EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I was granted a leave of absence for December 16–17, 2005, due to a medical treatment. I would like to state for the record that had I been present, I would have voted the following:

Rollcall 642: Motion to close portions of the Defense Authorization Conference to the Press and Public when matters of National Security are under consideration—Yea.

Rollcall 643: Skelton Motion to Instruct Conferees on H.R. 1815—National Defense Authorization Act for FY06—Yea.

Rollcall 644: Previous Question on Rule for H. Res. 612—Yea—Expressing the commitment of the House of Representatives to achieving victory in Iraq.

Rollcall 645: Adoption of Rule for H. Res. 612—Yea—Expressing the commitment of the House of Representatives to achieving victory in Iraq.

Rollcall 646: Adoption of Rule for H.R. 4437—Yea—Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

Rollcall 647: H. Con. Res. 294—Yea—Calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government.

Rollcall 648: Final Passage of H. Res. 612—Yea—Expressing the commitment of the House of Representatives to achieving victory in Iraq.

Rollcall 649: H. Res. 409—Yea—Condemning the Government of Zimbabwe's ''Operation Murarnbatsvina''.

Rollcall 650: H. Res. 575—Yea—Providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority.

Rollcall 651: H. Res. 534—Yea—Recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq.

Rollcall 652: Spratt Motion to Instruct Conferees on H.R. 4241—Deficit Reduction Act of2005—NAY.

Rollcall 653: Goodlatte/Herseth Amendment—Yea.

Rollcall 654: Stearns Amendment—Yea.

Rollcall 655: Sensenbrenner Amendment—Yea.

Rollcall 656: Norwood Amendment—Yea.

Rollcall 657: Westmoreland Amendment—Yea.

Rollcall 658: Gonzalez Amendment—NAY.

Rollcall 659: Sullivan Amendment—Yea.

Rollcall 660: Democrat Motion to Recommit—NAY.

Rollcall 661: Final Passage of H.R. 4437—Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005—Yea.

Rollcall 662: H. Res. 598—Condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission—Yea.

Rollcall 663: Adoption of the Rule providing for consideration of motions to suspend the rules—Yea.

Rollcall 664: H.R. 2520—Stem Cell Therapeutic and Research Act of 2005—Yea.

ON THE OCCASION OF MR. LARRY E. PRICE'S AWARD OF SUPERINTENDENT OF THE YEAR IN NORTH CAROLINA

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today in support of one of the finest educators ever produced by the great State of North Carolina.

This year, Superintendent Larry Price of my hometown of Wilson was named the 2006 North Carolina Superintendent of the Year. This is the highest honor for an educator in our State. The award was given by the North Carolina Association of School Administrators and the State school boards' association and announced at an awards banquet Monday night.

Larry Price has served as superintendent in Wilson County since 1998, overseeing 13 elementary schools, 6 middle schools, 3 high schools, and 2 learning centers. Under his guidance, Wilson County schools have produced thousands of students who have gone on to become doctors, lawyers, teachers, ministers, businessmen, and other professions. An increasing number each year meet or excel in reading and math at all grade levels since 1998.

I rise to congratulate Mr. Price on his accomplishment, and wish him many more years of success. Larry, we expect many more great things from you.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. BECERRA. Mr. Speaker, on Saturday, December 17, 2005, I was unable to cast my floor vote on rollcall numbers 663 and 664. The votes I missed included a vote to agree to resolution H. Res. 623, providing for consideration of motions to suspend the rules, and a motion to suspend the rules and agree to the senate amendment on H.R. 2520, the Stem Cell Therapeutic and Research Act.

Had I been present for the votes, I would have voted ''nay'' on rollcall 663 and ''aye'' on rollcall vote 664.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. CONYERS. Mr. Speaker, as ranking member of the Committee on the Judiciary of the House of Representatives and a co-author of the Violence Against Women Act of 2005, I take this opportunity to reemphasize the importance of certain parts of the legislative history of the provisions involving protections for battered immigrants. Additionally, I want to highlight and provide guidance on the reasoning behind and expectations about some of the provisions that are part of the final bill, the engrossed amendment agreed to by the Senate, which passed the Senate on December 16, 2005 and passed the House on December 17, 2005.

Since the section numbers changed between the version of VAWA 2005's Protection of Battered and Trafficked Immigrants provisions that passed the House September 28, 2005, and the version that we are considering today, I will provide a list at the end of my statement that cross references the section numbers in the final bill.

Section 801 enhances protection for immigrant victims of trafficking and certain immigrant crime victims by reuniting them with their children and family members living abroad. In the context of trafficking cases and other immigration functions I wanted to clarify for the record that VAWA 2005 contains language in Sections 801, 803, 804, 813 and 832 that are designed to amend sections of the Immigration and Nationality Act (INA) to reflect the current delegation of authority and reassignment of immigration functions from the Department of Justice (DOJ) to the Department of Homeland Security (DHS). When DOJ and DHS are cited as having shared authority under this Act, that shared authority should be limited to instances in which DHS is making an immigration determination in a case in which DOJ has an active federal investigation or prosecution. In cases where the investigation or prosecution is being conducted by a state or local prosecutor, or by another federal government agency, DOJ involvement may not be appropriate or required.

Section 802 creates an exception to unlawful presence for victims of severe forms of trafficking who demonstrate that their trafficking experience was at least one central reason for their unlawful presence in the United States. For the purposes of this section (and similarly for sections 801, 805 and 812 of this Act), I

understand that the term ''at least one central reason'' is intended to mean that the unlawful presence was caused by, or related to, the trafficking experience and its concurrent process of victimization. Just as this section provides a waiver of unlawful presence inadmissibility for T visa victims, I would hope that DHS will exercise its discretion determining good moral character so that T visa recipients are not barred from attaining adjustment of status from a T visa.

Section 804 provides that aliens can qualify for T status if they respond to and cooperate with requests for evidence and information from law enforcement officials. I also want to emphasize that state and local law enforcement officials investigating or prosecuting trafficking-related crimes are permitted to file a request (and certification) asking DHS to grant continued presence to trafficking victims. This section changes references in the INA to conform to the transfer of immigration functions from the Department of Justice to the Department of Homeland Security by replacing references to the Attorney General with references to the Secretary of Homeland Security.

I believe the expansions in protections for children contained in this Act are particularly important. Section 805 ensures that immigrant children who are victims of incest and child abuse get full access to VAWA protections. The application for adjustment of status to permanent residence of an alien who self-petitioned for permanent residence shall also serve as an adjustment application for any derivative children. Derivative children of self-petitioners will receive lawful permanent residency along with their self-petitioning parents. This section removes the requirement that abused adopted children must live with the abusive parent for two years and assures that child VAWA self-petitioners and derivative children have access to VAWA's aging out protections and can additionally access any Child Status Protection Act relief for which they qualify. It allows assures victims of child abuse and incest who were under 21 when abused have additional time until they turn 25 to file VAWA self-petitions. In this context, I understand that the term ''at least one central reason'' is intended to mean that the they delay in filing was caused by, or related to, the child abuse or incest and its concurrent process or victimization.

Section 811 defines a ''VAWA petitioner'' as an alien who has applied for classification or relief under a number of provisions of the INA. I want to emphasize the importance of the fact that the law assures that adjudication of all forms of immigration relief related to domestic violence, sexual assault, trafficking or victims of violent crime continue to be adjudicated by the specially trained VAWA unit.

In 1997, the Immigration and Naturalization Service consolidated adjudication of VAWA self-petitions and VAWA-related cases in one specially trained unit that adjudicates all VAWA immigration cases nationally. The unit was created ''to ensure sensitive and expeditious processing of the petitions filed by this class of at-risk applicants . . .'', to ''[engender] uniformity in the adjudication of all applications of this type'' and to ''[enhance] the Service's ability to be more responsive to inquiries from applicants, their representatives, and benefit granting agencies.'' See 62 Fed. Reg. 16607–16608 (1997). T visa and U visa adjudications were also consolidated in the specially trained VAWA unit. (See, USCIS Interoffice Memorandum HQINV 50/1, August 30, 2001, from Michael D. Cronin to Michael A. Pearson, 67 Fed. Reg. 4784 (Jan. 31, 2002)). This specially trained VAWA unit assures consistency of VAWA adjudications, and can effectively identify eligible cases and deny fraudulent cases. Maintaining a specially trained unit with consistent and stable staffing and management is critically important to the effective adjudication of these applications.

