

merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work. (9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants. (10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

Sec. 541.704 Use of manuals. The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

Sec. 541.705 Trainees. The executive, administrative, professional, outside sales and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, outside sales or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, outside sales or computer employee.

Sec. 541.706 Emergencies.

(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.

(b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.

(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work: (1) A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive. (2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work. (3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the establishment and of the executive's department, the nature of the industry, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly. (4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work

if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

Sec. 541.707 Occasional tasks. Occasional, infrequently recurring tasks that cannot practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

Sec. 541.708 Combination exemptions. Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, outside sales and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

Sec. 541.709 Motion picture producing industry. The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$695 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C or D of this part, and who is employed at a base rate of at least \$695 a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances: (a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least \$695 if 6 days were worked; or (b) The employee is in a job category having a weekly base rate of at least \$695 and the daily base rate is at least one-sixth of such weekly base rate.

Sec. 541.710 Employees of Public Agencies. (a) An employee of a public agency who otherwise meets the salary basis requirements of section 541.602 shall not be disqualified from exemption under sections 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because: (1) Permission for its use has not been sought or has been sought or denied; (2) Accrued leave has been exhausted; (3) The employee chooses to use leave without pay. (b) Deductions from the pay of an employee of a public agency for absences due to a budget required furlough shall not disqualify the employee from being paid on a salary basis except on the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

#### 40TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. MCCAIN. Mr. President, throughout our country's history there have been many debates in the Congress over the use, conservation, and protection of our natural resources. These debates have resulted in landmark policies, such as the Louisiana Purchase, the Homestead Act, and the establishment of the world's first national park, Yellowstone, in 1872.

Natural resource and environmental issues are inherently complex and often controversial, for they involve tradeoffs in which many diverse interests have a stake. There is one interest that cannot speak for itself and relies upon the vision of others; the interest of future generations. Teddy Roosevelt said it best, it seems to me, in his 1916 book, *A Book-Lover's Holidays in the Open*, where he castigates those "short-sighted men who in their greed and selfishness will, if permitted, rob our country of half its charm by their reckless extermination of all useful and beautiful wild things". He goes on to say, "Our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wild life and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method."

It is in this spirit of our moral obligation to the future—to those who, in Teddy Roosevelt's memorable phrase, are "within the womb of time"—that I wish to salute the 40th anniversary of the Wilderness Act of 1964. I am pleased to lend my support to this bipartisan resolution honoring the milestone legislation preserving our Nation's rare and spectacular wild places.

Arizona has the good fortune to have numerous preserved wilderness areas, thanks to this law. In fact, more than 4,500,000 acres have been preserved in 90 wilderness areas. These range from the Cabeza Prieta Wilderness of more than 800,000 acres, to the 2,040 acre Baboquivari Peak Wilderness, an extraordinary area designated in 1990. From our desert expanses to the heights of 12,643-foot Humphrey's Peak, the highest point in Arizona, protected within the Kachina Peaks Wilderness, Arizona is not only one of America's fastest-growing states, but also a state in which we preserve and treasure our wilderness heritage.

In 1936, the great forester and wilderness champion, Bob Marshall, spoke of the luxury—a privilege—we Americans have. He commented that Americans can enjoy "a twofold civilization—the mechanized, comfortable, easy civilization of twentieth-century modernity, and the peaceful timelessness of the wilderness where vast forests germinate and flourish and die and rot and grow again without any relationship to the ambitions and interferences of man."

In spite of the environmental challenges that face our country and the world today, I am very grateful for the vision of past leaders that enacted this law to ensure that those who inhabit our nation many generations into the future will be able to experience wilderness in their lives, as we do today. As we celebrate the protection of existing and additional wilderness areas under this historic law, we follow our most noble and nonpartisan traditions of national resource conservation.

Mr. President, I ask unanimous consent to have printed in the RECORD the following statement of Stewart Udall, one of our Nation's conservation leaders and the Secretary of the Interior in the Kennedy and Johnson administrations, presented at an event on September 19, 2004, commemorating the 40th anniversary of the Wilderness Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY FORMER INTERIOR SECRETARY STEWART UDALL—WILDERNESS ACT COMMEMORATIVE DINNER, WASHINGTON, DC, SEPTEMBER 19, 2004

I am honored and delighted to be here tonight with John Dingell and Gaylord Nelson and Bob Byrd. I was running for Congress 50 years ago right now, and I came in the door with John Dingell and Bob Byrd had been there two years, and they considered him a "hick,"—he played the fiddle, he loved the folk music of his people and now he is the conscience of the Senate.

