

HONORING ALFRED MULLER, AROSA ARSHAD, DIMITRI JONES, EBONEE PADILLA, AND ESTEFONIA YACTAYO FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge five students in my district, Alfred Muller, Arosa Arshad, Dimitri Jones, Ebonee Padilla, and Estefonia Yactayo, from Brentwood High School.

These students will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Alfred, Arosa, Dimitri, Ebonee and Estefonia for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

REGARDING: MR. AMIGO 2009,  
VINCENTE FERNANDEZ, JR.

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ORTIZ. Madam Speaker, I rise today to recognize Mr. Vicente Fernandez, Jr., a Mexican Charro, actor and singer, who has been named Mr. Amigo 2009 in Brownsville, Texas, for the Charro Days Fiesta celebration.

Mr. Fernandez has been a lifelong supporter of the Mexican arts and culture through his love for mariachi music as well as being a traditional Charro. These important attributes make him the appropriate Mexican representative for our festivities.

Brownsville, Texas, located in Deep South Texas on the U.S.-Mexico border, is a unique subtropical area of this country—rich in its history and culture. For more than 70 years, this unique celebration, which brings the United States and Mexico together during the week-long events, has continued to attract thousands of people to the Rio Grande Valley.

Mr. Amigo, who has to be a Mexican citizen who has done extensive work in the arts and culture while promoting the bi-cultural, bi-literate, and bi-national efforts of the United States and Mexico, is the attraction of the week-long festivities.

Mr. Vicente Fernandez, Jr., son of the renowned Mr. Vicente Fernandez, an iconic Mexican singer, grew up close to the spotlight seeing his father sing and perform. At a young age, Mr. Vicente Fernandez, Jr. appeared on stage as a performer at the Teatro Blanquita in Mexico City. He went on to later appear and perform at the El Million Dollar Show in Los Angeles, California.

He has appeared in numerous Mexican films with his father, and together they have recorded several albums, including "El Mayor de los Potrillos" in 2001 and "Vicente Fernandez hijo con Mariachi" in 2002.

In 2006, Mr. Vincent Fernandez, Jr., debuted in Mexico with his show of horses that are trained to gallop while he sings and the mariachi band plays.

In 2009, he fulfilled one of his dreams, showcasing his music at a sold out Palacio de los Deportes, an indoor sports complex in Mexico City, where he sang and performed.

I am humbled that Mr. Vicente Fernandez, Jr., a proven Mexican ambassador of the arts and culture, was able to join our community of Brownsville to celebrate the Charro Days Fiesta.

I ask my colleagues to join me in recognizing the work, leadership, vision and efforts of Mr. Vicente Fernandez, Jr., to promote the arts and culture, which make him an extraordinary Mr. Amigo 2009.

INTRODUCTION OF THE UNITED STATES PAROLE COMMISSION AUTHORIZATION ACT OF 2010

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Ms. NORTON. Madam Speaker, today, I introduce the United States Parole Commission Authorization Act of 2010 to permanently authorize the United States Parole Commission (USPC). This bill is intended to prevent a replay of a narrowly averted catastrophe in 2008, when Congress nearly failed to temporarily reauthorize the USPC before its authorization expired. Since 1992, Congress has temporarily reauthorized the USPC five times. Now that the USPC has continuing responsibilities for Federal and District of Columbia Code Offenders, it is important to stabilize this important public safety agency with the same kind of authorization as other Federal law enforcement agencies.

The first three-year reauthorization of the USPC began when the Sentencing Reform Act of 1984 (SRA) abolished Federal parole and replaced it with determinate sentencing, requiring a sentencing judge to impose a fixed term of supervised release that is served by offenders after completing their prison terms. In order to accommodate Federal offenders convicted of crimes while parole was still in effect, the SRA called for the USPC to remain in existence until November 1, 1992, and the USPC has been temporarily reauthorized five times since then. Today, the agency grants, denies or revokes parole from Federal offenders who are not otherwise ineligible for parole, and makes determinations regarding supervised release for others.

The USPC, however, has had important new responsibilities for more than 10 years. To help alleviate a serious financial crisis in the District of Columbia, and at the city's request, the National Capital Revitalization and Self-Government Improvement Act (Revitalization Act) transferred the responsibility for, and the costs of, certain state functions from the District to the Federal Government, including the transfer of responsibility for D.C. Code Offenders from the D.C. Board of Parole to the USPC. The Revitalization Act also eliminated parole in the District, and instituted the District's version of determinate sentencing, similar to the Federal system. The USPC's duties with respect to D.C. Code Offenders vary according to the date on which the crime at issue was committed. For D.C. Code Offenders who committed crimes before August 5, 2000, and are not otherwise eligible for parole,

the USPC is currently responsible for granting, denying or revoking parole, and making determinations regarding supervised release. For D.C. Code Offenders who committed crimes after August 4, 2000, and who are sentenced to a determinate sentence of imprisonment followed by a term of supervised release, the USPC is responsible for making determinations regarding supervised release.

The USPC also has other ongoing duties. These responsibilities include granting or denying parole for United States citizens convicted of crimes in a foreign country who elect to return to the United States to complete their sentences, parole-related functions for certain military and state offenders, and decision-making authority over state offenders who are on state probation or parole and are transferred to Federal authorities under the witness security program.

Today, however, most of the USPC's day-to-day work involves District of Columbia Code Offenders. As of September 2009, the USPC had or will have responsibility for approximately 2,500 Federal offenders and approximately 9,500 D.C. Code Offenders. Eventually, the USPC will have jurisdiction over almost no Federal offenders, but will continue to have jurisdiction over D.C. Code Offenders.

There are two primary reasons for permanently extending the life of the USPC. First, as then-Attorney General Ashcroft reported to Congress in 2002, "there is no District of Columbia or federal agency, other than the USPC, with the staff, procedures, and infrastructure in place to effectively assume the functions of the USPC." And, as Edward F. Reilly Jr., then-Commissioner of the USPC similarly pointed out in his 2008 statement before the Subcommittee on Crime, Terrorism and Homeland Security, there is no other entity with the statutory authority to do so.

Second, and most important, the failure to extend the life of the USPC raises serious due process and ex post facto issues for offenders. In addition to its other provisions, the SRA requires the USPC, before its expiration, to schedule a release date for all parole-eligible offenders. Thus, without an extension, the USPC would be required under federal law to set release dates for all parole-eligible Federal prisoners, within 3 to 6 months before its expiration, or face due process challenges for a failure to set such release dates. This requirement could mean an arbitrary adjustment of prisoners' release dates, as well as the stripping of inmates of their right to contest their release dates, to periodic review and modification of those release dates, and to an earlier release date, after the USPC went out of existence.

This issue has already arisen. In a case before the Federal Third Circuit Court of Appeals in 2008, the petitioner argued that with the expiration of the USPC at the end of that year, and the "winding up" provision in the SRA requiring the USPC to set a release date for offenders within 3 to 6 months before the USPC's expiration, the USPC's decision to set a reconsideration hearing date instead of a release date violated the SRA. In response, the U.S. Attorney did not refute this claim but argued that Congress would likely extend the USPC, rendering moot the petitioner's claim that his right to the setting of a firm parole release date before the USPC's expiration had been violated. The Third Circuit then directed the U.S. Attorney to provide information regarding the pending expiration of the USPC