trade, exchanges information and intelligence and expands the Iron Dome.

Israel's security should be our first priority but this includes more than just weapons funding.

It requires joint-cooperation with the Israeli government and the Israeli people.

When Israel's national interests are protected, the United States' national security is enhanced.

Mr. Speaker, I have visited Israel almost a dozen times and each time I visit I am reminded of the challenges faced by Israelis every day.

The Israeli people face these challenges with confidence and self-assurance because they know they are an ally of the United States.

ACHIEVING A BETTER LIFE EXPERIENCE ACT OF 2014

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 2014

Mr. BECERRA. Mr. Speaker, It's a laudable and worthy goal to incentivize savings and ensure that families of individuals with disabilities have access to the resources they need. But Congress has a responsibility to ensure that limited resources benefit those who need the help the most. Unfortunately, this bill is yet another example of an upside-down tax code that provides the greatest benefits to those of greatest means, not to middle class families living paycheck to paycheck.

Additionally, as AARP has noted in the attached letter, ''establishing the ABLE program should not be achieved by tapping into Medicare savings.'' Using Medicare savings to offset non-health related programs sets a dangerous precedent. While there are elements to this bill that both sides can agree on, this bill takes one step forward and two steps back.

AMERICAN ASSOCIATION
OF RETIRED PEOPLE,
December 3, 2014.

DEAR REPRESENTATIVE: As the largest nonprofit, nonpartisan organization representing the interests of Americans age 50 and older and their families, AARP urges you to reject using Medicare savings as an offset to pay for non-healthcare programs, including the cost of the Achieving a Better Life Experience (ABLE) Act of 2014.

AARP has consistently advocated against using permanent reductions in Medicare to pay for other unrelated government spending. While we agree it is important to help individuals with disabilities maintain health, independence, and quality of life, we oppose using Medicare savings to finance tax expenditures or other non-healthcare programs.

The ABLE Act establishes tax-exempt savings plans for persons with disabilities, making it much easier for them and their families to save for future expenses. Although ABLE accounts are only available for individuals under the age of 26, the savings accrued will help with living expenses as the person ages. This is especially important because at ages 50–64, adults with disabilities are less than half as likely to be employed as those without disabilities.

However, establishing the ABLE program should not be achieved by tapping into Medicare savings. This is especially true at a time when Medicare faces its own long term funding needs, and when Congress will shortly need to find savings to pay for either permanent Medicare SGR reform or another temporary ''doc fix'' in 2015. We urge you to remove Medicare offsets from the ABLE Act.

Sincerely,

NANCY A. LEAMOND,
Executive Vice President,
State & National Group.

TAX INCREASE PREVENTION ACT OF 2014

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 2014

Mr. VAN HOLLEN. Mr. Speaker, as Ranking Member of the House Budget Committee, it is abundantly clear to me that what our country needs most right now—and what we really should be voting on today—is comprehensive, pro-growth tax reform that encourages investment at home, drives job creation and delivers broadly shared prosperity to all Americans.

Instead, we are voting to retroactively extend a group of over 50, mostly business-related, temporary tax provisions that expired at the end of last year—until the end of this year. Which is now about four weeks away.

That's what today's legislation does. It retroactively takes these 50-odd expired provisions back to the beginning of the year, and then extends them forward for the next four weeks, at which point they will expire again and we'll be right back to square one.

Let me be clear: I support a number of these expiring provisions—like the R&D Tax Credit—and think they should be made permanent as part of comprehensive tax reform. And there are additional steps I think we should be taking—like extending the Health Care Tax Credit for trade-displaced workers and older workers whose pensions have been taken over by the PBGC. And ending the egregious practice of so-called corporate inversions once and for all.

I am reluctantly supporting this bill because, without it, many individuals and businesses would see an effective tax increase.

But Mr. Speaker, at some point, we're going to have to stop kicking the can down the road. From my perspective, that moment can't come soon enough.

