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WASHINGTON, THURSDAY, JANUARY 20, 2005

No. 3

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 20, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Almighty God, today as the 109th Congress welcomes the President and Vice President for the Inauguration, the American people pray for the three branches of this government. May they work together for prosperity and peace and security.

We join our voices with the prayer once said by Thomas Jefferson: "Almighty God, You have given us this good land for our heritage. We humbly beseech You that we may always prove ourselves a people mindful of Your favor and glad to do Your will."

Bless our land and bless all those who serve in public service. Bless the government that it may be with the people and for the people now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, January 6, 2005:

H.R. 241, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

APPOINTMENT AS MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 United States Code 1024(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mr. SAXTON of New Jersey.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
January 19, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 703(c) of the Public Interest Declassification

Act of 2000 (50 U.S.C. 435 note), I hereby appoint David Skaggs of Colorado, to the Public Interest Declassification Board for an initial 2-year term.

Best regards,

NANCY PELOSI.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that on January 19, 2005, the Speaker delivered to the Clerk a letter listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 19, 2005.

Hon. JEFF TRANDAHL,
Clerk of the House,
The Capitol, Washington, DC.

DEAR MR. CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative DeLay to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in a letter placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House of Representatives.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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COMMUNICATION FROM DISTRICT DIRECTOR OF HON. DENNIS KUCINICH, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Patricia Vecchio, District Director of the Honorable DENNIS KUCINICH, Member of Congress:

HOUSE OF REPRESENTATIVES,
December 17, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Probate Court of Cuyahoga County, Ohio, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

PATRICIA VECCHIO,
District Director.

COMMUNICATION FROM THE HON. CHRISTOPHER SHAYS, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable CHRISTOPHER SHAYS, Member of Congress:

JANUARY 11, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Capitol, Washington, DC.

DEAR DENNY: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Connecticut Superior Court, Docket at Tolland.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

COMMUNICATION FROM ATTENDING PHYSICIAN OF THE CONGRESS OF THE UNITED STATES

The SPEAKER laid before the House the following communication from Dr. John Eisold, Attending Physician of the Congress of the United States:

THE ATTENDING PHYSICIAN,
CONGRESS OF THE UNITED STATES,
January 14, 2005.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would not be consistent with the rights and privileges of the House, and I have instructed the Counsel to object.

Sincerely,

DR. JOHN EISOLD,
Attending Physician.

ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 54, CONGRESSIONAL GOLD MEDAL ENHANCEMENT ACT OF 2005

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 54, the Congressional Gold Medal Enhancement Act of 2005. The bill was introduced on January 4, 2005, and referred to the Committee on Financial Services.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 1 p.m. on Tuesday, January 25. Members should draft their amendments to the text of the bill as introduced on January 4. Members are advised that the text of the bill as introduced is available for their review on the Web sites of the Committee on Financial Services and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 10:15 a.m.

Accordingly (at 10 o'clock and 8 minutes a.m.), the House stood in recess until approximately 10:15 a.m.

□ 1020

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 20 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that sitting Members are being delivered their official pins in order to be seated on the platform. There are no extra seats available, so former Members cannot join the procession. The same holds true for children. They can neither go with the procession nor be seated on the platform.

The area where Members of the House are to be seated is not covered. Members should keep this fact in mind in deciding whether to wear overcoats and hats.

The Sergeant-at-Arms will precede the procession bearing the mace. The Clerk will escort the Members to the

west front of the Capitol. The procession will be led by the dean of the House, followed by the House leadership, committee chairmen, ranking minority members, and then other Members in order of seniority.

The House leadership, committee chairmen, and ranking minority members shall retire to the holding room upon leaving the Chamber.

The Chair would encourage Members, as they gather in order of seniority, to congregate by "classes" in the well.

Pursuant to House Resolution 9, the Members of the House will now proceed to the west front to attend the inaugural ceremonies for the President and the Vice President of the United States.

