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House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 6, 2005.

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

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of justice and Lord of history,

In 1821 John Quincy Adams said, ''Let us not be unmindful that liberty is power . . . The nation blessed with the greatest portion of liberty must, in proportion to its numbers, be the most powerful nation on Earth.''

Your scriptures tell us, Lord, ''Balance and scales belong to the Lord; all weights of justice are His concern.''

Lord God, through the years, the three branches of government and the Electoral College have had a lot to do with balancing power in this Nation.

Today as the legislative branch of government counts the votes of the Electoral College to verify the election of the President, we praise and thank you for the intuition of law-abiding citizens who seek justice in every free election and for the desire of founding fathers to have both the voice of large and small States, and the votes of States with the most and the least in population, both be heard and counted.

May the 109th Congress measure and be measured in the balance of dialogue and justice. And may every citizen of this great Nation find balance in his or her own life so to find peace in oneself and fairness with others.

So we will pray and act now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CLYBURN led the Pledge of Allegiance as follows:

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

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 32) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 32

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives.

Committee on Agriculture: Mr. Goodlatte, Chairman.

Committee on Appropriations: Mr. Jerry Lewis of California, Chairman; Mr. C.W. Bill Young of Florida; Mr. Regula; Mr. Rogers of Kentucky; Mr. Wolf; Mr. Kolbe; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Kingston; Mr. Frelinghuysen; Mr. Wicker; Mr. Cunningham; Mr. Tiahrt; Mr. Wamp; Mr. Latham; Mrs. Northup; Mr. Aderholt; Mrs. Emerson; Ms. Granger; Mr. Peterson of Pennsylvania; Mr. Goode; Mr. Doolittle; Mr. LaHood; Mr. Sweeney; Mr. Sherwood; Mr. Weldon of Florida; Mr. Simpson; Mr. Culberson; Mr. Kirk; Mr. Crenshaw; Mr. Rehberg; Mr. Carter; and Mr. Alexander.

Committee on Armed Services: Mr. Hunter, Chairman.

Committee on Budget: Mr. Nussle, Chairman.

Committee on Education and the Workforce: Mr. Boehner, Chairman.

Committee on Energy and Commerce: Mr. Barton, Chairman; Mr. Hall; Mr. Bilirakis; Mr. Upton; Mr. Stearns; Mr. Gillmor; Mr. Deal; Mr. Whitfield; Mrs. Cubin; Mr. Shimkus; Mrs. Wilson of New Mexico; Mr. Pickering; Mr. Fossella; Mr. Blunt; Mr. Buyer; Mr. Radanovich; Mr. Bass; Mr. Pitts; Mrs. Bono; Mr. Walden; Mr. Terry; Mr. Ferguson; Mr. Mike Rogers of Michigan; Mr. Otter; Mrs. Myrick; Mr. Sullivan; Mr. Murphy; Mr. Burgess; and Mrs. Blackburn.

Committee on Financial Services: Mr. Oxley, Chairman.

Committee on Government Reform: Mr. Tom Davis of Virginia, Chairman.

Committee on Homeland Security: Mr. Cox, Chairman.

Committee on House Administration: Mr. Ney, Chairman.

Committee on International Relations: Mr. Hyde, Chairman.

Committee on Judiciary: Mr. Sensenbrenner, Chairman.

Committee Resources: Mr. Pombo, Chairman.

Committee on Rule: Mr. Gingrey.

Committee on Science: Mr. Boehlert, Chairman.

Committee on Small Business: Mr. Manzullo, Chairman.

Committee on Transportation and Infrastructure: Mr. Don Young of Alaska, Chairman.

Committee on Veterans' Affairs: Mr. Buyer, Chairman.

Committee on Ways and Means: Mr. Thomas, Chairman; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Herger; Mr. McCrery; Mr. Camp; Mr. Ramstad; Mr. Nussle; Mr. Johnson of Texas; Mr. Portman; Mr. English; Mr. Hayworth; Mr. Weller; Mr. Hulshof; Mr. Ron Lewis of Kentucky; Mr. Foley; Mr. Brady;

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Mr. Reynolds; Mr. Ryan of Wisconsin; Mr. Cantor; Mr. Linder; Ms. Hart; Mr. Beauprez; and Mr. Chocola.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 33) and ask for immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 33

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Peterson of Minnesota.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Obey.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Skelton.

(4) COMMITTEE ON THE BUDGET.—Mr. SPRATT.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE—Mr. George Miller of California.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Dingell.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank of Massachusetts.

(8) COMMITTEE ON GOVERNMENT REFORM.—Mr. Waxman.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi.

(10) COMMITTEE ON INTERNATIONAL RELATIONS.—Mr. Lantos.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Conyers.

(12) COMMITTEE ON RESOURCES.—Mr. Rahall.

(13) COMMITTEE ON RULES.—Ms. Slaughter.

(14) COMMITTEE ON SCIENCE.—Mr. Gordon.

(15) COMMITTEE ON SMALL BUSINESS.—Ms. Velázquez.

(16) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Oberstar.

(17) COMMITEE ON VETERANS' AFFAIRS.—Mr. Evans.

(18) COMMITTEE ON WAYS AND MEANS.—Mr. Rangel.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five one-minutes per side.

LEGITIMATE ELECTION

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

Mr. PITTS. Mr. Speaker, today, Congress will certify the votes of the Electoral College. In doing so, we will reaffirm the historic victory won by President Bush. On November 2, 2005, he won more votes than any candidate in history, becoming the first President since Franklin Roosevelt to win reelection while leading his party to two consecutive gains in the Senate.

Based on conspiracy theories and speculation, some in the minority party will seek to derail the constitutional duty we will seek to carry out today. They are wrong for doing so.

President Bush won Ohio by 118,457 votes. Again, some will not accept the results of a democratic election. They intend to prolong legal challenges to achieve in court what they could not achieve on Election Day.

Look at the basis for the legal challenge, Mr. Speaker. Mysterious hackers manipulating voting machines, phantom agents committing unspecified acts, Senator KERRY receiving fewer votes than another statewide candidate, and the final results not reflecting exit poll numbers.

Mr. Speaker, this is absurd. None of these charges are legitimate. But votes are. The quicker we accept the fact, get on with addressing the issues that caused the American people to support George Bush in record numbers, the better we will be.

ROBBING THE AMERICAN PEOPLE

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

Mr. KUCINICH. Mr. Speaker, this morning we learned the White House wants to not only privatize Social Security but also wants to cut retirees' benefits. Privatization takes money from retirees on Main Street and gives it to the Enrons of Wall Street. Will Wall Street care about what happens to precious Social Security funds when more than half of the private pension funds in the U.S. are already insolvent and cut Social Security benefits?

No one is cutting the cost of food, rent, electricity, gas, oil or property taxes.

There is a solution. Keep the Wall Street/White House hands off. Do not privatize Social Security. Do not cut Social Security benefits. Social Security is rock solid through the year 2042. The crisis is the attempted theft of retirees' benefits.

Mr. Speaker, call the cops. The American people are being robbed.

AMERICAN BOXER REBELLION

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

Mr. HAYWORTH. And so, Mr. Speaker, it begins, the canard of hyperbole, the delusional statements, indeed, word coming to this body that later today, in a joint session, one from the other body will lead an American-born Boxer Rebellion.

The conspiracy theorists use celluloid and mockumentaries and fevered imaginings to try to mischaracterize debate and, as we understand, even this afternoon, try to dissuade numbers and facts.

Mr. Speaker, the sour grapes, the sensationalism, the conspiracy theories, and the fear and smear should be laid to rest. It will be later this afternoon, and for the American people it will be through vigorous factual debate.

BOXER REBELLION OF TODAY

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

Mr. KIRK. Mr. Speaker, if you believe in today's Boxer Rebellion, you must believe that the 627 million votes for President Bush do not count. You must believe that the 50 Secretaries of State who certified their elections were all wrong. You must believe that Ohio's Secretary of State lied in his solemn certification of Ohio's electorate. You must believe that Senator KERRY was all wrong when he said the election should be decided by voters, not lawyers.

Today, you will hear from Members of Congress who want to choose a President here in Congress because they do not like the choice that was made at the voting booth. But, here in America, elections should be decided at home at the ballot box and not here by extremist Members of Congress who show themselves on national television to be sore losers.

HONORING SERGEANT JEREMY WRIGHT

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

Mr. PENCE. Mr. Speaker, in December I had the privilege of leading a delegation of my colleagues to visit American forces serving in Operation Enduring Freedom in Kabul, Jalalabad and Bagram Air Force Base in Afghanistan.

As we learned during our journey, Mr. Speaker, Afghanistan is a place where American generosity and American power are succeeding. But upon my return I had a grim and heartbreaking reminder of who deserves the credit. The American soldier. Literally, the day that I arrived back to work here on Capitol Hill this week, I was notified by the military and by his family of the combat death of Sergeant Jeremy Wright of Shelbyville, Indiana, an incident that claimed his life just 6 short weeks after arriving for duty in Afghanistan.

It is written that no greater love has a man than this that he should lay down his life for his friends.

So I conclude that Sergeant Jeremy Wright's name, like every other American soldier lost in the war on terror in

Afghanistan and Iraq, Sergeant Jeremy Wright's name will be enshrined in the hearts of two grateful nations, the United States of America and the free Islamic Republic of Afghanistan, forever.

RIGHTFUL ELECTION

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

Mr. FOLEY. Mr. Speaker, we are delighted to be here today to swear the electoral votes from all the States in the Union. Having witnessed in 2000, very upfront and personal, there were a lot of charges made at that time that votes were stolen, elections were rigged. Time and time again evidence proved that those charges were false and malicious; and the President of the United States, who was elected and sworn into that office, was in fact the rightful recipient of that title.

Now, I understand today that there may be more mischief relative to another State in the Union who is having the laser beam of focus on it and that is Ohio.

Now, Florida was declared victorious for President Bush in 2000. In 2004, for a larger plurality of Floridians, the Democratic party worked tirelessly to provide workers in Florida, having witnessed new faces from around almost every county, participating in the democratic way of trying to help their candidate. No excuses can be made. The President of the United States, George W. Bush, won reelection; and we are here today to do our constitutional duty to convey those electoral votes as properly counted and tabulated and declared for the candidate who received the majority.

□ 1115

Ohio declared the victory for George W. Bush. Florida did as well, as did many other States; and our Commander in Chief and President of the United States is duly entitled to receive the swearing-in ceremonies on these grounds on January 20.

Now, having Floridians subjected to a lot of catcalls and acrimony over their voting habits, we are delighted another State has taken that honor; but without question, having analyzed the documents, having witnessed committee hearings on allegations and yet no one brought meaningful charges, we are pleased and delighted that President Bush again will serve this Nation for the next 4 years.

This weekend I would like to remind our Members that we celebrate the 10th anniversary of the 104th Congress. We are proud of the class that was elected. My colleague, the gentleman from Arizona (Mr. HAYWORTH), has made arrangements for us all to go to Arizona to think back on what we have achieved the last 10 years and what we hope to go forward with. A lot of important issues like Social Security, Medicare, prescription drug coverage, things of that nature, will be discussed at this conference.

The gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Illinois (Mr. WELLER) have been leaders in the effort, and I see my colleague approaching the mike.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank my friend from Florida, especially in terms of the fact that a quick check of the weather map indicates that his district may enjoy temperatures in the 80s this weekend; and in Arizona, we are just creeping back up to 65 in the Sonoran Desert. So I appreciate the fact that he is willing to pack a sweater. Hopefully, no umbrella will be needed in the wake of the moisture. We very much needed it in the desert earlier this week and in the high country in terms of snow.

But weather aside, we hope that all our friends from the class of 1994 and the 104th Congress will enjoy their time as we take a look at where we have been and where we are headed in this 109th Congress.

Mr. FOLEY. Mr. Speaker, I was not going to brag about the weather in Florida, but I have repeatedly on either Fox News Channel or in other circumstances.

If I could also make one other mention on Social Security while I have the floor reserved. Social Security is a very, very important issue for Americans. There have been a lot of comments in the newspaper about potential damage, destruction of Social Security; and I can assure my colleagues, as one Member who comes from the fifth largest Medicare-eligible population in America of all 435 districts, that this truly is an important endeavor for our Congress, and we should not be using brick bats to demonize one side or the other about plans.

We should talk constructively about the opportunities to engage, both sides of the aisle, whether it is the gentleman from New York (Mr. RANGEL) or the gentleman from California (Mr. THOMAS), who have significant ideas about how to improve the structural nature of this important program.

No one's trying to destroy it. Nobody's trying to uncouple it, but we are trying to look at rational ways in which we can deliver the benefits not only to those who are currently enrolled in the system, but those who are starting their first job or just born.

It is much too important to have polarization on a topic that is so critically important to our citizens. Our seniors need not be frightened. Forty-five-year-olds need not be wondering whether it is going to be there for them. A 30-year-old should not consider Social Security like UFOs, unattainable, unavoidable or unlikely.

The system is going to be preserved. How we do that depends on the willingness of both sides of the aisle to talk constructively about how to create a financial network, strengthen the system in order that recipients in the future may, in fact, receive their full benefits.

APPOINTMENT OF TELLERS ON THE PART OF THE HOUSE TO COUNT ELECTORAL VOTES

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to Senate Concurrent Resolution 1, 109th Congress, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment as tellers on the part of the House to count the electoral votes:

the gentleman from Ohio, Mr. NEY, and

the gentleman from Connecticut, Mr. LARSON.

APPOINTMENT OF MEMBER TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Ms. HARMAN of California.

ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF VICTIMS OF INDIAN OCEAN TSUNAMI

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 241) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the bill, as follows:

H.R. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF INDIAN OCEAN TSUNAMI VICTIMS.

(a) IN GENERAL.—For purposes of section 170 of the Internal Revenue Code of 1986, a taxpayer may treat any contribution described in subsection (b) made in January 2005 as if such contribution was made on December 31, 2004, and not in January 2005.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for

the relief of victims in areas affected by the December 26, 2004, Indian Ocean tsunami for which a charitable contribution deduction is allowable under section 170 of the Internal Revenue Code of 1986.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 12:55 p.m.

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess until approximately 12:55 p.m.

□ 1258

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 58 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from Arizona (Mr. SHADEGG) please take his place in the well of the House and take the oath of office at this time.

Mr. SHADEGG appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the swearing in of the gentleman from Arizona, the whole number of the House is adjusted to 429.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1 (HOUSE OF REPRESENTATIVES—JANUARY 6, 2005)

At 1:02 p.m., the Sergeant at Arms, Wilson Livingood, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker and Members of Congress, pursuant to the Constitution and laws of the United States, the Senate and House of Representatives are meeting in joint session to verify the certificates and count the votes of the electors of the several States for President and Vice President of the United States.

After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will please take their places at the Clerk's desk.

The tellers, Mr. LOTT and Mr. JOHNSON on the part of the Senate, and Mr. NEY and Mr. LARSON of Connecticut on the part of the House, took their places at the desk.

The VICE PRESIDENT. Without objection, the tellers will dispense with reading formal portions of the certificates.

There was no objection.

The VICE PRESIDENT. After ascertaining that certificates are regular in form and authentic, the tellers will announce the votes cast by the electors for each State, beginning with Alabama.

Senator LOTT (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 9 votes for President and DICK CHENEY of the State of Wyoming received 9 votes for Vice President.

Mr. NEY (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alaska seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President and DICK CHENEY of the State of Wyoming received 3 votes for Vice President.

Senator JOHNSON (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Arizona seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 10 votes for President and DICK CHENEY of the State of Wyoming received 10 votes for Vice President.

Mr. LARSON of Connecticut (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Arkansas seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 6 votes for President and DICK CHENEY of the State of Wyoming received 6 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of California seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 55 votes for President and John Edwards of the State of North Carolina received 55 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Colorado seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 9 votes for President and DICK CHENEY of the State of Wyoming received 9 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the great State of Connecticut seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 7 votes for President and John Edwards of the State of North Carolina received 7 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Delaware seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the District of Columbia seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Florida seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 27 votes for President and DICK CHENEY of the State of Wyoming received 27 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Georgia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 15 votes for President and DICK CHENEY of the State of Wyoming received 15 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Hawaii seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Idaho seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 4 votes for President and DICK CHENEY of the State of Wyoming received 4 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Illinois seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 21 votes for President and John Edwards of the State of North Carolina received 21 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Indiana seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 11 votes for President and DICK CHENEY of the State of Wyoming received 11 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Iowa seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 7 votes for President and DICK CHENEY of the State of Wyoming received 7 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Kansas seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 6 votes for President and DICK CHENEY of the State of Wyoming received 6 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Kentucky seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 8 votes for President and DICK CHENEY of the State of Wyoming received 8 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Louisiana seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 9 votes for President and DICK CHENEY of the State of Wyoming received 9 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Maine seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Maryland seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 10 votes for President and John Edwards of the State of North Carolina received 10 votes for Vice President.

□ 1315

Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Massachusetts seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 12 votes for President, and John Edwards of the State of North Carolina received 12 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Michigan seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 17 votes for President, and John Edwards of the State of North Carolina received 17 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Minnesota seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 9 votes for President, that John Edwards of the State of North Carolina received 1 vote for President, and John Edwards of the State of North Carolina received 10 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Mississippi seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 6 votes for President, and DICK CHENEY of the State of Wyoming received 6 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Missouri seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 11 votes for President, and DICK CHENEY of the State of Wyoming received 11 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Montana seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and DICK CHENEY of the State of Wyoming received 3 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Nebraska seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Nevada seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of New Hampshire seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President, and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of New Jersey seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 15 votes for President, and John Edwards of the State of North Carolina received 15 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of New Mexico seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of New York seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 31 votes for President, and John Edwards of the State of North Carolina received 31 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of North Carolina seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 15 votes for President, and DICK CHENEY of the State of Wyoming received 15 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of North Dakota seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and DICK CHENEY of the State of Wyoming received 3 votes for Vice President

Mr. NEY. Mr. President, the certificate of the electoral vote of the well-known and great State of Ohio seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 20 votes for President and DICK CHENEY from the from the State of Wyoming received 20 votes for Vice President.

