

promised and have earned health care and benefits from the Federal Government through the Department of Veterans Affairs are now in need of these benefits; and

Whereas, the funding of the health care programs of the Veterans Health Administration of the Department of Veterans Affairs has failed to reflect the admission of newly eligible veterans in the wake of the Veterans' Health Care Eligibility Reform Act of 1996 and has fallen short of the amount needed to counter soaring medical care inflation, resulting in a funding shortfall of at least \$10 billion; and

Whereas, the current discretionary method of funding the health care programs of the Veterans Health Administration is uncertain and is subject annually to the whims and competing priorities of Congress, to the detriment of the veterans being served; and

Whereas, the Vietnam Veterans of America organization supports the adoption of a new funding mechanism for the health care programs of the Veterans Health Administration that is indexed to medical inflation and the per capita use of the administration's health care system; and

Whereas, the substantial delay in adjudicating veterans' claims for service-connected disability compensation is the cause of much anguish and anger among veterans and is the result of a lack of funding of the Veterans Benefits Administration of the Department of Veterans Affairs, which has led to an insufficient number of adjudicators and the inadequate training and supervision of adjudicators; and

Whereas, while the vast majority of Department of Veterans Affairs employees are dedicated to serving veterans, it is necessary to ensure that employee accountability standards be strengthened at senior and junior levels; and

Whereas, while more than five million veterans use the Veterans Health Administration of the Department of Veterans Affairs for their health care needs, tens of thousands more are eligible for benefits of which they are unaware due to inadequate outreach efforts by the department; now, therefore, be it

Resolved, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby respectfully urge the Congress of the United States to address problems in the Department of Veterans Affairs related to the provision of health care and benefits, the adjudication of claims, accountability, and outreach and to enact legislation that creates an appropriation formula that ensures predictable and adequate funding of the health care programs of the Veterans Health Administration; and, be it further

Resolved, That the Secretary of the Senate forward official copies of this Resolution to the Secretary of Veterans Affairs, the President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this Resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

HONORING PUBLIC DEFENDER
JAMES J. STEINBERG, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Humboldt County Public Defender James J. Steinberg on the occasion of his retirement after nearly 30 years of service to the people of Humboldt County.

James Steinberg began his public service career as a Humboldt County Deputy Public Defender in 1977, shortly after graduating from the University of California Hastings School of Law in 1976. Promoted to Assistant Public Defender in 1989, Mr. Steinberg was then appointed as Public Defender in 1997. During this period, he represented well over 15,000 clients, including Three Strikes and death penalty cases.

In addition to his dedicated performance in the Public Defenders office, Mr. Steinberg has served as the Humboldt County Bar Association President and the President of the Board of Trustees for the Humboldt County Law Library. Mr. Steinberg has also been a member of the North-Coast Co-op Board of Directors, the City of Arcata Budget Advisory Committee, and as a lecturer and instructor at both Humboldt State University and College of the Redwoods. Mr. Steinberg is a founding member of the Teen Court, which conducts trials by peers for first-time juvenile offenders, giving young people a hands-on experience in how our justice system works.

Mr. Steinberg was recognized in 1997 as the Democrat of the Year by the Humboldt County Democratic Central Committee. He graciously accepted the award in an unforgettable address, delivered in rhymed verse. Mr. Steinberg is well-known and highly regarded by his colleagues for his patience, leadership, quick wit, superior intelligence and steadfast commitment to public service.

Mr. Speaker, it is appropriate at this time that we recognize Public Defender James J. Steinberg for his valuable service over three decades to the people of California, and extend our best wishes to him on the occasion of his retirement.

HONORING JOHN F. "RICKY"
GOODRICH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mrs. BLACKBURN. Mr. Speaker, I would like to take a moment today to honor CW5 John F. "Ricky" Goodrich of the Tennessee Army National Guard.

Recently, Chief Goodrich celebrated his 60th birthday at the Ali ai-Salem Airbase in Kuwait while serving there with the Guard's Operational Support Airlift Detachment 25. While he may be far from home, we're thinking of him and wishing him well as he works to defend America's national security.

This is not the first birthday Ricky Goodrich has spent away from home while serving his county though. Nearly 40 years ago, Chief Goodrich spent his 22nd birthday as a young soldier in Vietnam.

Chief Goodrich, the command chief warrant officer of the Tennessee Army National Guard, volunteered for this most recent deployment. And in addition to his administrative responsibilities, he routinely flies his C-12 aircraft into Iraq and Afghanistan.

I would not only like to extend our birthday wishes, but also thank him for his years of exceptional service to the United States Army and the Tennessee Army National Guard. America's fortunate to have men like Ricky and we honor him today.