Upon completion of the ceremony, pursuant to House Resolution 9, 109th Congress, the House will stand adjourned.

Pursuant to House Concurrent Resolution 2, 109th Congress, that adjournment will be until 2 p.m. on Tuesday, January 25, 2005.

Thereupon, at 10 o'clock and 22 minutes a.m., the Members of the House, preceded by the Sergeant-at-Arms and the Speaker, proceeded to the west front of the Capitol.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY JANUARY 6 2005, AT PAGE H 129

The tellers delivered to the President of the Senate the following statement of results.

JOINT SESSION OF CONGRESS FOR THE COUNTING OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, OFFICIAL TALLY

The undersigned, TRENT LOTT and TIM JOHNSON, tellers on the part of the Senate, ROBERT W. NEY and JOHN B. LARSON of Connecticut, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the Twentieth day of January, two thousand and five.

Electoral votes of each State	For President			For Vice President	
	George W. Bush	John F. Kerry	John Edwards	Dick Cheney	John Edwards
Alabama—9	9			9	
Alaska—3	3			3	
Arizona—10	10			10	
Arkansas—6	6			6	
California—55		55			55
Colorado—9	9			9	
Connecticut—7		7			7
Delaware—3		3			3
District of Columbia—3		3			3
Florida—27	27			27	
Georgia—15	15			15	
Hawaii—4		4			4
Idaho—4	4				4
Illinois—21		21			21
Indiana—11	11			11	
Iowa—7	7			7	
Kansas—6	6			6	
Kentucky—8	8			8	
Louisiana—9	9			9	
Maine—4		4			4
Maryland—10		10			10
Massachusetts—12		12			12
Michigan—17		17			17
Minnesota—10		9	1		10
Mississippi—6	6			6	
Missouri—11	11			11	

Electoral votes of each State	For President			For Vice President	
	George W. Bush	John F. Kerry	John Edwards	Dick Cheney	John Edwards
Montana—3	3			3	
Nebraska—5	5			5	
Nevada—5	5			5	
New Hampshire—4		4			4
New Jersey—15		15			15
New Mexico—5	5			5	
New York—31		31			31
North Carolina—15	15			15	
North Dakota—3	3			3	
Ohio—20	20			20	
Oklahoma—7	7			7	
Oregon—7		7			7
Pennsylvania—21		21			21
Rhode Island—4		4			4
South Carolina—8	8			8	
South Dakota—3	3			3	
Tennessee—11	11			11	
Texas—34	34			34	
Utah—5	5			5	
Vermont—3		3			3
Virginia—13	13			13	
Washington—11		11			11
West Virginia—5	5			5	
Wisconsin—10		10			10
Wyoming—3	3			3	
Total—538	286	251	1	286	252

TRENT LOTT,
TIM JOHNSON,
Tellers on the part of the Senate.
ROBERT W. NEY,
JOHN B. LARSON,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

NOTE: The certificate from the State of Minnesota reflected that one elector cast ballots for John Edwards, of the State of North Carolina, for both President and Vice President.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY JANUARY 4, 2005 AT PAGE H 67

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 108TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 108TH CONGRESS

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002) amended by Division P of the Consolidated Appropriations Resolution, 2003 (P.L. 108-7), and the order of the House of December 8, 2003, the Speaker on December 31, 2004, reappointed the following Member on the part of the House to the United States-China Economic and Security Review Commission:

Mr. Larry Wortzel, Alexandria, VA, for a term to expire December 31, 2006.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for January 6, 2005.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 241. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on January 6, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 241. To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

ADJOURNMENT

At the conclusion of the inaugural ceremonies (at 12 o'clock and 33 minutes p.m.), the House, without returning to its Chamber, pursuant to House Resolution 9, stood adjourned, and pursuant to House Concurrent Resolution 2, stood in adjournment until Tuesday, January 25, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

197. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-6); to the Committee on International Relations and ordered to be printed.

