

the Governor of a State has determined that there is sufficient migrant housing available, to workers whose place of residence is beyond normal commuting distance. The employer must also reimburse inbound and return transportation costs to workers who meet employment requirements and who travel more than 100 miles to come to work for the employer. The employer must also guarantee employment for at least three quarters of the period of employment, and assure at least the highest of the applicable statutory minimum wage, the prevailing wage in the occupation and area of intended employment, or a reformed Adverse Effect Wage Rate (AEWR). If the AEWR applies, it will not be higher than that existing on January 1, 2003 and if Congress fails to enact a new wage rate within 3 years, the AEWR would be indexed to changes in the consumer price index, capped at 4 percent per year, with increases applied beginning the first March 1 following three years from the date of enactment. Employers must meet specific motor vehicle safety standards.

H-2A foreign workers are admitted for the duration of the initial job, not to exceed 10 months, and may extend their stay if recruited for additional seasonal jobs, to a maximum continuous stay of 3 years, after which the H-2A foreign worker must depart the United States. H-2A foreign workers are authorized to be employed only in the job opportunity and by the employer for which they were admitted. Workers who abandon their employment or are terminated for cause must be reported by the employer, and are subject to removal. H-2A foreign workers are provided with a counterfeit resistant identity and employment authorization document.

The Secretary of Labor is required to provide a process for filing, investigating and disposing of complaints, and may order back wages and civil money penalties for program violators. The Secretary of Homeland Security may order debarment of violators for up to 2 years. H-2A workers are provided with a limited federal private right of action to enforce the requirements of housing, transportation, wages, the employment guarantee, motor vehicle safety, retaliation and any other written promises in the employer's job offer. Either party may request mediation after the filing of the complaint. State contract claims seeking to enforce terms of the H-2A program are preempted by the limited Federal right of action. No other state law rights are preempted or restricted.

The administration of the H-2A program is funded through a user fee paid by agricultural employers.

TECHNICAL ADJUSTMENTS MADE IN THE 2005  
AGJOBS BILL

Several technical adjustments have been made to update or clarify provisions, relative to the predecessor bill introduced in 2003 (S. 1645). They include the following:

Relevant dates associated with H-2A and earned adjustment provisions have been updated to reflect the passage of time since the original bill's introduction. Affected provisions remain substantively equivalent. The AEWR in 2009 and thereafter would be the same as if the 2003 bill (S. 1645) had been enacted in 2003.

Time frames associated with the H-2A adverse effect wage rate and study, and future work requirements under the earned adjustment program, have been modified from "hard dates" to fixed time periods after date of enactment to ensure that the effect of the provisions remains constant regardless of timing of enactment.

Language regarding eligibility for adjustment or grounds for removal for various acts has been added to clarify that the spouse or

minor children of an alien applying for or working under temporary residency are held to the same strict standards for lawful behavior, and are excludable or deportable under the same standards that apply to the alien worker.

New language clarifies that the bill does not limit the use or release of information contained in files or records of the Department of Homeland Security regarding criminal convictions or other information for immigration enforcement or law enforcement purposes.

Clarifying language has been added to conform with the Personal Responsibility and Work Opportunity (Welfare Reform) Act of 1996, to ensure that adjusting AgJOBS workers have no advantage over other, legal immigrants, with regard to the timing and eligibility of means-tested public benefits.

Technical clarifications have been made to carry out the authors' original intent only to authorize appropriations, not create or imply mandatory spending, to administer the Act.●

CARDINAL THEODORE McCARRICK

● Mr. LEAHY. Mr. President, at the end of last year, Marcelle and I attended an event at Georgetown University where Cardinal Theodore McCarrick was awarded a honorary degree.

Everyone present at this ceremony was captured by the remarks that the archbishop gave in accepting the degree. He artfully wove us through three "stories" to demonstrate the importance of a Catholic university in the Jesuit tradition.

So that all of my colleagues have an opportunity to review the remarks of Cardinal McCarrick, and because of the admiration I have for him, I ask that his acceptance speech at the award of his honorary degree from Georgetown University be printed in the RECORD.

