

work over the past two decades exemplifies true professionalism. Mark has treated every legislative initiative equally, no matter if he was drafting a relatively small amendment or a major reauthorization proposal for the Elementary and Secondary Education Act, the Higher Education Act, or the Individuals with Disabilities Education Act. Senators and their staffs all knew that when one saw Marks legislative signature, "KOS," atop a document that the draft that had emerged from legislative counsel was in perfect technical shape and it was now up to us, as Members of the Senate, only to argue the draft's merits and relevance, not the format.

As a member of the Senate HELP Committee, I am proud and honored to say that we, both present and former committee members, have considered Mark our staff, even though he has never been on the HELP Committee's payroll. Mark has been one of our cornerstones because he has always treated every HELP member and staffer with the greatest respect. Additionally, Mark has demonstrated a rather large dose of patience in dealing with time constraints, deadlines, and all the various personalities that traverse the Halls of the Senate.

Although those of us who are members of the HELP Committee have consumed most of Marks time during his years as legislative counsel, Mark has always been of great assistance to every other Senate office that has needed aid in drafting education-related issues. All of us, Republican, Democrat, and Independent, have been lucky to have had Mark Koster on our side.

Mark, we thank you for your service and dedication. The HELP Committee will always consider you both an honorary member and a part of our family. We and the entire Federal education lawmaking process will miss you. May your next chapter in life be even more successful and more rewarding than the one that is coming to a conclusion. We wish you, your lovely wife, Kathy, and your two children the very best.

EDUCATION JOBS FUND

Mr. CORNYN. Madam President, as an elected representative of the great State of Texas, I swore a solemn oath to uphold and defend the Constitution. So it is a great disappointment to discover that some Members of the other body are attempting to undermine the separation of powers enshrined in our Constitution. I am speaking, of course, about the House-passed language that was included in Senate amendment No. 4575, which I opposed earlier today.

The language in the amendment unfairly requires the State of Texas to maintain fiscal year 2011 levels of State funding for elementary, secondary, and higher education spending for 2 additional fiscal years in order to receive a portion of the \$10 billion Education Jobs Fund. This places an undue

burden on a single State that is likely an unconstitutional condition on funding in violation of the Supreme Court's holding in *South Dakota v. Dole*.

Specifically, the language conditions Texas's receipt of Federal education dollars on an event that would violate the Texas Constitution. The Texas Governor cannot make the required assurances because the Texas legislature, not the Governor, decides how to spend the State's money. Any attempt by the Governor to bind the legislature's hands would be ineffective because that office lacks the power, and the mere attempt could violate the Texas Constitution. Nor can the Governor make an assurance regarding the actions of a future legislature, as the amendment requires. Such conditions, which cannot be lawfully met, can have no possible relation to the Federal interest in education spending.

According to the Congressional Research Service, the State's share of the \$10 billion is estimated to be over \$830 million. By ensuring that the State will not be able to access these funds, the Texas provisions effectively create a significant and substantial amount of discretionary funds available to the Secretary of Education. The practical effect of this petty, partisan gamesmanship will be to saddle future generations of Texans with a debt for which they are unlikely to receive any benefit.

This was a shameful, irresponsible exercise in raw political power. Texas students deserve more than to be political pawns. Forcing the legislature and Governor to choose between violating the Texas Constitution or accepting Federal dollars is an abuse of Federal power and is a clear threat to the separation of powers. A State's elected government should not be made subjects of political appointees and unelected bureaucrats at the Department of Education.

ADDITIONAL STATEMENTS

REMEMBERING BISHOP DR. JERRY LOUDER

• Mrs. BOXER. Mr. President, I am honored to recognize the career accomplishments and service of the late Bishop Dr. Jerry Louder—clergyman, educator, community leader, and author. Dr. Louder was born in Riverside in 1947 and remained dedicated to his community throughout his life. Dr. Louder passed away on July 2, 2010.

As a student at Pacific High School in San Bernardino, Jerry Louder excelled in academics and athletics. He advanced his education at the University of California, Riverside and earned a dual major bachelor's degree, a master's degree, and a doctorate. Dr. Louder later completed a second doctorate at Friends International Christian University and began his ministry in 1970.

Dr. Louder was an acknowledged leader among his ministerial peers. He

served as pastor of New Jerusalem Foursquare Church for 22 years and became founding pastor of New Jerusalem Christian Center. He was heavily active in a diversity of clergy groups in San Bernardino and Riverside counties, including the Riverside Clergy Association; the Riverside Area Pastors' Association; the Inland Area Ministers' Alliance; and the Riverside Interfaith Fellowship. He also served as president of the United States Pastors' Association, a communication network of nearly 100,000 pastors representing more than 40 denominations and independent churches.

Riverside mayor, Ron Loveridge, described Dr. Louder as a "community healer." In addition to helping forge stronger relations between the Riverside Police Department and the communities it serves, Dr. Louder also cofounded and served as executive director of the Opportunities Industrialization Center, which led to his founding the Riverside Opportunity Center to address the needs of the poor, homeless, and marginalized in his community. These and other similar efforts earned the recognition of many groups and organizations throughout his life, including being named a 2010 Alumnus of the Year by the Riverside Community College District.

I extend my heartfelt condolences to Dr. Louder's family, friends, colleagues, and all those whose lives were influenced by Dr. Louder's commitment, compassionate leadership, and personal and professional integrity. He will be truly missed.●

TRIBUTE TO ABRAHAM WEINRIB

• Mr. BROWN of Ohio. Mr. President, Columbus, OH, the State's capital city, is home to more than 710,000 Ohioans who trace their heritage from a mix of races, religions, and ethnicities. Many Columbus residents can trace their heritage back to Germany, Italy, and England. Neighborhoods like German Village, Italian Village and Victorian Village are examples of places these new Americans created in the early 20th century.

Recent waves of immigration have brought men and women from Somalia, Vietnam, and Mexico to the city and our State.

Throughout the demographic changes to Columbus, there remains one small community that continues to draw from the strength of their shared experiences.

Mr. President, 217 Holocaust survivors reside in the city of Columbus and its suburbs from Bexley to New Albany. Among the unforgettable stories told by these heroic men and women is 97-year-old Abraham Weinrib, of the Berwick neighborhood, southeast of Columbus.

Mr. Weinrib's journey from hardship to hope began in 1939 when he and his family were forced from their home in Lodz, Poland. After being forcefully removed from his home in Lodz, he fled