If you want to know why I say that, you will buy his book, "Losing America," and find out what his message is. John Dingell, you were given too little credit tonight. The National Environmental Policy Act would probably not have been passed if it had not been for John Dingell. What you don't know is Wayne Aspinell thought it was a crazy idea, and John Dingell said "if he doesn't want it, then I will pick it up." And he carried the mail through the House. So I want to say something—I'm on a "lecture tour" this evening. There was something about that time, and John Dingell and I discussed it—the 60s into the 70s was called a golden age of sorts. One of the things that comes to my mind as I go back there is the way you saw young Congressmen and Senators who were pretty raw in the beginning, but they had open minds and they grew and they developed new convictions and they developed new horizons. One example was John and Robert Kennedy—changing before your eyes. And John Dingell and Bob Byrd are examples of this, and my brother—yes, my brother. It did not take him long to enlarge his mind and encompass it. And that is a great gift—to be open minded and have the capacity to grow. It's a very great gift. And can we see members of congress now, too many of them that come in with fixed ideologies and fixed views, and they will stay for 10 or 25 years, and when they leave they have the very same views. They haven't changed a damn thing. It's pathetic.

So now a lot of it's been covered, and I only have time to hit a few high notes because I promised Mike Matz (executive director of the Campaign for America's Wilderness) that I would give out of my faulty memory some of the highlights of the Wilderness bill. And this is an extraordinary story. The wilderness idea—it originated here in this country. The national park idea originated in this country—the idea of setting aside areas. And Bob Marshall, Aldo

Leopold, and a little group came up with this, and it was thought to be a far-out and crazy idea, and it culminated with the introduction of the wilderness bill.

One person left out was Humphrey, John Saylor—what a great man he was. Thomas Kuchel, Republican from California was one. And he shortly became the deputy leader—the whip to Everett Dirksen, and the reason we got an overwhelming bipartisan vote, in the Senate, was Tom Kuchel. Tom Kuchel, so give him credit for it. What a great, great man he was. To show you the spirit of bipartisanship, we worked on Point Reyes together. When I went to his office, he'd say, "Hi Stewie, what do you want today?" And that's the way it was in that period. But the Wilderness Bill—Howard Zahniser—Mr. Zahniser—the man was a saint. He rewrote and touched up that bill 60 times over a period of 8 years. Every time Aspinall raised a new argument, he'd work on a little language and tried to offset it. He was truly a saintly person—a poet, a lover of Thoreau, a wonderful man.

But when the wilderness bill got off the ground, and too much we, all of us, when it's all over, like to take credit. I have been given more than my share tonight. Two persons I would single out are President John F. Kennedy and Senator Clinton Anderson of New Mexico. Clint Anderson had been as a young insurance man, a personal friend of Aldo Leopold in Albuquerque, and when he became chairman of the Committee after the 1960 election, and Kennedy was president. I didn't tell Kennedy what to do. Clint Anderson went to the White House and said, "Kennedy didn't campaign on wilderness, I can't find anything in the campaign." He said put in your message to Congress on conservation—Presidents used to send up such messages, if they had a conservation program—a call for the enactment of a wilderness bill along the lines of Senate bill five—his bill. Kennedy put it in, and that electrified the country—to have a call like that. And in July the bill went to the floor of the Senate, and I'll tell you I was startled. I was startled, Senator Byrd. The vote was 78 to 12, and people all over the country—the conservationists—suddenly began to arouse and see how much power they have.

We give too much credit in my view—I was a Congressman—to members of Congress. Lyndon Johnson was great at that—"the Congress, they did it". They enact laws, yes. But there was an upsurge, an uplifting of people. Conservation had been put on the shelf after Pearl Harbor and then there was a Cold War and Kennedy issued a call for national seashores and we got started on 14 of them. Some of them passed later on, but I have to say what made it all possible was a bipartisanship and affection between the members of the old generation—my generation. We were depression kids, we fought the war, we believed in mutual respect. That was what made it so wonderful in those days. And that spirit carried forward. Richard Nixon was a damn good conservation president.