The material follows:

REMARKS BY THEODORE CARDINAL MCCARRICK, D.D., PH.D., ARCHBISHOP OF WASHINGTON, ON THE OCCASION OF HIS RECEIVING A HONORARY DEGREE, GEORGETOWN UNIVERSITY, DECEMBER 1, 2004

As Father Brian [McDermott] was reading those wonderful words and as the president repeated them, I thought of the wonderful Jewish expression, "From your mouth to God's ears." I just hope the Lord doesn't get mad that you said all those nice things about me. Dr. President, Dr. Villani, Chairman of the Board, members of the board, Your Excellency, The Apostolic Nuncio [Archbishop Gabriel Montalvo] and my brother bishops, my—I guess I should say my Georgetown family now—and I say that with great joy.

I want to begin by telling you sincerely how honored I am in receiving this degree from Georgetown. I've long regarded this institution as one of the finest educational institutions in the United States. During my four years in Washington, I've always felt part of it in a very special way. To receive its degree now is a very special joy for me, and I want you all to know how much I do appreciate it.

I have tremendous respect for your president, Dr. DeGioia. I was privileged to be present at his inauguration, and to prophesy at that time that he would lead this institution to greater heights of excellence and to a continuing growth in the realization of its mission as a Catholic university in the Jes-

uit tradition. My prophecy is coming true every day.

My respect for the Society of Jesus goes back to my early years of high school when I admired the Jesuits so much that I found myself going to two of their high schools, not at the same time, but one after the other until I finally got it right and received my diploma. My own education in high school and college has been much enhanced by the excellence of the ratio studiorum and by its challenges. It has been an education for which I am so very grateful, and through which I have been so very blessed. As a matter of fact, since the rector of Georgetown is my personal theologian, I'm still learning from the Society and appreciating that wisdom and insight so very much.

My relationship to Georgetown, as I began to intermit a moment ago, is not of a visitor in a Catholic institution. The local bishop is always part of any enterprise which is related to the Church. A university such as ours is clearly one of the great boasts and glories of our Catholic community here in Washington. I have been here many times during the last four years. I've enjoyed that privilege. I've been here for academic celebrations, for lectures, for interfaith moments of prayer, at times of national crisis, for meetings with students, and often for Mass in your chapels. In the beginning, I was happy to be welcomed by all of you at the University. Now I no longer see myself just as a welcomed visitor, but as part of the family. It is therefore always a joy when I hear someone say instead of "Welcome to the University," "It's nice to have you back."

Georgetown University, in its stated mission, sees itself truly and essentially as a Catholic institution in the Jesuit tradition. That fact opens its life to many wonderful challenges and many great opportunities. It is a place where Catholic scholars may freely exercise a faithful witness to what the Church teaches. It is a place where non-Catholic scholars and professors, who add so much to the life of this institution, can pursue their own fields of study with the assurance that truth is the master here, and that its pursuit is always welcome. Their understanding of the mission of this institution adds so much to society's understanding of what Georgetown is all about. I pray that those who are not Catholic, both in the faculty and the student body, will always find inspiration an example from the Catholics who teach here, both cleric and lay, as well as a deeper understanding of what we're all about, and what our mission is—not just in the Church but in society and in the world at large.

The preparation of Catholic leaders for the future of our nation is a noble role. The preparation of those who are not Catholic in their own burgeoning opportunity to play roles of leadership in our country, has an equal importance because it enables the leaders of tomorrow to learn about us, about the Church, and to appreciate our own Catholic mission in this complex society. This has always been one of the great roles of the Society of Jesus, and I pray it will continue always to be so here at Georgetown. May those of the immediate family always be challenged to holiness, and those of the wider family allowed to see what our life in the Lord and in His church is all about. In the religious life of the students and faculty at Georgetown, may there always be this quest for holiness since this has to be the role within any Catholic institution. The example of the Jesuits, according to the rule of the great Ignatius, must always be a challenge, not just to holiness of life, but to priests in religious vocations both for the Society and for the Diocesan in priesthood, and for religious life as well. I always rejoice

in a special way to find graduates of Georgetown hearing the Lord's call to service in priestly and religious ministry. This, too, is a measure of our Catholic life and of our deep Jesuit tradition.

