

fifth grade. He attended local public schools and graduated from San Diego State University in 1953. He received his law degree from Hastings College of Law in 1957 and served as a deputy district attorney and private practitioner before joining the State bench.

Judge Gilliam served as a municipal court judge in San Diego from 1963 to 1975, and was a superior court judge from 1975 to 1980. In 1980, President Carter appointed Judge Gilliam to the Federal bench. The honorable Judge Gilliam was the first African American to be appointed as a judge in the San Diego municipal, superior, and district courts.

A noted jurist, Judge Gilliam presided over a number of important cases while serving on the Federal bench. He was the trial judge for the Ponzi scheme fraud trials, a trial judge in cases involving immigration, drug trafficking, and health care fraud.

Judge Gilliam was not only a distinguished jurist; he was also very involved in his community. Beginning in 1965, he was recognized by the San Diego Junior Chamber of Commerce as the Young Man of the Year, Citizen of the Year, and Good Guy Award. In 1981, the Boys' Club of San Diego chose the judge as the Golden Man of the Year. In same year, the San Diego Trial Lawyers Association chose him as the Trial Judge of the Year. He was also awarded the NAACP Civil Rights Pioneer Award, and the San Diego Black Lawyers Organization honored his hard work by changing the name of their organization to the Earl B. Gilliam Bar Association.

Sadly, Judge Gilliam passed away on January 28, 2001, following a long heart-related illness. He is survived by his wife, Rebecca, and son, Derrick.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of the late Judge Earl B. Gilliam and urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I just want to congratulate the gentleman from California (Mr. FILNER) for such extraordinary work in moving this bill so quickly and just say that I particularly appreciate that we are honoring someone, frankly, who is no longer living who has been so distinguished. We are not honoring someone who is still alive today, but someone who earned this recognition in life and is now being recognized after his death. I would encourage the House to support the passage of H.R. 5364. I would also thank my colleague from Chicago for his work on this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RENZI). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 5364.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### INTERNATIONALLY KNOWN WILDLIFE ARTIST JOHN RUTHVEN RECEIVES NATIONAL MEDAL OF THE ARTS

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, I rise today to honor a very dear friend and Brown County, Ohio, constituent, John Ruthven, who was selected by President Bush to receive the National Medal of the Arts, the highest award to an artist or patron in the United States. I was honored to join John and his wife, Judy, and members of his family today at the White House for the medal presentation by President Bush.

He is one of the most talented artists in the Nation, and we are proud to know him as one of our neighbors in southern Ohio. We cannot think of anybody more deserving of this honor.

John is an author, lecturer, naturalist, conservationist, and internationally acknowledged master of wildlife art. We consider him a modern day Audubon. His love of nature is infectious. So many, including my own family, have joined John on his naturalist tours of the woods of his beloved farm.

His original paintings have been shown at the White House, the Hermitage Museum in Russia, here at the U.S. Capitol, the Ohio State capitol rotunda, and many other prestigious venues around the world.

The National Medal of Arts, Mr. Speaker, is a very prestigious award. The President may award up to 12 medals per year. There were only seven other individuals to receive the national medal today.

All of us in southern Ohio congratulate John on receiving this most prestigious national award.

#### AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-234)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America

and Japan on Social Security, which consists of two separate instruments: a principal agreement and an administrative agreement. The Agreement was signed at Washington on February 19, 2004.

The United States-Japan Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Japan Agreement contains all provisions mandated by section 233 and other provisions which I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the United States Social Security program and the number of individuals affected by the Agreement.

The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Japan Social Security Agreement and related documents.

GEORGE W. BUSH.  
THE WHITE HOUSE, November 17, 2004.

#### NONSUITABILITY OF THE SQUIRREL RIVER IN ALASKA AS AN ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-235)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

*To The Congress of the United States:*

I transmit herewith the enclosed study, findings, and report for the Squirrel River in Alaska. The report and my recommendations are submitted pursuant to my authority under Article II, section 3, of the Constitution of the United States, and consistent with section 5(a) of the Wild and Scenic Rivers (WSR) Act, Public

Law 90-542, as amended. The Squirrel River suitability study was authorized by Public Law 96-487 (Alaska National Interest Lands Conservation Act).

The study conducted by the Bureau of Land Management determined that all 100 miles of the river are nonsuitable for inclusion in the National WSR System. Consistent with the study, I recommend that the Congress take no action to designate the river. The withdrawal provided by section 5(a) of the WSR Act would expire within 3 years of the date of this message (unless other action is taken by the Congress). Approximately 81,501 acres of State-selected lands would be opened to mineral entry although mineral potential has been assessed as very low and there are no past or active mining claims.

GEORGE W. BUSH.

