

soundness of the banking system. We should pass this legislation to ensure the future of deposit insurance and our banks.

INTRODUCTION OF RESOLUTION  
OF INQUIRY WARRANTLESS SPY-  
ING ON AMERICAN SOIL

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. CONYERS. Mr. Speaker, today I am introducing a Resolution of Inquiry H. Res. 643 requesting the Attorney General to transmit to Congress documents reflecting the legal justification for spying on American soil without judicial approval. I introduce this Resolution on behalf of myself and Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Mr. SCOTT of Virginia, Ms. LOFGREN, Ms. JACKSON-LEE, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. SCHIFF, Ms. LINDA SÁNCHEZ, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. McDERMOTT, Mr. FILNER, Mr. MARKEY, Ms. SCHAKOWSKY, Ms. TAUSCHER, Ms. LEE, Ms. McCOLLUM, Mr. UDALL of New Mexico and Mr. HOLT.

It is my hope that the Administration will voluntarily comply with this straightforward request. However, if they do not, this Resolution will require a vote in the Committee, and possibly the House floor so that the Members can go on record concerning whether this is an important enough issue to warrant Congressional oversight. I believe we simply cannot tolerate a situation where the Administration is both laying down and interpreting the law on its own accord, and not even sharing with the Members of Congress what the legal justification for such a program is.

Last week we learned that the President has been using the National Security Agency to conduct surveillance involving U.S. citizens on U.S. soil, in apparent contravention of the Foreign Intelligence Surveillance Act. This week we learned that contrary to the President's assertions that the wiretapping included only foreign calls, some of the intercepted communications were conducted entirely within the United States. As a result of these disclosures, one member of the FISA Court, Judge James Robertson, resigned, and the presiding judge of the court has sought a classified briefing to address their concerns that the NSA program was illegal and may have been improperly used to gain further wiretaps from their court.

These revelations raise some of the most serious legal and constitutional questions conceivable in our democracy—whether our own government is able to intercept our most private conversations without establishing to any independent party that such eavesdropping is in any way necessary or related to a possible crime. For 25 years under FISA we have created special procedures for obtaining intelligence information on U.S. soil. The standard for getting a wiretap warrant from the Foreign Intelligence Surveillance Court is so low that only 5 out of the 19,000 applications have been denied since 1978. We even allow FISA orders to be obtained on a retroactive basis for the first 72 hours, in case the government needs to move with great speed.

However, for some reason the Bush Administration has opted not to use the FISA laws to obtain surveillance orders involving a number of people located on U.S. soil. As one official told the Washington Post, "the FISA process demanded too much: to name a target and give a reason to spy on it."

The purpose of this Resolution of Inquiry is to allow Congress to obtain the necessary information so we can learn precisely what the legal basis was for this great expansion of executive power. We are not asking to learn about the names or identities of the individuals who have been surveilled, at this point we simply want to learn on what legal basis the surveillance orders were issued. The Administration has proposed a number of legal theories to the press to justify the NSA wiretaps, ranging from the President's authority as Commander in Chief to general authority included in the post 9/11 Afghanistan Resolution.

PERSONAL EXPLANATION

**HON. HENRY J. HYDE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. HYDE. Mr. Speaker, on December 16, 17, 18, and 19, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted: rollcall No. 648, Passage Victory in Iraq, "yes," rollcall No. 649, Zimbabwe's "Operation Murambatsvina," "yes," rollcall No. 650, Hamas and Terrorist Organizations, "yes," rollcall No. 651, Independent Iraqi Judiciary, "yes," rollcall No. 652, Motion to Instruct Conferees, "no," rollcall No. 653, Goodlatte/Herseth Amendment, "yes," rollcall No. 654, Stearns Amendment, "yes," rollcall No. 655, Sensenbrenner Amendment, "yes," rollcall No. 656 Norwood Amendment, "yes," rollcall No. 657, Westmoreland Amendment, "yes," rollcall No. 658, Gonzalez Amendment, "no," rollcall No. 659, Sullivan Amendment, "no," rollcall No. 660, Motion to Recommit, "no," rollcall No. 661, Passage Illegal Immigration Control Act, "yes," rollcall No. 662, Assassination of Lebanese Prime Minister, "yes," rollcall No. 663, On Agreeing to the Resolution, "yes," rollcall No. 664, Passage Stem Cell Research Act, "yes," rollcall No. 665, On Agreeing to the Conference Report (H. R. 1815), "yes," rollcall No. 666 On Agreeing to the Resolution (H. Res. 639), "yes," rollcall No. 667, Presidential and Parliamentary Elections in Egypt, "yes," rollcall No. 668, Motion to Recommit, "no," rollcall No. 669, On Agreeing to the Conference Report (H. R. 2863), "yes," rollcall No. 670, On Agreeing to the Conference report (S. 1932), "yes," and rollcall No. 671, Education Curriculum in the Kingdom of Saudi Arabia, "yes."