I want to speak briefly tonight about the global importance or the international aspect of a Catholic university in the Jesuit tradition. Basically, there are three points I want to make. First is that the mark of every great university is caring. The mark of every great Catholic university is wonder. The mark of every great Catholic university in the Jesuit tradition is adventure.

The first, caring, demands that there be a background of authentic humanism in the very nature and mission of every university, a sense of caring. A great university such as Georgetown is called to manifest this in a world that tends so much to be mechanistic and ideological. Secondly, the role of a Catholic university demands a sense of wonder, of mystery, and appreciation that everything in this world is not able to be subjected to positivistic criteria. We believe that there is a reality beyond the mere material that calls for recognition of the spiritual, the wonderful. And finally, the Jesuit tradition of this institution calls for it to be adventurous, innovative, inventive in the deepest sense. I believe the young people of today would say with great solemnity, the ability to think outside the box.

I would like briefly to develop these three points by three stories. They are stories which have made a difference in my life. They are perhaps three stories that have been my instruction in where I am today. The first, the one which we can call the humanistic, the caring, takes place in Africa, and challenges us to understand the deep relationship which each of us has with every other human being on the planet, reminding us that we are all brothers and sisters in God's one human family. The second which takes place in Asia, and which is the only one that I relate second hand, is a story that reminds us of the need for wonder in every Catholic life. And finally, the story of an extraordinary Catholic educator, who is a Jesuit, a story from Eastern Europe, will bring us out of the box. Let me tell you these three stories.

Years ago when I was a young bishop, I was sent on a mission to the Sudan for Catholic Relief Services. I tell this story because I think it is a big moment in my own life and has made a change. I see in my growth what may affect the university and its life. I was fascinated by the Sudan. I had never been in that part of Africa. I met priests. I met bishops. I met Muslim leaders. I met the poor. One day, one of the priests said, "If you have half a day, we'll go across the Nile and go beyond Umderman." (Umderman, if you used to go to the old movies is where Kitchener had that great battle and Lord Gordon was killed.) So I said, "Sure." We went across the Nile, which itself is a great experience, got to the other side and said, "What are we going to see?" He said, "No, we're not going to stop here." We went about 25 more miles west into the desert. There, after the city of Umderman had long since passed, we saw a huge city of tents. We went in to see some of the families, and translated, I heard several things.

We're all members of God's one human family, but I never saw it more clearly than there. These were the people, probably some from Dafur, but this is 20 years ago, who when the drought came and there was no water, could not do any farming, could not take care of their flock. So they gathered up their families and went toward the river, the Nile, where water will always be. Now they couldn't get to the Nile. They had to stop 25 miles away because they were not allowed to

go there. They would have overwhelmed, so the government said, the facilities. And so they stayed there, and every day they paid some entrepreneurs who drove little trucks to the Nile, filled them up with water, and then came back. Of course, they didn't come back for free. And gradually, these people paid all the money that they had with them until it was gone. And after the money was gone, they began to sell their furniture. And after their furniture was gone, they began to sell their animals. And after their animals were gone, they began to sell their children.

Listening to the families, for whom the sacrifice of an older child had to be made so that younger children could survive, it is a story that is engrained in my heart because I think that it showed me that all life has to have caring in it. All life has to have a sense of who we are as God's people. A university has to have that, any university, because if we are training people without understanding that we are all related, that we're all one family, then we are training them for a world that does not exist. That's the first lesson. A university must be involved in caring and in showing people how to care. I think Georgetown is.

The second story happened in East Timor. I had gone to East Timor for some other reason, and it was maybe three months after the elections, and two months or one month after the whole country had been in a state of terrible turmoil, and those who did not want East Timor to be free began to kill all the leaders. Anyone who taught in school, anyone who had a good job, anyone who had any kind of an education was a target for these militias.