Consistent with these procedures, I recommend that the same specially trained unit that adjudicates VAWA self-petitions, T and U visa applications, process the full range of adjudications, adjustments, and employment authorizations related to VAWA cases (including derivative beneficiaries) filed with DHS: VAWA petitions T and U visas, VAWA Cuban, VAWA NACARA (§§ 202 or 203), and VAWA HRIFA petitions, 106 work authorization under section 814(c) of this Act), battered spouse waiver adjudications under 216(c)(4)(C), applications for parole of VAWA petitioners and their children and applications for children of victims who have received VAWA cancellation. I also encourage DHS to promote consistency in VAWA adjudications by defining references to ''domestic violence'' in the INA as ''battery or extreme cruelty,'' the domestic abuse definition codified in the Violence Against Women Act of 1994 (''VAWA 1994''), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (''IIRIRA'') and regulations implementing the battered spouse waiver.

The Secretary of Homeland Security can remove the conditional status of an alien who became a permanent resident, as the spouse of a U.S. citizen or permanent resident without joint filing of a petition with the U.S. citizen or permanent resident spouse, upon the showing of hardship, battery, or certain other factors. Applications for such relief may be amended to change the ground or grounds for such relief without having to be resubmitted.

VAWA 2000 allowed victims of domestic violence abused by U.S. citizen and lawful permanent resident spouses to file VAWA self-petitions from outside of the U.S. if they had been abused in the U.S. or if their abuser was a member of the uniformed services or a government employee. Modeled after the VAWA 2000 protection offered to children on VAWA cancellation of removal grantees, existing parole provisions should be used to ensure that approved VAWA petitioners, their derivative children and children of traffic-king victims, can enter the U.S.

Section 812 provides that an alien who is a VAWA petitioner or is seeking cancellation of removal or VAWA suspension as a battered alien is not subject to the penalties for failing to depart after agreeing to a voluntary departure order, if the battery or extreme cruelty, trafficking, or criminal activity provided at least one central reason related to the alien's failure to depart. In this context it is my understanding that the term ''at least one central reason'' is intended to mean that the failure to depart was caused by, or related to, the battering or extreme cruelty experience and its concurrent process of victimization.

Section 813 is designed to address a number of problems for immigrant victims in removal proceedings. The definition of exceptional circumstances will now include battering or extreme cruelty. Important clarifications are made to assure that immigration judges can grant victims the domestic violence victim waivers we created in VAWA 2000. I particularly want to emphasize the importance of the protections from reinstatement of removal we create in this Act for immigrant victims. Under current law DHS has the discretionary authority to consent to the readmission of a previously removed alien (using the existing I–212 process). DHS should make use of its discretion in granting readmission to appropriately assist aliens with humanitarian cases including but not limited to, victims of domestic violence, sexual assault, victims of trafficking and crime victims who are cooperating in criminal investigations.

Under current law, victims of domestic abuse, sexual assault, stalking, or trafficking who have been ordered removed, including expedited removal, are subject to reinstatement of removal if they depart the U.S. and attempt to reenter the U.S. Once they are reinstated in removal proceedings, they cannot obtain VAWA, T, and U relief, even if they have a pending application for such relief. Recognizing these harsh consequences, Congress encourages DHS to make use of its discretionary authority to consent to the admission of such previously removed aliens (using the existing I–212 process).

Section 814 provides that an alien whose petition as a VAWA petitioner has been approved may be granted work authorization. U visa applicants are provided work authorization under existing law. I want to emphasize that this section gives DHS statutory authority to grant work authorization to approved VAWA self-petitioners without having to rely upon deferred action. I believe that one of the most important protections offered by this section toward prevention of domestic violence is that Section 814 of this bill provides that an alien spouse admitted under the A (foreign diplomats), E–3 (Australian investor), G (international organizations), or H (temporary worker) visa non-immigrant programs accompanying or following to join a principal alien shall be granted work authorization if the spouse demonstrates that during the marriage he or she (or a child) has been battered or has been subjected to extreme cruelty perpetrated by the principal alien. This section is intended to reduce domestic violence by giving victims tools to protect themselves and hold abusers accountable. Research has found the financial dependence on an abuser is a primary reason that battered women are reluctant to cooperate in their abuser's prosecution. With employment authorization, many abused spouses protected by this section will be able to attain work providing them the resources that will make them more able to safely act to stop the domestic violence. The specially trained CIS unit shall adjudicate these requests.

I believe that Section 817 of this Act contains same of the most important protections for immigrant victims. This section is enhances VAWA's confidentiality protections for immigrant victims and directs immigration enforcement officials not to rely on information provided by an abuser, his family members or agents to arrest or remove an immigrant victim from the United States. Threats of deportation are the most potent tool abusers of immigrant victims use to maintain control over and silence their victims and to avoid criminal prosecution. In 1996, Congress created special

protections for victims of domestic violence against disclosure of information to their abusers and the use of information provided by abusers in removal proceedings. In 2000, and in this Act, Congress extended these protections to cover victims of trafficking, certain crimes and others who qualify for VAWA immigration relief. These provisions are designed to ensure that abusers and criminals cannot use the immigration system against their victims. Examples include abusers using DHS to obtain information about their victims, including the existence of a VAWA immigration petition, interfering with or undermining their victims' immigration cases, and encouraging immigration enforcement offices to pursue removal actions against their victims.

Immigration enforcement agents and government officials covered by this section must not initiate contact with abusers, call abusers as witnesses or rely on information furnished by or derived from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault and trafficking, as prohibited by section 384 of IIRIRA. In determining whether a person furnishing information is a prohibited source, primary evidence should include, but not be limited to, court records, government databases, affidavits from law enforcement officials, and previous decisions by DHS or Department of Justice personnel. Other credible evidence must also be considered. Government officials are encouraged to consult with the specially trained VAWA unit in making determinations under the special ''any credible evidence'' standard. I believe that all investigation and enforcement of these provisions should be done by the Office of Professional Responsibility of the Justice Department. For consistency, these cases need to be centralized in one division and I believe that this office is best equipped to address these cases.

The current practice of granting deferred action to approved VAWA self-petitioners should continue. Aliens with deferred action status should not be removed or deported. Prima facie determinations and deferred action grants should not be revoked by immigration enforcement agents. The specially trained Citizenship and Immigration Services (CIS) unit should review such cases to determine whether or not to revoke a deferred action grant. Immigration enforcement officials at the Bureau of Immigration and Customs Enforcement do not have authority to overrule a CIS grant of deferred action to an alien victim. Immigration enforcement officers should refer aliens they encounter who may qualify for relief under this Act to immigration benefits adjudicators handling VAWA cases at CIS.

VAWA confidentiality protections in IIRAIRA are amended to conform with current practice extending these protections to the Department of Homeland Security in addition to the ''Department of Justice and to expand confidentiality protections to the Department of State. These protective provisions were designed to assure that the Secretary of Homeland Security, the Attorney General and the Secretary of State may not use information furnished by, or derived from information provided solely by, an abuser, crime perpetrator or trafficker to make an adverse determination of admissibility or. removal of an alien. However, information in the public record and government data-bases can be relied upon, even if government officials first became aware of it through an abuser.

This section provides that this provision shall not apply to prevent information from being disclosed (in a manner that protects victim confidentiality and safety) to the chairs and ranking members of the House and Senate Judiciary Committees, including the Immigration Subcommittees, in the exercise of their oversight authority. This section also gives the specially trained VAWA unit the discretion to refer victims to non-profit, non-governmental organizations to obtain a range of needed assistance and victim services. Referrals should be made to programs with expertise in providing assistance to immigrant victims of violence and can only be made after obtaining written consent from the immigrant victim. Nothing in this section shall be construed as affecting the ability of an applicant to designate a safe organization through which governmental agencies may communicate with the applicant.

This section requires that the Department of Homeland Security and the Department of Justice provide guidance to their officers and employees who have access to information protected by Section 384 of IIRAIRA, including protecting victims of domestic violence, sexual assault, trafficking and other crimes from the harm that could result from inappropriate disclosure of information. Congress encourages the DHS's specially trained VAWA unit and CIS VAWA policy personnel: (1) to develop a training program that can be used to train DHS staff, trial attorneys, immigration judges, and other DOJ and DOS staff who regularly encounter alien victims of crimes, and (2) to craft and implement policies and protocols on appropriate handling by DHS, DOJ and DOS officers of cases under VAWA 1994, the Acts subsequently reauthorizing VAWA, and IIRIRA.