I like metaphors, and I have likened what happened—we just saw the Olympics—to a relay race, because the work and conservation in those days was never finished. There was a pipeline. Heavens, it took Gaylord Nelson—because he wanted the people to accept it—12 years to do the Apostle Islands National Seashore. It took Bill Hart 10 years to do Sleeping Bear Dunes in Michigan. And this meant that when we came, and a different party won the White House, you carried the baton. I am not sure Nixon understood in the beginning, but they took it and they ran with it. Russell Train, Nat Reed—those wonderful people who put that ad in the newspaper last month that said "Come

back to the mainstream, come back to the main stream." And Gerald Ford carried it on, and Jimmy Carter. And then—no names mentioned—but a Secretary of the Interior when 1981 began, refused. In fact, he said—and I never understood where he was coming from—we've been going in the wrong direction for the last 20 years, so he wouldn't take the baton. And it has been on the floor ever since.

The bipartisanship by these five presidents was ended, and I want to say because there is so much doublespeak these days—don't let a president or his people say because he signed a wilderness bill that he is for wilderness. Does he issue a call for more wilderness? That's the test. That's the test. The Land and Water Conservation Fund—oh I can take some credit on that, but I won't—too long. Do you know, 10 billion dollars in 1960 dollars, Senator Byrd, went into that program and half of it went to the states and they matched it, and almost 40 thousand projects—cities, counties, open space, playgrounds—boy, do we need playgrounds with this plague of obesity that is claiming this country. We ought to go back to that program.

Well that's enough, I guess, and you know how strongly I feel. The fight is not over, as everyone has said tonight. And we may have gaps and we have an ebb and flow. I'd like to believe, I am a troubled optimist, but there will be a flow again in terms of wilderness preservation. And I like to end, and my vision is gone so I have to memorize things. I can't use notes, I just blabber away. Congressman Aspinall—from Colorado—was an honorable man, as John Dingell and I have discussed. He was strong-headed, but an honorable man. Very stubborn and he could be dictatorial. He wouldn't even let his committee consider the bill—no hearings—no bill reported. John Saylor would say, "Wayne, you cannot get away with this forever," and we tried to persuade him. Where was he? He said to me once, Stuart—I was one of his boys, I trained under him, he taught you a lot of things—and he said people that don't understand me, don't understand that my congressional district is a mining district. It had been a mining district. He was a great champion of the American Mining Congress. He regarded a wilderness bill as a lock up. That was the argument that Howard Zahniser had to work against all the time. He said, "Stuart, you may get a bill from out of my committee, but you might not recognize it." And so it came to a compromise. And he and Clinton Anderson were two old bulls that ended up hating and distrusting each other. And Anderson's bill had all of the elements, the framework, and the language about how you identified a wilderness bill and how you passed a wilderness bill. And Anderson put in 50 million acres of lands that the Forest Service largely had already identified. Aspinall cut it back to nine. And they made the compromise because Anderson had to give in if he wanted to get a wilderness bill. So it was cut way back. Aspinall thought it might be true today—but not in the next 20 or 30 years—that if every bill had to pass individually through the Senate and House, that Congressmen who held the views that he did, would not want a wilderness in their area because it was locking up very valuable resources. And so that is the way it played out. And the wilderness bill—the essential elements of the wilderness bill—were there when the bill was passed. And this was a great moment for the country. What happened was the citizens all over the country—in the West and the East, the Congressmen and the Senators got behind wilderness bills, and that is why we have the 110 million acres today.

I have to say one final thing about Mo Udall, my brother, and this is getting back, Senator Byrd, to your book because the whole democratic process as far as I can see, is gone in the House of Representatives. It's gone. We have another man that says no bill will go out of his committee unless it meets my personal standards. What kind of democracy is that? Mo Udall was committed to the idea—he wrote a book, it's been thrown away, "The Job of A Congressman." A bill is introduced, you have hearings—everybody that wants to be heard can be heard—you have field hearings, you mark up a bill, the committees work their will—if it can survive the committee it goes to the floor of the House and the House works its will. That's democracy, and that's what he was committed to, and that is gone now. Things are tucked into appropriation bills now. A democracy has been watered down and disappeared, and that is one of the things Senator Byrd's book is about.