The VICE PRESIDENT. For what purpose does the gentlewoman from Ohio rise?

Mrs. JONES of Ohio. Mr. Vice President, I seek to object to the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given and have a signed objection, and I do have a Senator.

The VICE PRESIDENT. Has the Senator signed the objection?

Mrs. JONES of Ohio. Mr. Vice President, the Senator has signed the objection.

The VICE PRESIDENT. An objection presented in writing and signed by both a Representative and a Senator complies with the law, chapter 1 of title 3, United States Code.

The Clerk will report the objection.

The Clerk read the objection as follows:

We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

STEPHANIE TUBBS JONES,
Representative, State of Ohio.
BARBARA BOXER,
Senator, State of California.

The VICE PRESIDENT. Are there further objections to the certificate from the State of Ohio?

The Chair hears none.

The VICE PRESIDENT. The two Houses will withdraw from joint session. Each House will deliberate separately on the pending objection and report its decision back to the joint session.

The Senate will now retire to its Chamber.

The Senate retired to its Chamber.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1 and section 17 of title 3, the United States Code, when two Houses withdraw from the joint session to count the electoral vote for separate consideration of objection, a Representative may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question, ''Shall the objection be agreed to?''

The Clerk will report the objection made in the joint session.

The Clerk read the objection as follows:

We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

STEPHANIE TUBBS JONES,
Representative, State of Ohio.
BARBARA BOXER,
Senator, State of California.

The SPEAKER. The Chair will endeavor to alternate recognition between Members speaking in support of the objection and Members speaking in opposition to the objection.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES) for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I, STEPHANIE TUBBS JONES, and BARBARA BOXER, a Senator from California, have objected to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

I, thank God, have a Senator joining me in this objection, and I appreciate Senator BOXER's willingness to listen to the plight of hundreds, and even thousands of Ohio voters, that for a variety of reasons were denied the right to vote.

□ 1330

Unfortunately, objecting to the electoral votes from Ohio is the only immediate avenue to bring these issues to light. While some have called our cause foolish, I can assure you that my parents, Mary and Andrew Tubbs, did not raise any fools. They raised a lawyer, they raised a former judge, they raised a prosecutor; and thank God they live to see me serve as a Member of the House of Representatives.

I am duty bound to follow the law and apply the law to the facts as I find them, and it is on behalf of those millions of Americans who believe in and value our democratic process and the right to vote that I put forth this objection today. If they are willing to stand at polls for countless hours in the rain, as many did in Ohio, then I should surely stand up for them here in the halls of Congress.

This objection does not have at its root the hope or even the hint of overturning the victory of the President; but it is a necessary, timely, and appropriate opportunity to review and remedy the most precious process in our democracy. I raise this objection neither to put the Nation in the turmoil of a proposed overturned election nor to provide cannon fodder or partisan demagoguery for my fellow Members of Congress. I raise this objection because I am convinced that we as a body must conduct a formal and legitimate debate about election irregularities. I raise this objection to debate the process and protect the integrity of the true will of the people.

Again, I thank Senator BOXER.

There are serious allegations in two lawsuits pending in Ohio that debate the constitutionality of the denial of provisional ballots to voters: One, the Sandusky County Democratic Party v. J. Kenneth Blackwell and Ohio's vote recount, Yost v. David Cobb, et al. These legitimate questions brought forward by the lawsuits, which go to the core of our voting and democratic process, should be resolved before Ohio's electoral votes are certified.

Moreover, as you are aware, advancing legislative initiatives is more challenging when you are in the minority party in the Congress. However, this challenge is multiplied when you are in the minority in the House of Representatives because of the House rules compared to the Senate rules.

Voting irregularities were an issue after the 2000 Presidential election when the House initiatives relating to election reform were not considered. Therefore, in order to prevent our voices from being kept silent, it is imperative that we object to the counting of Ohio's electoral votes.

What happened in Ohio in Cuyahoga County. There are just over 1 million registered voters in Cuyahoga County which, of course, includes my congressional district. Registration increased approximately 10 percent. The beauty of the 2004 election was that more people were fully prepared to exercise their right to vote; however, on election day, hundreds and even thousands of individuals went to the voting polls and were denied the opportunity. In my own county where citizen volunteers put forth a Herculean effort to register, educate, mobilize and protect, there were long lines, 4- to 5-hour waits.

Election Protection Coalition testified that more than half of the complaints about long lines they received came from Columbus and Cleveland where a huge proportion of the State's Democratic voters live. One entire polling place in Cuyahoga County had to shut down at 9:25 a.m. on election day because there were no working machines. On provisional balloting, Cuyahoga County had over-all provisional ballot rejection of 32 percent. Rejection rates for provisional ballots in African American precincts and wards in Cleveland averaged 37 percent and in some as high as 51 percent.

Significant flaws in registration process and procedures. Initial research identified at least 600 individuals purged from the Cuyahoga County voting rolls without a due process. Cuyahoga County analysis of 10,900 voter applications showed that almost 3,000 were never entered; address updates received but never updated; mistakes in entering addresses.

I thank the Speaker for the opportunity to be heard, and I raise the objection on behalf of the electors of the State of Ohio.

Ms. PRYCE of Ohio. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentlewoman from Ohio.

Ms. PRYCE of Ohio. Mr. Speaker, on one recent, crisp autumn morning in Boston, one tired-looking Presidential hopeful took the stage in front of a large crowd of loyal, yet disappointed, faces to say the following words: ''It is now clear that even when all the provisional ballots are counted, which they will be, and which they were, there won't be enough outstanding votes for us to be able to win Ohio. And, therefore, we cannot win this election.'' And so JOHN KERRY conceded the Presidency to George W. Bush with grace and dignity.

Apparently such admirable qualities do not apply to certain extreme elements of Senator KERRY's own party. For if they did, surely this House would not be standing here today bogged down in this frivolous debate.

Mr. Speaker, on the other side of the aisle, a handful of Members will step forward and claim that they are here to contest an election of this Nation. They will claim that there was fraud

and that the result was invalid. Americans, do not be deceived. Their intentions in this whole process are merely to sow doubts and undermine public confidence in the electoral system itself. Their challenges to the legitimacy of this election are no more than another exercise in their party's primary strategy, to obstruct, to divide, and to destroy. In other words, their objection is a front for their lack of ideas. With absolutely no credible agenda for America, these Democrats have opted to try and change the past rather than work for a better future

Mr. Speaker, we just welcomed a new year and began a new Congress. Republicans are ready and eager to ask the questions and prompt the debate that will produce results for America. We want to talk about ways to reduce health care costs for families and debate ways to create more jobs for Americans. We are ready to discuss how to strengthen our schools to better educate our children.

But apparently some Democrats only want to gripe about counts, recounts, and recounts of recounts. So eager are they to abandon their job as public servants, they have cast themselves in the role of Michael Moore, concocting wild conspiracy theories to distract the American public. Such aspiring fantasy authors should note the facts before they let the ink dry on this tall tale.

For example, the request for an Ohio recount has already been fulfilled, and it verified what we already knew, what Senator JOHN KERRY knew the first day, that President Bush won Ohio by nearly 120,000 votes, an overwhelming and comfortable margin. Indeed, George W. Bush is the first Presidential candidate to win the majority of the popular vote since 1988. And, Mr. Speaker, every single major editorial board of every newspaper in Ohio has called this effort a sham.

Eighty-eight separate bipartisan election boards from every county in Ohio, even Cuyahoga, have verified and vouched for the integrity of the results. Are we to believe that the hundreds of Democrats who sit on these boards were actively working against their own party and their own Presidential candidate? No local, county, or State election officials in Ohio are contesting this election. Not one. The overwhelming majority of Ohioans are not contesting this election, so why should politicians in Washington?

Mr. Speaker, it is a shame that these Democrats have resorted to such baseless and meritless tactics to begin the 109th Congress. And it is a shame that they have placed their partisan war, disclaimed by their own candidate above what is best for the country and to use the great State of Ohio as their vehicle.

Mr. Speaker, I yield the balance of my time to my friend and colleague from the great State of Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, I rise with a heavy heart today on this issue. I think this is, in all the years I have been in politics, one of the most base, outrageous acts to take place. The Democratic State chairman in our State has not challenged, to my knowledge, the count or the outcome in any county. His name is Denny White. The Democratic chairman of no county that I know of has challenged either the count or the outcome in any county. The Democratic board of election members have not challenged the count or the outcome in any county.

This should be voted down.

Mr. Speaker, I rise today with a heavy heart on this issue. In all of the years that I have been in public service, I think this is one of the most base, outrageous acts to take place.

Ohio's State Democratic Chairman, whose name is Denny White, has not, to the best of my knowledge, challenged the count or outcome of this election.

No Ohio Democratic County Chairman has challenged the count or outcome of this election in any county.

No Ohio Democratic Board of Election member has challenged the count or outcome of this election in any county.

The people of the State of Ohio are not challenging the results of the election. The challenges we are hearing today are politically motivated by partisan politicians. They are casting aspersions on the bipartisan electing officials within the State of Ohio. This is unfair and wrong to do to those hardworking, dedicated officials.

All of the major newspapers in Ohio have editorialized against this despicable action taken by the minority.

Mr. Speaker, the American people want us to work together in a bipartisan fashion. My constituents ask me why we don't work together more often. What we are seeing here today, two days after being sworn in, is why we don't see more comity in the House. this action is setting the wrong tone for the beginning of the 109th Congress.

This debate today is not going to change the result of the election, but it will poison the atmosphere of the House of Representatives.

Mr. Speaker, this challenge should be overwhelmingly defeated.

Mr. CONYERS. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I include for printing in the CONGRESSIONAL RECORD the staff report of the House Judiciary Committee Democratic staff entitled, ''Preserving Democracy: What Went Wrong in Ohio.''

PRESERVING DEMOCRACY: WHAT WENT WRONG IN OHIO

EXECUTIVE SUMMARY

Representative John Conyers, Jr., the Ranking Democrat on the House Judiciary Committee, asked the Democratic staff to conduct an investigation into irregularities reported in the Ohio presidential election and to prepare a Status Report concerning the same prior to the Joint Meeting of Congress scheduled for January 6, 2005, to receive and consider the votes of the electoral college for president. The following Report includes a brief chronology of the events; summarizes the relevant background law; provides detailed findings (including factual findings and legal analysis); and describes various recommendations for acting on this Report going forward.

We have found numerous, serious election irregularities in the Ohio presidential election, which resulted in a significant disenfranchisement of voters. Cumulatively, these irregularities, which affected hundreds of thousands of votes and voters in Ohio, raise grave doubts regarding whether it can be said the Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law, let alone federal requirements and constitutional standards.

This report, therefore, makes three recommendations: (1) consistent with the requirements of the United States Constitution concerning the counting of electoral votes by Congress and Federal law implementing these requirements, there are ample grounds for challenging the electors from the State of Ohio; (2) Congress should engage in further hearings into the widespread irregularities reported in Ohio; we believe the problems are serious enough to warrant the appointment of a joint select Committee of the House and Senate to investigate and report back to the Members; and (3) Congress needs to enact election reform to restore our people's trust in our democracy. These changes should include putting in place more specific federal protections for federal elections, particularly in the areas of audit capability for electronic voting machines and casting and counting of provisional ballots, as well as other needed changes to federal and state election laws.

With regards to our factual finding, in brief, we find that there were massive and unprecedented voter irregularities and anomalies in Ohio. In many cases these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush-Cheney campaign in Ohio.

First, in the run up to election day, the following actions by Mr. Blackwell, the Republican Party and election officials disenfranchised hundreds of thousands of Ohio citizens, predominantly minority and Democratic voters:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters. This was illustrated by the fact that the Washington Post reported that in Franklin County, ''27 of the 30 wards with the most machines per registered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry.'' Among other things, the conscious failure to provide sufficient voting machinery violates the Ohio Revised Code which requires the Boards of Elections to ''provide adequate facilities at each polling place for conducting the election.''

Mr. Blackwell's decision to restrict provisional ballots resulted in the disenfranchisement of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters. Mr. Blackwell's decision departed from past Ohio law on provisional ballots, and there is no evidence that a broader construction would have led to any significant disruption at the polling places, and did not do so in other states.

Mr. Blackwell's widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party's decision to engage in preelection ''caging'' tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout. The Third Circuit

found these activities to be illegal and in direct violation of consent decrees barring the Republican Party from targeting minority voters for poll challenges.

The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of legal voters, who were not only intimidated, but became discouraged the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges ''can't help but create chaos, longer lines and frustration.''

Mr. Blackwell's decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors.

There were 93,000 spoiled ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25% each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties throughout the state: (i) In Mahoning county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than voters in other precincts, and voters casting more than one ballot; (iv) in Butler county a down ballot and underfunded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of numerous irregularities in tallying provisional ballots and conducting and completing the recount that disenfranchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete):

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority votes. In Cuyahoga County alone, the lack of guidance and the ultimate narrow and arbitrary review standards significantly contributed to the fact that 8,099 out of 24,472 provisional ballots were ruled invalid, the highest proportion in the state.

Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and the Equal Protection Clauses. We found innumerable irregularities in the recount in violation of Ohio law, including (i) counties which did not randomly select the precinct samples; (ii) counties which did not conduct a full hand court after the 3% hand and machine counts did not match; (iii) counties which allowed for irregular marking of ballots and failed to secure and store ballots and machinery; and (iv) counties which prevented witnesses for candidates from observing the various aspects of the recount.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide ''cheat sheets'' to those counting the ballots. The cheat sheets informed election officials how many votes they should find for each candidate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full countywide hand recount mandated by state law.

CHRONOLOGY OF EVENTS

The Lead Up to the 2004 Ohio Presidential Election In Ohio—In the days leading up to election day 2004, a consensus appeared to have emerged among observers that the state of Ohio would be one of the battleground states that would decide who would be elected the Forty-fourth President of the United States. Both the Democratic and Republican Presidential campaigns, as well as outside groups, had spent considerable time and resources to win the state, but the day before the election, the Democratic candidate, Senator John Kerry, appeared to have the edge. The Democratic Party also had vastly outperformed its Republican counterparts in registering voters in this key state.

Election Day—Numerous irregularities were reported throughout Ohio. In particular, in predominately Democratic and African-American areas, the voting process was chaotic, taxing and ultimately fruitless for many. The repeated and suspicious challenges of voter eligibility and a lack of inadequate number of voting machines in these areas worked in concert to slow voting to a crawl, with voting lines as long as ten hours. Voters reported bizarre ''glitches'' in voting machines where votes for Senator Kerry were registered as votes for the President. The counting process was similarly chaotic and suspect.

The Aftermath—On November 5, after receiving preliminary reports of election irregularities in the 2004 General Election, Congressman John Conyers, Jr., the Ranking Member of the House Judiciary Committee, and 14 Members of Congress wrote to the Government Accountability Office (GAO) to request an investigation of such irregularities.

On November 22, at the request of the GAO, the House Judiciary Committee Democratic staff met with GAO officials. In this meeting, GAO officials advised that, on its own authority, the GAO was prepared to move forward with a wide ranging analysis of systemic problems in the 2004 elections. GAO officials also advised Judiciary staff that they would be unable to examine each and every specific election complaint, but would look at some such complaints as exemplars of broader deficiencies.

At the same time, the offices of Democratic Staff and of Democratic Judiciary Committee Members were deluged with e-mails and complaints about the election. While such complaints are still being processed, close to 100,000 such complaints were received. As of this writing, the Judiciary Democratic office alone is receiving approximately 4,000 such e-mails a day. More than half of these complaints were from one state: Ohio. The Election Protection Coalition has testified that it received more complaints on election day concerning irregularities in Ohio than any other state.

On December 2, 2004, Members of the Judiciary Committee wrote to Ohio Secretary of State Kenneth Blackwell that these complaints appear collectively to constitute a troubled portrait of a one-two punch that may well have altered and suppressed votes, particularly minority and Democratic votes. The Members posed 36 questions to Secretary Blackwell about a combination of official actions and corresponding actions by non-official persons, whether in concert or not, worked hand-in-glove to depress the vote among constituencies deemed by Republican campaign officials to be disadvantageous.

Through his spokesman, Secretary Blackwell assured the public and the press that he would be happy ''to fill in the blanks'' for the Committee and asserted that many questions were easily answered. In fact, Secretary Blackwell belatedly replied to the letter with a refusal to answer any of the questions. Ranking Member Conyers wrote back to Blackwell the same day requesting that he remain true to his promise to answer the questions. Congressman Conyers has yet to receive a reply.

At the same time, officials from the Green Party and Libertarian Party have been investigating allegations of voter disenfranchisement in Ohio and other states. Eventually, the Presidential Candidates for those parties, David Cobb and Michael Badnarik, filed requests for recounts to all 88 Ohio Counties. However, it appears their efforts too are being stonewalled and thwarted by nonstandard and highly selective recounts, unnecessary delays, and blatant deviations from long accepted Ohio law and procedure. Recently, Senator Kerry, a party to the recount action, joined the Green Party and Libertarian Party in requesting immediate action to halt these irregularities and potential fraud in the recount. The recount is still pending before the federal court, yet to be counted.