A TRIBUTE TO CPL. JOSEPH R.  
POKORNY

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. MURPHY. Mr. Speaker, on behalf of the U.S. House of Representatives, I rise to honor the priceless life and courageous public service career of State Police Corporal Joseph R. Pokorny.

Fearless, responsible, tough, professional, elite, hero. These are some of the apt words that Joseph's friends and colleagues have used to describe him in recent days. Thousands have mourned the loss of Corporal Pokorny, who was senselessly killed in the line of duty during the early morning of December 12, 2005.

Born in Uniontown, Pennsylvania, Joseph and his family moved to Center as a young boy. He graduated from Center Area High School in 1978 and attended Indiana University. Joseph later graduated from the Pennsylvania State Police Academy in Hershey in 1983, before embarking on a distinguished law enforcement career of 22 years.

In 2000, he was promoted to the rank of corporal—a monumental accomplishment on the elite Pennsylvania State Police force. Joseph always served with uncommon courage, a firm commitment to protecting the public, and a fervent passion for the American way of life.

Of all the recent tributes to Corporal Pokorny, perhaps the greatest compliment paid to him was that a close friend who grew up with Joseph said, "he was a real Pittsburgh guy."

During this holiday season, my thoughts and prayers have especially been with Corporal Pokorny's parents, Joseph Sr. and Florence, and his teenage son and daughter, Joseph, and Alexandra. They were the most important people in Joseph's life.

The world is a safer, better place because of Joseph Pokorny. My fellow citizens of southwestern Pennsylvania and I owe Corporal Pokorny a debt of gratitude that can never be repaid. He will be deeply missed.

TRIBUTE TO TODD PATKIN, YOUNG  
LEADER AND PHILANTHROPIST

**TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. LANTOS. Mr. Speaker, I invite my colleagues join me in paying tribute a young man who is part of the new generation of philanthropic leaders—Todd Patkin of Massachusetts. Todd is an impressive young man, and although he has just turned 40, he has been remarkably successful in the business world and is now devoting his life to helping others.

Todd grew up in the Boston area, where he graduated from Tufts University. He married, had a family, and worked in the family auto parts business for the next 18 years. Using his amazing organizational and business talents, the company became remarkably successful, expanding from 18 to 62 stores in the New England and New York area. His business acumen was recognized in 2004 by Auto International Associate when he was named "Young Executive of the Year."

Mr. Speaker, Todd recently sold his regional business operations to the second largest retailer in the country, giving him the financial freedom to pursue his passion to help others.

One of his major philanthropic initiatives has been to assist his friend, Gary Marino, to help Americans children and adults with problems of obesity and poor nutrition. Todd is funding the making of a major motion picture which focuses on Gary's life story and on his "Million

Calorie March" from Florida to Boston in which took place in 2005.

Working with opera star Andrea Delgadice, Todd also founded the Todd G. Patkin Opportunity Performing Art Center. It brings the highest quality vocal, dance and acting instruction to its students, many of whom are from the less-advantage areas of Brockton, Massachusetts, and are receiving full scholarships because of their economic need.

Todd recently made a substantial contribution to the Boston Medical Center for its Todd and Yadira Patkin Sickle Cell Anemia Clinic. He has also provided significant financial support to the Boston chapter of the Anti-Defamation League, where he and Andrew Tarsy will be managing a new initiative to combat bigotry and intolerance in greater Boston.

Todd has had a positive impact internationally as well, Mr. Speaker. He supports two charities in the State of Israel—the Jewish National Fund, which is chaired by Ronald Lauder, and the Yemin Orde Youth Village headed by Chaim Peri. The village is perhaps the most advanced orphanage in Israel and the world. It focuses on helping children, who frequently have been orphaned under devastating circumstances, to become happy and productive members of society. Today over two-thirds of the 300 children in the village are Jews of Ethiopian descent.

#### PERSONAL EXPLANATION

### HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. KOLBE. Mr. Speaker, on December 16, 17, and 18, 2005, I missed the following votes due to previous commitments in my Congressional district:

S. 1932, On Motion to Instruct Conferees, Budget Reconciliation, 2006 (#652). Had I been present I would have voted "nay."

H.R. 4437, On Passage of the Border Protection, Antiterrorism, and Illegal Immigration Control Act (#661). Had I been present I would have voted "nay."

H. RES. 623, On Agreeing to the Resolution providing for consideration of motions to suspend the rules (#663). Had I been present I would have voted "aye."

H.R. 2520, Suspend the Rules and Agree to the Senate Amendment, Stem Cell Therapeutic and Research Act (#664). Had I been present I would have voted "aye."

H.R. 1815, On Agreeing to the Conference Report, National Defense Authorization Act, FY 06 (#665). Had I been present I would have voted "aye."

H. RES. 639, On Agreeing to the Resolution waiving points of order against the conference report on H.R. 2863, Department of Defense Appropriations, FY 2006 (#666). Had I been present I would have voted "aye."