So let's bear that in mind, but don't give up. Don't give out—the fight goes on. I'm finally going to end, I'm sorry, I got carried away. The case for wilderness was made against the lock up argument by Clinton Anderson, who said "wilderness is an anchor to windward." Knowing it is there, we can go about our business of managing our resources wisely and not be a people in despair, ransacking our public lands for the last barrel of oil, the last board of timber, the last blade of grass, the last tank of water. That was Clint Anderson's answer to the lock up argument.

Wallace Stenger, as usual, caught the spirit in that wonderful essay he wrote in 1960. He said, "We need this wild country even if we do no more than go to the edge and look in. We need it as a symbol of our sanity as creatures as part of the geography of hope." And Ansel Adams, the great photographer said it in a different way, and I once said, "Ansel, can I apply your statement to the Grand Canyon and Yosemite?" "Of course," he said Ansel was writing home after his first trip to New Mexico and he used these words: All is very beautiful and magical here. He is talking about the landscape. "All is beautiful and magical here." A quality one cannot describe. He said, "The sky and the land is so enormous and that the detail is so precise and exquisite," the eye of the photographer—"that wherever you are, there is a golden glow and everything is sideways under you and over you, and the clocks stopped long ago."

Keep up the fight, and good night.

Mrs. FEINSTEIN. Mr. President, this month our Nation celebrates the 40th anniversary of the Wilderness Act. To commemorate the anniversary of this landmark legislation, I want to take a few moments to highlight the historic importance of this law, and remind us of some of the work remaining to be done.

When President Lyndon B. Johnson signed the Wilderness Act into law on September 3, 1964, it became our unambiguous national policy "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

The legislation empowered those of us in Congress, with the ultimate approval of the President, to designate Federal lands for protection as part of our national wilderness preservation system. It was a tremendous accomplishment, immediately placing some 1.2 million acres of wilderness in 13

areas on national forest lands throughout my home State of California under statutory protection. And it protected another 8 million acres of land in other States.

But that was only the start. Over the ensuing four decades, Californians have welcomed acts of Congress that have expanded most of those initial areas. Today, those original 13 wilderness areas have grown to 1.7 million acres of wilderness firmly protected by statute.

The Wilderness Act also required that numerous other areas of Federal land be studied, with local public hearings, leading to Presidential recommendations for additional wilderness areas. Congress has enacted those proposals in California, beginning with the great San Rafael Wilderness near Santa Barbara in 1969—the first area added to the national wilderness system after the Wilderness Act became law.

Another early study focused on the 50,000-acre Ventana Primitive Area in the mountains along the central California coast above Big Sur—an area the U.S. Forest Service preserved in the 1930s. The study led Congress to establish the 98,000-acre Ventana Wilderness in 1969, with the leadership, among others, of California Senator Thomas Kuchel.

Since that time we have revisited this area in four additional laws, most recently when we passed and President George W. Bush signed a law in late 2002 further expanding this wilderness. As a result, the Ventana Wilderness now covers 240,000 acres.

Beyond the original Wilderness Act study areas, our California delegation has listened carefully to the diverse voices of the people of California. Year after year, we receive proposals for wilderness protection that come to us from ordinary citizens and organizations in our State, most often working in close consultation with the Federal land managing agencies involved and our State government.

Many of these proposals have been enacted, particularly for lands administered by the U.S. Forest Service and the Bureau of Land Management. As a result of all this work, California now boasts 130 wilderness areas comprising 14 million acres.

These California wilderness areas offer a diverse spectrum of landscapes and ecosystems, recreational opportunities and scenic vistas, from the high peaks and forested valleys of the Sierra, to the extraordinarily wild deserts that Senator Alan Cranston and I fought to protect in the California Desert Protection Act of 1994—one of my proudest achievements for the people of California.

In celebrating the 40th anniversary of the Wilderness Act, I particularly stress that the work of preserving California's wilderness heritage has always been a bipartisan endeavor. In our State, we enjoy wilderness areas found in the congressional districts of both Democrats and Republicans, protected

in laws signed by every President since this program began 40 years ago—Presidents Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton, and George W. Bush.