THE STATUS OF THE TERRITORIES OF JUDEA AND SAMARIA ACCORDING TO INTERNATIONAL LAW

HON. STEVE STOCKMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 2014

Mr. STOCKMAN. Mr. Speaker, today I would like to convey to the House important information regarding the legality of the presence of the State of Israel in Judea and Samaria under international law. Due to the unique and sui generis historic and legal circumstances of Israel's presence in Judea and Samaria, this presence cannot be considered to be an occupation. Moreover, provisions of the 1949 Fourth Geneva Convention, regarding transfer of populations, cannot be considered applicable, and were never intended to apply to the type of settlement activity carried out by Israel in Judea and Samaria. According to international law, Israelis have the lawful right to settle in Judea and Samaria, and consequently, the establishment of settlements cannot in and of itself be considered to be illegal. The following is an excerpt from the 2012 Levy Commission Report on the Legal Status of Building in Judea and Samaria that deals with international law. The full report can be viewed in its entirety at http://regavim.org.il/en/levy-report-translated-into-english/.

THE STATUS OF THE TERRITORIES OF JUDEA AND SAMARIA ACCORDING TO INTERNATIONAL LAW

3. In light of the different approaches in regard to the status of the State of Israel and its activities in Judea and Samaria, any examination of the issue of land and settlement thereon requires, first and foremost, clarification of the issue of the status of the territory according to international law.

Some take the view that the answer to the issue of settlements is a simple one inasmuch as it is prohibited according to international law. That is the view of Peace Now (see the letter from Hagit Ofran from 2 April 2010); B'tselem (see the letter from its Executive Director Jessica Montell from 29 March 2012, and its pamphlet Land Grab: Israel's Settlement Policy in the West Bank, published May 2002); Yesh Din and the Association for Civil Rights in Israel (ACRI) (see the letter from Attorney Tamar Feldman from 19 April 2012); and Adalah (see the letter from attorney Fatma Alaju from 12 June 2012).

The approach taken by these organizations is a reflection of the position taken by the Palestinian leadership and some in the international community, who view Israel's status as that of a ''military occupier,'' and the settlement endeavor as an entirely illegal phenomenon. This approach denies any Israeli or Jewish right to these territories. To sum up, they claim that the territories of Judea and Samaria are ''occupied territory'' as defined by international law in that they were captured from the Kingdom of Jordan in 1967. Consequently, according to this approach, the provisions of international law regarding the matter of occupation apply to Israel as a military occupier, i.e. Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, which govern the relationship between the occupier, the occupied territory, and the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August (1949).

According to the Hague Regulations, the occupying power, while concerning himself with the occupier's security needs, is required to care for the needs of the civilian population until the occupation is terminated. According to these regulations, it is forbidden in principle to seize personal property, although the occupying power has the right to enjoy all the advantages derivable from the use of the property of the occupied state, and public property that is not privately owned without changing its fixed nature. Moreover, according to this approach, Article 49 of the Fourth Geneva Convention prohibits the transfer of parts of the occupying power's own civilian population into the territory it occupies. Accordingly, in their view, the establishment of settlements carried out by Israel is in violation of this article, even without addressing the type or status of the land upon which they are built.

In this context, we were presented with an approach by some of the abovementioned organizations, whereby they do not accept the premise that the lands that do not constitute personal property are state lands. It was claimed that in the absence of orderly registration of most of the land in Judea and Samaria, and precise registration of the rights of the local inhabitants, it is reasonable to assume that the local population is entitled to benefit from land that is neither defined nor registered as privately owned land. From this it follows that the use of land for the purpose of the establishment of Israeli settlements impinges on the rights of the local population, which is a protected population according to the Convention, and Israel, as an occupying power, is obliged to safeguard these rights and not deny them by exploiting the land for the benefit of its own population.

4. If this legal approach were correct, we would, in accordance with our Terms of reference, be required to terminate the work of this Committee, since in such circumstances, we could not recommend regularizing the status of the settlements. On the contrary, we would be required to recommend that the proper authorities remove them.

However, we were also presented with another legal position, inter alia by the Regavim movement (Attorneys Bezalel Smotritz and Amit Fisher) and by the Benjamin Regional Council (the expert legal opinion of Attorneys Daniel Reisner and Harel Amon). They are of the view that Israel is not an ''Occupying Power'' as determined by international law inter alia because the territories of Judea and Samaria were never a legitimate part of any Arab state, including the kingdom of Jordan. Consequently, those conventions dealing with the administration of occupied territory and an occupied population are not applicable to Israel's presence in Judea and Samaria.

