

HONORING DR. ROBERT  
SMOTHERMAN

**HON. RON LEWIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to a remarkable individual from my home district. Dr. Robert Smotherman, school superintendent of the Bardstown Independent School System, is retiring this month, bringing his distinguished career as an educator to a close.

Before becoming Superintendent in 1983, Dr. Smotherman spent a nine year tenure as principal and assistant superintendent in the Kingsport, TN school system. He earlier taught in schools in Atlanta, Birmingham, and Nashville. During his 22 years as superintendent, Bardstown Independent Schools has been a catalyst for many Kentucky firsts including first in the state to create a private educational foundation to raise money for the school district; the first district to offer an educational program for all three and four year olds regardless of economics or special needs; the first district to mandate school uniforms; and the first district in Kentucky to move to a year round calendar at all schools. He has also been a tireless advocate, throughout his tenure, for effective Adult Education. The current program offers a wide range of educational opportunity and the GED program, producing over 150 graduates annually.

Dr. Smotherman has been a consistent recipient of academic and community honors including being named one of the "Top 100 Superintendents in America" by Executive Educator Magazine, the Kentucky Department of Education's "Good Apple" Award, the American Legion Award for Educational Excellence, and the Jenson Award from the National Association for Year Round Schools, recognizing his outstanding leadership in a movement that he helped to organize. Dr. Smotherman served on the NAYRE Board of Directors and was later elected President of the national organization, the first Kentuckian to hold that position. In 2003, Dr. Smotherman was named to the Bardstown-Nelson County "Hall of Fame."

I applaud Robert Smotherman's accomplishments in public education, an occupation of great responsibility and ever greater reward, motivating young people to recognize and develop their talents and abilities. On behalf of so many in the Bardstown area, I would like to express my profound appreciation for his service and inspiration to the countless men and women who have benefited from his generosity and vision.

It is my great privilege to recognize Robert Smotherman today, before the entire U.S. House of Representatives, for his many achievements as an educator. His unique dedication to the development and well-being of young people and the communities they now serve make him an outstanding citizen worthy of our collective honor and respect.

PRIVATE PROPERTY RIGHTS  
PROTECTION ACT

**HON. F. JAMES SENSENBRENNER, JR.**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing H.R. 3135, the Private Property Protection Act.

On June 23, the Supreme Court, in a 5 to 4 decision in *Kelo v. City of New London*, held that "economic development" can be a "public use" under the Fifth Amendment's Takings II Clause. In doing so, the Supreme Court allowed the government to take private property from one small homeowner and give it to a large corporation for a private research facility.

As the dissent in that case pointed out, under the majority's opinion, "Any property may now be taken for the benefit of another private party . . . [T]he government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

In 1795, a Supreme Court more in touch with the true meaning of the Constitution declared "possessing property, and having it protected, is one of the natural, inherent, and unalienable rights of man . . . No man would become a member of a community, in which he " could not enjoy the fruits of his honest labour and industry. The preservation of property then is a primary object of the social compact. . . ."

And Abraham Lincoln often spoke of how at the heart of the evil practice of slavery was a denial of property rights: "It is the same tyrannical principle," he said. "It is the same spirit that says, 'You work and toil and earn bread, and I'll eat it.'"

Sadly, the Supreme Court imposed such a tyranny on all Americans on June 23.

Today I am introducing the Private Property Rights Protection Act to restore the property rights of all Americans the Supreme Court took away last week. This legislation will prevent the Federal government from using economic development as a justification for taking privately owned property. It will also prohibit any State or municipality from doing the same thing whenever Federal funds would be involved with the project. Federal taxpayers should not be forced to contribute in any way to the abuse of government power.

The NAACP and the AARP have said, "The takings that result [from the Court's decision] will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly."

The American Farm Bureau Federation stated "each of our members is threatened by the decision . . . with the loss of productive farm and ranch land solely to allow someone else to put it to a different private use . . ."

And the representatives of religious organizations have stated that the Supreme Court's decision will "grant municipalities a special license to invade the autonomy of and take the property of religious institutions. Houses of worship and other religious institutions are, by their very nature, non-profit and almost universally tax-exempt. These fundamental characteristics of religious institutions render their property singularly vulnerable to being taken under the rationale approved by the [Supreme] court."

I ask all my colleagues to support this legislation, and to ensure that churches, homes, farms, and other private property cannot be bulldozed in abusive land grabs that rebound to the sole benefit of other private individuals whose only claim to that land is that their greater wealth will increase tax revenues.