In addition, a challenge has been filed to the Ohio results asserting, to a level of sworn proof beyond a reasonable doubt, that Senator Kerry, not President Bush, was the actual victor of the Presidential race in Ohio. Kenneth Blackwell is adamantly refusing to answer any questions under oath in regard to election irregularities or results. He is apparently counting upon Congress accepting the votes of the electors and, as an immediate consequence, the Ohio Supreme Court dismissing the citizens' election contest.

Committee Members and other interested Members have gone to substantial lengths to ascertain the facts of this matter. The investigation by Congressman Conyers and the Democratic staff of the House Judiciary Committee into the irregularities reported in the Ohio presidential election has also included the following efforts:

On November 5, 2004, Representatives Conyers, Nadler, and Wexler wrote to the GAO

Comptroller David M. Walker requesting an investigation of the voting machines and technologies used in the 2004 election;

On November 8, 2004, Representatives Conyers, Nadler, Wexler, Scott, Watt, and Holt wrote to GAO Comptroller Walker requesting that additional concerns surrounding the voting machines and technologies used in the 2004 election be investigated;

On November 15, 2004, Representatives Lee, Filner, Olver, and Meeks joined in the request for a GAO investigation;

On November 29, 2004, Representatives Weiner, Schakowsky, Farr, Sanders, and Cummings joined in the request for a GAO investigation;

On December 2–3, 2004, Congressman Conyers and other Judiciary Democratic Members wrote to Ohio Secretary of State J. Kenneth Blackwell concerning Ohio election irregularities;

On December 3, 2004, Representative Woolsey joined in the request for a GAO investigation;

On December 3, 2004, Congressman Conyers wrote to Warren Mitofsky of Mitofsky International requesting the release of exit poll raw data from the 2004 presidential election as such data may evidence instances of voting irregularities;

On December 8, 2004 in Washington, D.C., Congressman Conyers hosted a forum on voting irregularities in Ohio;

On December 13, 2004 Congressman Conyers hosted a second forum on voting irregularities in Ohio in Columbus, Ohio;

On December 13, 2004 Congressman Conyers and other Members wrote to Ohio Governor, Bob Taft, Speaker of Ohio State House, Larry Householder, and President of Ohio State Senate, Doug White, requesting a delay of the meeting of Ohio's presidential electors;

On December 14, 2004, Congressman Conyers wrote to Ohio Secretary of State J. Kenneth Blackwell in regards to the Secretary's refusal to cooperate with the Judiciary Democratic Members investigating election irregularities in Ohio;

On December 15, 2004, Congressman Conyers wrote to FBI Special Agent in Charge, Kevin R. Brock and Hocking County, Ohio Prosecutor, Larry Beal, requesting an investigation into alleged Ohio election problems;

On December 21, 2004, Congressman Conyers wrote to Ohio candidates requesting that they report any incidences of irregularities or deviations from accepted law or practices during the recount in Ohio;

On December 21, 2004, Congressman Conyers wrote to several major media outlets requesting the exit poll raw data from the 2004 presidential election;

On December 22, 2004, Congressman Conyers wrote to Triad GSI President Brett Rapp and Triad GSI Ohio Field Representative Michael Barbian, Jr. regarding the voting machine company's involvement in the Presidential election and Ohio recount and allegations that it intentionally or negligently acted to prevent validly cast ballots in the presidential election from being counted;

On December 23, 2004, as a follow-up letter to the December 22 letter, Congressman Conyers wrote to Triad's President Rapp and Ohio Field Representative Barbian upon learning that Triad had remote access to tabulating computers controlled by the Board of Elections; and

On January 3, 2004, federal and Ohio state lawmakers joined Reverend Jesse Jackson in Columbus, Ohio for a rally calling attention to the need for national election reform and the January 6th joint session of Congress where election results will be certified.

Citizen groups have played a substantial role in acquiring relevant information. Citizens Alliance for Secure Elections in Ohio has organized hearings that have provided valuable leads for this report. We have been contacted by thousands of concerned citizens: they want a full and fair count of all of the votes and confidence in the electoral system, and they find both of these to be sorely lacking in this election. Many have investigated these matters themselves and have made considerable sacrifices to do so.

The events surrounding the Presidential election in Ohio must be viewed in two important contexts. First, there is the 2000 Election debacle in Florida. In that election, advocates for a full and fair count were asked to ''move on'' after Vice President Al Gore conceded the election to then-Governor George W. Bush. Months later, it was found that a full and fair count would have resulted in Gore, not Bush, being elected the Forty-third President of the United States. Subsequent investigations also uncovered rampant disenfranchisement in Florida, particularly of African-American voters.

Second, as events have unfolded in Ohio, telling events have taken place within the United States, in the State of Washington, and across the globe, in the Ukraine. In Washington State, after the Republican Gubernatorial Candidate, Dino Rossi, declared victory after a partial recount, it was later found—after a full and fair recount—that the Democratic candidate, Christine Gregoire, was the victor. While national and state Republican leaders in Ohio have derided attempts to ascertain the Ohio Presidential election result and resolve the questions described herein, after the Washington recount, Mr. Rossi has now asked for a re-vote in the State of Washington, saying it is needed for the election to be ''legitimate.''

In the Ukraine, after the apparent defeat of the opposition leader, Viktor Yushchenko, in that nation's Presidential election, amid allegations of fraud and public protests, a new election was held, and Yushchenko won by a significant margin. In fact, in the first, seemingly flawed election, Yushchenko appeared to lose by three percentage points. However, he won by eight percentage points in the subsequent revote. United States officials called the original vote rife with ''fraud and abuse,'' largely relying on anecdotal evidence and deviations between exit polls and reported results.

A simple lesson may be drawn from these two contexts: elections are imperfect. They are subject to manipulation and mistake. It is, therefore, critical that elections be investigated and audited to assure the accuracy of results. As Senator Kerry's attorney recently noted, only with uniformity in the procedures for such an investigation and audit ''can the integrity of the entire electoral process and the election of Bush-Cheney warrant the public trust.''

Regardless of the outcome of the election, and that outcome cannot be certain as long as legitimate questions remain and valid ballots are being counted, it is imperative that we examine any and all factors that may have led to voting irregularities and any failure of votes to be properly counted.

RELEVANT BACKGROUND LAW

A. Federal Constitutional Law Safeguards

The right to vote is our most cherished democratic right and, as such, is strongly protected under the Constitution. Both the Equal Protection and Due Process Clauses of the 14th Amendment operate to protect our citizens' right to vote for the candidate of their choice.

In the seminal voting rights case of Reynolds v. Sims, the Supreme Court held that ''the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.'' The Court observed that, ''undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, . . . and to have their votes counted.''

Under the Equal Protection Clause of the Fourteenth Amendment, Reynolds and its progeny require that votes that are cast must actually be counted. The Equal Protection Clause also requires that all methods the ''legislature has prescribed'' to preserve the right to vote be effected, not thwarted.

Courts have held that the Due Process Clause implemented in the context of voting rights requires ''fundamental fairness''—the idea that the state official cannot conduct an election or apply vote-counting procedures that are so flawed as to amount to a denial of voters' rights to have their voices heard and their votes count. As a result, under the Constitution, citizens have a fundamental right to vote and to have their vote counted by way of election procedures that are fundamentally fair. Where ''organic failures in a state or local election process threaten to work patent and fundamental unfairness, a . . . claim lies for a violation of substantive due process.''

Importantly, protections for the right to vote extend to and include the right to a full and fair recounting of those votes. A recount is fundamental to ensure a full and effective counting of all votes. Ohio courts have held that ''[a] recount . . . is the only fair and equitable procedure to ensure the correct tally of all the votes.'' As the Oklahoma Supreme Court recently emphasized, ''[a] timely recount is an integral part of an election.'' The West Virginia Supreme Court, construing a recount statute similar to Ohio's recount provisions, stressed the importance of an election recount to the fairness and integrity of the election itself. Indeed, courts in states which provide a statutory right to a recount uniformly have held that an election cannot be deemed over and final until a recount provided under state law has been completed.

B. Federal Statutory Election Safeguards

There are numerous federal statutes that protect the right to vote. First and foremost, the Voting Rights Act prohibits any person, whether acting under color of law or otherwise, from:

(1) failing or refusing to permit any qualified person from voting in . . . federal elections;

(2) refusing to count the vote of a qualified person; or

(3) intimidating any one attempting to vote or any one who is assisting a person in voting.

In addition, the Civil Rights Act of 1968 provides criminal penalties for violations of civil rights, including interference with the right to vote. Specifically, section 245 of title 18 makes it a crime for any person who ''by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from voting or qualifying to vote. . . .''.

In 1993, Congress enacted the National Voter Registration Act (NVRA), which requires that, for federal elections, states establish fair and expeditious procedures so that eligible citizens may register to vote. Pursuant to the NVRA, section 1974a of title 42 makes it a crime for any person to willfully steal, destroy, conceal, mutilate, or

alter any voting records, including those having to do with voter registration.

After the widespread problems that occurred in the November 2000 election, Congress enacted the Help America Vote Act (HAVA), thereby creating a new federal agency with election administration responsibilities, setting requirements for voting and voter-registration systems and certain other aspects of election administration, and providing federal funding. Perhaps the central requirement of HAVA was that, beginning January 1, 2004, any voter not listed as registered must be offered and permitted to cast a provisional ballot. HAVA included a variety of additional new requirements, including a provision that beginning January 1, 2004 (extendable to 2006), states using voter registration must employ computerized, statewide voter registration systems that are accurately maintained.

C. Ohio Election Safeguards

Ohio has enacted numerous provisions designed to protect the integrity of the voting and tabulation process.

1. The Right to Vote in Ohio

Under the Ohio Constitution, ''Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections.'' This includes the right to vote directly for Presidential electors. The protection of this right is placed squarely on the Secretary of State, who has the affirmative duty to ''investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution.'' To complete this task, the legislature has given the Secretary the power to ''issue subpoenas, summon witnesses, compel the production of books, papers, records and other evidence.''

Many specific provisions in the Ohio Revised Code help protect one's right to vote:

Polls must be open from 6:30 in the morning until 7:30 at night, and everyone in line at that time must be allowed to vote.

Loitering around the polling place is barred, and no one may ''hinder or delay'' a voter from reaching the polls or casting a vote.

Alteration or destruction of ballots, machinery or election records is prohibited.

Illegal voting is a felony.

Those who cannot mark their own ballot due to illiteracy or disability are entitled to assistance.

Election officials who do not enforce these provisions are criminally liable.

2. Declaring Results

Ohio law requires that, before the Secretary of State can declare the initial results of the Presidential election in Ohio, each of the 88 county boards of elections (''county boards'') must (1) canvass the results in the county, (2) certify abstracts of those results, and (3) send the certified abstracts to the Secretary of State.'' Only after the Secretary of State receives the certified abstracts from the county boards is the Secretary able to canvass the abstracts to ''determine and declare'' the initial results of the Presidential election in Ohio.

Under Ohio law, the Secretary of State is required to fix the calendar by which the state's Presidential election results initially are declared and by which a recount of those initial results can occur. Specifically, the Secretary is to set the date by which Ohio's 88 county boards must complete their canvass of election returns and send the certified abstracts of the results to the Secretary. Any statutorily mandated recount of the votes cast in Ohio for President cannot occur before the Secretary declares the initial results.

3. Security of Ballots and Machinery

In addition, Ohio law prohibits election machinery from being serviced, modified, or altered in any way subsequent to an election, unless it is done so in the presence of the full board of elections and other observers. Any handling of ballots for a subsequent recount must be done in the presence of the entire Board and any qualified witnesses. Containers in which ballots are kept may not be opened before all of the required participants in are attendance. The Ohio Revised Code defines a ballot as ''the official election presentation of offices and candidates . . . and the means by which votes are recorded.'' Therefore, for purposes of Ohio law, electronic records stored in the Board of Election computers are to be considered ''ballots.''

Further, any modification of the election machinery may only be done after full notice to the Secretary of State. The Ohio Code and related regulations require that after the state certifies a voting system, changes that affect ''(a) the method of recording voter intent; (b) voter privacy; (c) retention of the vote; or (d) the communication of voting records,'' must be done only after full notice to the Secretary of State.

Secretary Blackwell's own directive, coupled with Ohio Revised Code §3505.32, prohibits any handling of these ballots without bipartisan witnesses present. That section of the code provides that during a period of official canvassing, all interaction with ballots must be ''in the presence of all of the members of the board and any other persons who are entitled to witness the official canvass.'' In this election, the Ohio Secretary of State has issued orders that election officials were to treat all election materials as if the State were in a period of canvassing,'' and that, ''teams of one Democrat and one Republican must be present with ballots at all times of processing.''

In addition to these provisions imposing duties on the Board of Elections, there are numerous criminal sanctions for tampering with votes and the machines that tabulate them:

''No person shall tamper or attempt to tamper with, deface impair the use of, destroy or otherwise injure in any manner any voting machine . . . No person shall tamper or attempt to tamper with, deface, impair the use of, destroy or otherwise change or injure in any manner any marking device, automatic tabulating equipment or any appurtenances or accessories thereof.''

''No person shall-destroy any property used in the conduct of elections.

''No person, from the time ballots are cast or voted until the time has expired for using them in a recount or as evidence in a contest of election, shall unlawfully destroy or attempt to destroy the ballots, or permit such ballots or a ballot box or pollbook used at an election to be destroyed; or destroy, falsify, mark, or write in a name on any such ballot that has been voted.

''No person, from the time ballots are cast or counted until the time has expired for using them as evidence in a recount or contest of election, shall willfully and with fraudulent intent make any mark or alteration on any ballot; or inscribe, write, or cause to be inscribed or written in or upon a registration form or list, pollbook, tally sheet, or list, lawfully made or kept at an election, or in or upon a book or paper purporting to be such, or upon an election return, or upon a book or paper containing such return the name of a person not entitled to vote at such election or not voting thereat, or a fictitious name, or, within such time, wrongfully change, alter, erase, or tamper with a name, word, or figure contained in such pollbook, tally sheet, list, book, or paper; or falsify, mark, or write thereon with intent to defeat, hinder, or prevent a fair expression of the will of the people at such election.

All of these are fifth degree felonies.

4. The Law of Recounts and Contests

The Secretary of State's declaration of the initial results of a Presidential election in Ohio is not final. Under Ohio law, a recount of the initial results is required where the margin of victory is one-fourth of one percent or less, or where a candidate who is not declared elected applies for a recount within five days of the Secretary of State declaring the results of the election and remits the required bond. In either instance, the Secretary of State ''shall make an amended declaration of the results'' of the Presidential election after a full and complete recount of the initial results throughout the state is completed. Therefore, the Ohio legislature has determined that, in certain statutorily-defined circumstances, the Secretary's final declaration of the results of a Presidential election in Ohio shall not occur prior to a full and complete recount of the initial results.

Once the recount applications have been filed, all affected county boards must notify the applicant and all others who received votes in the election of the time, method and place at which the recount will take place, such notice to be no later than five days prior to the start of the recounts. Nothing in Ohio law prohibits the notices from being mailed prior to the certification of results. The recount must be held no later than ten days after the day the recount application is filed or after the day the Secretary of State declares the results of the election.

At the time and place fixed for making a recount, the Board of Elections, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted and shall recount them. Each candidate may ''attend and witness the recount and may have any person whom the candidate designates attend and witness the recount.

Due to a directive issued by Secretary Blackwell, the recount does not automatically require a hand count of every vote cast in the election. Each county board of elections randomly takes a sample representing at least 3% of the votes cast and compares the machine count to a hand count. If there is a discrepancy, the entire county must be hand counted. If there is no discrepancy, the remainder of ballots may be recounted by machine.

D. Determination of Ohio's Electoral College Votes

Ohio and federal law intersect with regard to the issue of determining the extent to which Ohio's electoral votes are counted towards the election of the president through the electoral college. The 12th Amendment sets forth the requirements for casting electoral votes and counting those votes in Congress. The electors are required to meet, cast and certify their ballots and transmit them to the Vice President in his or her capacity as President of the Senate. In addition, the Electoral Count Act requires that the results be transmitted to the secretary of state of each state, the Archivist of the United States, and the federal judge in the district in which the electors met. Upon receipt of the ballots at a time designated by statute, the ''President of the Senate shall, in the

presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

Congress has specified that all controversies regarding the appointment of electors should be resolved six days prior to the meeting of electors (on December 7, 2004, for purposes of this year's presidential election) in order for a state's electors to be binding on Congress when Congress meets on January 6, 2005, to declare the results of the 2004 election.

Specifically, 3 U.S.C. §5 provides, in pertinent part:

''If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.''

The joint session of the Senate and House is held on January, unless Congress determines otherwise, of the year following the presidential election at 1:00 p.m. No debate is allowed during the joint session. The President of the Senate opens the electoral vote certificates in alphabetical order from each state, passes them to four tellers (required by statute to be appointed two from each House) who announce the results. The votes are then counted and those results announced by the President of the Senate. The candidates for President and Vice President receiving a majority of the electoral votes, currently set at 270 of 538, are declared to have been ''elected President and Vice President of the States.''

Section 15 of title 3, United States Code, provides that, when the results from each of the states are announced, that ''the President of the Senate shall call for objections, if any.'' Any objection must be presented in writing and ''signed by at least one Senator and one Member of the House of Representatives before the same shall be received.'' The objection must ''state clearly and concisely, and without argument, the ground thereof.'' When an objection has been properly made in writing and endorsed by a member of each body the Senate withdraws from the House chamber, and each body meets separately to consider the objection. ''No votes . . . from any other State shall be acted upon until the [pending] objection . . . [is] finally disposed of.''