According to this approach, even if the Geneva Convention applied, Article 49 was never intended to apply to the circumstances of Israel's settlements. Article 49 was drafted by the Allies after World War II to prevent the forcible transfer of an occupied population, as was carried out by Nazi Germany, which forcibly transferred people from Germany to Poland, Hungary and Czechoslovakia with the aim of changing the demographic and cultural makeup of the population. These circumstances do not exist in the case of Israel's settlement. Other than the fundamental commitment that applies universally by virtue of international humanitarian norms to respect individual personal property rights and uphold the law that applied in the territory prior to the IDF entering it, there is no fundamental restriction to Israel's right to utilize the land and allow its citizens to settle there, as long as the property rights of the local inhabitants are not harmed and as long as no decision to the contrary is made by the government of Israel in the context of regional peace negotiations.

5. Is Israel's status that of a ''military occupier'' with all that this implies in accordance with international law? In our view, the answer to this question is no.

After having considered all the approaches placed before us, the most reasonable interpretation of those provisions of international law appears to be that the accepted term ''occupier'' with its attending obligations, is intended to apply to brief periods of the occupation of the territory of a sovereign state pending termination of the conflict between the parties and the return of the territory or any other agreed upon arrangement. However, Israel's presence in Judea and Samaria is fundamentally different: Its control of the territory spans decades and no one can foresee when or if it will end; the territory was captured from a state (the kingdom of Jordan), whose sovereignty over the territory had never been legally and definitively affirmed, and has since renounced its claim of sovereignty; the State of Israel has a claim to sovereign right over the territory.

As for Article 49 of the Fourth Geneva Convention, many have offered interpretations, and the predominant view appears to be that that article was indeed intended to address the harsh reality dictated by certain countries during World War II when portions of their populations were forcibly deported and transferred into the territories they seized, a process that was accompanied by a substantial worsening of the status of the occupied population (see HCJ 785/87 Affo et al. v. Commander of IDF Forces in the West Bank et al. IsrSC 42(2) 1; and the article by Alan Baker: ''The Settlements Issue: Distorting the Geneva Conventions and Oslo Accords, from January 2011.

This interpretation is supported by several sources: The authoritative interpretation of the International Committee of the Red Cross (IRCC), the body entrusted with the implementation of the Fourth Geneva Convention, in which the purpose of Article 49 is stated as follows:

''It is intended to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race.''

Legal scholars Prof. Eugene Rostow, Dean of Yale Law School in the U.S., and Prof. Julius Stone have acknowledged that Article 49 was intended to prevent the inhumane atrocities carried out by the Nazis, e.g. the massive transfer of people into conquered territory for the purpose of extermination, slave labor or colonization.

''The Convention prohibits many of the inhumane practices of the Nazis and the Soviet Union during and before the Second World War—the mass transfer of people into and out of occupied territories for purposes of extermination, slave labor or colonization, for example. . . . The Jewish settlers in the West Bank are most emphatically volunteers. They have not been ''deported'' or ''transferred'' to the area by the Government of Israel, and their movement involves none of the atrocious purposes or harmful effects on the existing population it is the goal of the Geneva Convention to prevent.'' (Rostow)

''Irony would . . . be pushed to the absurdity of claiming that Article 49(6) designed to prevent repetition of Nazi-type genocidal policies of rendering Nazi metropolitan territories judenrein, has now come to mean that . . . the West Bank . . . must be made judenrein and must be so maintained, if necessary by the use of force by the government of Israel against its own inhabitants. Common sense as well as correct historical and functional context excludes so tyrannical a reading of Article 49(6.).'' (Julius Stone)

6. We are not convinced that an analogy may be drawn between this legal provision and those who sought to settle in Judea and Samaria, who were neither forcibly ''deported'' nor ''transferred,'' but who rather chose to live there based on their ideology of settling the Land of Israel.

We have not lost sight of the views of those who believe that the Fourth Geneva Convention should be interpreted so as also to prohibit the occupying state from encouraging or supporting the transfer of parts of its population to the occupied territory, even if it did not initiate it. However, even if this interpretation is correct, we would not alter our conclusions that Article 49 of the Fourth Geneva Convention does not apply to Jewish settlement in Judea and Samaria in view of the status of the territory according to international law. On this matter, we offer a brief historical review.