Section 825 contains a number of amendments particularly important to me. Protecting victims of domestic violence from deportation and assuring that they can have their day in court before an immigration judge to file for VAWA related immigration relief is a central focus of all VAWA immigration protection I have been involved in developing since 1994. This section contains amendments that clarify the VAWA 2000 motions to reopen for abused aliens, enabling otherwise eligible VAWA applicants to pursue VAWA relief from removal, deportation or exclusion. This section provides that the limitation of one motion to reopen a removal proceeding shall not prevent the filing of one special VAWA motion to reopen. In addition, a VAWA petitioner can file a motion to reopen removal proceedings after the normal 90–day cutoff period, measured from the time of the final administrative order of removal. The filing of a special VAWA motion to reopen shall stay the removal of the alien pending final disposition of the motion, including exhaustion of all appeals, if the motion establishes a prima facie case for the relief. One VAWA 2005 post-enactment motion to reopen may be filed by a VAWA applicant. Aliens who filed and were denied special VAWA motions under VAWA 2000 may file one new motion under this Act.

Additionally, I feel it is very important that the system of services we provide to domestic violence victims, rape victims and trafficking victims and our protection order courtrooms and family courts are places to which victims can safely turn for help without worrying that their abuser may have sent immigration enforcement officers after them when they are seeking service and protection. Section 825(c) establishes a system to verify that removal proceedings are not based on information prohibited by section 384 of IIRIRA. When any part of an enforcement action was taken leading to such proceedings against an alien at certain places, DHS must disclose these facts in the Notice to Appear issued against the alien. DHS must certify that such an enforcement action was taken but that DHS did not violate the requirements of Section 384 of IIRIRA. The list of locations includes: a domestic violence shelter, a rape crisis center, and a courthouse if the alien is appearing in connection with a protection order or child custody case. Persons who knowingly make a false certification shall be subject to penalties. Removal proceedings filed in violation of section 384 of IIRIRA shall be dismissed by immigration judges. However, further proceedings can be brought if not in violation of section 384.

I also want to highlight the important protections for all battered women and stalking victims contained in Section 827 of this bill. With respect to laws and regulations governing identification cards and drivers' licenses, DHS and the Social Security Administration shall give special consideration to victims of domestic abuse, sexual assault, stalking, or trafficking who are entitled to enroll in state address confidentiality programs, and whose addresses are entitled to be suppressed under State or Federal law (including VAWA confidentiality provisions), or suppressed by a court order.

The REAL ID Act of 2005 imposed a new national requirement that all applicants for driver's licenses or state identification cards must furnish their physical residential address in order to obtain a federally valid license or identification card. This requirement jeopardizes those victims of domestic abuse, sexual assault, stalking, or trafficking who may be living in confidential battered women's shelters or fleeing their abuser, stalker, or trafficker. In recognition of the dangers of this requirement, this provision instructs DHS and the Social Security Administration to give special consideration to victims of domestic abuse, sexual assault, stalking, or trafficking by allowing certain victims to use an alternate safe address in lieu of their physical residential address.

I understand that a driver's license or identification card is necessary for victims to board an airplane or train to flee danger. Many confidentiality programs are currently in place on both federal and state levels to ensure that the dual goals of economic security and victim safety are reached by allowing an individual to choose an alternate address on her driver's license. This will provide an exception for those victims who are entitled to enroll in state address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to 8 U.S.C. Section 1367, ensuring the continued protection and necessary mobility for these women and their families.

As Ranking Member' of the House Judiciary Committee, I have been particularly concerned about the significant delays that have occurred between the effective dates of VAWA 1994 and VAWA 2000 laws and the issuance of implementing regulations that are needed so that

immigrant victims can receive the protections Congress has created for them. Section 828 requires that regulations implementing both this Act (including materials and dissemination under section 834) and the Act reauthorizing the Violence Against Women Act in 2000, ("VAWA 2000"), be issued within 180 days of this Act's enactment. In applying such regulations, in the case of petitions or applications affected by the changes made by the Acts, there shall be no requirement to submit an additional petition, application, or certification from a law enforcement agency with the date of the application for interim relief establishing the priority date of counting time towards adjustment of status. However, the Department of Homeland Security may request additional evidence be submitted when the documentation supporting an outstanding VAWA self-petition or justifying interim reliefs now insufficient. The Department of Homeland Security shall also craft and implement policies and protocols implementing VAWA confidentiality protections under Section 384 of IIRAIRA as amended by this Act.

Lastly, I want to provide important background information about the reasoning behind The International Marriage Broker Regulation Act of 2005 (IMBRA) that is included in this VAWA 2000 legislation. The final IMRBA legislation combines provisions that created a significant role for the government in information collection and distribution to foreign fiancees and spouses with regulation of the International Marriage Broker Industry. IMBRA has been designed to address concerns about U.S. citizen abusers who use the K visa process to petition for aliens outside the United States and abuse them. This Act, establishes the first meaningful federal regulations on international marriage broker agencies (IMBs), companies jn the business of matching mostly American male clients to foreign women who will join them in the United States as fiances or spouses. There have been numerous cases of foreign women who were matched with American men, came to the U.S. live with their new spouses and were subjected to domestic violence, sexual assault or other forms of extreme cruelty. In some cases, the perpetrators have successfully used IMBs and the immigration system to bring in a series of fiancés or spouses who have all suffered from domestic violence from the American sponsor and client. This bill is designed to inform foreign spouses and fiancees entering the United States of the laws relating to such abusive crimes, and the availability of help. In addition, it seeks to prevent abusers from using the immigration system to find new victims.

Sections 832, 833 and 834 are designed to prevent further abuse by instituting measures to distribute information that can help the K visa recipients learn about domestic violence protections available to them in the United States. These sections also provide them with specific information about their U.S. citizen petitioners' criminal conviction history. Additionally, this section limits the ability of abusive U.S. citizens to repeatedly petition for K visas for aliens outside the U.S.

A consular officer may not approve a fiancee visa petition without verifying that the petitioner has not previously petitioned for two or more aliens applying for spousal or fiancee K visas. If the petitioner has had such a petition previously approved, the consular officer must verify that two years have elapsed since the filing of the previous petition. The Secretary of Homeland Security may grant waivers of the two-year waiting period or the limit on filing more. than two petitions. The waivers included here were designed to give DHS the discretion to waive both the time and number limitations when K fiance visa applications are filed by nonabusive U.S. citizens. Such waivers may be appropriate, for example, for nonabusive U.S. citizens who live abroad or were raised abroad and may be more likely to marry foreign spouses, or in cases of unusual circumstances, such as the sudden death of an alien approved for a prior K visa. Section 832(a) includes a domestic violence victim waiver modeled after the waiver created for immigrant victims of domestic violence by VAWA 2000 (INA Section 237(a)(7)). Waivers shall be granted when tbe U.S. citizen petitioner demonstrates that they have been' subjected to battering or extreme cruelty, that there was a connection between the criminal conviction and the abuse. including efforts to escape the abuse and that they were not the primary perpetrator of abuse in the relationship.

Section 832(a)(2) of VAWA 2005 requires that U.S. citizen petitioners filing K visa applications for spouses they married abroad provide under oath the same criminal information required for K fiance visa petitioners. This section also creates a database to track serial K applications. Upon approval of a second K visa for a spouse or fiancé the U.S. citizen petitioner will be entered into the multiple visa tracking database and will be notified that this petition and all future petitions will be entered into the database maintained by the Department of Homeland Security. Once two espousal or fiancé K visas have been approved, for each subsequent petition filed, DHS will notify both tbe citizen petitioner and foreign-born spouse about the number of previously filed petitions in the database for a 10-year period. All future K applications will trigger similar notice. The domestic violence pamphlet developed under Section 833 of this Act will be sent to the K beneficiary inunigrant spouse along with the multiple filing data base information.

Under this Act, IMBs are required to comply with mandatory collection of criminal background information on each U.S. client, including arrest and conviction information, information on any temporary or permanent protection order issued against the U.S. client, and information on where the person has lived, prior marriages and children they have under the age of 21. The IMB must also conduct a sex offender registry search on the U.S. client.