Section 17 of title 3 limits debate on the objections in each body to two hours, during which time no member may speak more than once and not for more than five minutes. Both the Senate and the House must separately agree to the objection; otherwise, the challenged vote or votes are counted.

Historically, there appears to be three general grounds for objecting to the counting of electoral votes. The law suggests that an objection may be made on the grounds that (1) a vote was not ''regularly given'' by the challenged elector(s); (2) the elector(s) was not ''lawfully certified'' under state law; or (3) two slates of electors have been presented to Congress from the same State. Section 15 of title 3 specifically provides:

''[N]o electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified . . . from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only shall be counted which shall have been regularly given by the electors who are shown . . . to have been appointed.''

Since the Electoral Count Act of 1887, no objection meeting the requirements of the Act has been made against an entire slate of state electors. In the 2000 election several Members of the House of Representatives attempted to challenge the electoral votes from the State of Florida. However, no Senator joined in the objection, and, therefore, the objection was not ''received.'' In addition, there was no determination whether the objection constituted an appropriate basis under the 1887 Act. However, if a State has not followed its own procedures and met its obligation to conduct a free and fair election, a valid objection—if endorsed by at least one Senator and a Member of the House of Representatives—should be debated by each body separately until ''disposed of''.

DETAILED FINDINGS

A. Pre-Election

1. Machine Allocations—Why were there such long lines in Democratic leaning areas but not Republican leaning areas?

Facts

One of the critical reforms of HAVA was federal funding for states to acquire new and updated voting machines, and to fairly allocate the machines. Under HAVA, the Election Assistance Commission (EAC) provides payments to States to help them meet the uniform and nondiscriminatory election technology and administration requirements in title III of the law.'' In 2004, the EAC processed a payment of $32,562,331 for fiscal year 2003 and $58,430,186 for fiscal year 2004 for a total of $90,992,517. There is no information publicly available describing what, if any, Ohio HAVA funds were used and for what those funds were used. Nor are we aware how such funds were allocated within the state of Ohio and between counties.

There was a wide discrepancy between the availability of voting machines in more minority, Democratic and urban areas as compared to more Republican, suburban and exurban areas. Even on election day, urban areas were hard pressed to receive the critical machines to respond to the ever lengthening lines. According to a Washington Post investigation, ''in Columbus, Cincinnati and Toledo, and on college campuses, election officials allocated far too few voting machines to busy precincts, with the result that voters stood on line as long as 10 hours—many leaving without voting.'' Moreover, the Election Protection Coalition testified that more than half of the complaints about long lines they received ''came from Columbus and Cleveland where a huge proportion of the state's Democratic voters live.''

Based upon various sources including complaints, sworn testimony, and communications with Ohio election officials, we have identified credible concerns regarding the allocation of machines on election day:

Franklin County

A New York Times investigation revealed that Franklin County election officials reduced the number of electronic voting machines assigned to downtown precincts and added them to the suburbs. ''They used a formula based not on the number of registered voters, but on past turnout in each precinct and on the number of so-called active voters—a smaller universe. . . . In the Columbus area, the result was that suburban precincts that supported Mr. Bush tended to have more machines per registered voter than center city precincts that supported Mr. Kerry.''

The Washington Post also found that in voter-rich Franklin County, which encompasses the state capital of Columbus, election officials decided to make do with 2,866 machines, even though their analysis showed that the county needed 5,000 machines.

The Franklin County Board of Elections reported 81 voting machines were never placed on election day, and Board Director Matt Damschroder admitted that another 77 machines malfunctioned on Election Day.'' However, a county purchasing official who was on the line with Ward Moving and Storage Company, documented only 2,741 voting machines delivered through the November 2 election day.'' While Franklin County's records reveal that they had 2,866 ''machines available'' on election day. This would mean that the even larger number of at least 125 machines remained unused on Election Day. Mr. Damschroder misinformed a federal court on Election Day when he testified the county had no additional voting machines; this testimony was in connection with a Voting Rights Act lawsuit brought by the state Democratic Party that alleged minority precincts were intentionally deprived of machines.

After the election the Washington Post also reported that in Franklin County, ''27 of the 30 wards with the most machines per registered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry.''

At seven of the eight polling places in Franklin County, a heavily populated urban community, there were only three voting machines per location; but there had been five machines at these locations during the 2004 primary.

According to the presiding judge at one polling site located at the Columbus Model Neighborhood facility at 1393 E. Broad St., there had been five machines during the 2004 primary. Moreover, at Douglas Elementary School, there had been four machines during the spring primary.

We have received additional information of hardship caused by the misallocation of machines based on emails and other transmissions, with waits of 4–5 hours or more being the order of the day. For example, we have learned of four hour waits at Precincts 35B and C in Columbus; seven hours waits for one voting machine per thousand voters, where the adjacent precinct had one station for 184 voters.'' Additionally, it appears that in a number of locations, polling places were moved from large locations, such as gyms, where voters could comfortably wait inside to vote, to smaller locations where voters were required to wait in the rain.''

Dr. Bob Fitrakis testified before the House Judiciary panel that Franklin County Board of Elections Chair, Bill Anthony, said that a truckload of 75 voting machines were held back on election day while people waited 5 to 6 hours to vote.

Over 102,000 new voters were registered in Franklin County. A majority of them were African Americans. ''And so,'' said State Senator Ray Miller, ''only logic would say, we need more machines, particularly in the black community.''

Rev. William Moss testified that there were ''unprecedented long lines'' and noted that Secretary of State Blackwell did not provide sufficient numbers of voting machines to accommodate the augmented electorate in Columbus.

Knox County

At Kenyon College, a surge of late registrations promised a record vote. Nevertheless, Knox County officials allocated two machines, just as in past elections. Voter Matthew Segal, a student at Kenyon College, testified before the House Judiciary panel about conditions that amounted to voter disenfranchisement in Gambier, Ohio.'' The Gambier polling place had two machines for a population of 1,300 people, though nearby counties had one machine for every 100 people. He noted that voters were ''compelled to stand outside in the rain, through a hot gymnasium in crowded, narrow hallways, making voting extremely uncomfortable.'' According to his testimony, ''many voters became overheated and hungry'' and had to leave the long lines to eat. ''One girl actually fainted and was forced to leave the line,'' he said. ''Many others suffered headaches due to claustrophobic conditions and noise.''

In contrast, at nearby Mt. Vernon Nazarene University, which is considered more Republican leaning, there were ample voting machines and no lines.

Other

The NAACP testified that approximately ''thirty precincts did not have curbside voting machines for seniors and disabled voters.''

One entire polling place in Cuyahoga County had to ''shut down'' at 9:25 a.m. on Election Day because there were no working machines.

We received an affidavit from Rhonda J. Frazier, a former employee of Secretary Blackwell, describing several irregularities concerning the use of HAVA money and the acquisition of election machinery by the state. She states that Secretary Blackwell's office failed to comply with the requirements of the voting reform grant that required all of the voting machines in Ohio to be inventoried and tagged for security reasons. Ms. Frazier also asserts that she ''was routinely told to violate the bidded contracts to order supplies from other companies for all 17 Secretary of State offices throughout the State which were cheaper vendors, leaving a cash surplus differential in the budget'' and that, when she inquired as to where the money differential was going, she was essentially told that this was not her concern and that she should not inquire about where that money went.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Through intent or negligence, massive errors that led to long lines were made in the distribution and allocations of voting machines. The Washington Post reports that in Columbus alone, the misallocation of machines reduced the number of voters by up to 15,000 votes. Given what we have learned in our hearings, this is likely conservative estimate, and statewide, the shortage of machines could have resulted in the loss of hundreds of thousands of votes. The vast majority of this lost vote caused by lengthy lines in the midst of adverse weather was concentrated in urban, minority and Democratic leaning areas. As a result, this misallocation appears to be of the pivotal factors concerning the vote and outcome in the entire election in Ohio.

On its face, the misallocation, shorting, and failure to timely deliver working machines would appear to violate a number of legal requirements.

First, it would seem to constitute a violation of the Voting Rights Act and the constitutional safeguards of Equal Protection and Due Process, particularly given the racial disparities involved. Denying voters the means to vote in a reasonable and fair manner is no different than preventing them from voting outright.

Second, the failure to provide enough voting machinery violates both Ohio's Constitution, that provides all eligible adults the right to vote, and the Ohio Revised Code which requires the Boards of Elections to provide ''for each precinct a polling place and provide adequate facilities at each polling place for conducting the election.'' Further, ''the board shall provide a sufficient number of screened or curtained voting compartments to which electors may retire and conveniently mark their ballots.''

These conclusions regarding Ohio legal violations are supported by several precedents, as well as common sense:

The U.S. District Court for the Southern District of Ohio found such a serious threat to the voting right that it took the highly unorthodox step of ordering that those individuals waiting in line for longer than two hours receive paper ballots or some other mechanism.

There is specific precedence for a legal violation due the fact that, under Ohio law in 1956, the courts were forced to intervene to enforce the then-applicable requirement of one machine per 100 voters. The court was highly critical of the previous practice of requiring only one machine for 800 voters or two for 1,400. Nearly 50 years later, we are unfortunately back to the antiquated practice of effectively disenfranchising those who are unable to spend an entire day voting.

Evidence suggests that the Board of Elections' misallocation of machines went beyond urban/suburban discrepancies to specifically target Democratic areas. In particular, within the less urban county of Knox, the more Democratic leaning precincts near Kenyon College were massively shorted; the more Republican leaning precincts near Mt. Vernon Nazarene University were not.

Third, it appears that a series of more localized legal violations have not been investigated. These include Mr. Damschroder's contradictory statements regarding the number and availability of machines on election day in Franklin County raise the possibility of perjury. The affidavit submitted by Rhonda Frazier would also appear to demonstrate a prima facie violation of the Help America Vote Act.

Fourth, Secretary of State Blackwell's failure to initiate any investigation into this pivotal irregularity (which perhaps borders on fraud), notwithstanding his clear statutory duty to do so under Ohio Revised Code section 3501.05, represents a clear violation of Ohio law. The Secretary of State's most important obligation under the Ohio Constitution is to protect the right of every Ohio citizen who is eligible to vote and invesigate any and all irregularities concerning the same. Mr. Blackwell's failure to obey Ohio law on this point constitutes a clear instance where Ohio election law has been abrogated.

2. Cutting Back on the Right to Provisional Ballots

Facts

In a decision that Ohio Governor Bob Taft believed could affect over 100,000 voters, on September 17, 2004, Secretary Blackwell issued a directive restricting the ability of voters to use provisional ballots. The Election Protection Coalition testified that the narrow provisional ballot directive led to thousands of ballots from validly registered voters being thrown out because election officials with limited resources never told many of the voters in their jurisdictions where to cast a ballot on Election Day. While the Help America Vote Act provided that voters whose names do not appear on poll books are to sign affidavits certifying that they are in the correct jurisdiction and to be given provisional ballots, Secretary Blackwell considerably narrowed the definition of ''jurisdiction'' to mean ''precinct.'' Alleging that allowing voters to use provisional ballots outside their own precincts would be ''a recipe for Election Day chaos,'' Secretary Blackwell required such ballots to be cast in the actual precincts of voters otherwise they would be discarded entirely. Mr. Blackwell's rationalization appears to have ignored the fact that in prior elections, Ohio was able to grant far broader rights to provisional ballots, and that other states that permitted voters to cast them from anywhere within their county did not face the chaos he feared.

Because of Secretary Blackwell's restrictive order, the Sandusky County Democratic Party filed a federal lawsuit to overturn it. The plaintiff's basis for the suit was that the order was discriminatory because lower-income people were more likely to move and, thus, appear at the wrong precinct. Furthermore, the order would have disenfranchised first-time voters, many of whom would not know where to vote.

In his rulings in favor of the plaintiffs and against Secretary Blackwell, U.S. District Judge James Carr held that the blame lay squarely on Secretary Blackwell. The court was forced to issue two rulings ordering Secretary Blackwell to issue HAVA-compliant directives. Secretary Blackwell abided by neither judgment and instead proceeded with directives that would disenfranchise Ohio voters.

With respect to the speed of the case, the court noted that its urgency was the result of Secretary Blackwell failing to issue provisional voting guidelines for almost two years after the enactment of HAVA: ''The exigencies requiring the relief being ordered herein are due to the failure of the defendant to fulfill his duty not only to this Court, as its injunction directed him to do, but more importantly, to his failure to do his duty as Secretary of State to ensure that the election laws are upheld and enforced. . . . The primary cause of the exigency is the defendant's failure to have issued Directive 2004–33 relating to provisional voting for nearly twenty-three months after HAVA's enactment. . . . Blackwell has never explained why he waited so long to do anything to bring Ohio's provisional election procedures into line with federal law.''

The court then turned its attention to the substance of Secretary Blackwell's original and amended directives. In these directives, ''Blackwell described not a single provision of federal law generally, much less HAVA in particular. . . . By failing to discuss HAVA, on the one hand, and describing only outmoded, no longer applicable procedures on the other, Blackwell . . . left Ohio's election officials more confused than they would have been if the directive had not issued.'' In addition, because the amended directive did not clearly state that persons who might not be eligible to vote must be informed of their right to vote provisionally, the court held that ''Blackwell's proposed directive would disenfranchise all such individuals.'' The court believed that, by seeming to deprive voters and county election officials of valuable information regarding HAVA and provisional ballots, ''Blackwell apparently seeks to accomplish the same result in Ohio in 2004 that occurred in Florida in 2000.'' Ultimately, the court was forced to require the Secretary, within a tight deadline, to issue specific guidelines pertaining to provisional ballots.

Instead of complying with this federal court order, Secretary Blackwell entirely disregarded the ruling and questioned the motives of the judge. He referred to Judge Carr as ''a liberal judge . . . who wants to be co-secretary of state.'' At a speech before the Loveland Area Chamber of Commerce in Clermont County, Secretary Blackwell compared himself to Mohandas Gandhi, Martin Luther King, and the apostle Paul on the grounds that he would rather go to jail—as they did—than issue an order he believed was illegal. He also claimed his office could not speak with Judge Carr about the case because the Judge was in Florida; Blackwell later admitted he did not mean the Judge actually was in Florida. Additionally, a journalist reported seeing Judge Carr in his chambers the day the ruling was issued. Secretary Blackwell appealed the judge's decision to the Sixth Circuit Court of Appeals, which overturned the lower court decision and authorized Mr. Blackwell's more restrictive legal interpretation.

While Blackwell cited an October 12 resolution by the Election Assistance Commission as authority for his decision, EAC Chairman DeForest Soaries asked Blackwell in writing not to say that the resolution endorsed the Blackwell order. Chairman Soaries further stated that Secretary Blackwell was the only secretary of state who actually misread the EAC's ruling. The EAC did not ''agree that a person in the wrong precinct shouldn't be given a provisional ballot. . . . The purpose of provisional ballots is to not turn anyone away from the polls. . . . We want as many votes to count as possible.''

Many of Ohio's county boards of elections also disagreed with Blackwell's interpretation of the law and with his motivations. Franklin County Board Chairman William Anthony stated, ''For him to come out with that decision so close to Election Day . . . I'm suspect of his motivations.'' The Director of the Franklin County Board also disagreed with Blackwell and asserted that its precincts would have voters who insist they are in the correct precinct sign affidavits and submit provisional ballots. Cuyahoga County directed people to the right precincts but still accepted provisional ballots from anyone who insisted on voting. Cuyahoga County Board Chairman Bob Bennett, who also chairs the Ohio Republican Party, issued a statement saying the Board would not deny ballots to voters who wanted them: ''The Cuyahoga County Board of Elections will not turn voters away. . . . We are simply trying to avoid confrontation at the ballot box over the validity of each ballot. Those decisions will be made by the board of elections according to state law.''

In response, Mr. Blackwell's spokesperson threatened such election officials with removal from their positions.

In Hamilton County, election officials implemented Mr. Blackwell's directive and refused to count provisional ballots cast at the correct polling place even if they were cast at the wrong table in that polling place. Some polling places contained multiple precincts that were located at different tables. As a result, 1,110 provisional ballots were deemed invalid because people voted in the wrong precinct. In about 40 percent of these cases, voters found the correct polling places, which contained multiple precincts, but workers directed them to the wrong table. In other areas, precinct workers refused to give any voter a provisional ballot. Also, in at least one precinct, election judges told voters that they may validly cast their ballot in any precinct, leading to any number of disqualified provisional ballots. Similarly, in Stark County, the Election Board rejected provisional ballots cast at the wrong precinct in the right polling place. In earlier elections, a vote cast in Stark County in the wrong precinct at the proper polling location was counted.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Mr. Blackwell's decision to restrict the use of provisional ballots is one of the most critical in the election and could well have resulted in disenfranchisement of tens of thousands of voters. In a single polling place in Hamilton County, denying provisional ballots if a voter showed up at the wrong precinct cost more than 1,100 votes.

Although Mr. Blackwell's narrow interpretation was ultimately upheld by the Sixth Circuit, this was not until after a lower court found: ''The Proposed Directive fails in many details to comply with HAVA by not instructing Ohio's election workers about their duties under HAVA. Among the crucial, but omitted details are: the mandatory obligation to inform voters of the right to vote provisionally and the duty to provide provisional ballots to all persons covered by the statute, and not just to persons whose names are not on the rolls.''

In our judgment, Mr. Blackwell's restrictive interpretation violates the spirit, if not the letter, of HAVA. The decision seems particularly unjust given that Ohio had not experienced any notable difficulties giving provisional ballots on a broader basis in past elections, and other states which adopted broader constructions did not report the chaos and confusion that Mr. Blackwell claimed to be the rationale for his decision.