The Catholic Church had been very important to these people. Eighty-five percent of the people had been Catholic, surprisingly, in one of these small islands of Indonesia. A great bishop, Bishop Belo, who won the Nobel Prize, was guarding the flock and taking care of them all. One day I went to visit him. I went to visit him in the charred ruins of his house, and then they told me the story.

About a week before, there had been marauding bands, always armed and always dangerous and violent. The people began to become afraid. The bishop's house was a place with a large lawn. The people came into the lawn trying to seek protection from him who was a leader and from being together. Maybe 1,000 people were gathered there in the lawn, and the bishop came out and began to talk to them. While they were there, suddenly a band of militia came in with their guns, pushing the people aside, pushing the bishop aside. We heard all kinds of different things that may have been said, but ultimately they lit a fire and threw it in the bishop's house. The bishop went to try to save it, but he was held back. The people were awed, and scared, and afraid to do anything. While the bishop was watching the destruction of his house, and while the people in desperate fear were just standing around, a young man came out of the crowd. It was dark except for the flames. He went to the bishop, tried to move him away from the flames. A soldier came up, pushed the young man away, and stuck his gun in the bishop's back, and got ready to pull the trigger. There was a hush, and almost a scream at the same time among the people. The young man came back and gently pushed the bishop forward and stood behind him, between the gun and the bishop and did not move. The man with the gun didn't know what to do, and there was silence. Where did this fellow come from, this young man? Nobody knew him. But somehow he found courage that nobody else had. Somehow he found an ability to, in a world full of violence and anger, he found a sense of wonder and mystery. The

man with the gun became embarrassed because he didn't know what to do. So, he hit the young man, pulled his gun back, and walked back to the soldiers. The moment was enough to break the tension, so the militia left. The bishop turned around to thank the young man. He wasn't there anymore. He had disappeared into the crowd.

I thought, there is a sense of wonder and mystery in your life when people find courage to do things that one would never expect, when people find the ability to stand up for something that they believe, even if it threatens their life or everything they have. A Catholic university has to prepare people for that. A Catholic university has to somehow enhance in every human being that sense of wonder, that sense of mystery, that sense that you can do what you never thought you could do. You can rise above yourself, and your spirit can be enflamed, and enhanced by the needs that you see in your brothers. A university that is truly Catholic, has to pass that lesson along. I think Georgetown does.

The third and last story is a different kind of story. It's a story of a Jesuit; an extraordinary Jesuit. In Slovakia, at the time of the communist persecution, only a certain number of priests were allowed to be ordained. To ordain outside that number, the bishop would be thrown into prison and the priest as well. There was a young Jesuit who had commissioned to be a priest called Ján Chryzostom Korec. Korec was ordained at maybe 26 years-old, and began to serve as a priest. The Jesuit provincial of Slovakia who was living in disguise and living underground as so many were, came to see him one day. He said, "Father Korec, Bishop Hnilica—who was an underground bishop—has permission to consecrate you a bishop. And we feel that you should accept." Well, this is a man now 27 years old, but unless somebody accepted this burden, the Church could disappear. So ultimately he said, "Yes, I will do whatever you think is right." So, in the kitchen of a friend the next night, he was consecrated a bishop. Then he once again disappeared and continued to work as a priest.

About six months later, the provincial came to him again and said, "Korec, we have a man now who is ready to be ordained a priest, a man of the Society. Will you ordain him?" He said, "Okay." and he ordained the young man in a park at twilight. Unfortunately, the young man was not as careful as he should have been, and the authorities found out that he was a priest. They brought him in and they began to put him under all kinds of tortures and difficulties. Finally, he said, "I was ordained a priest quietly, secretly." And they said, "Who did it?" After more torture, he said, "Korec." So they went and called Korec in, and they said, "Are you a bishop?" Without going into any kind of Jesuitical subtleties, he said, "Me, a bishop, that's the silliest thing I've ever heard!" He kept saying that and they let him go. He didn't look like a bishop. Well, six months later, the provincial came back and he said, "We have another man. Will you ordain him?" Korec ordained him in somebody's living room. And this man, too, unfortunately, after some months was caught, brought in, tortured, revealed Korec, and so then they had him. They sent him away to prison in solitary confinement. He was there 18 years. And then finally in the Prague spring, they allowed him to come out and to work. They gave him a job working in a chemical factory; an unpacking chemical things and spillage: a very dangerous job. He did it quietly. Now he no longer had the right to be a priest, so they gave him these other jobs. He's an interesting man, and gradually people looked for him. Gradually, he began quietly to be a priest again. They weren't