CONCLUSION

I am once again honored to have played a role in reauthorizing the Violence Against Women Act and the protections it affords to immigrant women who suffer from battery and extreme cruelty in our Nation. We have made important changes and adjustments to current law that will ensure that the broad range of domestic violence victims have access to the immigration relief they need to escape from abuse and begin to rebuild their lives, and those of their children. I am particularly pleased that Congress was able to agree upon passage of the first legislation to provide fiancées and spouses applying for K visas from abroad the ability arm themselves with what can be life saving information and to truly regulate the international marriage broker industry. I offer my sincere appreciation to the chairman of the Judiciary Committee, F. JAMES SENSENBRENNER, who worked with me for the better part of this year on this bill in shared commitment to protect victims of domestic violence. In addition, I must thank Congressman RICK LARSEN of Washington for his leadership on protecting unsuspecting foreign women who become victims of abuse by sponsoring IMBRA and working with Chairman SENSENBRENNER and me on bringing IMBRA into this bill. I also offer special thanks to my Senate colleagues, Senator ARLEN SPECTER, Senator PATRICK LEAHY, Senator JOSEPH BIDEN and Senator TED KENNEDY for their hard cooperative work to ensure that the Violence Against Women Act of 2005 could be passed into law this year.

I worked closely with Chairman SENSENBRENNER to develop legislative history for the protections offered to immigrant victims contained in Protection of Battered and Trafficked Immigrants Title of the Violence Against Women Act of 2005. The Committee on the Judiciary of the House of Representatives Report to accompany H.R. 3402 that was published on September 22, 2005, provides important legislative history on this Title. Since section numbers have changed in the final bill, I include here cross reference list that will facilitate relating the sections of the final VAWA 2005 provisions we are voting on today with the legislative history sections that describe and support these provisions.

FINAL VAWA 2005 SECTION NUMBER AND HOUSE COMMITTEE REPORT SECTION NUMBER

801 (Treatment of Spouse and Children of Victims)—901(a).

802 (Presence of Trafficking Victims)—903(b).

803 (Adjustment of Status for Trafficking Victims—903 & 903(a).

804 (Protection and Assistance to Trafficking Victims)—901(d).

805 (Protecting Victims of Child Abuse)

805 (a) and (b)—912(b) and (c).

805 (c)—912(d).

805(d)—931.

811 (VAWA Petitioner Definition and VAWA Unit)—911, 902, 914, 918.

812 (Exception to Voluntary Departure)—919.

813(a) (Exceptional Circumstances)—937.

813(b) (Discretion to Readmission Instead of Reinstatement of Removal)—915.

813(c) (Domestic Violence Victim Waiver Clarification)—935.

814(a) (VAWA HIRIFA and VAWA Cuban Adjustment Improvements)—936, 917.

814(b) (Work Authorization for VAWA Petitioners)—915(a).

814 (c) and (d) (Work Authorization for Abused A, E–3, G, H Spouses)—933.

814(e) (Limitation on Petitioning for Abuser)—917(g).

815, 823, 824 (Clarification and Corrections Regarding VAWA NACARA VAWA HRIFA, VAWA Cuban Adjustment Applicants—917.

816 (VAWA Protection for Elder Abuse Victims)—913.

817 (VAWA Confidentiality Protections)—921, 915.

821 (a) and (b) (Duration of T and U Visa Status)—901(b).

821(c) (Change of Status to T or U Visa Status)—901(c).

822 (Technical Corrections)—941.

823 (VAWA Cuban Adjustment Improvements)—917(d).

824 (VAWA HR1FA Improvements)—917(e).

825 (Deportation and Deportation Proceedings)—936, 921(f).

826 (Protection of Abused Juveniles)—921(d).

827 (Identification Documents for Domestic Violence and Crime Victims)—None.
828 (Rulemaking)—900.
831, 832, 833, 834, Subtitle D, International Marriage Broker Regulation—916, 922.

BORDER PROTECTION, ANTI-TERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes:

Mr. ETHERIDGE. Mr. Chairman, I rise to offer my views on H.R. 4437 and this important issue. As a member of the U.S. House Committee on Homeland Security, I have worked actively with both Republicans and Democrats to strengthen our Nation's laws to protect the American people. Many of the provisions of this bill are under the jurisdiction of the Homeland Security committee, although this version differs substantially from the Committee's product.

The debate on immigration reform is an important matter for this country. Last year, I voted to pass the 9/11 Commission Recommendations Implementation Act, which authorized an additional 10,000 Border Patrol agents and 4,000 additional Immigration and Customs Enforcement (ICE) officers. Unfortunately, the Bush administration's budget funds only 210 additional border agents and 80 ICE officers in fiscal year 2006.

I support several amendments to this bill because they take concrete steps to correct real problems with the immigration status quo. For example, I support the Myrick amendment that provides for the removal of an illegal alien who is convicted of driving drunk. I also support the Shadegg amendment to increase penalties for document fraud and crimes of violence and drug trafficking offenses committed by illegal aliens. In addition, I support the Velázquez amendment to reduce the immigration application processing backlog that has choked the system to a virtual standstill. Unfortunately, these reasonable steps cannot overcome the fundamental flaws of H.R. 4437, which takes an unrealistic approach that will exacerbate the problems of the current system by driving the undocumented further underground, deeper into the black market and further estranged from the laws of our country.

We need to reform the broken immigration system in America, but this bill is harsh, punitive and anti-family and does not fix the many problems with the current system. Rather than pass new laws that make innocent children Federal criminals, we should vigorously enforce the laws against illegal immigration that are already on the books, hire the thousands of additional security personnel that have already been authorized to guard our borders and work for a fair, balanced immigration plan that encourages lawfulness, rewards hard work and safeguards families.

I hope my colleagues will join me in rejection of this legislation, so Congress and the President can start over on a more productive approach to fix the broken immigration system. Vote against H.R. 4437.

VICTORY IN IRAQ RESOLUTION

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, I congratulate the Iraqi people on a successful election, and movement toward democracy.

I rise today to denounce the Republican leadership for manipulating the War in Iraq for political gain.

However, I want to stand up here and reiterate my opposition to the invasion of Iraq.

I have said it before and I will say it again.

I am against this war. Our troops have become the targets of the insurgents in Iraq who want us out of their country.

I knew that once we got into the war, there was no getting out. Many of our young men and women were going to get killed for the personal gain of the President.

There is no correlation between 9–11 and the War in Iraq.

Let me repeat: There is no correlation between 9–11 and the war in Iraq!

There was no faulty intelligence. We have people in key positions lying to the American people.

Get Us Out of Iraq!

HONORING THE 57TH MAYOR OF BUFFALO, NEW YORK, HON. ANTHONY M. MASIELLO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the public service and personal strength of character of Anthony M. Masiello, who will complete his third and final term as the 57th Mayor of the City of Buffalo on December 31, 2005. Coupled with his deep and abiding love and loyalty to his beautiful family, Mayor Masiello will always be known for his enthusiastic and unwavering love for the City of Buffalo, New York. Through the triumphs and the tribulations of serving as the Chief Executive Officer of the second largest city in New York State, Mayor Masiello never gave up, never gave in and has led us to a better Buffalo.

Born the oldest of seven children, Tony Masiello learned the value of family, hard work and the importance of giving back to one's community from his parents, Bridget and Dan. Educated in Buffalo Catholic Schools, Mayor Masiello graduated from Canisius College in 1969 after a Hall of Fame basketball career with the Division I Golden Griffins.

In 1971, the voters embraced his competitive spirit and youthful energy and elected him District Councilmember and soon after, he won his first citywide election as an At-Large Councilmember on the Buffalo City Council. In 1980, he was elected to the New York State Senate becoming "Buffalo's Senator." Reelected to 7 2-year terms, he rose through the ranks to Minority Whip and Chair of the Democratic Conference. During his tenure in the State Legislature, then-Senator Masiello secured greater funding for the city's public school system, increased financial support for Roswell Park Cancer Institute and Children's Hospital, Buffalo's nationally known health care institutions. He helped fund housing developments and provided leadership in the passage of the Vietnam Veterans Tuition Assistance Bill.

This commitment to education, health care, housing and the needs of others would foreshadow the Mayor's greatest achievements in his next elected office.