The act itself became law after 8 years of congressional debate. Endorsed by the Eisenhower administration and the administrations of Presidents John F. Kennedy and Lyndon B. Johnson, the act was shaped by practical-minded people, mostly westerners. It is, as Senator Kuchel said during those Senate debates, "reasonable . . . not extreme in any degree."

Senator Kuchel insisted that the law not conflict with State water rights and that the act respect existing mining claims and established grazing uses. At the same time, Senator Kuchel reminded his colleagues that protecting wilderness watersheds is key to abundant, clean water supplies—the lifeblood of California's ranching and agricultural sector, our thriving cities and towns, and the economic well-being of our entire Nation.

Still, there is more wilderness to be protected and more work to be done. These days, Federal lands that deserve a fair look by Congress are, in some cases, under threat from other kinds of use that are inconsistent with the preservation of wilderness. This is the kind of careful balancing Congress undertakes as we make these decisions.

This Congress has a great opportunity to preserve even more stunning wilderness by completing action on the Northern California Coastal Wild Heritage Wilderness Act that I have cosponsored with my colleague Senator BARBARA BOXER. This bill has the strong and effective support of Representative MIKE THOMPSON, in whose district every acre of its proposed wilderness areas is situated, and the support of numerous cosponsors, including California Representatives from both sides of the aisle.

Among the 300,000 acres this priority bill would protect is the 42,000-acre King Range Wilderness, a wild expanse on our California "lost coast" south of Eureka. Many of the proposals in this bill are based on agency recommendations or proposals by local citizens like the Humboldt County nurse who has been working to save the King Range for 20 years. These areas enjoy strong support, as wilderness, from local business owners in the area, from hunting and fishing enthusiasts, from dedicated backpackers to young parents hiking or backpacking to introduce their children or their grandchildren to nature at its most wild.

Similarly worthy, bipartisan proposals await action for wilderness sponsored by our colleagues from New Mexico and Washington. And no less worthy is the proposed wilderness area designation for an area on the Caribbean National Forest in Puerto Rico—a wilderness area proposed by the U.S. Forest Service more than three decades ago.

As we consider these wilderness proposals, we can generally rely upon existing standards and interpretations of the Wilderness Act. Thanks to our predecessors we have a wealth of guidance in the legislative history of the Wilderness Act and the more than 100 laws Congress has enacted since to protect additional lands.

Now, as we celebrate the 40th year of the Wilderness Act, the preservation of our wilderness has never been more important. Population growth, especially in the Western United States, is placing increased pressure on our public lands. That is why it was so critical that our leaders acted 40 years ago and why it is urgent that we continue to preserve our Nation's natural treasures today.

John Muir once said, "Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and give strength to body and soul alike."

For 40 years, the Wilderness Act has entrusted Congress and the American people with the means to preserve that beauty.

#### NOTICE OF CHANGE IN SENATE SERVICE PIN REGULATIONS

Mr. LOTT. Mr. President, I wish to announce that in accordance with Title V of the Rules of Procedure of the Senate Committee on Rules and Administration, the committee has updated the Senate Service Pin regulations effective September 22, 2004.

Based on the committee's review of the 1987 regulations which authorize the issuance of a staff service pin when a Senate staff member has served 12 years in the Senate, the Committee has concluded that service pins should be awarded to staff members who have served 20 years in the Senate and to those staff members who have served for 30 years.

Regulations adopted by the Committee on Rules and Administration on September 22, 2004, to replace similar regulations approved by the Committee on September 23, 1987, pursuant to S. Res. 21, agreed to September 10, 1965, relative to the awarding of service pins to Members, officers, and employees of the Senate:

1. Service pins of the material and design suggested by the Secretary of the Senate and approved by the leadership of the Senate and the Committee on Rules and Administration, together with appropriate Certificates of service signed by the Secretary of the Senate, shall be procured and awarded by the Secretary of the Senate.

2. Each Member of the Senate and each elected officer of the Senate shall receive his/her pin and certificate upon taking office.

3. Each employee of the Senate shall receive a pin and certificate after the completion of 12, 20, and 30 years on the Senate payroll.

4. Senate service shall be limited to all service—whether continuous or not—performed while on the Senate payroll.

5. Former employees of the Senate are not covered unless they were on the Senate pay-

roll on or after September 22, 2004, and were otherwise qualified.