198. A communication from the President of the United States, transmitting an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the Agreement on Mutual Fisheries Relations of May 31, 1999, with annex, as extended, pursuant to 16 U.S.C. 1823(a); (H. Doc. No. 109-5); to the Committee on Resources and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on January 3, 2005]

Mr. TOM DAVIS of Virginia. Committee on Government Reform. Report on the Activities of the House Committee on Government Reform for the 108th Congress (Rept. 108-815). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee on House Administration. Report on the Activities of the Com-

mittee on House Administration during the 108th Congress (Rept. 108-816). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. Summary of Activities of the Committee on Science for the 108th Congress (Rept. 108-817). Referred to the Committee of the Whole House on the State of the Union.

Mr. NUSSLE: Committee on the Budget. Activities and Summary Report of the Committee on the Budget, 108th Congress (Rept. 108-818). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS (for himself, Mr. MOORE of Kansas, Mr. TOM DAVIS of Virginia, Mr. YOUNG of Florida, Ms. HOOLEY, Mr. WHITFIELD, Mr. MORAN of Kansas, Mr. WOLF, Mr. BROWN of South Carolina, Mr. ROGERS of Alabama, Mr. BACA, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. WELLER, Mr. TANCREDO, Mr. BOSWELL, Mr. LEACH, Ms. LEE, Mr. CARDOZA, Mr. CHANDLER, Mr. OTTER, Mr. COOPER, Mr. PICKERING, Mr. OLVER, Mr. BAKER, Mr. SHAYS, Mrs. DAVIS of California, Mr. SHIMKUS, Mr. DINGELL, Mr. DOGGETT, Mr. FILNER, Mr. BEAUPREZ, Mr. COLE of Oklahoma, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Ms. HERSETH, Mr. HINCHY, Mr. HOLT, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KIND, Mrs. MALONEY, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. SPRATT, Mr. STUPAK, Mrs. TAUSCHER, and Mr. ADERHOLT):

H.R. 292. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from \$12,000 to \$100,000; to the Committee on Armed Services.

By Mr. HEFLEY:

H.R. 293. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the contribution rules for Roth IRAs; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 294. A bill to amend the Internal Revenue Code of 1986 to extend to civilian employees of the Department of Defense serving in combat zones the tax treatment allowed to members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself, Mr. ACKERMAN, Mr. CANTOR, Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. SHIMKUS, Mr. GARRETT of New Jersey, Mr. PENCE, and Mr. FOSSELLA):

H. Con. Res. 19. Concurrent resolution expressing the sense of Congress that the people of the United States should observe the 60th anniversary of the liberation of Auschwitz, a Nazi death camp during World War II, and honor all the victims of the Holocaust, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RAMSTAD introduced a bill (H.R. 295) for the relief of Konstantinos Ritos; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. WOLF.

H.R. 47: Mr. WILSON of South Carolina.

H.R. 179: Mr. HOSTETTLER.

H.R. 180: Mr. HOSTETTLER.

H.R. 219: Mr. TANCREDO.

H.R. 278: Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. PAUL, and Mr. BASS.

H. Con. Res. 6: Mr. HUNTER, Mr. SKELTON, Mr. CALVERT, Mr. BARTLETT of Maryland, Mr. SMITH of New Jersey, Mr. PAUL, Mr. OTTER, Mr. FORBES, Mr. COOPER, Mr.

FOSSELLA, Mr. SIMPSON, Mr. TAYLOR of Mississippi, Mr. KENNEDY of Minnesota, Mr. REYES, Mr. BISHOP of Georgia, Mr. FEENEY, Mr. JONES of North Carolina, Mr. CHOCOLA, Mr. SNYDER, Mr. WHITFIELD, Mr. MURTHA, Mr. PICKERING, Mr. MILLER of Florida, Mrs. MYRICK, Mr. GUTKNECHT, Mr. PLATTS, Mr. BUYER, and Mr. TANCREDO.