7. On 2 November 1917–17 Heshvan 5678, Lord James Balfour, the British Foreign Secretary, published a declaration saying that:

''His Majesty's Government view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

In this declaration, Britain acknowledged the rights of the Jewish people in the Land of Israel and expressed its willingness to promote a process that would ultimately lead to the establishment of a national home for it in this part of the world. This declaration reappeared in a different form, in the resolution of the Peace Conference in San Remo, Italy, which laid the foundations for the British Mandate over the Land of Israel and recognized the historical bond between the Jewish people and Palestine (see the preamble):

''The principal Allied powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said powers, in favor of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country. [. . .] Recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country.

It should be noted here that the mandatory instrument (like the Balfour Declaration) noted only that ''the civil and religious rights'' of the inhabitants of Palestine should be protected, and no mention was made of the realization of the national rights of the Arab nation. As for the practical implementation of this declaration, Article 2 of the Mandatory Instrument states:

''The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.''

And Article 6 of the Palestine Mandate states:

''The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.''

In August 1922 the League of Nations approved the mandate given to Britain, thereby recognizing, as a norm enshrined in international law, the right of the Jewish people to determine its home in the Land of Israel, its historic homeland, and establish its state therein.

To complete the picture, we would add that upon the establishment of the United Nations in 1945, Article 80 of its Charter determined the principle of recognition of the continued validity of existing rights of states and nations acquired pursuant to various mandates, including of course the right of the Jews to settle in the Land of Israel, as specified in the abovementioned documents:

Except as may be agreed upon in individual trusteeship agreements [. . .] nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties'' (Article 80, Paragraph 1, UN Charter).

8. In November 1947, the United Nations General Assembly adopted the recommendations of the committee it had established regarding the partition of the Land of Israel west of the Jordan into two states. However, this plan was never carried out and accordingly did not secure a foothold in international law after the Arab states rejected it and launched a war to prevent both its implementation and the establishment of a Jewish state. The results of that war determined the political reality that followed: The Jewish state was established within the territory that was acquired in the war. On the other hand, the Arab state was not formed, and Egypt and Jordan controlled the territories they captured (Gaza, Judea and Samaria). Later, the Arab countries, which refused to accept the outcome of the war, insisted that the Armistice Agreement include a declaration that under no circumstances should the armistice demarcation lines be regarded as a political or territorial border. Despite this, in April 1950, Jordan annexed the territories of Judea and Samaria, unlike Egypt, which did not demand sovereignty over the Gaza Strip. However, Jordan's annexation did not attain legal standing and was opposed even by the majority of Arab countries, until in 1988, Jordan declared that it no longer considered itself as having any status over that area (on this matter see Supreme Court President Landau's remarks in HCJ 61/80 Haetzni v. State of Israel, IsrSC 34(3) 595, 597; HCJ 69/81 Bassil Abu Aita et al. v. The Regional Commander of Judea and Samaria et al., IsrSC 37(2) 197, 227).

This restored the legal status of the territory to its original status, i.e. territory designated to serve as the national home of the Jewish people, which retained its ''right of possession'' during the period of the Jordanian control, but was absent from the area for a number of years due to the war that was forced on it, but has since returned.

9. Alongside its international commitment to administer the territory and care for the rights of the local population and public order, Israel has had every right to claim sovereignty over these territories, as maintained by all Israeli governments. Despite this, they opted not to annex the territory, but rather to adopt a pragmatic approach in order to enable peace negotiations with the representatives of the Palestinian people and the Arab states. Thus, Israel has never viewed itself as an occupying power in the classic sense of the term, and subsequently, has never taken upon itself to apply the Fourth Geneva Convention to the territories of Judea, Samaria and Gaza. At this point, it should be noted that the government of Israel did indeed ratify the Convention in 1951, although it was never made part of Israeli law by way of Knesset legislation (on this matter, see CrimA 131/67 Kamiar v. State of Israel, 22(2) IsrSC 85, 97; HCJ 393/82 Jam'iat Iscan Al-Ma'almoun v. Commander of the IDF Forces in the Area of Judea and Samaria, IsrSC 37(4) 785).

Israel voluntarily chose to uphold the humanitarian provisions of the Convention (HCJ 337/71, Christian Society for the Holy Places v. Minister of Defense, IsrSC 26(1) 574; HCJ 256/72, Electricity Company for Jerusalem District v. Minister of Defense et al., IsrSC 27(1) 124; HCJ 698/80 Kawasme et al. v. The Minister of Defense et al., IsrSC 35(1) 617; HCJ 1661/05 Hof Aza. Regional Council et al. v. Knesset of Israel et al., IsrSC 59(2) 481).