3. Cutting Back on the Right of Citizens To Register To Vote

Facts

On September 7, 2004, Secretary Blackwell issued a directive to county boards of elections mandating rejection of voter registration forms based on their paper weight. Specifically, he instructed the boards to reject voter registration forms not ''printed on white, uncoated paper of not less than 80 lb. text weight.'' Then the counties were instructed to follow a confusing procedure, treating the voter registration forms not on this minimum paperweight as an application for a new registration form. Mr. Blackwell's issuance of this directive less than one month before Ohio's voter registration deadline resulted in confusion and chaos among the counties:

The Lake County Board of Elections Director, Jan Clair, who happens to be a Republican, stated that the weight order would ''create more confusion than the paper's worth. . . . It's the weight of the vote I'm concerned about on Nov. 2—that's the important thing.''

The Mahoning County Board of Elections Director, Michael Sciortino, said mailing high weight registration paper to voters was not a priority and might occur after the election because of how it might confuse voters.

The Cuyahoga County Board of Elections Director, Michael Vu, said his Board would rather not comply with the weight order and asked state lawmakers to address it. Secretary Blackwell gave permission for the Board to accept registration forms that were printed in newsprint in the Cleveland Plain Dealer.''' As Director Vu pointed out, his office does not ''have a micrometer at each desk to check the weight of the paper.''

Other counties such as Madison County followed Mr. Blackwell's ruling and indicated that they sent letters and new forms to voters.

The Franklin County Board of Elections was unlikely to comply with the weight directive, largely because it does not keep track of the weight of such forms.

The Lorain County Board of Elections accepted voter registration on any weight of paper.

The Montgomery County Board of Elections said the paper weight order was frustrating their ability to process registrations. They attempted to comply by mailing a new form to potential voters who sent forms of incorrect weight, but a processing backlog of 4,000 forms prevented them from sending new forms by the October 4 deadline, such that some voters could have been disenfranchised. Steve Harsman, the Deputy Director of the Board, says ''there is just no reason to use 80-pound paper.''

Finally, Secretary Blackwell was not following his own order. An Ohio lawyer, John Stopa, noted that voter registration forms obtained at Blackwell's office were printed on 60-pound paper. An election board official stated he obtained 70-pound weight forms from Blackwell's office.

After several weeks of pressure from voting rights advocates, such as the League of Women Voters of Ohio and People for the American Way, Secretary Blackwell reversed his directive on September 28, 2004. Even his new order, however, was not drafted clearly enough. He did not withdraw the first directive, and the New York Times found the second directive to be ''worded so inartfully that it could create confusion. As a matter of fact, the Delaware County Board of Elections posted a notice on its website stating it could not accept its own Voter Registration Forms and directed voters to request a new one by calling a number.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Secretary Blackwell's directive to reject registration applications based on paper weight, even though eventually rescinded, undoubtedly had a negative impact on registration figures. During the time period the directive was in place, it likely resulted in an untold number of voters not being registered in time for the 2004 election. In addition, even after the directive was reconsidered, it was done so in a confusing manner. For example, the directive continued to be posted on the Ohio Secretary of State's website, and at least one county, Delaware County, continued to post the directive on its website as well.

Mr. Blackwell's initial directive appears to be inconsistent with the National Voter Registration Act, which put safeguards in place to ease voter registration, not impede it. There is perhaps no more certain indication of the disenfranchisement bias Secretary of State Blackwell brought to his job than this controversial ruling, which was widely reviled even by Republicans.

4. Targeting New Minority Voter Registrants—Caging

Facts

The Ohio Republican Party attempted to engage in ''caging,'' whereby it sent registered letters to newly registered voters in minority and urban areas, and then sought to challenge 35,000 individuals who refused to sign for the letters or the mail otherwise came back as undeliverable (this includes voters who were homeless, serving abroad, or simply did not want to sign for something concerning the Republican Party). Mark Weaver, an attorney for the Ohio Republican Party, acknowledged the Party used this technique. During a hearing before the Summit County Board of Elections, a challenger admitted that she had no knowledge to substantiate her claim that the voters she was challenging were out of compliance with Ohio's election law:

Ms. Barbara MILLER (Republican Challenger): That was my impression that these items that I signed were for people whose mail had been undeliverable for several times, and that they did not live at the residence.

Mr. Russell PRY (Member, Summit County Board of Elections): Did you personally send any mail to Ms. Herrold?

Ms. MILLER: No, I did not.

Mr. PRY: Have you seen any mail that was returned to Ms. Herrold?

Ms. MILLER: No, I have not.

Mr. PRY: Do you have any personal knowledge as we stand here today that Ms. Herrold does not live at the address at 238 30th Street Northwest?

Ms. MILLER: Only that which was my impression; that their mail had not been able to be delivered.

Mr. PRY: And who gave you that impression?

Ms. MILLER: Attorney Jim Simon.

Mr. PRY: And what did—

Ms. MILLER: He's an officer of the party.

Mr. PRY: An officer of which party?

Ms. MILLER: Republican party.

Mr. PRY: Where did you complete this challenge form at?

Ms. MILLER: My home.

Mr. PRY: What did Mr. Simon tell you with respect to Ms. Herrold's residence?

Ms. MILLER: That the mail had come back undeliverable several times from that residence.

Mr. PRY: And you never saw the returned mail?

Ms. MILLER: No, I did not.

Mr. PRY: Now, you've indicated that you signed this based on some personal knowledge.

Mr. HUTCHINSON: (Joseph F. Hutchinson, Jr. Summit County Board of Elections) No.

Mr. ARSHINKOFF: (Alex R. Arshinkoff, Summit County Board of Elections) Reason to believe. It says, ''I have reason to believe.'' It says it on the form.

Mr. JONES: It says, ''I hereby declare under penalty of election falsification, that the statements above are true as I verily believe.''

Mr. ARSHINKOFF: It says here, ''I have reason to believe.''

Mr. HUTCHINSON: It says what it says.

Mr. ARSHINKOFF: You want her indicted, get her indicted.

Mr. PRY: That may be where it goes next.

Among other things, the Republican Party arranged for the Sandusky County sheriff to visit the residences of 67 voters with wrong or non-existent addresses.

The caging tactics were so problematic that a federal district court in New Jersey and a panel of the Third Circuit found that the Republican Party was egregiously in violation of the 1982 and 1987 decrees that barred the party from targeting minority voters for challenges at the polls. They found sufficient evidence that the Ohio Republican Party and the RNC conspired to be ''disruptive'' in minority-majority districts and enjoined the party from using the list. The Third Circuit granted a hearing en banc and therefore stayed the order and vacated the opinion.

The U.S. District Court for the Southern District of Ohio found the same activities to violate the Due Process Clause of the Constitution. Most importantly, notice of the Republican-intended challenge and subsequent hearing was sent to the 35,000 voters far too late to be of any use to the challengee. In fact, the notice was sent so late, that many did not receive it before the election at all, and the court found that ineffective notice must have been the intent: ''The Defendants' intended timing and manner of sending notice is not reasonably calculated to apprise Plaintiff Voters of the hearing regarding the challenge to their registrations, nor to give the them opportunity to present their objections, as demonstrated by the individual situations of Plaintiffs Miller and Haddix . . . it seems that Defendants intend to send the notice to an address which has already been demonstrated to be faulty.''

The court also found that the challenge statute in general was not narrowly tailored enough justify the ''severe'' burden on voters. While the state's interest in preventing fraudulent voting was compelling, there were other ways to do that besides allowing partisan groups to arbitrarily challenge voters.

Analysis

Although the ''caging'' tactics targeting 35,000 new voters by the Ohio Republican Party were eventually struck down, it is likely they had a negative impact on the inclination of minorities to vote, although, it is difficult to develop a specific estimate.

The caging tactics were clearly both discriminatory and illegal. All three district court cases ruled in favor of the plaintiffs, finding the challenges to be politically and racially charged, and burdening the fundamental right to vote. As one court stated, ''This Court recognizes that the right to vote is one of our most fundamental rights. Potential voter intimidation would severely burden the right to vote. Therefore, the character and magnitude of Plaintiffs' asserted injury is substantial.'' It went on to note that the right to vote is paramount to any interest in challenging other people: ''. . . Plaintiff's right to cast votes on election day is a fundamental right. The challengers, however, do not have a fundamental right to challenge other voters. These decisions correctly overturned these caging and challenging activities because they violated the right to equal protection, due process, and Ohioans' fundamental right to vote.

Ralph Neas, President of the People for the American Way Foundation, emphasized the seriousness of these tactics when he testified that ''the 35,000 people that were threatened with being challenged. That's not the spirit of democracy; that's the spirit of suppression. [The Republican Party] did everything to minimize the vote in the urban areas and to engage in voter suppression, and I hope the hearings really emphasize this. I think that prosecution is something that should be considered with respect to what happened in Ohio.''

5. Targeting Minority and Urban Voters for Legal Challenges

Facts

The Ohio Republican Party, which Secretary Blackwell helped lead as Chair of the Bush-Cheney campaign in Ohio, engaged in a massive campaign to challenge minority voters at the polls. The Republican Party lined up poll challengers for 30 of Ohio's 88 counties, and the vast majority were focused in minority and urban areas. In addition to intimidating minority voters, this scheme helped lead to increased delays and longer waits in voting lines in these areas. This was a particularly damaging outcome on a day of severe adverse weather in Ohio. As a federal court looking at these issues concluded: if challenges are made with any frequency, the resultant distraction and delay could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls.

Three separate courts issued opinions expressing serious concerns with Ohio's voter challenge processes. At the state level, Cuyahoga County Common Pleas Judge John O'Donnell found that Secretary Blackwell exceeded his authority in issuing a directive that let each political party have multiple challengers at each polling place. While the Democratic Party registered only one challenger per polling place, the Republican Party had registered one challenger for each precinct (there are multiple precincts in many polling places). Judge O'Donnell found the directive to be ''unlawful, arbitrary, unreasonable and unconscionable, coming four days after the deadline for partisan challengers to register with their county boards of elections.'' An attorney with the Ohio Attorney General's office, Jeffrey Hastings, admitted to Judge O'Donnell that Secretary Blackwell had changed his mind in first limiting challengers to one per polling place and then, after the October 22 challenger registration deadline, allowing multiple challengers.

Two federal district court judges also found the challenge procedure to be problematic and tantamount to voter disenfranchisement. In one lawsuit, the plaintiffs were Donald and Marian Spencer, an elderly African-American couple who alleged the challenge statute harkened back to Jim Crow disenfranchisement. In her opinion rejecting the GOP challenger system, U.S. District Court Judge Susan Dlott wrote that ''there exists an enormous risk of chaos, delay, intimidation and pandemonium inside the polls and in the lines out the door.'' In the other district court case, Summit County Democratic Central and Executive Committee, et. al. v. Blackwell, Judge John R. Adams noted the risk that ''the integrity of the election may be irreparably harmed.'' ''If challenges are made with any frequency,'' he wrote, ''the resultant distraction and delay could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls.''

Judge Dlott also noted the racial disparity inherent in challenges, citing that only 14% of new voters in white areas would face challenges while up to 97% of new voters in black areas would face them. The Chair of the Hamilton County Board of Elections, Timothy Burke, was an official defendant in the lawsuit but testified the use of the challenges was unprecedented. Chairman Burke stated that the Republican Party had planned for challengers at 251 of Hamilton County's 1013 precincts; 250 of the challenged precincts have significant black populations.

Both federal courts blocking the use of challengers highlighted that challengers were not needed because Ohio law already safeguarded elections from voter fraud by the use of election judges. In particular, Ohio law mandates that four election judges staff each polling place and provides that the presiding judge of each group can make decisions regarding voter qualifications.

Although Secretary Blackwell reversed his position and issued a statement on October 29, 2004, excluding challengers from polling places, his position became less relevant when Jim Petro, Ohio's Attorney General, argued in favor of the challenges taking place and said the Secretary's new statement was unlawful. Seeing the irony in these conflicting opinions, Judge Dlott asked ''how can the average election official or inexperienced challenger be expected to understand the challenge process if the two top election officials cannot?''

These two lower court rulings did not stand. The Sixth Circuit Court of Appeals reversed the two lower court opinions on a 2–1 vote. The Supreme Court of the United States denied the applications to vacate the 6th Circuit's stays of the lower court rulings. While troubled about the ''undoubtedly serious'' accusation of voter intimidation, Justice John Paul Stevens said the full Court could not consider the case because there was insufficient time to properly review the filings and submissions.

Analysis

The decision by the Ohio Republican Party to utilize thousands of partisan challengers in the voting booths undoubtedly had an intimidating and negative impact on minority voters. While it is difficult to estimate how many voters were disenfranchised by the

challenger program, given the adverse weather conditions and the lack of trained pollworkers, the disruptions caused by challengers could easily have reduced minority turnout by tens of thousands of voters, if not more. It is noteworthy that these disruptions were predicted by Republican officials: ''Mark Weaver, a lawyer for the Ohio Republican Party, acknowledged, '[the challenges] won't be resolved until [Election Day], when all of these people are trying to vote. It can't help but create chaos, longer lines and frustration.' He reiterated that 'challengers at the polls] were bound to slow things down.' '' This will lead to long lines.

While the program of challenging voters was ultimately upheld, after a series of back and forth decisions, clearly this is an issue which harkens back to the ''Jim Crow'' era. As U.S. District Court Judge John R. Adams wrote in his Summit County opinion: ''In light of these extraordinary circumstances, and the contentious nature of the imminent election, the Court cannot and must not turn a blind eye to the substantial likelihood that significant harm will result not only to voters, but also to the voting process itself, if appointed challengers are permitted at the polls on November 2. . . . The presence of appointed challengers at the polls could significantly impede the electoral process, and infringe on the rights of qualified voters.''

As a result, the Ohio challenger system deserves reconsideration by the legislature or further judicial appeal.

6. Denying Absentee Voters Who Never Got Their Ballots the Right to a Provisional Ballot

Facts

Secretary Blackwell also issued a ruling preventing the issuance of provisional ballots for voters who requested absentee ballots, even if they failed to receive them by the official deadline or did not receive them at all. Despite the fact that these errors occurred on the part of the Ohio government and not the voters, Secretary Blackwell determined they should not receive provisional ballots at the polls.

A lawsuit filed by a college student, Sara White, who never received her absentee ballot and was denied a provisional one, led to a ruling that other similar voters must be issued provisional ballots. The court ordered Lucas County to start providing provisional ballots, and directed Secretary Blackwell to advise all Boards of Elections of the same within 30 minutes. The legal ruling overturning Mr. Blackwell's restrictive ruling on absentee ballots came late in the afternoon, and as a result, many voters intending to vote that day were prevented from doing so.

Analysis

Mr. Blackwell's decision to prevent those voters who requested absentee ballots, but did not receive them on a timely basis, from being able to vote, also likely disenfranchised many voters, particularly seniors who were turned away from the polls before the decision was known.

The federal court found that Mr. Blackwell's decision clearly violated HAVA: ''HAVA is clear; that all those who appear at a polling place and assert their eligibility to vote irrespective of the fact that their eligibility may be subject to question by the people at the polling place or by the Board of Elections, shall be issued a provisional ballot.'' In addition, this restrictive directive also likely constituted violations of Article S, Section 1 of the Ohio Constitution, granting every Ohio citizen the right to vote if he or she is otherwise qualified.

7. Denying Access to the News Media

Facts

Secretary Blackwell also sought to prevent the news media and exit poll takers from locating themselves within 100 feet of polling places. This would have been the first time in thirty years in which reporters were prevented from monitoring polls. Media organizations challenged the barrier, leading to a U.S. Court of Appeals for the Sixth Circuit ruling that struck down Secretary Blackwell's decision. In its opinion, the court noted that ''democracies die behind closed doors'' and found that the district court's ruling had ''interpreted and applied the statute overly broadly in such a way that the statute would be violative of the first amendment''.

Analysis

Mr. Blackwell's decision to prevent news media and exit polls from interviewing Ohio citizens after they voted constitutes a clear violation of the First Amendment's guarantee that state conduct shall not abridge ''freedom . . . of the press.'' His decision also likely violated Ohio's own Constitution that provides: ''Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.'' His decision does not appear to have had any negative impact on the vote, but potentially made it more difficult for the media to uncover voting irregularities, discrepancies, and disenfranchisement.

B. Election Day

1. County-Specific Issues

Warren County—Counting in Secret Because of a Terrorist Threat?

Facts

On election night, Warren County, a traditional Republican stronghold, locked down its administration building and barred reporters from observing the counting. When that decision was questioned, County officials claimed they were responding to a terrorist threat that ranked a ''10'' on a scale of 1 to 10, and that this information was received from an FBI agent. Despite repeated requests, County officials have declined to name that agent, however, and the FBI has stated that it had no information about a terror threat in Warren County.

Warren County officials have given conflicting accounts of when the decision was made to lock down the building. While the County Commissioner has stated that the decision to lock down the building was made during an October 28 closed-door meeting, e-mailed memos—dated October 25 and 26—indicate that preparations for the lockdown were already underway.

Statements also describe how ballots were left unguarded and unprotected in a warehouse on Election Day, and they were hastily moved after county officials received complaints.

It is important to view the lockdown in the context of the aberrant results in Warren County. An analyst who has received all the vote data for 2000 and 2004 by precinct in several Ohio counties did a detailed analysis of the greatest increase in votes for President Bush by precinct, and the Bush-Kerry margin in Warren County. The analyst revealed that Warren County first did a lockdown to count the votes, then apparently did another lockdown to recount the votes later, resulting in an even greater Bush margin and very unusual new patterns.