HONORING CHERI FLEMING

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. McKEON. Mr. Speaker, I rise today to recognize Cheri Fleming, a lovely lady from Santa Clarita, CA. On May 22, Newsweek presented her with the prestigious 2006 Dealer of the Year Award from the American International Automobile Dealers Association, AIADA.

Founded in 1970, AIADA represents 11,000 American automobile dealerships. The members of the association provide nearly 500,000 American jobs and have a positive economic impact both nationally and in their communities. Every May, in recognition of exceptional community contributions and staunch commitment to the advancement of the industry, the Dealer of the Year program acknowledges 10 finalists from across the Nation. Winning the first time she was nominated, Cheri was the only woman proposed this year for the prestigious award.

Partners in business, philanthropy and in life, Cheri and her husband, Don, purchased Valencia Acura in 1997. Although soon to change, at the time the dealership's national ranking was dead last for sales and also in customer satisfaction. Cheri and Don adopted the philosophy of "friendship" instead of "dealership" and began treating their customers just as they would like to be treated. Today, Valencia Acura is one of the top Acura dealerships in the country and also ranks amongst the highest in customer satisfaction with repeat and referral customers comprising over 75 percent of the business. In a relatively short amount of time, Valencia Acura has won many accolades from Acura and Customer Satisfaction Index awards, including: Acura's Precision Team—2002–2004, Honda's Council of Excellence—2004–2005, "Best New Car Dealership in Santa Clarita"—2003–2005, "Most Community Minded Owners in Santa Clarita"—2003–2005 and Santa Clarita Valley Chamber of Commerce "2001 Business of the Year" for the medium-sized category.

With the success of Valencia Acura, Cheri and Don rapidly became vital forces in the Santa Clarita Valley and have donated nearly \$3 million to community organizations in the past 7 years. Their community involvement

transcends financial support as they can often be found participating in community organizations and generously giving their time, energy and efforts for a variety of causes. For their hard work and dedication, Don and Cheri were selected as Santa Clarita's Man and Woman of the Year for 2004. Never before in the history of the program has a husband and wife received the award in the same year.

Although at the helm of a thriving business, Cheri finds time for her extensive volunteer endeavors. Currently, she is the vice president at-large and a director for the Henry Mayo Newhall Memorial Health Foundation, governor-elect for the Soroptimist International Camino Real Region, member and past-president of the Soroptimist International of Santa Clarita Valley, vice president of Special Events and a director for the Child and Family Center Foundation, a director for the Roar Foundation Advisory Board, chair-elect and a director for the American Cancer Society Unit Council and the Los Angeles Regional Unit Council, vice president of the Sheila R. Veloz Breast Imaging Center Advisory Board, chair of the Arthritis Foundation Walk and with Don as her co-chair, has headed the Boys & Girls Club Auction for the past 3 years. In addition, Cheri just fulfilled her \$100,000 pledge to help with a cardiac-catheter lab and new emergency room for our local hospital. Recently, Cheri chaired the Santa Clarita Valley Arthritis Walk raising over \$60,000 and Don's efforts for the Fleming-Crawford Golf Invitational raised over \$113,000 for the Sheila R. Veloz Breast Imaging Center.

The AIADA acknowledged Cheri Fleming's exceptional community contributions and business acumen with the 2006 Dealer of the Year Award and I would like to commend Cheri for her success as well. Sir Winston Churchill once said, "We make a living by what we get. We make a life by what we give." Supported by Don, there is no one who embodies that statement better than Cheri Fleming. Together, their efforts have made the Santa Clarita Valley a much better place to live and I salute them for their efforts.

RECOGNIZING THOMAS R.
MERRILL OF LAKE COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Thomas R. Merrill of Groveland, Florida. Recognized as the longest serving police chief in the Nation, Chief Merrill was honored at the Florida Peace Officers Association awards ceremony as the first-ever recipient of their Distinguished Service Award.

For the past 37 years, Chief Merrill has served as Groveland's chief of police and has proved to be an inspiration to his community and area residents. In addition to his high morals and integrity, Chief Merrill's long tenure has demonstrated his great dedication and commitment to his profession, as well as to the city of Groveland.

Born and raised in Umatilla, FL, Chief Merrill joined the military after graduating from col-

lege, serving in the U.S. Air Force from 1959 to 1963 as a nuclear weapons specialist. Chief Merrill later became an officer with the Eustis Police Department, where he remained for 3 years. After taking a brief leave of absence from the force to spend time with his family, Chief Merrill soon thereafter accepted the position as Groveland's police chief. He has been there ever since, serving Groveland with pride and seeing the city through many changes.