sure of him, so the lamp in his one-room bedroom apartment was wired. They listened to all of his conversations.

He has wonderful stories to tell about playing the radio so loud that the neighbors complained, but at least he could have conversations then. Gradually, he began to do things that no one else has been able to do. When the iron curtain fell, he was acknowledged as a bishop. He went down to see the Holy Father. The Holy Father told him that he was to be given the Diocese of Nitra, which is the diocese of St. Methodius, of the great Sts. Cyril and Methodius, one of those great wonderful sees.

About two years after that I was in Slovakia and I was talking to one of the vice-presidents of the Slovak parliament who was a Catholic. We were talking about those tough days of the communist regime. And I said, "How did you ever get your education?" He said, "I went to the university." I said, "Which one?" He said, "I went to Korec University." I said, "What do you mean?" He said, "Every Saturday when we had off—because they had to work on Sunday. Every Saturday which was our day off, we'd pack some salami and some beer and go up into the hills and Father Korec would come. All day long, we would sit, and he would teach us about the Church, about Catholic Social Thought, about philosophy, about theology." And this man said to me, "I know more about these things than if I had gone to the university for four years because we never missed a Saturday. Dozens of us would go. He would write on pieces of paper what we had to know, and he would make 50 copies all in his own handwriting." I've seen them.

To be adventurous. To be inventive. Not to let the world make it impossible for you to grow, and live, and enjoy. Always to listen to that other voice that says you can do it: find a way. I think that's the mark of a Jesuit tradition, and I think we find it here at Georgetown.

I've kept you too long with these stories of mine, but I feel that a story, like a picture, is worth a thousand words. These stories, as I said at the beginning, have moved me, maybe hopefully a little further in my understanding of what education is. Maybe it will give us all an understanding of what I mean when I say a great Catholic university in the Jesuit tradition has to be.

Every university should teach its students and its faculty and administration that we live in a world of brothers and sisters, not as strangers and enemies, but that we all share a common dignity, and that all lives are precious, everyone's life. Secondly, to be truly Catholic, we must be open to wonder, to mystery, the mysteries of our faith, the mysteries of love, the mysteries even of science which will always be searching for greater clarity. As Catholics, we must never be afraid of mystery, of that wonder that causes us to do things we never thought we could do. Our faith is built on mystery, and to be truly wise, and truly educated, we must be men and women who accept wonder as an essential element of our existence. And finally, in the story of Cardinal Korec (who ultimately became a cardinal), we are challenged to see what a university can also be when circumstances and the challenges of the world around us call us all to find in different ways the great things that are essential for our lives and vital for our growth and wisdom. I find these things here at Georgetown. I pray that they always will be here. I pray, too, that these elements of deep human concern of wonder and adventure, may be even more developed, more understood and embraced, under great leadership with great men and women in a brilliant future which will always be part mystery and even always part out of the box. Thank you very much.●

#### TRIBUTE TO LYLE RYMER II

● Mrs. LINCOLN. Mr. President, today, I would like to rise and pay tribute to the life of Army Specialist Lyle Rymer II. Lyle Rymer was the type of person his family and friends knew they could always rely upon. Despite his easy-going nature and quiet demeanor, he was a go-getter who always did more than was asked or expected of him. He was a loving husband and proud father who devoted himself to his family and their well-being. He was also a brave soldier with a devotion to his country, who died a hero while protecting his fellow soldiers.