Moreover, in the 2000 Presidential election, the Democratic Presidential candidate, Al Gore, stopped running television commercials and pulled resources out of Ohio weeks before the election. He won 28% of the vote in Warren County 223 In 2004, the Democratic Presidential candidate, John Kerry, fiercely contested Ohio and independent groups also put considerable resources into getting out the Democratic vote. Moreover, unlike in 2000, independent candidate Ralph Nader was not on the Ohio ballot in 2004. Yet, the tallies reflect John Kerry receiving exactly the same percentage, 28 percent, in Warren County as Gore received.

In support of his assertion that there was no wrongdoing in Warren County, Secretary Blackwell has referred to a Democratic election observer in Warren County, Jeff Ruppert, who has said he observed nothing inappropriate at the County administration building. While we have no reason to doubt Mr. Ruppert's truthful account of what he actually observed, a complete review of his statements shows numerous problems at the building. At the outset, Mr. Ruppert acknowledges that he was subject to the lockout and had to present identification to even be admitted to the building. Once he gained admission, Mr. Ruppert said he did ''have concerns over how provisional ballots were handled at polling places—which he said seemed to be inconsistent.'' He also points to a number of areas he observed that were centers of activity (ballots being transferred from vehicles, precinct captains accompanying ballots in elevators, and ballots being stored), but it clearly would have been impossible for Mr. Ruppert to observe all of these activities at the same time. Finally, considering that he left before the ballot count was completed, it is inaccurate to state with certainty that there were no problems in Warren County.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Given the total lack of explanation by Mr. Blackwell or Warren County officials, it is not implausible to assume that someone is hiding something. We do not know whether what happened is simply a miscommunication or mix up, where an election official misunderstood an FBI directive. If that were the case, it would seem to be an easy matter to dispel the confusion surrounding this episode. Given that no such explanation has been forthcoming and given the statistical anomalies in the Warren County results, it is impossible to rule out the possibility that some sort of manipulation of the tallies occurred on election night in the locked down facility. The disclosure that the decision to lock down the facility the Thursday before the election, rather than on election day would suggest the lockdown was a political decision, not a true security risk. If that was the case, it would be a violation of the constitutional guarantees of equal protection and due process, the Voting Rights Act, and Ohio right to vote. We believe it is the statutory duty for the Secretary of State to investigate irregularities of this nature.

Mahoning County—Innumerable Flipped Votes and Extra Votes

Facts

We have received numerous reports of transfers of votes for Senator Kerry to votes for President Bush. Specifically, in Youngstown, the Washington Post reported that their investigation revealed 25 electronic machines transferred an unknown number of Kerry votes to the Bush column. Jeanne White, a veteran voter and manager at the Buckeye Review, an African American newspaper, stepped into the booth, pushed the button for Kerry—and watched her vote jump to the Bush column. ''I saw what happened; I started screaming: 'They're cheating again and they're starting early!' '' The Election Protection Coalition also confirmed

these voting ''glitches'' noting that a ''voter reported 'Every time I tried to vote for the Democratic Party Presidential vote the machine went blank. I had to keep trying, it took 5 times.' ''

The voting machine in Youngstown experienced what election officials called ''calibration problems.'' Thomas McCabe, Deputy Director of the Mahoning County Board of Elections, stated that the problem ''happens every election'' and ''[i]t's something we have to live with and we can fix it.''

There is also information, still being investigated, that in several precincts, there were more votes counted by machine than signatures in poll books (which includes absentee voters). This would mean that more people voted by machine at a precinct than actually appeared at that location. For example, in CMP 4C Precinct, there were 279 signatures and 280 machine votes. In BLV 1 Precinct, there were 396 signatures but 398 machine votes. In AUS 12 Precinct, there were 372 signatures but 376 machine votes. In POT 1 Precinct, there were 479 signatures but 482 machine votes, and in YGN 6F Precinct, there were 270 signatures but 273 machine votes. It would appear from these numbers that the machines counted more votes than voters.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Evidence strongly suggests many individuals voting in Mahoning County for Senator Kerry had their votes recorded for President Bush. Due to lack of cooperation from Secretary of State Blackwell, we have not been able to ascertain the number of votes that were impacted or whether the machines malfunctioned due to intentional manipulation or error. This determination would help us determine if the Voting Rights Act was also violated. Ascertaining the precise cause and culprit could help ensure that the error does not occur in the future. Secretary of State Blackwell's apparent failure to initiate any investigation into this serious computer error would seem inconsistent with his statutory duty to review these matters.

Butler County—The Strange Case of the Downballot Candidate Outperforming the Presidential Candidate

In Butler County, a Democratic candidate for State Supreme Court, C. Ellen Connally, received 59,532 votes. In contrast, the Kerry-Edwards ticket received only 54,185 votes, 5,000 less than the State Supreme Court candidate. Additionally, the victorious Republican candidate for State Supreme Court received approximately 40,000 less votes than the Bush-Cheney ticket. Further, Connally received 10,000 or more votes in excess of Kerry's total number of votes in five counties and 5,000 more votes in excess of Kerry's total in ten others.

According to media reports of Ohio judicial races, Republican judicial candidates were ''awash in cash,'' with more than $1.4 million in campaign funding, as well as additional independent expenditures made by the Ohio Chamber of Commerce.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

It appears implausible that 5,000 voters waited in line to cast votes for an underfunded Democratic Supreme Court candidate and then declined to cast a vote for the most well-funded Democratic Presidential campaign in history. We have been able to ascertain no answer to the question of how an underfunded Democratic State Supreme Court candidate could receive such a disproportionately large number of votes in Butler County over the Kerry Edwards ticket. This raises the possibility that thousands votes for Senator Kerry were lost, either through manipulation or mistake. The loss of these votes would likely violate constitutional protections of equal protection and due process; if manipulation is involved, that would also violate the Voting Rights Act and Ohio election law. This anomaly calls for an investigation, which Mr. Blackwell has failed to initiate.

Cuyahoga County—Palm Beach County for Pat Buchanan-Redux?

Facts

It has been well documented that a flawed Palm Beach County ballot design in the 2000 Florida Presidential election may well have cost Al Gore thousands of votes, by misrecording such votes as votes for Pat Buchanan. A similar problem may well have occurred in Cleveland in 2004.

Precincts in Cleveland have reported an incredibly high number of votes for third party candidates who have historically received only a handful of votes from these urban areas. For example, precinct 4F in the 4th Ward cast 290 votes for Kerry, 21 for Bush, and 215 for Constitution Party candidate Michael Peroutka. In 2000, the same precinct cast less than 8 voters for all third party candidates combined. This pattern is found in at least 10 precincts throughout Cleveland in 2004, awarding hundreds of unlikely votes to the third party candidate. Notably, these precincts share more than a strong Democratic history; they share the use of a punch card ballot. This problem was created by the combination of polling sites for multiple precincts, coupled with incorrect information provided by poll workers.

In Cuyahoga County, each precinct rotates candidate ballot position. Therefore, each ballot must go into a machine calibrated for its own precinct in order for the voter's intent to be counted. In these anomalous precincts, ballots were fed into the wrong machine, switching Kerry votes into third party votes. This was done on the advice of poll workers who told voters that they could insert their ballots into any open machine—and machines were not clearly marked indicating that they would work only for their designated precinct.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

It appears that hundreds, if not thousands, of votes intended to be cast for Senator Kerry were recorded as being for a third party candidate. At this point it is unclear whether these voting errors resulted from worker negligence and error or intentional manipulation. While Cuyahoga County election official Michael Vu said he would investigate, there has been no further explanation about what will be done to remedy this situation, and Secretary of State Blackwell has refused to cooperate in our investigation or pursue his own inquiry. In any event, those voters whose votes were not properly counted suffered a violation of their constitutional protections of equal protection and due process; if intentional manipulation is involved, this would also implicate the Voting Rights Act and Ohio election law.

Franklin County (Gahana)—How does a computer give George W. Bush nearly 4,000 extra votes?

Facts

On election day, a computerized voting machine in ward 1B in the Gahana precinct of Franklin County recorded a total of 4,258 votes for President Bush and 260 votes for Democratic challenger John Kerry. However, there are only 800 registered voters in that Gahana precinct, and only 638 people cast votes at the New Life Church polling site. It has since been discovered that a computer glitch resulted in the recording of 3,893 extra votes for President George W. Bush—the numbers were adjusted to show President Bush's true vote count at 365 votes and Senator Kerry's at 260 votes.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

At this point it is unclear whether the computer glitch was intentional or not, as we have received no cooperation from Secretary Blackwell or other authorities in resolving the question. In order to resolve this issue for future elections, it must be determined how it was initially discovered that such a computer glitch did and could occur and what procedures were employed to alert other counties upon the discovery of the malfunction. Further, a determination should be made as to whether we can be absolutely certain that this particular malfunction did not occur in other counties in Ohio during the 2004 Presidential election, and what actions have been taken to ensure that this type of malfunction does not happen in the future.

Miami County—Where did nearly 20,000 extra votes for George W. Bush come from?

Facts

In Miami County, voter turnout was a highly suspect and improbable 98.55 percent. With 100% of the precincts reporting on Wednesday, November 3, 2004, President Bush received 20,807 votes, or 65.80% of the vote, and Senator Kerry received 10,724 votes, or 33.92% of the vote. Thus, Miami reported a total of 31,620 voters. Inexplicably, nearly 19,000 new ballots were added after all precincts reported, boosting President Bush's vote count to 33,039, or 65.77%, while Senator Kerry's vote percentage stayed exactly the same to three one-hundredths of a percentage point at 33.92 percent. Roger Kearney of Rhombus Technologies, Ltd., the reporting company responsible for vote results of Miami County, stated that the problem was not with his reporting and that the additional 19,000 votes were added before 100% of the precincts were in.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Mr. Kearney's statement does not explain how the vote count could change for President Bush, but not for Senator Kerry, after 19,000 new votes were added to the roster. Thus, we are primarily concerned with identifying a valid explanation for the statistical anomaly that showed virtually identical ratios after the final 20–40% of the votes were counted. Specifically, we have received no explanation as to how the vote count in this particular county could have changed for President Bush, but not for Senator Kerry,

after 19,000 new votes were added to the roster. The vote results in Miami constitute yet another significant anomaly in the tens of thousands range without any explanation or investigation by Secretary of State Blackwell, leading us to conclude that there is likely some vote error or vote manipulation. This could constitute a violation of constitutional guarantees of equal protection and due process and, if intentional, would likely violate the Voting Rights Act and Ohio election law.

Perry County—Discrepancy in Number of Votes and Voters

Facts

The House Judiciary Committee Democratic staff has received information indicating discrepancies in vote tabulations in Perry County. Similar discrepancies have been found in other counties. For example, in Trumbull County there are apparently more absentee votes than absentee voters according to a recent study. For example, the sign-in book for the Reading S precinct indicates that approximately 360 voters cast ballots in that precinct. In the same precinct, the sign-in book indicates that there were 33 absentee votes cast. In sum, this would appear to mean that fewer than 400 total votes were cast in that precinct. Yet, the precinct's official tallies indicate that 489 votes were cast. In addition, some voters' names have two ballot stub numbers listed next to their entries, creating the appearance that voters were allowed to cast more than one ballot.

In another precinct in Perry County, W Lexington G AB, 350 voters are registered according to the County's initial tallies. Yet, 434 voters cast ballots. As the tallies indicate, this would be an impossible 124% voter turnout. The breakdown on election night was initially reported to be 174 votes for Bush, and 246 votes for Kerry. We are advised that the Perry County Board of Elections has since issued a correction claiming that, due to a computer error, some votes were counted twice. We are advised that the new tallies state that only 224 people voted, and the tally is 90 votes for Bush and 127 votes for Kerry. This would make it appear that virtually every ballot was counted twice, which seems improbable.

In Madison Township, Precinct AAS, a review of the poll books shows that 481 people signed in to vote on election day, yet the Perry County Board of Elections is reporting that 493 votes were cast in that precinct, a difference of 13 votes. The same discrepancy appears with respect to Monroe Township AAV. The poll books show that 384 people signed in on election day to vote, while the Perry County Board of Elections reports that 393 votes were cast, a difference of 9 votes.

We have also received information that in at least three precincts, Pike West AAY, New Lexington I AB, and Redfield AAC, more signatures appear in the sign-in books than votes cast. This would indicate that votes may have been thrown out.

In Perry County, there appears to be an extraordinarily high level of 91% voter registration; yet, a substantial number of these voters have never voted and have no signature on file. Of the voters that are registered in Perry County, an extraordinarily large number of voters are listed as having registered in 1977, a year in which there were no federal elections. Of these, an exceptional number are listed as having registered on the exact same day: in total, 3,100 voters apparently registered in Perry County on November 8, 1977.

In addition, according to a Democratic staff count of the poll books, there are approximately 751 registered voters in Madison Township AAS, while the Perry County Board of Elections reports that there are 850 registered voters in that township.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Clearly, there is an unexplained discrepancy between the actual vote tallies and the number of registered voters in various precincts as well as other statistical anomalies in the County. Given the lack of any explanation to date, and an absence of willingness by Secretary Blackwell or any other authorities to explain or investigate these irregularities, it is not inconceivable that some sort of vote tampering has occurred. If so, that would likely constitute a denial of the constitutional guarantees of equal protection and due process, the Voting Rights Act, and Ohio election law.

Republicans in the State of Washington are currently citing such ''mystery voters'' as evidence of fraud. The State Republican Chairman has commented, ''people ask me what fraud would look like? It would look like this.

2. Myriad Other Problems and Irregularities

We learned of literally thousands upon thousands of additional irregularities in Ohio. As a matter of fact, the Election Protection Commission has testified that to date, there have been over 3,300 incidents of voting irregularities entered for Ohio alone. The following is a brief highlight of some of the more egregious irregularities we have learned of during the course of our investigation:

a. Intimidation and Misinformation

Facts

In the course of our hearings we learned:

The NAACP testified that it received over 200 calls regarding incidents of suspected voter intimidation or unusual election related activities, particularly actions taken by challengers who intimidated poll workers and voters. Other specific incidents involved a caller who reported that someone was going door-to-door telling people they were not registered to vote. A voter in Franklin County received information in the mail identified as being from the state that said he would have to vote by provisional ballot because he had moved; in fact, the voter had not moved and had lived at the address for 10–15 years. One polling place worker was only asking African American voters for their address. A new voter was told that there were vote challengers at her precinct. When she was voting, she was confused by the punch cards. She was afraid to ask poll workers for help for fear that she would be challenged. Vote challengers were demanding that voters provide ID, leading many people to leave. This egregious behavior should be curtailed by the state.

In Franklin County, a worker at the Holiday Inn observed a team of 25 people who called themselves the ''Texas Strike Force'' using payphones to make intimidating calls to likely voters, targeting people recently in the prison system. The ''Texas Strike Force'' members paid their way to Ohio, but their hotel accommodations were paid for by the Ohio Republican Party, whose headquarters is across the street. The hotel worker heard one caller threaten a likely voter with being reported to the FBI and returning to jail if he voted. Another hotel worker called the police, who came but did nothing.

Phone calls incorrectly informed voters that their polling place had changed.

The Cleveland Plain Dealer found that several Lake County residents received an official-looking letter on Board of Elections letterhead informing them that their polling place had changed or that they were not properly registered to vote.

On election day, a fake voter bulletin from Franklin County Board of Elections was posted at polling locations, and fliers were distributed in the inner city, telling Republicans to vote on Tuesday and Democrats to vote on Wednesday due to unexpected heavy voter registration.

In Cleveland, the Washington Post reported that unknown volunteers began showing up at voters' doors illegally offering to collect and deliver complete absentee ballots to the election office.

The Election Protection Coalition testified that in Franklin County, voters received fliers informing them that they could cast a ballot on November 3.

In Franklin County there were reports that about a dozen voters were contacted by someone claiming to be from the county board of elections, telling them their voting location was changed.

''Door-hangers'' telling African-American voters to go to the wrong precinct were distributed.

Analysis

The use of intimidation and misinformation in Ohio on election day was widespread and pervasive and clearly suppressed the vote. The NAACP testified that they received over 200 complaints of such acts in Ohio, so it is likely the actual number of incidents ranged in the thousands, if not higher. It is difficult to estimate how many of these incidents actually resulted in lost votes.

These incidents of voter intimidation and misinformation clearly violate the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. The fact that Secretary Blackwell did not initiate a single investigation into these many serious allegations may represent a violation of his statutory duty to investigate election irregularities. Cases of intimidation and misinformation such as we have seen in Ohio appear to have become a regular feature of our election landscape and would appear to warrant the development of a stronger investigative and law enforcement system than we have at present, at both the state and federal levels.

b. Machine Irregularities

Facts

In the course of our hearings we learned:

In Auglaize County, there were voting machine errors. In a letter dated October 21, 2004, Ken Nuss, former deputy director of the County Board of Elections, claimed that Joe McGinnis, a former employee of ES&S, the company that provides the voting systems in Auglaize County, had access to and used the main computer that is used to create the ballot and compile election results. Mr. McGinnis's access to and use of the main computer was a violation of county board of election protocol. After calling attention to this irregularity in the voting system, Mr. Nuss was suspended and then resigned.

In Cuyahoga County and Franklin County, there were voting machine errors with respect to absentee ballots. The arrows on the absentee ballots did not align with the correct punch hole. This likely led to voters casting a vote for a candidate other than the candidate they intended to support.

In Mahoning County, one precinct in Youngstown recorded a negative 25 million votes.

In Mercer County, one voting machine showed that 289 people cast punch card ballots, but only 51 votes were recorded for president. The county's website appeared to

show a similar anomaly, reporting that 51,818 people cast ballots but only 47,768 ballots were recorded in the presidential race, including 61 write-ins, meaning that approximately 4,000 votes, or nearly 7%, were not counted for a presidential candidate.