IN HONOR OF DR. EARL J.  
LENNARD

**HON. JIM DAVIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Dr. Earl J. Lennard, who after 41 years of service to Florida's schools, students and teachers, is retiring today from his position as Superintendent of Hillsborough County School District. In his nine years leading one of our nation's largest school districts, Earl loyally and skillfully shepherded Hillsborough schools through a time of unprecedented change.

When Earl graduated from the University of South Florida, he started teaching elementary school to save money to go to law school. Fortunately for us, Earl immediately fell in love with teaching and the opportunity it gave him to help kids. Always known for his strong rapport with students, Earl taught for 15 years before he moved into administration and rapidly ascended through the ranks, improving the school system as he progressed.

In 1996, after only six months as deputy superintendent for schools, Earl was promoted to superintendent. Most anyone would have been daunted by the challenges he faced—rapidly growing student populations with ever tightening budgets—but Earl went straight to work and soon became one of Florida's most respected superintendents.

During his tenure, Hillsborough schools gained nearly 49,000 students. Earl oversaw the design, construction and renovation of more than 60 schools, and thanks to these efforts, double sessions were eliminated and the number of portable classrooms was cut in half.

Earl is a tireless advocate for our schools, and even in the face of political pressures, he always had the courage to openly and honestly speak out for students and teachers. Those who had the privilege to work with him know him to be loyal, kind and always friendly. I consider it an honor to call Earl my friend and I have always appreciated his thoughtful counsel on education issues as I have served in the Florida Legislature and in Congress.

On behalf of the Tampa Bay community, I would like to extend my deepest appreciation to Earl for his lifetime of service and wish him the best of luck in all his future endeavors.

PERSONAL EXPLANATION

**HON. JOHN LEWIS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. LEWIS of Georgia. Mr. Speaker, I was unable to cast rollcall votes 336 and 344 on June 29, 2005. I had planned to be present for most of these votes and had planned my flight

according, but because of the Capitol evacuation which postponed votes, I was unable to be present. I was required to be in the district the following morning to participate in the Base Realignment and Closure hearing and there was no other flight available. Had I been present I would have cast the following votes:

On rollcall 336, I would have voted "yes"; on rollcall 337, I would have voted "no"; on rollcall 338, I would have voted "yes"; on rollcall 339, I would have voted "yes"; on rollcall 340, I would have voted "yes"; on rollcall 341, I would have voted "no"; on rollcall 342, I would have voted "yes"; on rollcall 343, I would have voted "yes"; on rollcall 344, I would have voted "yes."

**INTRODUCTION OF 'KEVIN'S LAW':  
THE MEAT AND POULTRY  
PATHOGEN REDUCTION AND EN-  
FORCEMENT ACT**

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Ms. ESHOO. Mr. Speaker, I'm proud to join my colleague Representative PHIL ENGLISH in introducing important bipartisan legislation, 'Kevin's Law': the Meat and Poultry Pathogen Reduction and Enforcement Act. This bipartisan bill will strengthen the ability of the U.S. Department of Agriculture to set and enforce food safety and sanitation standards for meat and poultry.

Kevin's Law is named in memory of 2½-year-old Kevin Kowalcyk, who died so tragically in 2001 after eating a hamburger contaminated with E. coli O157:H7. Kevin's untimely death was agonizing and brutal. No child, no person should experience the pain that Kevin did, and no family should have to bear witness to a loved one suffering in the way that Kevin did.

Sadly, Americans are far too vulnerable to fatal foodborne illnesses, especially children and the elderly. The Centers for Disease Control and Prevention estimate that foodborne diseases cause roughly 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths each year. The tragedy is that many of these illnesses can be prevented with better science standards and enforcement. Congress must do much more to ensure the safety of our nation's food supply.

In 2003, the National Academy of Sciences report Scientific Criteria to Ensure Safe Food recommended that Congress give regulatory agencies "the clear authority to establish and enforce compliance with science-based food safety criteria, including performance standards." This legislation is just what the doctor ordered. Kevin's Law addresses these recommendations and will help ensure that the government has the authority it needs to prevent contaminated meat and poultry from entering our food supply by:

Requiring the USDA to identify the pathogens that threaten human health (e.g. Salmonella, E. coli O157:H7, Listeria monocytogenes).

Requiring the USDA to establish performance standards to reduce the presence of these pathogens in meat and poultry.