Anthony M. Masiello was sworn in as the 57th Mayor of the city of Buffalo on January 1, 1994. Since that time, he has tackled daunting financial challenges while instituting sweeping changes in the way the city conducts its business and delivers essential services. He initiated and implemented the Mayor's Impact team; a hands-on Task Force consisting of various city departments working together to perform comprehensive clean-up, maintenance and inspection services in the city, the Citizens Service Hotline and the Good Neighbors Planning Alliance to ensure real residential participation in planning the city's future.

Mayor Masiello led the creation of the Joint Schools Construction Program, an ambitious, pioneering construction and rehabilitation program to provide a 21st Century learning environment for the city's public school students. In 2000, the Mayor proposed state legislation that allowed the city to construct new schools and renovate existing buildings with private financing and now, more than $150 million is being spent in Phase I of the Joint Schools Construction Project to renovate nine schools. Eventually all schools will be renovated or rebuilt giving Buffalo School students the proper facilities and the high tech equipment fundamental to meeting the academic challenges of today and tomorrow.

As citizens of Buffalo, we are also indebted to the Mayor for his vision in bringing together the leaders of the local health care and medical school institutions as well as, for the first time, the neighborhood leaders from the Fruit Belt and Allentown, to create the Buffalo Niagara Medical Campus in the City's center. Through mutual respect and recognition of the need for improved communication, expert planning for shared needs and future growth, the Buffalo Niagara Medical Campus Board of Directors continues to attract local, state and federal funding which has transformed the Campus with more than $300 million dollars of investment in state-of-the-art health care and research facilities. Recruiting efforts for national and international medical, scientific and research talent is succeeding and all efforts have the shared goal of enhancing the opportunities for the Campus' neighbors and its neighborhood. The story and the success of the Buffalo Niagara Medical Campus is rightly attributable to the ability of Mayor Masiello to bring people together, impart the absolute need to work together and help direct the first $14 million in "seed money" that led to hundreds of millions of dollars in real private/pubic investments.

And it is the Mayor's commitment to implementation that led to one of the greatest

achievements in the history of the City of Buffalo as it was recognized with the 2005 National American Planning Association Award for ''The Queen City Hub: A Regional Action Plan for Downtown Buffalo, as the best plan in the country.

The plan's development began in the late 1990's as the Mayor created a partnership with the City of Buffalo, the University of Buffalo Urban Design Project and Buffalo Place, the leading business group dedicated to downtown development, with the mission of making downtown Buffalo a 24/7 community to live, work and play. This effort has more than succeeded with $1 billion dollars of public and private investment in the ground and in planning stages that includes the Buffalo Niagara Medical Campus to the waterfront and connects to the east and west side neighborhoods of Buffalo. The Mayor himself led'' Seeing Is Believing,'' a series of highly successful walking tours of downtown Buffalo through 2004 and 2005 where hundreds of people followed this very tall Mayor as he walked briskly in and out of converted buildings which now features the wildly popular loft apartments, theatres, grocery stores, mixed use buildings, new single family homes and pointed proudly to green space, traffic improvements and new hope for future growth.

While he gives credit to all who joined him in this collaboration, it was Mayor Masiello who created the partnership that led to the Queen City Hub plan and developed the award-winning road map to be followed by those who will follow him.

Mayor Masiello's ability to create real partnerships with a stated goal and a heartfelt commitment to make Buffalo a better place must be rightly acknowledged. A Mayor's job is never easy and perhaps, never tougher than throughout the 12 years of the Masiello administration when the challenges of the leading a northeast urban center to a new century and in a new direction brought with it crushing financial conditions that never crushed the Mayors spirit.

And so this grateful Congressman and city resident offers heartful thanks and best wishes to the Honorable Anthony M. Masiello as he concludes this chapter in a lifetime of public service and begins new challenges and opportunities. We send our deepest appreciation to his family, who also serves, as we thank his beautiful wife, personal and professional partner, Kate Maseillo, and their daughters, Ariel and Madeline. We also acknowledge the Mayor's newest title—grandfather—to Rose Elizabeth, the daughter of his daughter, Kim and husband, John Adamucci, and wish health and happiness as another grandchild is on its way.

Perhaps the highest tribute we can pay to the 57th Mayor of the City of Buffalo is with his own words and so I will conclude my comments, by including those of Mayor Anthony M. Masiello—on the man who showed him by example to never walk away from the challenges of being Mayor—his father, Dan, who died earlier this year. ''My father worked two or three jobs at a time for many years to support seven children. He was a foreman for the city's sanitation department and then he would work 3–11 p.m. at night unloading trucks for 10–15 years. Yet he never missed a day of work even when he was sick or tired. I remember seeing him so tired he could hardly stand up but he would go to see his second job not long after leaving his first. Some days I would think of my Dad as I was driving to City Hall so I would just pick myself up and keep going. This is a city worth fighting for and it was my privilege to fight for it for the last 12 years.''

Thank you Mayor Masiello for fighting for Buffalo, for bringing us together and bringing out the best in who we are and what we can be by continuing to work together. Thank you for leading us to a Better Buffalo.

PENSION PROTECTION ACT OF 2005

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my support for H.R. 2830, the Pension Protection Act of 2005.

As the nature of our economy has changed in recent decades, our manufacturing sector has experienced difficult times. Many companies in the auto, auto parts, and steel producing industries are now burdened with expensive legacy costs, particularly pension obligations, that are increasingly difficult to honor. Long-term costs have contributed to the need for companies in these industries to seek significant cost savings, sometimes through factory closings and employee layoffs. Consequently, defined benefit pension plans sponsored by some of the companies in these industries, as well as in the airline industry, in which several companies have sought Chapter 11 bankruptcy protection in recent years, have been turned over to the Pension Benefit Guaranty Corporation [PBGC].

This legislation, while not perfect, seeks to increase private companies' funding of their employees' pension plans, as well as improve the financial health of the PBGC by increasing companies' premiums to the agency. The risk of a taxpayer-funded bailout of the PBGC, which is funded entirely by companies' that sponsor defined benefit pension plans, is very real in the near future. According to Bradley Belt, the Executive Director of the PBGC, ''Unfortunately, the financial health of the PBGC is not improving. The money available to pay benefits is eventually going to run out unless Congress enacts comprehensive pension reform to get plans better funded and provide the insurance program with additional resources.'' Congress has a responsibility to act now to prevent a PBGC bankruptcy and future taxpayer bailout of the agency.

Last year, the PBGC absorbed 120 terminated defined benefit pension plans, and last month the agency announced that in fiscal year [FY] 2005 it had liabilities of $79.2 billion and assets of $56.5 billion. That amounts to a deficit in the pension insurance program of $22.8 billion. While the FY05 deficit improved slightly over FY04's deficit of $23.3 billion, the latest deficit figure from the PBGC is somewhat misleading. The agency's FY05 deficit actually would have increased to $25.7 if it had included company-plan terminations announced after the fiscal year ended on September 30. Probable pension losses from companies that filed for Chapter 11 protection in September, including 2 large airlines and a major auto-parts supplier, will likely increase the PBGC's liabilities. The PBGC estimates that the pension plans in those companies are underfunded by more than $15 billion. The agency includes those pension plans in its category of financially weak company plans, the liabilities of which rose to $108 billion this year from $96 billion in 2004.

In 2004, the PBGC collected only $1.5 billion in premiums from the companies that it insures. H.R. 2830 would raise companies' annual PBGC premium payments from $19 to $30 per participant. The $30 premium would be phased in beginning in 2007, on a schedule based on a plan's funded status. Even with premium increases in H.R. 2830, it could take more than a decade to close the agency's deficit. I hope that this bill is the beginning of the PBGC's long march back to fiscal health.

Further, H.R. 2830 would increase companies' funding requirements for their defined benefit plans and would shorten the period over which funding shortfalls must be eliminated. The bill's provisions regarding both single- and multi-employer plans move companies in the right direction.

I also appreciate the willingness of Chairmen JOHN BOEHNER and BILL THOMAS to agree to a significant improvement in the ''shutdown benefits'' provision of H.R. 2830 as introduced. Shutdown benefits, which are payments made to long-service employees when a plant is shut down, would have been prohibited under the original version of H.R. 2830. The improved version of this measure allows a defined benefit plan to provide shutdown benefits if the plan is at least 80 percent funded. Well-funded pension plans will be able to continue providing shutdown benefits to employees who have worked hard over their careers and expect the retirement benefits that they have been promised. H.R. 2830 will soften the blow of expected plant shutdowns at companies that have fulfilled their responsibilities to their employees and funded their pension plans as they were supposed to over the years.