At our Washington, D.C. hearing, investigative journalist Bob Fitrakis highlighted malfunctions in Lucas County: ''When the machines in Lucas County, which is a heavily Democratic county, when they are locked in the principal's office and nobody may vote at that site; when they're going wrong all day, and the [Lucas County Election Director Paula Hicks-Hudson] admits the test failed prior to that, and the software is provided, of course, by Diebold, whose CEO, Walden O'Dell, is a member of President Bush's Pioneer and Ranger team, has visited the Crawford ranch and wrote a letter promising to deliver the electoral votes of Ohio, one has to be somewhat suspect.

In Hamilton County, the Washington Post learned many absentee ballots did not include Kerry's name because workers accidentally removed Kerry when removing Ralph Nader's name from the ballots.

Analysis

There is no doubt that there were a number of machine irregularities and glitches in the election, beyond the major discrepancies highlighted earlier in our report However, it is difficult for us to quantify the number of votes that were altered or affected by these irregularities.

Given the lack of cooperation we have received from the Secretary of State's office, it is difficult for us to ascertain whether the glitches were the result of mistake, negligence, or intentional misconduct. Depending on the type of misconduct involved, these errors may constitute violations of the Voting Rights Act, Equal Protection and Due Process, and Ohio's right to vote. Morever, it would appear that Secretary Blackwell's apparent failure to follow-up on these machine errors by way of an investigation would violate his duty to investigate election law irregularities.

The role of voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few companies who manufacture and operate voting machines, and they tend to be controlled by executives who donate largely, if not exclusively, to the Republican Party and Republican candidates. Issues such as the need for verifiable paper trails and greater accountability all warrant further investigation and possibly legislation.

c. Registration Irregularities and Official Misconduct and Errors

Facts

In the course of our hearings we learned:

A Washington Post investigation found that many longtime voters discovered their registrations had been purged.

Numerous voters were incorrectly listed on roster as felons, and thus not allowed to vote.

The NAACP testified to receiving over 1,000 calls related to voter registration issues, generally from individuals who were not on the voter rolls even though they had voted in previous elections, individuals with questions on how to register, and individuals with concerns about not receiving a voter registration card.

The Election Protection Coalition found that ''Individuals frequently reported having 'disappeared' from the voter rolls . . . Many individuals expressed concerns that they had registered but never received confirmation or were not listed on the voter rolls at the precincts.''

At our Columbus, Ohio hearing, several documented problems in Cuyahoga County were brought to our attention by the Greater Cleveland Voter Registration Coalition (GCVRC). GCVRC registered approximately 10,000 voters before the 2004 elections, yet when they tracked the registrations, 3.5% were either not entered at all or entered incorrectly, completely disenfranchising the applicants. While the board of Cuyahoga County was alerted to this problem as early as September, no corrective measures were taken. Projected out county-wide, over 10,000 people were likely not correctly registered and lost their right to vote. These registration problems led to provisional ballots being thrown out.

The NAACP reported that many voters complained they were asked to show ID when they thought it was unnecessary or were unable to vote because they lacked proper ID. At several locations in Cuyahoga County, all voters were being asked for ID, not just new voters. A voter called to say that all voters are being asked for ID. The poll workers were checking the address of the voter against the address on the registration and if they did not match, the voter was being turned away, often without casting a provisional ballot. In still another case, a voter was challenged because the address on the ID did not match the registration address (but was in the same precinct).

There were numerous cases where election workers sent voters to the wrong precinct.

A voter stated that a polling place in Cleveland ran out of ballots, and put in an emergency request for ballots but did not receive them.

The Associated Press reported that officials ticketed lawfully parked cars at the polling stations.

Election protection volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. Some polling places either ran out of provisional ballots or never had any at their location. For example: a voter registered to vote in September. When she went to the polling place in Cuyahoga County on Election Day, they said she was not registered and they refused to give her a provisional ballot.

In Franklin County, some voters, who were in line to vote, but outside of the doors to the polling place, were sent home at 7:30 p.m. when the polls closed.

Analysis

Just as we witnessed in the Florida presidential debacle four years ago, improper purging and other errors by election officials represent a very serious problem and have a particularly negative impact on minority voters. The fact that the Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors and that the NAACP received more than 1,000 purging complaints on election day indicate that the overall number of voters who may have been disenfranchised as a result of official mistakes and wrongful purging is in the scores of thousands, if not more. Congressional passage of HAVA's provisional ballot requirement was intended to mitigate errors such as this, but Secretary Blackwell's unduly narrow interpretation of this requirement, as well as weak rules for counting and checking provisional ballots, have made it far less likely that individuals whose registration was wrongfully purged or never entered would be able to receive a provisional ballot and have it counted.

Given the information we have, it is unclear whether improper purging and other registration errors which appear so prevalent in Ohio were the result of human mistake or intentional misconduct. If it was intentional, a strong case can be made that it violated the Voting Rights Act, Equal Protection, Due Process, possibly the National Voter Registration Act, as well as Ohio's right to vote law. The Secretary of State's failure to investigate these registration errors and other irregularities may also violate his duties to do so under Ohio law.

HAVA funds were supposed to be used to implement a fairer and more efficient registration system statewide. Unfortunately, full funding has been delayed, and most states, including Ohio, have received waivers from this federal requirement.

3. General Problems

a. Spoiled Ballots—Hanging Chads Again?

Facts

Ohio had a significant number of spoiled votes—approximately 93,000. These are ballots in which either no presidential vote was recorded or multiple votes were indicated and therefore ignored. For example, someone may not have filled in his presidential choice dark enough for an optical scan machine to read, but did fill it in clearly enough to be a valid selection in a hand count. In addition, a punch card voter may not have punched completely through his choice, leaving a ''chad'' attached that could not be read by the tabulator. However, that same chad could be read in a hand count because Ohio law provides that hanging chads may be considered valid votes as long as two corners are detached.

According to a New York Times investigation, ''the problem [with spoiled ballots] was pronounced in minority areas, typically Kerry strongholds. In Cleveland ZIP codes where at least 85% of the population is black, precinct results show that one in 31 ballots registered no vote for president, more than twice the rate of largely white ZIP codes where one in 75 registered no vote for president. Election officials say that nearly 77,000 of the 96,000 [spoiled] ballots were punch cards.''

One of the principal purposes of the recount in Ohio was to ascertain the intent of these 93,000 ballots. However, by manipulation or otherwise every county in Ohio but Coshocton County avoided completing a full hand recount. This means that the vast majority of these spoiled ballots will never be reviewed.

The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25% each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president. This is in stark contrast to the 2% of undervoting county-wide. Disturbingly, predominately Democratic precincts had 75% more undervotes than those that were predominately Republican.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Given the high level of interest in the presidential election in 2004, it is logical to assume that many of the persons casting spoiled ballots intended to cast a vote for president, so this irregularity alone could account for tens of thousands of disenfranchised votes, with a disproportionate amount being minority voters and Kerry voters. One of the reasons Ohio has such a large number of ballots is that the state relies so heavily on the outdated and antiquated punch card system that proved to

be error prone in Florida. Sixty-eight of the 88 Ohio counties still rely on the outdated punch card machines. Thus, at least in the critical swing state of Ohio the promise of HAVA funding to help states acquire better equipment so that more votes could count has not been met.

With regard to the severe undercount voting figures in Montgomery County, we have not received any cooperation from Secretary Blackwell in ascertaining how this occurred. This may have been due to some equipment or poll worker error or, in the worst case, manipulation.

b. Exit Polls Bolster Claims of Irregularities and Fraud

Facts

An exit poll serves as a predictor of the final vote results in an election. It is conducted by interviewing voters about their vote selections as they are leaving the polls. The process for conducting reliable exit polls was largely created in 1967 by CBS News pollster and statistician, Warren Mitofsky, now known as ''a world recognized expert in exit polling in particular and public opinion polling in general.'' Former Mexican President Carlos Salinas credited Mr. Mitofsky's work for contributing to the prevention of fraud and an increase in credibility in the 1994 election in Mexico.

The exit poll data taken on November 2, 2004, was compiled by two well-respected firms—Mitofsky International and Edison Media Research. Joseph Lenski, who conducted the exit polls for Edison Media Research, trained in the field of exit polling under Mr. Mitofsky before starting his own firm. They conducted in 2004 exit polls under a contract from the National Election Pool (NEP), a consortium of six news and media organizations: the Associated Press, ABC, CNN, CBS, NBC, and Fox.

In this year's election, the National Election Pool conducted two types of exit polls: 73,000 voters were interviewed in statewide polls, and an additional 13,000 voters were interviewed for a national poll. The national poll's sample size was approximately six times larger than the sample normally used in high quality pre-election national polls. This poll size would normally yield a very small margin of error and would be very accurate. Furthermore, such a poll would normally result in a close congruence between exit poll and official results. The sample size for Ohio was 1,963 voters, which is quite large for statistical purposes and equivalent to the 2,000 person norm for most national polls. In addition, this year's poll numbers were designed to account for absentee votes after a large number of absentee votes contributed to the inaccurate projections of the Florida race in 2000. This year, Mitofsky and Edison began telephone surveys in key states before the election to screen for absentee voters and create an accurate estimate of their votes.

While exit pollsters caution against using their results to predict election results, exit polls can be extremely accurate, with only small variations from the official outcomes in numerous elections. For example, in the three most recent national elections in Germany, exit polls differed from the final official vote counts by an average of only 0.26%. Their results have proven to be very accurate; correctly predicting the winner with no evidence of systematic skew of the data. United States exit polls have also been precise. Brigham Young University students' exit poll results for Utah in this election indicated 70.8% for Bush and 26.5% for Kerry.

The official results were 71.1 % for Bush and 26.4% for Kerry.

In the Ohio election for 2004, early exit polls that were released just after noon on November 2 showed that Senator Kerry was leading President Bush by three percentage points. Shortly after midnight on November 3, exit poll data continued to indicate that 52.1% of Ohio voters selected Senator Kerry and 47.9% selected President Bush. These numbers, however, differed greatly from the final results of the election; in the official results, President Bush led Senator Kerry by 2.5 percentage points in Ohio.

National poll data showed a similar shift from a clear advantage for Senator Kerry on Election Day to a victory for President Bush on the day after the election. Data that was provided by Edison/Mitofsky to the National Election Pool members at 4 p.m. on Election Day showed Senator Kerry leading 51% to 48%. These percentages held the same in the data released at 7:30 p.m. that day. By the time Senator Kerry conceded the election on Wednesday, November 3, the Edison/Mitofsky poll numbers had been aligned with reported vote counts. For the first time the poll numbers showed an advantage for President Bush with 51% to Senator Kerry's 48%.

On December 3, 2004, Rep. Conyers requested the raw exit poll data from Mitofsky International. Mr. Mitofsky replied ''The data are proprietary information gathered and held for the benefit of those news organizations, and I am not at liberty to release them.'' On December 21, 2004, as a follow-up, Rep. Conyers requested the data directly from the news wire and television companies that contracted with Mr. Mitofsky and Mr. Edison for the data. Though the Congressman has not received a response to his letter, Edie Emery, a spokesperson for the NEP and a CNN employee, said the exit poll data was still being analyzed and that the NEP's board would decide how to release a full report in early 2005. ''To release any information now would be incomplete,'' she said. Furthermore, Jack Stokes, a spokesperson for the Associated Press said, ''like Congressman Conyers, we believe the American people deserve answers. We want exit polling information to be made public as soon as it is available, as we intended. At this time, the data is still being evaluated for a final report to the National Election Pool.''

Analysis

Clearly something unusual is indicated by the differential between the exit poll information we have obtained and the final vote tallies in Ohio. It is rare, if not unprecedented, for election results to swing so dramatically from the exit poll predictions to the official results. Kerry was predicted to win Ohio by a differential of 4.2 percentage points. The official results showed Bush winning by 2.5 percentage points. The differential between the prediction for Kerry and the winning results for Bush represent a swing of 6.7 percentage points. According to University of Pennsylvania Professor Steven Freeman, this ''exit poll discrepancy could not have been due to chance or random error.'' Professor Freeman has further concluded that statistical analysis shows a probability of 1 in 1,000 that the difference between Senator Kerry's share of the exit poll projection and the official count of the vote would be as much as the final 3.4% spread, a virtual impossibility. As a matter of fact, there are broad statistical variations of up to 9 percentage points between exit poll data and official results in Ohio and other key states in the 2004 election. In state after state, Senator Kerry's advantage in the exit poll results was lost by sizable margins.

The discrepancy between the exit polls and the official vote count must be due to an inaccurate poll or an inaccurate vote. Either there was unintentional error in the exit poll or the official vote count, willful manipulation of the exit poll or the official vote count, or other forms of fraud, manipulation or irregularities occurred in the electoral process. Pollsters Mitofsky and Lenski have intimated that their poll numbers deviated from the official results because a disproportionate number of Bush supporters refused to participate in their polls. However, Professor Freeman posits that part of the discrepancy is due to a miscount of the vote.

As noted above, election polls are generally accurate and reliable. Pollsters are able to categorize their sources of error and develop extensive methodologies to limit those errors with each successive poll. Political scientist Ken Warren noted claims, ''. . . exit polling has become very sophisticated and reliable, not only because pollsters have embraced sound survey research techniques, but because they have learned through experience to make valid critical adjustment.'' In fact, prominent survey researchers, political scientists and journalists ''concur that exit polls are by far the most reliable'' polls.

Unfortunately, throughout American history various devices, schemes and legal structures have been used to shape the outcome of an election. Elections at every level of government have been skewed by tactics that deny voting rights, establish poll taxes, lose voter registrations, disqualify voters and disqualify ballots to ensure a certain outcome. The Florida election in 2000 provides ample evidence that our system is rife with election irregularites that have profound impacts on our election outcomes.

Elections are politically controlled, with extreme pressures for certain outcomes. In our system, victory can become more important than an accurate vote count. While pollsters are privately hired based on their accuracy and timely results, candidates and campaigns are primarily concerned with winning. When key election officials are also key campaign officials, as was the case in Florida in 2000 and in Ohio in 2004, the goal of providing an accurate vote tally gets into the murky waters of winning the political contest. But pollsters lose their legitimacy, and thus future contracts, if they are not accurate. Thus, '' the systemic pressures on polling accuracy are much greater than they are on vote count accuracy.

While pollsters use feedback and detailed analysis to improve their results, are motivated towards accuracy, and face market competition if they fail to provide thorough, accurate and timely exit poll results, ''there is little competition, feedback and motivation for accuracy in election processing.'' Thus we do not dismiss these exit poll results, and their discrepancy with the official vote counts, as others might do. We believe they provide important evidence that something was amiss in the Ohio election.

Full, accurate and reliable statistical analysis cannot be completed until the raw data from the exit polls is released. The limited available ''uncalibrated'' or raw data indicates the broad discrepancies that are discussed above. However, it appears that the National Election Pool data was ''calibrated'' or corrected after the official results were publicized. It may be standard practice to recalibrate poll results to reflect the actual outcome ''on the assumption that the [official] count is correct, and that any discrepancies must have been due to imbalanced representation in their samples or some other polling error.'' Thus data that was publicized on Election Day showing these large discrepancies is no longer publicly available; only the recalibrated numbers are available on the Internet. An independent, detailed analysis of the early exit poll data is necessary to verify the actual outcome of the vote in Ohio, and thus restore complete legitimacy to this election. In any event, the discrepancies that we are

able to identify place the entire Ohio election results under a cloud of uncertainty.

C. Post-Election

1. Confusion in Counting Provisional Ballots

Facts

Secretary Blackwell's failure to issue standards for the counting of provisional ballots led to a chaotic and confusing result such that each of Ohio's 88 counties could count legal ballots differently or not at all. In turn, this fostered a situation where subsequent to the election, Cuyahoga County mandated that provisional ballots in yellow packets must be ''rejected'' if there is no ''date of birth'' on the packet. This ruling was issued despite the fact that the original ''Provisional Verification Procedure'' from Cuyahoga County stated, ''Date of birth is not mandatory and should not reject a provisional ballot'' and simply required that the voter's name, address and a signature match the signature in the county's database. The People for the American Way Foundation sought a legal ruling ordering Secretary Blackwell and the county elections board to compare paper registration and electronic registration records. People For the American Way further asked the Board to notify each voter whose ballot was invalidated and how the invalidation could be challenged. Neither of these actions were taken.

In another case, while the state directed counties to ensure voters had been registered during the thirty days before the election, one college student who had been registered since 2000 and was living away from home was denied a provisional ballot.

Analysis

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots likely resulted in the loss of several thousand votes in Cuyahoga County alone, and untold more statewide. This is because the lack of guidance and the ultimate narrow and arbitrary review standards imposed in Cuyahoga County appear to have significantly contributed to the fact that in Cuyahoga County, 8,099 out of 24,472 provisional ballots, or approximately one third, were ruled invalid, the highest proportion in the state. This number is twice as high as the percentage of provisional ballots rejected in 2000.

These series of events constitute a possible violation of the Voting Rights Act, as not only were legitimate votes apparently thrown out, they undoubtedly had a disproportionate impact on minority voters, concentrated in urban areas such as Cuyahoga County which had the highest shares of the state's provisional ballots. The actions may also violate Ohio's constitutional right to vote.

2. Justice Delayed is Justice Denied—Recounts were Delayed Because of a Late Declaration of Results

Facts

Ohio law requires the Secretary of State to provide county boards of elections with directives governing voting procedures, voting machine testing, and vote tallying. Prior to the election, Secretary Blackwell thus issued a directive providing that Ohio boards of elections would have to complete their official canvasses by December 1, almost one month after the date of the 2004 election. The directive further states that ''no recount may be held prior to the official canvass and certification of results,'' so that county boards would have to wait until Secretary Blackwell decided to certify the results before proceeding with recounts.