Confirming that the USDA has the authority to enforce its own standards by shutting down

plants that continually breach basic health standards—authority that some processors have repeatedly challenged in court.

Passage of Kevin's Law would put into place major recommendations of the National Academy of Sciences and the National Advisory Committee for Microbiological Criteria for Foods, both of which have consistently supported greater federal enforcement of food safety standards.

Mr. Speaker, I thank the current 22 co-sponsors of Kevin's Law for their support of this bill, and I encourage all my colleagues to join me in helping to protect millions of other Americans from fatal foodborne illnesses by passing this legislation.

Finally, I thank Kevin's family for sharing their tragic story with the world, and especially Kevin's mother, Barbara Kowalcyk, and his grandmother, Pat Buck, for their continued important advocacy on behalf of increased safety standards for meat and poultry.

**HONORING COLONEL BRIAN C.  
KING**

**HON. MARK STEVEN KIRK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. KIRK. Mr. Speaker, I rise today to salute United States Air Force Colonel Brian C. King upon his retirement. Colonel King has had a lifetime of dedication to serving and protecting the United States, reflected in his many honors with the Air Force.

Colonel King began his illustrious career in 1978, graduating from Central Washington University as a distinguished graduate of the Air Force ROTC. He began his service to America as an F-15 fighter pilot in New Mexico. He followed the call of duty all over the globe, including a tour in Iceland, one with NATO forces in Italy, and various postings around the country.

He served as Assistant Deputy Commander at Laughlin AFB in Texas and has been intimately involved in the education of student pilots in each of his assignments. He currently serves as the Commander of the Air Force Reserve Officer Training Corps Detachment unit at Fort Sheridan, IL. Colonel King has been decorated with the Defense Meritorious Service Medal, National Defense Service Medal, and Humanitarian Service Medal, among others. In short, Colonel King's distinguished career is reflected in the 23 major awards and decorations he has received.

Please join me in recognizing Colonel Brian C. King, who dedicated himself to protecting our country and educating America's future military leaders. I wish him and his family all the best in his retirement.

**PERSONAL EXPLANATION**

**HON. RON LEWIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. LEWIS of Kentucky. Mr. Speaker, I was absent from the House on Monday, June 20, 2005 so that I could testify before the BRAC Commission regional hearing in St. Louis, MO

on behalf of Ft. Knox, an Army installation in my district designated for significant realignment. Had I been present, I would have voted the following way: H. AMDT. 328, Claiming religious proselytizing at the Air Force Academy, no; H. AMDT. 330, Prohibiting funds for activities in Uzbekistan, no; H. AMDT. 331, Prohibiting military action against Syria, Iran, N. Korea without Congress authority, no; H. AMDT. 333, Prohibiting funds for carrying out sections of the Small Business Competitiveness Demonstration Program Act, no; and H.R. 2863, On final passage of the Department of Defense Appropriations Act of 2006, yea.

**IN RECOGNITION OF WILLIAM M.  
MORGAN, III**

**HON MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to William M. Morgan, III. Mr. Morgan has been a long time public servant to the Veterans of our great state and it is my honor to recognize his achievements today.

As a Veterans Service Officer from 1990 to 2002, Mr. Morgan provided assistance and counseling to veterans and their families across the state. He helped countless retirees obtain their benefits, and helped ensure our Nation made good on its promises to our heroes.

Mr. Morgan was later promoted to District Manager. He provided supervision and management of ten offices and fourteen employees and was known as a highly professional and dedicated leader.

Our Veterans deserve the very best treatment, Mr. Speaker, and it is because of the kindness and professionalism of public servants like William Morgan that many of our retirees of the Armed Forces enjoy lives of greater comfort and security.

Let us congratulate William Morgan, as well as his wife Pamela and his two daughters Whitney and Alexandria, on this important occasion, and thank him for his service to Alabama and to our Nation.

**IN HONOR OF DR. JIM SINCLAIR**

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 30, 2005*

Mr. PALLONE. Mr. Speaker, I rise today to honor Dr. Jim Sinclair, P.E., who is the first Vice President of the New Jersey Business and Industry Association and Executive Director of the New Jersey Policy Research Organization.

Dr. Sinclair is a dutiful public servant who has acted as Director of Redevelopment for the City of Trenton, Chairman of the New Jersey Housing Finance Authority, and Deputy Commissioner of the New Jersey Department of Community Affairs, among other notable positions. His sense of civic duty, however, extends beyond the government. As a former Executive Assistant to the Commissioner of