rights Act is of monumental importance.

Application of the Voting Rights Act faces challenges in the 21st century. The 2000 and 2004 presidential elections demonstrated that disenfranchisement, though legally abolished, still exists in practice. In order to preserve influence of the Voting Rights Act, key protections of which are scheduled to expire in 2007, we must address voting irregularities that occurred in recent elections.

Mr. Speaker, I commend the work of the 89th Congress and honor the enactment of the Voting Rights Act. The work of voting activists has transformed America and helped advance the cause of universal suffrage. We must work to preserve and advance its legacy.

THE FOREIGN RELATIONS AU-
THORIZATION ACT FOR FISCAL
YEARS 2006 AND 2007

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise to express my concern with the Foreign Relations Authorization Act for Fiscal Years 2006 and 2007. While this bill authorizes I numerous commendable programs that strengthen U.S. efforts to advance foreign policy interests and America's role in the world, I am very concerned that this bill has become a vehicle for an extremist agenda which harms our Nation's global leadership role.

Having started working on this reauthorization in the International Relations Subcommittee on Africa, Global Human Rights and International Operations, I would like to express my appreciation to Chairman SMITH for accepting language to conduct a report on the issue of child marriage around the world. Child marriage, often involuntary and far too frequently intergenerational, puts girls as young as 8 and 9 years old at severe physical, emotional and health risk. The transmission of HIV, complications from early pregnancies and diminished economic and social power are common consequences of this harmful tradition practice that undermines U.S. development efforts in many African and Asian nations.

My principal opposition to the final version of this bill is the result of the inclusion of the Hyde amendment to impose an onerous set of mandates on the United Nations. This amendment will hold the U.N. hostage to the whims of Republicans in the U.S. Congress. The Hyde Amendment is virtually identical to the Henry J. Hyde United Nations Reform Act of 2005 (HR. 2745) which I voted against on June 17, 2005. This legislation is opposed by the Bush Administration and eight former U.S. ambassadors to the U.N. Sadly, this amendment taints a bill that could have otherwise been generally acceptable.

Finally, I would like to comment the amendment offered by Representative TOM LANTOS, ranking member on the International Relations Committee, requiring the State Department to develop a strategy to counter perceptions among international students they are no longer welcome to study at our institutions of higher education. While national security is our top priority, if we are serious about reaching out to the international community and repairing damaged credibility in the world, we must be

open and accommodating to foreign scholars and people wishing to come to the United States to further their education and contribute to the great wealth of intellect in this country. I commend Ranking Member LANTOS for his efforts in this area.

The U.S. role in the world is critically important at a time in which we are confronting terrorism as well as the human challenges of extreme poverty and global pandemics like HIV. This re-authorization should provide an opportunity for the House to provide meaningful policy direction to the executive branch. Instead an all too familiar unilateral approach to foreign policy has reemerged by demanding the withholding of the United States' contribution to the U.N. If the intent is to create an expedited process to destroy the U.N. and diminish U.S. credibility in the world even beyond the extraordinary efforts of the Bush Administration, this bill has succeeded. I strongly oppose this abrasive, ineffective and counter-productive tactic.

NATIONAL HEALTH CENTER WEEK

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. ROSS. Mr. Speaker, I would like to acknowledge the week of August 7–13, 2005, as “National Health Center Week.”

Community Health Centers, CHCs, are a critical component of our health care infrastructure. These centers provide vital care to some of the neediest and disadvantaged people who have few places to turn. In 2004, 105,907 patients were served by CHCs in Arkansas; with a total of 435,211 patient encounters. Of this amount 52,794, 49 percent, were uninsured; 58 percent served lived below 200 percent of the poverty level; 12.9 percent were Medicare patients; and 18.9 percent were Medicaid patients.

CHCs help in lowering health care costs in our country. In Arkansas, CHCs help save the State 30 percent, or \$3 million, in Medicaid savings due to reduced hospital admissions, reduced specialty care referrals, and fewer emergency room visits. In 2003, 1.2 million emergency room outpatient hospital visits were made by Arkansans. This resulted in approximately 115,607 visits that could have been treated in a CHC. That was \$75 million in unnecessary care costs that would have been saved if CHCs had been accessed for these services.

I am pleased to be a cosponsor of a House Resolution that recognizes the importance of the Medicaid reimbursement system in our Nation's CHCs. I call on my fellow colleagues to join together in a bipartisan effort to protect Medicaid funding in the fiscal year 2006 appropriations cycle for these entities, so that they can continue to serve our poor and uninsured populations, and continue to help bring savings to our health care system.

I commend the work and dedication of CHC staff and their substantial contribution to helping numerous needy Americans receive health care during the week of August 7–13, 2005.