Finally, I am very supportive of the provisions in H.R. 2830 that would make permanent several retirement savings provisions that were included in the 2001 tax law, including the increases in IRA and 401(k) contribution limits, with their full adjustments for inflation. Prior to 2001, the maximum amount that a taxpayer could contribute to an IRA was $2,000 per year. The 2001 tax law gradually increased that limit to $5,000 [by 2008]. I worked to ensure that IRA contribution limits increased in that law, and believe that the permanent extension of those limits will increase the certainty needed in retirement planning. Likewise, I strongly support the bill's language that would make permanent the saver's credit for low-income taxpayers. Taxpayers with incomes below $50,000 for a married couple, and below $25,000 for individuals, are eligible to receive a tax credit of up to 50% of contributions [up to $2,000] that they have made during the year to employer-sponsored retirement plans or IRAs. Increasing incentives for people of all income brackets to save for their retirements should be a top priority of Congress, and I will continue to work with my colleagues in both parties to improve the national savings rate in our country.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am very disappointed in the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. It takes an enforcement only approach at a time when we should be working together on comprehensive immigration reform, and it is full of anti-immigrant provisions that are ill advised and mean spirited.

For instance, sections 201 and 203 of the House Judiciary Committee-reported version of H.R. 4437 would make all aliens who have at any time been unlawfully present in the United States aggravated felons. This, in turn, would subject them to mandatory detention; generally bar them forever from obtaining asylum, lawful permanent resident status, and eventual citizenship; and subject them to arrest by state and local law enforcement officers.

Section 202 would dramatically expand the definition of smuggling and harboring illegal aliens, potentially subjecting even unknowing relatives, good Samaritans, and employers to severe criminal penalties and civil asset forfeiture of real estate, cars, and other property for providing even life-saving assistance to someone who turns out to be unlawfully present in the United States.

Section 305 would permit States to use State Homeland Security Committee grants, Urban Area Security Initiative grants, or Law Enforcement Terrorism Prevention Program grant funds for preventing or responding to the unlawful entry of an alien or providing support to another entity relating to preventing such an entity. In order to be permitted to use such funds for such purposes, a State would have to be carrying out the activity pursuant to an agreement with a Federal agency.

Section 501 would make the use of expedited removal mandatory against aliens suspected of having entered the United States without inspection who are neither Mexican nor Canadian, who are apprehended within 100 miles of the U.S. international border, and have been in the United States for 14 days or fewer. Detention facilities are not available to house all of the immigrants who will be subject to mandatory detention under this program.

In fact, more than 110,000 aliens were released in FY2005 for lack of bed space. Section 601 would, notwithstanding treaty obligations, permit the U.S. government to send aliens to countries where they are likely to be tortured.

Section 602 would permit the government to subject aliens to indefinite detention without there being any charges against the alien.

Title VII would require the expansion of the Basic Pilot employment verification program to all employers, requiring that they use it to verify the identity and employment eligibility of each of the 54 million persons that get hired each year and the 146 million persons who currently are employed in the United States. It also would dramatically increase the fines employers face if they hire undocumented workers. It also calls for a study of an enhanced social security card that would contain biometric and other personal information on a magnetic strip that all persons in the country would have to use when seeking employment in the United States.

I will just mention one more example. Title VIII contains a provision that would strip courts of the ability to review decisions by immigration officers to deny relief and to deport aliens, including persons whose visas are revoked, persons fleeing persecution. Moreover, it contains a provision in section 806 that would require nonimmigrants coming to the United States temporarily for work, school, or as tourists to waive any right to any review of an immigration officer's decision as a precondition to getting a visa.

Twenty years of short-sighted, enforcement-only legislation has created the largest illegal population in our nation's history and H.R. 4432 is just more of the same. Far from being pro-security and pro-enforcement, this bill actually undermines enforcement and security by increasing the population of people here illegally, sweeping under the rug the 11 million here without papers, and ignoring those who will still come to the U.S. because they're coming to work As the President, Secretary Michael Chertoff, and other key leaders in both parties have said, we cannot enforce our way out of the catastrophe that is our current immigration system. The problem demands a comprehensive, workable answer that restores respect for the rule of law with fair rules that are evenly enforced—not expansive enforcement without hope for success.

U.S. DEPARTMENT OF STATE'S RECENT ACTION TO REINSTATE FOREIGN MILITARY FINANCING AND DEFENSE EXPORTS TO INDONESIA

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Ms. BALDWIN. Mr. Speaker, I rise today in strong opposition to the U.S. Department of State's recent action to reinstate Foreign Military Financing (FMF) and defense exports to Indonesia, by waiving restrictions placed on that aid by this Congress.

In 2000, due to the Indonesian military's record of abuse in places such as East Timor, Congress responsibly placed conditions on military assistance packages to Indonesia. The restrictions on military aid to Indonesia were included, once again, in the Fiscal Year 2006 Foreign Operations Appropriations bill. Two days after the bill became law in November 2005, the State Department waived all remaining restrictions on Foreign Military Financing and defense exports to Indonesia. This Administration's waiver was in clear contravention of the will of this Congress. It greatly diminishes the leverage we have to press for human rights improvements.

Organizations such as the East Timor Action Group and Human Rights Watch are highly critical of this waiver. Indonesian military officers and soldiers who have committed human rights violations have not been prosecuted. At least 15 human rights defenders, including Indonesia's foremost human rights advocate Munir, have been murdered since 2000. To date, no senior Indonesian officer has been held accountable for crimes against humanity in East Timor in 1999 or before.

To this day, there are reports of the Indonesian military terrorizing the people of West Papua, but documenting these human rights violations is nearly impossible because the government and military severely limit access to the province.

While the people of Indonesia have made democratic advances, these have happened in spite of the military. I believe the Bush Administration's decision to waive the restrictions this Congress placed on FMF and defense exports to Indonesia could threaten the democratic advances by once again propping up brutal forces. Human rights activists in Indonesia and East Timor have repeatedly called for continued restrictions of U.S. military assistance to Indonesia. I am disappointed the Bush Administration has chosen to ignore them.

SAN BERNARDINO POLICE DEPARTMENT CELEBRATES 100 YEARS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. LEWIS of California. Mr. Speaker, I rise today to say congratulations to the San Bernardino, California, Police Department, which has been protecting and serving the people of my hometown since 1905. I would like to give a hearty thanks to Chief Garrett Zimmon and his officers, and all of those who have served over the years in this fine department.

When the police department was formed, nine officers were sworn in to patrol a city of 20 square miles and provide law enforcement to 9,150 residents. By 1913, San Bernardino saw its first motor officers, and the department continued to grow with the city. Seven brave officers have given their lives in the line of duty for San Bernardino citizens.

Although the first female officer was not hired for the force until 1974, I would like to mention that the mother of one of my high school friends—Jack Brown—served as a reserve officer beginning in 1954. Rose Brown set an upstanding example of community involvement for her son, who as CEO of Stater Bros. Markets is now one of San Bernardino County's most active private citizens.

Mr. Speaker, the San Bernardino Police Department now serves a city of 190,000 residents, covering 60 square miles. Many of the law enforcement problems that used to belong in the "big city" are now faced daily by the 301 sworn officers and 159 support staff members. I've been pleased to be able to provide some assistance in creating a 21st-Century dispatch system that places computers in every patrol car. In short, the San Bernardino Police Department has grown up with my

hometown, and I ask you to join me to with the chief and his officers congratulations on their Centennial year.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. AKIN. Mr. Speaker, I rise today to strongly support the passage of the Stem Cell Therapeutic and Research Act of 2005. This bill will encourage and support the most promising avenue of stem cell research available to us today, and will do so without ending a human life, as is required in embryonic stem cell research. Cord blood is one the most exciting areas of medical research today and successful treatments have been developed for a wide range of diseases, from sickle cell anemia to leukemia.

The promise of medical research using the stem cells found in umbilical cords is truly amazing. Stem cells from cord blood have already resulted in treatments for at least 67 different human afflictions and future research looks immensely promising. Just one example of this is the successful treatment of numerous children afflicted by Krabbe's Disease. Dozen's of children across the country have been saved from an early death by cord blood transplants. This legislation will make cord blood more readily available to save lives and treat numerous conditions.