As the youngest of three children, Specialist Rymer was born and spent his early childhood in Fort Smith, AR. He was a shy kid but had a gift for making others laugh and was always quick to make friends. In many ways, he was a typical teenager, who enjoyed hanging out with his friends, with whom he shared a love for fishing and hotrods. He was a hard-working student who went to high school in Roland, OK, a small town just 5 miles west of Fort Smith. Although he studied small engines at a vocational tech school half a day during his junior and senior years, he remained focused on getting his high school diploma on time, with his friends and with his class. In 1999, he did just that.

Following high school, Specialist Rymer worked construction and later joined the Arkansas Army National Guard. His grandfather had retired from the Air Force, and he began considering enrolling in airborne school or making a career out of the Army. He was proud to serve his country but, more importantly, he wanted to make a better life for him and his family; his wife LaTisha and son Sean.

March of last year brought a welcome addition to the Rymer family: a baby daughter Jasmine. What should have been a joyous time for the family proved to be bittersweet. Just as Jasmine was born into the world, her father was on a plane heading for Kuwait and service in Operation Iraqi Freedom.

Specialist Rymer was assigned to the National Guard's 239th Engineering Company under the 39th Infantry Brigade, based out of Boonesville. Although he was a world away, he was proud to serve in Iraq with the 39th, a Brigade made up of 4,200 soldiers, including over 3,000 Arkansans. He also found comfort in the regular conversations he had with his family, usually on the weekends, when he could check on their welfare and let them know about the experience he was having.

In November, Specialist Rymer was granted a 2-week leave and returned home. It gave him a chance to visit with family and friends, spend time with LaTisha and Sean, but also to see his beautiful baby daughter, Jasmine, for the very first time. He would cherish this all too short time with his loved ones and, upon his return to Iraq, made sure to tell his fellow soldiers

just how proud he was of the family that was awaiting his return.

The 239th, in which Specialist Rymer served as a heavy equipment operator, would play a vital role in American efforts to bring security and stability throughout Baghdad, completing more than 1,800 missions in the area. In spite of the dangerous environment and stressful conditions he and his comrades often worked under, Specialist Rymer always found a way to brighten a mood and bring smiles to their faces. He grew to love the soldiers he served with, and they loved him in return. As often happens in times of war, many of these soldiers, serving thousands of miles from home, began to consider themselves much more than fellow soldiers; they were a family and they would do absolutely anything for each other.

Tragically, on January 28, a few short weeks before Specialist Rymer was to return home, he was killed in action. The 239th was securing an area near a Central Baghdad marketplace in preparation for the upcoming Iraqi National elections. Specialist Rymer was guarding the members of his unit as they were helping place concrete traffic barriers. He was struck and killed by a single bullet from a nearby sniper.

The loss of this special young man, the first fatality for the 239th, was felt deeply by the troops who served with him. To honor Specialist Rymer, over 150 of them attended a memorial service at their brigade's chapel on base, just north of Baghdad. At the service, they all raised their right hands in salute to their fallen comrade, whom they loved and respected, and who gave his life in the protection of theirs. The company commander, CPT Jason Meharg, echoed the unspoken sentiment of his troops, "We'll refocus and continue . . . But we won't forget."

Even more deeply, the loss of Specialist Rymer will be felt by the family and the many friends he leaves behind. On February 7 at the Fort Smith National Cemetery, over 100 people showed up to his gravesite service to pay respects and to honor this fallen hero.

To many of us, the awards Specialist Rymer earned for his service will serve as a reminder of the courageous and selfless way in which he lived his life. To LaTisha, memories of the time shared with her husband and the pride felt in the family they built together will remind her of so much more. Although Sean and Jasmine may not be able to fully comprehend the meaning of their father's sacrifice or realize the impact he had on so many others, they will one day be old enough to understand, from the words of their mother and those who knew Lyle Rymer best, just how very much he loved them.

My thoughts and prayers are with the Rymer family and with all those whose lives were touched by this special young man. We will be forever grateful for his service and for the sacrifice he made on behalf of us all.●