WESTERN SAHARA

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. POE. Mr. Speaker, recently, Moroccan police and security forces have arrested and tortured peaceful protestors. For example, as recently as July 20th, reports indicate that Moroccan security forces abducted five human rights activists: Mohamed Elmoutaoukil, Noumria Brahim, Elhoucine Lidri, Larbi Massaoud, and Gaoudi Fdaili. According to the reports, all five of these people suffered psychological torture for long hours, humiliation, and threats of rape. Unfortunately, this was all done due to their opinion concerning the status of Western Sahara.

After this incident, reports indicate that both Noumria Brahim and Lhoucine Lidri were subjected to further torture including being burned, handcuffed and blindfolded, and being brutally beaten. The Moroccan officials that perpetrated these horrendous acts of torture are reported to be the Wali of Security in El Ayun, Brahim Bensami, and the Urban Security Group Chief Officer, Ichi Abou Hassan, and Abdelhap Rabii, a security officer. When these torturers were finished, they locked their victims in the Black Jail in El Ayun on July 23, 2005. Reports indicate they are still being held captive.

Such acts of violence and abuse against peaceful protestors and human rights activists have escalated in the last few weeks in Morocco. Other reports indicate that on July 21, 2005, a group of six Saharawi political prisoners who were arrested during a protest in El Ayun were presented to the court of appeal in El Ayun. The report reveals the group was tried in a show trial on June 23, 2005. They were sentenced to up to 5 years imprisonment—one of the victims of this injustice is human rights activist Bougarfa Abderrahmane. Mr. Abderrahmane is 53 years old and a father to 10 children. The others were sentenced to 3 years in prison (Hamma Achrih, Chyahou Brahim) and 2 years in prison (Mohamed Salem Essallami, Azlai Abdellah).

Sources say the Court of Appeal in El Ayun was firmly controlled by the Moroccan security forces while the trial was taking place. Some Saharawi citizens were forbidden to enter the court room. In addition, a French journalist, Agata André, from the newspaper *Charle Hebdo*, who came to El Ayun to attend the trial of these political prisoners was put in a separate room until the Saharawi political prisoners' trial was over. Furthermore, it is reported that the families of the five activists arrested were banned from bringing food to their relatives as well as from seeing them. No telephone contact with them is possible. Unfortunately, these reports of torture and injustice are commonplace for the Saharawi people who are denied equal rights under the Moroccan occupation of Western Sahara.

On one of Secretary Condoleezza Rice's trips overseas, Secretary Rice delivered a strong message to the King of Morocco, Mohamed VI, concerning the lack of civil liberties in the kingdom of Morocco. The Spanish newspaper, *La Razon*, reported on June 30th that Ms. Rice expressed her concerns regarding the Moroccan regime's continuous violations of freedom of press and of expression.

Amidst recent reports of escalating repression by Morocco's intelligence and security services against dissenting voices, and the repression perpetrated against Saharawis, Ms. Rice is reportedly urged the King to bring and end to the repression and allow progressive voices to be heard.

Other countries have expressed similar concerns about Morocco's human rights record regarding the Saharawis. Earlier this month in Spain, Spanish news sources reported that a Spanish delegation, composed of parliamentarians and representatives of the civil society of Aragon, was not allowed by Moroccan authorities to visit the occupied capital of Western Sahara, El Aaiun. The delegation planned to investigate allegations of human rights abuses by Moroccan forces. One of the delegates was quoted as saying Morocco's denial of the visit was absolutely unacceptable.

Morocco has been occupying Western Sahara for decades. The United Nations Security Council has continued to uphold the right of Western Sahara to self-determination. On April 29th, 2004, the Security Council adopted Resolution No. 1541 which reaffirmed support for the Peace Plan for Self-Determination of the People of Western Sahara devised by U.N. Secretary General Kofi Annan's Special Envoy, James Baker. Two years prior, the Security Council upheld the right to self-determination in a meeting to discuss the conflict over Western Sahara. In this 2002 meeting, the Security Council rejected other proposed options and clearly stated that the only viable resolution to this conflict must be based on the Saharawi people's right to self-determination.

There is a long history of international consensus that supports Western Sahara's right to self-determination. The International Court of Justice, issued on October 16, 1975 the following decision concerning the conflict over Western Sahara, “The Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritania entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514(XV) in the decolonization of Western Sahara, and in particular, of the principle of the self-determination through the free and genuine expression of the will of the peoples of the territory.”

I agree with many of my colleagues that Morocco is an important partner to the United States in our War on Terror and in international trade. However, the examples of human rights abuses that Moroccan officials have exhibited against the Saharawi people and the peaceful protestors is not the type of behavior we expect from our friends.

A conclusion for the conflict over Western Sahara is long overdue. Both sides of the conflict need to come together and implement the Settlement Plan elaborated by Secretary James Baker. A great step towards a peaceful resolution would be for Morocco to release all their political prisoners, including Mr. Tamek and Mrs. Haidar, to stop detaining and torturing peaceful protestors and human rights activists, and to allow freedom of thought and expression both in Morocco and in occupied Western Sahara.