This summer I had the opportunity to visit a leading center of cord blood-based stem cell research. The St. Louis Cord Blood Bank at Cardinal Glennon Children's Hospital is one of the leaders in this field and is the second largest cord blood bank in the world. It was exciting to see the research being done and hear stories about the lives that have been radically altered by successful cord blood treatments. I believe that the work being done by the St. Louis Cord Blood Bank is just a taste of what can be accomplished in the future.

While embryonic stem cell research may draw more media attention and certainly produces many improbably optimistic promises for the future, cord blood stem cells are already producing treatments. Embryonic stem cell research requires the death of an innocent embryo, but cord blood stem cells are a gift from God that we would be irresponsible to waste. Cord blood stem cell research has already resulted in numerous successful medical treatments, and I believe that this research has a bright future. The support and coordination of cord blood banking and research efforts across the country will benefit our citizens in numerous ways in the years ahead. I urge my colleagues to support the Stem Cell Therapeutic and Research Act of 2005.

MANAGEMENT OF THE MISSOURI RIVER AND THE CROP INSURANCE PROGRAM

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. HULSHOF. Mr. Speaker, as my colleagues know, Federal actions that negatively impact private property inflame the passions of farmers. This is certainly the case for the farmers in my district who make their living along the Missouri River, particularly as it relates to the efforts of some to create an artificial spring rise on the Missouri River.

On one side, bureaucrats and fringe special interests—absent sound science or empirical data—want to periodically flood the lower Missouri River basin in the hopes of helping the endangered pallid sturgeon spawn. On the other side, concerned farmers, river stakeholders, Missouri's congressional delegation, Governor Matt Blunt—just to name a few—understand that increasing river flows above the normal river levels during a volatile time of year—one in which farmers are most vulnerable—will cause flooding of adjacent farmland, infrastructure and even entire communities. Those of us on this side of the debate know that only sound science should be used as a basis for our river policy, and actions meant to help wildlife—especially actions that lack scientific merit—should not take precedence over the needs of the people who live and work along the river.

Despite this, the Army Corps of Engineers was compelled to include two artificial spring rises in their 2006 operating plan for the Missouri River. While the broad coalition that opposes this misguided spring rise fully intends to continue fighting implementation of these unproven and scientifically questionable spring rises, I want to make the House aware of an issue that we will need to address, should the Corps move forward with spring rises in 2006.

For years now, those of us opposed to a spring rise made the commonsense assumption that the U.S. Department of Agriculture's Risk Management Agency would serve as a safety net for those adversely affected by the spring rise, providing crop insurance coverage to those harmed by government-induced flooding, such as a spring rise on the Missouri River.

Apparently, it is the opinion of some that this is not the case. Just this week, the Risk Management Agency administrator stated in a letter dated December 15, 2005, that the Risk Management Agency "is prohibited by law from covering crop losses due to a government sanction release of water by the Corps because it does not qualify as a naturally occurring event."

To me, and to those I represent who live along the river, this policy defies logic. Common sense and basic fairness dictate that crop insurance should cover flood damages caused by a spring rise. From the perspective of a farmer, it adds insult to injury for the Federal Government to cause a flood and then refuse to cover crop insurance damages associated with the Government's actions.

I'm not asking for a handout, nor are my constituents. What I am seeking is a flood insurance policy relating to a spring rise that is consistent with the Risk Management Agency's stated mission, to "promote, support, and regulate sound risk management solutions to preserve and strengthen the economic stability of America's agricultural producers" and to "provide crop insurance to American producers."

Over the coming weeks and months, I will be working with some of my colleagues, like my friends Representative SKELTON and Senator TALENT to find the best, most efficient solution to this obvious problem. In this effort, I look forward to working with the administration and the committees of jurisdiction in Congress to remedy this situation. Likewise, I fully intend to continue working with like-minded stakeholders and elected officials to stop the flawed spring rise that will cause unnecessary flooding and damage for those along the Missouri River.

H.R. 4581, THE EASEMENT OWNERS' FAIR COMPENSATION CLAIMS ACT OF 2005

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. AKIN. Mr. Speaker, in his first State of the Union address, President Abraham Lincoln said, "It is as much the duty of government to render prompt justice against itself in favor of citizens as it is to administer the same between private individuals." President Lincoln said this in reference to the United States Court of Claims which he proposed Congress to establish for the purpose of justly resolving the claims of citizens against the United States. One of the most fundamental rights we enjoy in this nation is the right to know that our property is free from confiscation absent the protections of the Fifth Amendment. When the government does confiscate a citizen's property, the United States Constitution requires the government to provide the citizens from whom the property is confiscated full and fair compensation for the property that has been taken.

A matter has come to my attention in which the United States government falls tragically short of meeting this obligation. I refer to those individual property owners in St. Louis County whose property has been confiscated by the Federal Government for use as a public recreational trail under the Federal Trails Act. These citizens' property was taken more than 12 years ago when it was converted to a recreational trail under the Federal Trails Act, and they have still not received compensation. This is so despite the fact that the Justice Department has admitted in a settlement agreement and in numerous court pleadings that the Federal Government has confiscated their property and that the Fifth Amendment to the U.S. Constitution requires that the Federal Government pay these property owners the fair value of the property taken. The Justice Department and the property owners each hired appraisers who determined the fair value of the property and after 6 years of litigation in the Federal Court of Claims a settlement agreement was reached.

Yet, two days before this agreement was to be approved by the judge, the Federal Circuit Court of Appeals issued a decision in a Georgia case called Caldwell v. United States. The

Justice Department and the U.S. Court of Claims have interpreted that case as announcing a new rule for the time when a property owner must file a claim to recover the value of his property taken by operation of the Trails Act. This ''new rule'' is inconsistent with the understanding of Congress when we enacted the Trails Act and, as announced by the dissenting opinion in the Caldwell case, is ''contrary to all authority''. The Federal Circuit decision ruled that the statute of limitations for Trails Act compensation claims begins to run, not when the property owners land is actually taken from the landowner, but when the Surface Transportation Board issues a notice that there is a possibility that the land might be taken in the future.

Mr. Speaker, this ''new rule'' announced by the Caldwell court, as it has been interpreted and applied by the Justice Department and the lower courts, will work a great injustice to a limited number of property owners whose property has been confiscated but will now be denied compensation, while at the same time requiring the Federal Government to pay compensation for property that might never be converted to a public recreational trail. The new Caldwell rule will cost the Federal Government plenty—requiring taxpayers to pay significantly greater interest for compensation claims during the time before the property was ever taken from the land owners.

Mr. Speaker, this injustice is best illustrated by the letter I received from Gale and Sara Illig. Mr. and Mrs. Illig live in my home county of St. Louis, Missouri and their property was taken for a recreational trail. I incorporate Mr. and Mrs. Illig's letter in these remarks.

DEAR CONGRESSMAN AKIN: We have a small business. Gale is in commercial holiday decorating and Sarah helps in the business. After a number of years of saving, in 1984 we bought our home in Grantwood Village. By most standards it is a modest home but it is a home that we love and have worked hard to care for and improve over the years. This home is where we have raised our family and now spend our retirement years. We are not a family of great wealth and our home represents our most significant asset.

When we bought our home in 1984, one of the features that appealed to us was the quiet and secluded community and location. A screened-in sun porch on the south side of our home is one of our favorite rooms. Outside the sun porch and further to the south is the now abandoned Missouri Pacific Railroad right-of-way. We own the property over which the MoPac held an easement for this branch-line of their railroad. The tracks themselves were just a single line and they were infrequently used. Between the tracks and our home was a large, attractive hedge which gave us privacy.

In 1992 a not-for-profit nature trail group negotiated with MoPac to acquire this now abandoned railroad right-of-way. We have been told that the federal government gave the trail group the authority to acquire this abandoned railroad right-of-way and to prevent us from using our property. We understand that the federal Trails Act gave them this ability to take our property even though under Missouri law we had the right to use and occupy this property once it was abandoned by MoPac. We wrote to Senator Bond in 1992 expressing concern about the effect this trail would have upon our home and property value. While the railroad had a full 100 foot width easement, they only used a very narrow 12 feet that was occupied by the train tracks and, as noted, that was used infrequently. Because of the Trails Act, the trail organization now claims the right to use the full 100 foot width of the original railroad easement, including the right to cut and remove all of the foliage on this part of our property. Additionally, with the trail use we now have, quite literally, hundreds of people biking and walking through our property where previously we enjoyed a quiet and secluded home.