THE WHITE HOUSE, November 17, 2004.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1915

#### SMART SECURITY AND CIA 9/11 REPORT

The SPEAKER pro tempore (Mr. RENZI). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the worst attacks on this country's soil took place on September 11, 2001, when planes hijacked by terrorists slammed into the World Trade Center towers and the Pentagon. The last plane which crashed into a field in Pennsylvania was likely headed for the very building in which we are now standing, the U.S. Capitol.

Shortly after these devastating attacks, the House and Senate intelligence committees requested that the Office of the Inspector General at the Central Intelligence Agency provide a comprehensive report on the events surrounding 9/11.

In June, 2004, an 11-member team from the CIA's Office of the Inspector General completed its report after a 17-month investigation. Congress, however, still has not received this important report.

According to several intelligence officials, the CIA report is potentially damaging to the White House because it details pre-9/11 failures by members of the Bush administration. According to one official, "What all the other reports on 9/11 did not do is point the finger at individuals and give the how and what of their responsibility. This report does that."

Unfortunately, even though the CIA team finished its exhaustive report in June, it has yet to make its way to the House and Senate intelligence committees here in our Congress.

My colleagues, the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN), the chairman and ranking member of the House Permanent Select Committee on Intelligence, wrote to the CIA in early October asking for delivery of this crucial report. They received no reply. Several sources in the intelligence community have stated that the reason for the delay has been the White House itself, which wanted the document released only after the November presidential election.

This should surprise no one.

What should surprise everyone is that the failure to deliver this report on time is unprecedented. The CIA has never failed to submit a report to Congress or delayed a report's submission for purely political reasons.

Mr. Speaker, the truth behind 9/11 is too important for the Bush White House to use for partisan applications. President Bush officially opposed the creation of the independent 9/11 Commission in the first place. Only when public opinion became unwieldy did he relent and allow its creation.

Then, after the Commission was created, the President opposed providing it with enough time to complete its congressionally mandated investigative report. He relented only after public opinion weighed in against him.

President Bush initially refused to allow National Security Advisor Condoleezza Rice to testify before the Commission, then relented under public pressure. Then he refused to testify before the Commission himself but relented under public pressure but only behind closed doors and with Vice President CHENEY by his side the whole time.

Mr. Speaker, there has to be a better way to respond to the threats America faces than by hiding behind closed doors. Instead, our government should depend on openness and transparency. That is why I have introduced H. Con. Res. 3792, a SMART Security Platform for the 21st Century. SMART stands for sensible multi-lateral American response to terrorism. SMART Security embodies a government that is fair, open, and transparent. SMART Security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multi-lateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements and vigorous inspection regimes.

SMART Security will defend America from future terrorist attacks by relying on the very best of America, not our nuclear capability but our capacity for multi-national leadership and our commitment to peace and freedom around the world.

If we fail to maintain the democratic principles upon which the country was founded, then we will have lost more than any terrorist could ever have taken away.

SMART Security is tough, pragmatic and safe. It depends on a government

that is open, honest and transparent, and it is the right choice to keep Americans truly secure.

#### CONVENIENT RULE CHANGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, earlier today during the one minutes I got up and admonished the House Republican Conference because we heard at the time that there was a possibility that they would adopt a rule change that would overturn a previous and current GOP rule that requires House leaders to automatically relinquish their post if they are indicted on charges that could carry a sentence of 2 or more years in prison.

Now, according to Congress Daily and several other sources, in fact the Republican conference today did agree by voice vote to overturn this GOP rule, which would mean that it is no longer the case that House leaders, whether it be the Speaker, the majority leader, whatever, would automatically relinquish their post if they face such an indictment.

I said before and I will say again, now that we know the House Republican Conference has indeed adopted this rule change, that it really is inappropriate and that they should be admonished, because for many years they had touted this rule as an example of how they were always going to do the right thing and basically show that they were beyond reproach.

Now I wanted to read, if I could, some sections or quote from some sections of the Washington Post today that explain essentially why this rule change is taking place. It says, "GOP Pushes Rule Change to Protect DeLay's Post. House Republicans proposed changing their rules last night," and it in fact has changed, "to allow members indicted by State grand juries to remain in a leadership post.

"The proposed rule change, which several leaders predicted would win approval at a closed meeting today," and it did, "comes as House Republicans return to Washington feeling indebted to" majority leader DELAY for the slightly enhanced majority they won in this month's elections. DELAY led an aggressive redistricting effort in Texas last year that resulted in five Democratic House Members retiring or losing reelection.

"House Republicans adopted the indictment rule in 1993 when they were trying to end four decades of Democratic control of the House . . . They said at the time that they held themselves to higher standards than prominent Democrats."

Well, obviously, Mr. Speaker, their holding themselves to higher standards is no longer the case, because now when they see it might impact one of their leaders, they simply change the rule.