As a result, Israel pursued a policy that allowed Israelis to voluntarily establish their residence in the territory in accordance with the rules determined by the Israeli government and under the supervision of the Israeli legal system, subject to the fact that their continued presence would be subject to the outcome of the diplomatic negotiations.

In view of the above, we have no doubt that from the perspective of international law, the establishment of Jewish settlements in Judea and Samaria is not illegal.

IN RECOGNITION OF ANU NATARAJAN

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 2014

Mr. SWALWELL of California. Mr. Speaker, I rise today to honor Ms. Anu Natarajan, an exemplary public servant from my district.

Anu began her career almost 20 years ago as a member of the City of Fremont's planning staff. She was appointed to the Fremont Planning Commission, with which she served for two years before her appointment to the City Council at the end of 2004.

During her time as an elected official, she helped guide the development of Fremont as it transformed itself into an extension of Silicon Valley and oversaw dramatic growth in the high technology and manufacturing sectors of Fremont's economy.

Just as importantly, throughout her tenure she has advocated for a community-based planning process to create well-designed, sustainable, and livable communities to further economic growth.

Anu also has served important roles for a variety of community and economic development organizations, including the MidPen Housing Corporation and the American Leadership Forum. As a board member of StopWaste.org, she helped establish our country's first countywide ban on single use plastic bags. She also has served for more than a decade as a Commissioner of the Housing Authority of Alameda County.

Anu's passion for community building has left an indelible mark on the City of Fremont and her tireless public service sets an example for us all.

Anu's tenure on the Fremont City Council ended this month, but she will not soon be forgotten. I want to offer her my thanks for her years of public service and to congratulate her on a job well done.

H.R. 5759, THE ''PREVENTING EXECUTIVE OVERREACH ON IMMIGRATION ACT,'' AND H.R. 3979, THE ''NATIONAL DEFENSE AUTHORIZATION ACT OF 2015''

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 2014

Mr. BLUMENAUER. Mr. Speaker, I submit the following:

H.R. 5759, THE PREVENTING EXECUTIVE OVERREACH ON IMMIGRATION ACT

Today I voted against H.R. 5759, the ''Preventing Executive Overreach on Immigration Act.'' This year, House Republicans have stonewalled on immigration reform and refused to work with Democrats. Instead of allowing a vote on the bipartisan immigration reform bill that passed the Senate nearly a year and a half ago, the House voted on a resolution that is as unproductive as it is insulting to those harmed by our broken immigration system. Today's actions are another example of the loudest voices on Capitol Hill turning their backs on our businesses, our faith leaders, law enforcement, and hard-working immigrant families.

The President's bold action is the right path forward, bringing millions out of the shadows, strengthening families, and growing our economy. The executive order is no substitute for comprehensive immigration reform, but, until then, this is a critical step in the right direction.

The President's action is not without precedent. Over the years, there have been dozens of executive actions taken on immigration matters, including from five Republican presidents. We cannot afford to lose billions in economic growth, totaling $1 trillion over the next 20 years, that economists estimate the federal budget will lose as a result of our failed immigration policies.

We must build on the President's action—and the advocacy that inspired it—to enact comprehensive immigration reform. There is no other solution.

H.R. 3979, THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2015

Today I voted against H.R. 3979, the National Defense Authorization Act of 2015. This is a critical time for the U.S. military, yet at the exact moment Congress should be having an in-depth debate over these difficult issues, we will be voting on a bill that's nearly 2,000 pages long and asked to take it or leave it, without amendment.

Support for this bill sidesteps critical issues. Those include dealing with a far-reaching interpretation of the 2001 Authorization for the Use of Military Force (AUMF) currently used to justify U.S. air strikes in Syria; the recent doubling of U.S. troops in Iraq and their role; and, the recent authorization of an expanded role for U.S. troops in Afghanistan next year, instead of ending that war this year, as planned.

This Defense Authorization would also extend for a period of nearly two years the President's authority to train and equip highly vetted Syrian opposition fighters focused on combating ISIS and Syria's dictator, Bashar al-Assad. While not an authorization for U.S. boots on the ground in Syria, it does commit us to a long-term engagement in Syria. Congress should have taken this opportunity to debate the implications. But we did not.