After raising his children in Groveland, Chief Merrill is committed to keeping his community safe for future generations. He has enjoyed watching the police department and the city grow during his tenure, and with greater expansion likely for the future, Chief Merrill has no plans to retire anytime soon.

Mr. Speaker, Chief Merrill's career shows that loyalty and dedication to one's community can indeed bring success and accomplishment. I congratulate him on being the first recipient of the Distinguished Service Award and commend him on his commitment and devotion to his career and to Groveland.

“ACTIVISM FOR THE RIGHT,
RESTRAINT FOR THE LEFT”

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one of the great intellectual inconsistencies of our time is the assertion by conservatives that they are opposed to "judicial activism" and wish to have important public policy questions left to elected officials. Of course that is true only in those cases where they agree with what the elected officials have done, and they have shown very little restraint when their ideology calls for judicial invalidation of public policy. Indeed, some of the greatest anger I have heard expressed toward judiciary recently by my conservative colleagues has been against the eminent domain decision, in which the justices are guilty in the eyes of my conservative colleagues of being insufficiently activist—that is, the court majority allowed the actions of elected State and local officials in Connecticut to stand. I agree that eminent domain has been abused, but so is intellectual integrity when people insist that the courts defer to elected bodies on the one hand, and then denounce the Supreme Court precisely for doing that in the Kelo case.

Chief Justice Roberts to date appears to be very much in the mode of this one-sided condemnation of activism, as Adam Cohen cogently points out in the July 10 column in the New York Times—given the importance of consistency in the application of judicial principles, I ask that Mr. Cohen's very thoughtful analysis of the Chief Justice's inconsistency be printed here.

[From the Editorial Observer, July 10, 2006]

WHAT CHIEF JUSTICE ROBERTS FORGOT IN HIS FIRST TERM: JUDICIAL MODESTY

(By Adam Cohen)

At the confirmation hearings for John Roberts, there were two theories about what kind of a chief justice he would be. His crit-

ics maintained that he was an extreme conservative whose politics would drive his legal rulings. Judge Roberts, on the other hand, insisted that he was "not an ideologue," and that his judicial philosophy was to be "modest," which he defined as recognizing that judges should "decide the cases before them" and not try to legislate or "execute the laws."

Judicial modesty is an intriguing idea, with appeal across the political spectrum. For all the talk of liberal activist judges, anyone who is paying attention knows that conservative judges are every bit as activist as liberal ones; they just act for different reasons. A truly modest chief justice could be more deferential to the decisions of the democratically elected branches of government, both liberal and conservative, and perhaps even usher in a new, post-ideological era on the court.

That is not, however, how Chief Justice Roberts voted in his first term. He was modest in some cases, certainly, but generally ones in which criminal defendants, Democrats and other parties conservatives dislike were asking for something. When real estate developers, wealthy campaign contributors and other powerful parties wanted help, he was more inclined to support judicial action, even if it meant trampling on Congress and the states.

The term's major environmental ruling was a striking case in point. A developer sued when the Army Corps of Engineers denied him a permit to build on what it determined to be protected wetlands. The corps is under the Defense Department, ultimately part of an elected branch, and it was interpreting the Clean Water Act, passed by the other elected branch. Courts are supposed to give an enormous amount of deference to agencies' interpretations of the statutes they are charged with enforcing.

But Chief Justice Roberts did not defer. He joined a stridently anti-environmentalist opinion by Justice Antonin Scalia that sided with the developer and mocked the corps's interpretation of the law—an interpretation four justices agreed with as "beyond parody." The opinion also complained that the corps's approach was too costly. Justice John Paul Stevens dryly noted that whether benefits outweighed costs was a policy question that "should not be answered by appointed judges."

In an opinion on assisted suicide, Chief Justice Roberts was again a conservative activist. The case involved Attorney General John Ashcroft's attempt to invoke an irrelevant federal statute to block Oregon's assisted suicide law, which the state's voters had adopted by referendum. Even though it meant overruling the voters, intruding on state sovereignty and mangling the words of a federal statute, Chief Justice Roberts dissented to support Mr. Ashcroft's position.

Chief Justice Roberts voted against another democratically enacted, progressive law when the court struck down Vermont's strict limits on campaign contributions. He joined an opinion that not only held that the law violated the First Amendment, but also engaged in the kind of fine judicial line-drawing—in this case, about the precise dollar limits the Constitution allows states to impose—that is often considered a hallmark of judicial activism.

One of the court's most nakedly activist undertakings in recent years is the series of hoops it has forced Congress to jump through when it passes laws that apply to the states. Judge John Noonan Jr., a federal appeals court judge appointed by President Ronald