6. After the initial award of pins and certificates, the Secretary of the Senate shall arrange for presentation of subsequent awards to those who qualify pursuant to the pertinent provisions of this regulation.

7. Each individual who qualifies will receive a pin and certificate and no additional pins will be subsequently awarded to such individuals for more than 30 years of Senate service, except that appropriate date plates and/or seals may be presented by the Secretary of the Senate at termination of service.

#### NATIONAL HISPANIC HERITAGE WEEK

Mr. JOHNSON. Mr. President, I today publicly recognize the importance of National Hispanic Heritage Month. This 30-day observance begins September 15th, the independence day of five Latin American countries, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, and includes Mexico's Independence Day, September 16, as well as Chile's day of Independence, September 18.

Despite that Hispanic Americans have played important roles in our great nation for the last five centuries, it wasn't until the 1960s that this legislative body officially honored the Hispanic ethnic legacy. In 1968 Congress voted to name the week including September 15 and 16 National Hispanic Heritage Week, and in 1988 Congress passed Public Law 100-402, expanding National Hispanic Heritage Week to a 30-day celebration.

Hispanic individuals have made immeasurable contributions to America in many fields. Dr. Severo Ochoa discovered RNA, Ribonucleic acid, and as a result won the Nobel Prize and set the foundations of many of today's medical technologies. Cesar Chavez made great strides in worker's rights, and more than three dozen Hispanic Americans have been awarded the Medal of Honor for their military service to our country.

America, the great melting pot, has always taken pride in her diversity. Over 10,000 of my constituents are of Hispanic origin, and approximately 40 million Hispanics call America home, making them the United States' largest minority group. It is with great honor that I bring attention to National Hispanic Heritage Month and the contributions of the Hispanic people.

#### SPECIAL OLYMPICS SPORT AND EMPOWERMENT ACT OF 2004

Mr. BURNS. Mr. President, I rise to speak on the Special Olympics and Empowerment Act of 2004. I am proud to be an original cosponsor of this legislation which will create a multi-million dollar authorization, over 5 years, for the Special Olympics. This crucial funding will expand the scope of the Special Olympics by offering more children and adults with disabilities the

opportunity to join in the life-changing events of the Special Olympics program.

The oath of the Special Olympics is "Let me win. But if I cannot win, let me be brave in the attempt." This mission of this program certainly rings true to the spirit of America and beyond. More than one million athletes and 500,000 volunteers participate in Special Olympics world-wide. Also, in my State of Montana, the Special Olympics signifies a real success: during the last year over 2,000 Special Olympics athletes participated and they could choose from as many as fourteen Olympic-style sports.

It is important to me that Montanans with developmental and intellectual disabilities have access to recreational opportunities that will not only improve their health and well-being, but also promote mental and emotional strength. I encourage my colleagues to join me in supporting the Special Olympics.

#### ADDITIONAL STATEMENTS

##### HONORING THE ACCOMPLISHMENTS OF BEN WOODMAN

● Mr. BUNNING. Mr. President, I pay tribute to and congratulate Ben Woodman of Berea, KY on being awarded a Boren Undergraduate Scholarship from the David L. Boren National Security Education Program, NSEP.

Mr. Woodman was one of 181 applicants nationwide to receive one of these scholarships. NSEP is administered within the National Defense University in the Department of Defense. It funds outstanding U.S. students to study critical languages and world regions in exchange for a commitment to seek employment with the Federal Government in the arena of national security.

Mr. Woodman has been studying Arabic and will spend the year in Egypt. He attends the University of Kentucky and is majoring in international economics and Arabic.

The citizens of Madison County should be proud to have a man like Ben Woodman in their community. His example of dedication and hard work should be an inspiration to the entire Commonwealth. He has my most sincere admiration for this work and I look forward to his continued service to the United States.●

##### TRIBUTE TO ANTOINE PETTWAY

● Mr. SESSIONS. Mr. President, I wish to recognize the achievements of Antoine Pettway on the occasion of his being honored by his high school, Wilcox Central High School, in Camden, AL. During ceremonies for Mr. Pettway, the Mayor of Camden, Henrietta Blackmon, presented him with a key to the city and a series of speakers praised their native son for his skills on the basketball court and for his