H.R. 2863, On the motion to recommit conference report with instructions for the appropriations bill for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes (#668). Had I been present I would have voted "nay."

H.R. 2863, On Agreeing to the Conference Report for the appropriations bill for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes

(#669). Had I been present I would have voted "aye."

S. 1932, On Agreeing to the Conference Report for Budget Reconciliation, 2006 (#670). Had I been present I would have voted "aye."

H.R. 2863

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. WU. Mr. Speaker, now that the most egregious provision has been stripped out the Defense Appropriations bill, I rise to offer my support for this important legislation.

When the House first voted on this measure early Monday morning on December 19, I opposed this bill because, among other reasons, it included a provision to permit oil and gas drilling in ANWR. The Arctic Refuge is one of the last, wild, untouched places left in the United States—with an abundance and variety of wildlife. Not only was I concerned about the environmental impact of opening up ANWR to drilling and exploration, but I was also opposed to the inclusion of this unrelated provision in a defense bill. I am glad that the ANWR provision has been stripped from this bill.

The remaining bill will do a great deal to support our troops. It appropriates a total of \$453.5 billion for defense programs, including \$50 billion in emergency spending for military operations in Iraq and Afghanistan. I am pleased that it contains language, authored by Senator JOHN MCCAIN that bars any U.S. personnel, including civilians, from engaging in "cruel, inhumane, or degrading" treatment of detainees. I am particularly pleased it includes funds for an average 3.1 percent pay increase for the men and women in our armed forces. H.R. 2863 also includes funding for certain special pay and bonuses for reserve personnel.

With that said, and while I now support this bill in its final form, I am concerned about a number of remaining provisions in the bill. Among other things, H.R. 2863 includes a provision to provide virtually unlimited liability protection to the drug industry, while providing illusory and unfunded compensation to any potential victims. We must be prepared in case of a flu pandemic, including ensuring our first responders are ready. Yet, the Republican bill uses the threat of a flu pandemic as an excuse to push the Administration's agenda of giving unwarranted and broad liability protection to the drug industry for a broad array of products.

I am also concerned about the bill's inclusion of funding for the national missile defense (NMD) system. The bill before us includes \$7.8 billion for this system. While we should always stand alert with a strong national defense, the NMD system is scientifically unproven, fiscally irresponsible, and grossly inaccurate. There are better ways to improve our defense.

Last, I share many of my colleagues concerns over this bill's provision to cut all non-emergency discretionary spending, except for VA programs, by 1 percent. As a result, K-12 education will see a cut of \$1 billion this year; LIHEAP, which helps many people heat their homes, will be cut by \$21 million; and Local

Law Enforcement Block grants, which goes to help our first responders, will be cut by \$315 million. While I agree that we must be fiscally responsible, we cannot do so at the expense of vital social and federal programs that assist our communities.

Mr. Speaker, I support our troops, and I believe in a robust defense. But we cannot use this legislation to hold our troops politically hostage to unwise policies. I am pleased that ANWR has been stripped out of this bill, and I strongly support its passage now that it has been removed.

H.R. 2863—DOD APPROPRIATIONS  
CONFERENCE REPORT

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. UDALL of New Mexico. Mr. Speaker, I applaud the removal of a provision from the Department of Defense Appropriation bill that would have allowed drilling in the Arctic National Wildlife Refuge (ANWR). This pristine wilderness area deserves to be protected, and furthermore, a Defense Appropriations bill was an entirely inappropriate vehicle to use to attempt to approve drilling in ANWR. For those and other reasons, I opposed passage of H.R. 2863 on December 19, 2005.

I am greatly pleased, however, that the Senate rejected the inclusion of the ANWR language, and removed the rider from this important appropriations bill. I still have grave concerns over several provisions still included in H.R. 2863, however, when it is passed into law our brave soldiers will get the resources they need to do the job overseas and return home safely as quickly as possible.

THE DEPARTMENT OF DEFENSE  
APPROPRIATIONS CONFERENCE  
REPORT

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. ENGEL. Mr. Speaker, on December 19, 2005, I voted against the Department of Defense Appropriations Conference Report as it was considered by the House of Representatives. While I voted for the Defense Authorization Act and normally would support a Defense Appropriations bill—especially with our troops in harm's way—this year I regrettably had to vote against the legislation.

I did so largely because the Republican majority inserted a provision allowing oil drilling in the Arctic National Wildlife Refuge (ANWR). This controversial measure was repeatedly rejected through the democratic process, but the Republican leadership preferred to hold the Defense Appropriations bill—and our troops in the field—hostage to the effort to drill in this pristine wildlife refuge. Moreover this legislation contained a 1 percent across the board cut in non-defense discretionary spending.

Mr. Speaker, America cannot drill its way to independence from foreign oil. Tapping ANWR would produce barely a drop in the bucket of the amount of oil we consume in this Nation.