Now, we want to make clear that we do not oppose recreational hiking and biking trails and we think parks and recreational trails are a fine thing. It is just that when, as in our situation, the federal government runs the trail through our property without our consent we believe that we should be fairly compensated for this taking of our property. This public trail runs just several feet from our sunroom and across almost the entire southern third of our property.

We have always understood that the U.S. Constitution provided us the guarantee that if our property were to be taken we would be compensated. I mentioned that we are a family of modest means and this is true. This causes us to feel even more painfully the effect that this taking of our property has had upon our own home value.

The government took our property almost 13 years ago. We spent more than 6 years in a lawsuit with the government seeking to be compensated for the government's taking of this property. In that lawsuit, the Justice Department agreed that this taking of our property represented a value of $72,065 taken from us by the federal government. The Justice Department also agreed that they would pay us this money and that they were responsible to make this payment under the Fifth Amendment of the U.S. Constitution. The Justice Department also agreed to pay us interest on this because it has now been 13 years since our property was taken. The Justice Department's agreement that they would pay us was long overdue but was very welcome.

As we get older we face the realistic understanding that we will not be able to live in our home forever. During the twelve years since the trail was created, Gale has suffered both cancer and a multiple heart valve replacement. The value that we have built up in our home is an asset that we look to provide for our needs when we reach a point where we can no longer care for this home and need to move into other living arrangements. For this reason the $72,065 plus interest since 1992, while not much money to the federal government, is quite literally huge to us. This is why we were so pleased when the settlement was reached last December.

* * * what happened next, * * * is still one of the most outrageous experiences in our life and represents a great injustice to us personally. Two days before the hearing with the Judge to approve the settlement, we understand that the Court of Appeals decided a Georgia Trails Act case. The government claimed this case changed the law and meant that now they now no longer had to pay us what they had agreed they were obligated to pay us for the confiscation of our property.

We are not lawyers so maybe that is why we cannot understand the nuances of this, but, to us, a very simple principle is involved. The government has taken our property, the government agreed that they have taken our property (I am told by [our attorney] that the government agreed to this not just once, but on multiple occasions in formal statements filed with the Court), the government agrees how much they owe us for the property, including interest, and the government is required by the U.S. Constitution to pay us this money. Then, at literally the last minute, they claim the law has changed because of a case in Georgia so they no longer have to pay us. This is just flat wrong! And, no amount of legal nuance can make it right.

Congressman Akin, a lot of us in St. Louis experienced the same sense of outrage during the October 16th Cardinals game against the Astros when the home plate umpire, Cuzzi, called what was clearly a ball to be a strike on Jim Edmonds and then threw Jim Edmonds out of the game. That bad call did not necessarily change the outcome of the game. But the tragic effect of this bad call by the Court in the Georgia case and the bad call by the Department of Justice to use that case as an excuse for the government to escape its obligation to pay us for our property represents a devastating financial setback for our family.

We have always worked hard, saved our money, and paid our taxes and expected that the federal government would treat us in a fair and just manner. We must tell you that we see this effort by the government to now escape their clear constitutional obligation to pay us (and the other one hundred property owners from whom they admit taking property) as a very fundamental injustice. For that reason, we are extremely grateful to have you represent us in the Congress and greatly appreciate your efforts to address this injustice. We are grateful for your help on this matter of such great importance to us.

Warmest regards,

SARAH and GALE ILLIG.

Mr. Speaker, this letter demonstrates my initial point that the Federal Government has dramatically fallen short of President Lincoln's standard of ''providing prompt justice against itself in favor of citizens''. Mr. Speaker, H.R. 4581 remedies this injustice and also returns administration of the Trails Act to a manner consistent with Congress' intention when initially passed.

THE PURPOSE OF H.R. 4581, THE EASEMENT OWNERS' FAIR COMPENSATION CLAIMS ACT OF 2005

The Easement Owners' Fair Compensation Claims Act of 2005 will remedy the injustice worked by the Federal Circuit Decision in Caldwell v. United States. It will establish clearly Congress's intent regarding when the Trails Act is intended to interfere with a property owner's interest and it will provide that those property owners in the limited number of cases affected by this Caldwell decision are, in fact, provided full, fair compensation for the property that the Federal Government took from them while, at the same time, assuring that the Federal Government does not use taxpayers' funds to pay for claims where it did not take any property and where ultimately, no recreational trail is ever created. In so doing, we will bring justice on behalf of those owners whose property is taken and we will also preserve and steward the taxpayers' resources by not paying for claims where no recreational trail for public use is ever created. This bill will provide the constitutionally mandated compensation to those property owners whose lands have been confiscated (as the Justice Department has already admitted) while on a broader level saving the Government from having to pay money for property that is never taken for a public recreational trail and prevent the Federal Government from having to pay interest for a ''taking'' of property years before the property owner's State law right to use and possess the property is ever interfered with.

In short, H.R. 4581 restores the date for starting the statute of limitations to the date

when the property owners' rights to the property are actually taken by the Federal Government. This is consistent with Congress's intention when the Trails Act amendments were passed in 1983 and will assure compensation to those property owners whose property the Government already acknowledged taking but not require the Government to pay compensation or interest for property never converted to trail use. H.R. 4581 will not undercut the operation of the Trails Act but will actually make it more cost efficient and will fairly treat those property owners whose property is actually taken for a trail.

HONORING THE WORK OF RAY BECK

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. HULSHOF. Mr. Speaker, I rise today in recognition of Ray Beck, the presiding city manager of Columbia, MO, as he is retiring this January after 45 years of service to the city of Columbia. Ray has held numerous positions during his tenure with the city of Columbia, the most notable of which is his current post of city manager, which he has held since 1985.

The second youngest of six children, Ray Beck was born in St. Elizabeth, MO, on November 9, 1932. After graduating from St. Elizabeth High School, Ray went on to earn both a bachelor's and a master's degree in engineering from the University of Missouri-Columbia. Ray then dutifully served his country as an officer in the US. Army. He is also a graduate of the US. Army Field Artillery School as well as the US. Army Command and General Staff College.

Ray always knew that his life would be best spent working as a public servant. As my colleagues here in this Chamber can attest, public service can be an extremely rewarding experience. This calling is the reason why I ran for Congress and am fortunate enough to represent the good people of the Ninth District of Missouri. I am saddened to see Ray leave this position with the city of Columbia, as he has not only been an invaluable resource to the city and myself, he has also become a good friend. His counsel and words of wisdom have certainly aided me as we worked collaboratively for the benefit of Columbia.

Columbia looks a lot different today than in 1960 when Ray first started working for the city. Over this time span, Columbia's population has more than doubled to its current size of roughly 91,000 residents. The cityscape continues to evolve as more and more families and businesses flock to the area. With its strong business climate, close-knit community, excellent public schools and ready access to world-class higher education, Columbia has consistently been ranked as one of the most desirable places to live. Ray can look back with pride at this progress.

Through his official capacities as city manager, Ray has helped Columbia develop into the vibrant city it is today. During his tenure, Columbia established a city-operated waste removal program, expanded the local parks and recreation services, and implemented a municipally operated transit system as well as many other public works projects.

Whether it was working to improve the city's sewer systems, roadways or public utilities, these infrastructure improvements have made Columbia a better place to live and work. Ray accomplished all of this and much more while working with 14 different mayors.

Aside from his official duties, Ray has always been actively involved in the community. Through his involvement with the National Recreation and Parks Association, the University of Missouri-Columbia Dean's Engineering Advisory Council, or the Missouri Highways Engineers Association, Ray was always seeking additional resources or contacts that could assist him in his various endeavors for the city. His drive, however, was not only limited to work related activities. Ray should be commended for his good work and involvement with the MU Alumni Association, the United Way and the U.S. Army Retired Officers' Association, just to name a few.

When Ray retires this January, I suspect he may shed a few tears—some of joy and some of sadness. But when he looks back upon his career, I hope he realizes how much his work has improved the lives of those who make Columbia their home. And for that, I am eternally grateful.

I know his new priorities will no longer focus either on housing or sewer systems, but spending time with his wife, Dee, his 4 children, his 13 grandchildren and his many friends. I only hope that on the day of my retirement I can look back upon a career as accomplished as his.

Ray, I sincerely thank you for your dedication and service to Columbia and the State of Missouri. Congratulations on a well-deserved retirement.