Ohio law also sets deadlines for the conduct of recounts. First, applications for statewide recounts must be submitted within five days of the Secretary of State's declaration of results. Second, such recounts must begin within ten days of the recount request. Secretary of State Blackwell gave county boards of election until December 1 to certify their returns and then waited to another five days, until December 6, to certify the results. As a consequence, recounts could not be sought until at least December 11, and were required to begin by December 16. The Green/Libertarian recount began on December 13, 2004. As a result, the recount was pending when the Secretary of State sent certificates to electors on December 7, and before the electoral college met on December 13. Because it appeared the Secretary of State had intentionally delayed certification to ensure that the recount could not be completed by these time periods, 11 Members of Congress, including Rep. Conyers, wrote to Gov. Taft asking that they delay or treat as provisional the December 13 meeting of the state's presidential electors.

The counties completed their recounts on December 28, 2004, but due to a variety of irregularities and alleged legal violations in the recount, they remain embroiled in litigation as of the date of this report.

Analysis

The scenario created by Secretary Blackwell effectively precluded recounts from being concluded prior to the December 13 meeting of electors. By setting the vote tally deadline so late and then delaying the declaration of results—it took a full 34 days after the November 2 election for the results to be certified—Secretary of State Blackwell insured that the time for completing recounts, therefore, was pushed to after the date of the Electoral College meeting. As a result of this intentional course of conduct, it appears that Mr. Blackwell has ensured that the controversies concerning the appointment of electors could not be resolved by December 7, 2004, thereby causing Ohio to lose the benefit of the electoral college safe harbor so that there appointment of electors is not necessarily binding on Congress. In addition, this diminishment of the recount law may violate the voters' right to equal protection and due process, as well as undermine the entire import of Ohio's recount law.

3. Triad GSI—Using a ''Cheat Sheet'' to Cheat the Voters in Hocking and Other Counties

Facts

Perhaps the most disturbing irregularity that we have learned of in connection with the recount concerns the activities and operations of Triad GSI, a voting machine company. On December 13, 2004, House Judiciary Committee Democratic-staff met with Ms. Sherole Eaton, Deputy Director of Elections for Hocking County. She explained that on Friday, December 10, 2004, Michael Barbian, Jr., a representative of Triad GSI, unilaterally sought and obtained access to the voting machinery and records in Hocking County, Ohio.

Ms. Eaton witnessed Mr. Barbian modify the Hocking County computer vote tabulator before the announcement of the Ohio recount. She further witnessed Barbian, upon the announcement that the Hocking County precinct was planned to be the subject of the initial Ohio test recount, make further alterations based on his knowledge of that information. She also has firsthand knowledge that Barbian advised election officials how to manipulate voting machinery to ensure that a preliminary hand recount matched the machine count.

According to the affidavit, the Triad official sought access to the voting machinery based on the apparent pretext that he wanted to review some ''legal questions'' Ohio voting officials might receive as part of the recount process. At several times during his interaction with Hocking County voting machines, Mr. Barbian telephoned into Triad's offices to obtain programming information relating to the machinery and the precinct in question. It is now known that Triad officials have intervened in other counties in Ohio—Greene and Monroe, and perhaps others.

In fact, Mr. Barbian himself has admitted to altering tabulating software in Hocking, Lorain, Muskingum, Clark, Harrison and Guernsey counties. Todd Rapp, President of Triad, also has confirmed that these sorts of changes are standard procedure for his company.

First, during an interview, film maker Lynda Byrket asked Barbian, ''you were just trying to help them so that they wouldn't have to do a full recount of the county, to try to avoid that?'' Mr. Barbian answered, ''Right.'' She further inquired: ''did any of your counties have to do a full recount?'' Mr. Barbian replied, ''Not that I'm aware of.''

Second, it appears that Mr. Barbian's activities were not the actions of a rogue computer programmer but the official policy of Triad. Rapp explained during a Hocking County Board of Elections meeting:

''The purpose was to train people on how to conduct their jobs and to help them identify problems when they conducted the recount. If they could not hand count the ballots correctly, they would know what they needed to look for in that hand count.''

Barbian noted that he had ''provided [other counties] reports so they could review the information on their own.''

As one observer asked, ''Why do you feel it was necessary to point out to a team counting ballots the number of overvotes and undervotes when the purpose of the team is to in fact locate those votes and judge them?''

Barbian's response was, ''. . . it's just human error. The machine count is right . . . We're trying to give them as much information to help them out.''

In addition, Douglas W. Jones, a computer election expert from the University of Iowa, reviewed the Eaton Affidavit and concluded that it described behavior that was dangerous and unnecessary:

''I have reviewed the Affidavit of Sherole L. Eaton (''the Eaton Affidavit''), the Deputy Director of the Hocking County Board of Election, as well as the letter of Congressman John Conyers to Kevin Brock, Special Agent in Charge with the FBI in Cincinnati, Ohio. In light of this information, and given my expertise and research on voting technology issues and the integrity of ballot counting systems, it is my professional opinion that the incident in Hocking County, Ohio, threatens the overall integrity of the recount of the presidential election in Ohio, and threatens the ability of the presidential candidates, their witnesses, and the counterplaintiffs in the above-captioned action, to properly analyze, inspect, and assess the ballots and the related voting data from the 2004 presidential election in Ohio. It is my understanding that 41 of Ohio's 88 counties use Triad voting machines. As a result, the incident in Hocking County could compromise the statewide recount, and undermine the public's trust in the credibility and accuracy of the recount.''

We have received several additional reports of machine irregularities involving several other counties serviced by Triad, including a report that Triad was able to alter election software by remote access:

In Union County, the hard drive on the vote tabulation machine, a Triad machine, had failed after the election and had been replaced. The old hard drive was returned to

the Union County Board of Elections in response to a subpoena.

The Directors of the Board of Elections in both Fulton and Henry County stated that the Triad company had reprogrammed the computer by remote dial-up to count only the presidential votes prior to the start of the recount.

In Monroe County, the 3% hand-count failed to match the machine count twice. Subsequent runs on that machine did not match each other nor the hand count. The Monroe County Board of Elections summoned a repairman from Triad to bring a new machine and the recount was suspended and reconvened for the following day. On the following day, a new machine was present at the Board of Elections office and the old machine was gone. The Board conducted a test run followed by the 3% hand-counted ballots. The results matched this time and the Board conducted the remainder of the recount by machine.

In Harrison County, a representative of the Triad company reprogrammed and retested the tabulator machine and software prior to the start of the recount. The Harrison County tabulating computer is connected to a second computer which is linked to the Secretary of State's Office in Columbus. The Triad technician handled all ballots during the machine recount and performed all tabulation functions. The Harrison County Board of Elections kept voted ballots and unused ballots in a room open to direct public access during daytime hours when the courthouse is open. The Board had placed voted ballots in unsealed transfer cases stored in an old wooden cabinet that, at one point, was said to be lockable and, at another point, was said to be unlockable.

On December 15, 2004, Rep. Conyers forwarded information concerning the irregularities alleged in the Eaton Affidavit to the FBI and local prosecutors in Ohio. He has not received a response to that letter. On December 22, 2004, Rep. Conyers forwarded a series of questions concerning this course of events to the President of Triad GSI and to Mr. Barbian. Counsel for Triad GSI has indicated that a response would be forthcoming later this week or shortly thereafter.

Analysis

Based on the above, including actual admissions and statements by Triad employees, it strongly appears that Triad and its employees engaged in a course of behavior to provide ''cheat sheets'' to those counting the ballots. The cheat sheets told them how many votes they should find for each candidate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full county-wide hand recount mandated by state law. If true, this would frustrate the entire purpose of the recount law—to randomly ascertain if the vote counting apparatus is operating fairly and effectively, and if not to conduct a full hand recount. By ensuring that election boards are in a position to conform their test recount results with the election night results, Triad's actions may well have prevented scores of counties from conducting a full and fair recount in compliance with equal protection, due process, and the first amendment.

In addition, the course of conduct outlined above would appear to violate numerous provisions of federal and state law. As noted above, 42 U.S.C. §1973 provides for criminal penalties for any person who, in any election for federal office, ''knowingly and willfully deprives, defrauds, or attempts to defraud the residents of a State of a fair and impartially conducted election process, by . . . the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held.'' Section 1974 requires the retention and preservation of all voting records and papers for a period of 22 months from the date of a federal election and makes it a felony for any person to ''willfully steal, destroy, conceal, mutilate, or alter'' any such record.

Ohio law further prohibits election machinery from being serviced, modified, or altered in any way subsequent to an election, unless it is so done in the presence of the full board of elections and other observers. Any handling of ballots for a subsequent recount must be done in the presence of the entire Board and any qualified witnesses. This would seem to operate as a de facto bar against altering voting machines by remote access. Containers in which ballots are kept may not be opened before all of the required participants in are attendance. It is critical to note that the fact that these ''ballots'' were not papers in a box is of no consequence in the inquiry as to whether state and federal laws were violated by Barbian's conduct: Ohio Revised Code defines a ballot as ''the official election presentation of offices and candidates . . . and the means by which votes are recorded.'' Ohio Rev. Code §3506.01 (B) (West 2004). Therefore, for purposes of Ohio law, electronic records stored in the Board's computer are to be considered ''ballots.'' Triad's interference with the computers and their software would seem to violate these requirements.

Further, any modification of the election machinery may only be done after full notice to the Secretary of State. Ohio Code and related regulations require that after the state certifies a voting system, changes that affect ''(a) the method of recording voter intent; (b) voter privacy; (c) retention of the vote; or the (d) communication of voting records, must be done only after full notice to the Secretary of State. We are not aware that any such notice was given to the Secretary.

Finally, Secretary Blackwell's own directive, coupled with Ohio Revised Code §3505.32, prohibits any handling of these ballots without bipartisan witnesses present. That section of the code provides that during a period of official canvassing, all interaction with ballots must be ''in the presence of all of the members of the board and any other persons who are entitled to witness the official canvass.'' The Ohio Secretary of State issued orders that election officials are to treat all election materials as if the State were in a period of canvassing, and that, ''teams of one Democrat and one Republican must be present with ballots at all times of processing.''

Triad has sought to respond to these charges by arguing that Ohio law requires a Board of Elections to prevent the counting or tabulation of other races during a recount and limit these activities to those offices or issues for which a formal recount request has been filed. However, this requirement does not supercede the above requirements that election machinery only be serviced or otherwise altered in the presence of the full elections board and observers. There are at least two ways this recount process could have been conducted legally. First, recounters could have been given the full ballot and been simply instructed not to count the other races recorded. Second, the service company employees could have waited to alter the software program until the official recount began in the presence of the board and qualifying witnesses. Neither of these scenarios occurred in the present case.

In addition to these provisions imposing duties on the Board of Elections, there are numerous criminal penalties that can be incurred by those who actually tampered with the machines. These apply to persons who ''tamper or attempt to tamper with . . . or otherwise change or injure in any manner any marking device, automatic tabulating equipment or any appurtenances or accessories thereof;'' ''destroy any property used in the conduct of elections;'' ''unlawfully destroy or attempt to destroy the ballots, or permit such ballots or a ballot box or pollbook used at an election to be destroyed; or destroy [or] falsify;'' and ''willfully and with fraudulent intent make any mark or alteration on any ballot.''

It is noteworthy that the companies implicated in the misconduct outlined above, Triad and its affiliates, are the leading suppliers of voting machines involved in the counting of paper ballots and punch cards in the critical states of Ohio and Florida. Triad is controlled by the Rapp family, and its founder Brett A. Rapp has been a consistent contributor to Republican causes. In addition, a Triad affiliate, Psephos Corporation, supplied the notorious butterfly ballot used in Palm Beach County, Florida, in the 2000 presidential election.

4. Greene County—Long Waits, the Unlocked Lockdown and Discarded Ballots

We have received information indicating negligence and potential tampering with Greene County ballots and voting machines. On December 9, election observers interviewed the County Director of Elections, Carole Garman, and found substantial discrepancies in the number of voting machines per voter in low-income areas as compared to other areas. Apparently, some consolidated precincts had almost the state imposed limit of 1,400 registered voters and others had only a few hundred voters. One of the precincts disproportionately affected included Central State University and Wilbur Force University, both historically black universities.

The next day, the observers returned to that office and requested voter signature books for copying. Ms. Garman granted such access. After leaving the office for three hours, the observers returned and had been advised that, under Ohio law, they were entitled to copies of the precinct books for a nominal fee, and requested such copies from Garman. Garman did not concur with that view of Ohio law and telephoned the office of Secretary Blackwell, eventually reaching Pat Wolfe, the Election Administrator for the Secretary of State. Garman then advised the observers that, per Blackwell, all voter records for the State of Ohio were ''locked down'' and they now were ''not considered public records.'' Garman subsequently physically removed the books from one observer's hands'' After attempting to persuade Garman to reverse this decision to no avail, the observers departed the office.

The observers returned the following day, a Saturday, at 10:15 am. While a number of cars were parked in the parking lot and the door to the office was unlocked, and there was no one in the office. One light was on in the office that had not been on the previous night after the office was closed. In the office, unsecured, were the poll books that had been taken from then observers the day before. There were also voting booths, ballot boxes apparently containing votes, and voting equipment, also unsecured. Shortly after the observers had left the office, a police officer arrived and later elections officials and members of the media. The officials were unable to offer any explanation for the unsecure office, other than negligence, and said they would ask a technician (from the Triad company) to check out the machines on Monday.

A number of other substantial irregularities in Greene County have come to our attention that were uncovered after the office

was discovered to be unsecure. In the short period of time that observers were given to examine voting records, ballots were not counted for apparently erroneous reasons. In a number of cases, Greene County officials rejected ballots because the secrecy envelope for the ballot appeared to indicate that the voter had voted in the wrong precinct, notwithstanding the fact that a notation was made—apparently by an election worker—indicating the vote should count. The records appeared to indicate that, in some cases, voters were sent to the wrong precinct by election workers and, in others, were given the wrong precinct's envelope for the ballot because election workers had run out of envelopes for the correct precinct.

These records also appeared to indicate that some voters were purged from the voting rolls on the basis that they failed to vote in the previous election, while other voters who had not voted in several elections had not been purged. On October 26, Secretary Blackwell issued a directive and provided it to Greene County officials regarding the ''pre-challenging'' process, where a voter's eligibility is challenged prior to the election, and sent an attached list of voters who were to be pre-challenged in Greene County, to the Board of Elections. Notice was sent by the Board to these voters on the Friday before the election by registered mail, and was likely not received until Monday, advising such voters of their right to be present at a Monday hearing, where the voter's eligibility would be decided.

Other irregularities appear in the official ballot counting charts prepared by election officials, including a number of precincts where the number of voters do not match the number of votes cast despite the fact that the charts indicate that those numbers ''must match.''

We have also obtained evidence indicating that eligible voters did not have their ballots counted for invalid reasons. For example, an overseas military ballot was not counted because it was a photocopy rather than the original ballot; an 85 year old voter did not have his absentee vote counted because it did not have a stub attached; a disabled voter who indicated she marked her ballot with the assistance of election workers did not have her absentee vote counted because no stub was attached; an absentee voter with a properly postmarked ballot did not have his vote counted because it was received ''too late,'' but before the initial certification of results; and provisional ballots that were not counted because an election official forgot to sign as a witness when the ballot was cast. Substantial numbers of provisional ballots appear to have been rejected because voters were purged in the last two years.

Analysis

Numerous Ohio laws appear to have been broken in Greene County. First it is a misdemeanor to deny the public access to election records. Ohio law clearly states that ''No director of elections, deputy director of elections, or employee of the board of elections designated by the director or deputy direct shall knowingly prevent or prohibit any person from inspecting, under reasonable regulations established and posted by the board of elections, the public records filed in the office of the board of elections.'' Not only is this a crime, but grounds for dismissal from election duties—required whether the offender is an official or an employee. It does not appear that anyone has been prosecuted, and no one has been dismissed as required by statute.

Second, the complete lack of security on Friday night violates any number of Ohio laws requiring that ballots and machinery be kept absolutely secure. Section 3505.31 requires that ballots, pollbooks, poll lists, tally sheets and voting machines be kept tamper-proof and under seal. Ballots are to be held secure until a recount is properly conducted in front of witnesses, and ballots may not be handled by anyone except the board and its employees. Failure of these duties by board members and their employees, is a felony, as ''No member, director or employee of a board of elections shall willfully or negligently violate or neglect to perform any duty imposed upon him by law, or willfully perform or neglect to perform it in such a way as to hinder the objects of the law.'' Again, it requires that the offender be dismissed, and again, it appears that those actions have not been taken in Greene County. It is important to note that this statute does not require any intent of wrongdoing—simple negligence is enough to invoke the statute and there is no explanation as to why it has not been enforced.

Third, Greene County's operation seems to have several Constitutional problems, both federally and at the state level. The selective use of challenges and purges invokes the Equal Protection clause. We were unable to confirm any legitimate reason why some voters were challenged and then purged, and others were not. There are also Due Process concerns as those to be purged were not given sufficient notice to meaningfully participate in their scheduled hearings. And finally, these actions violate Ohio's own constitution that guarantees the right to vote.

5. OTHER RECOUNT IRREGULARITIES

We learned of numerous additional troubling recount irregularities in the course of our investigation. The groundwork for these problems was laid when the Secretary of State failed to issue specific standards for the recount. In essence, Mr. Blackwell's directive on recount procedures permitted each county board of election to determine its own recount rules. Mr. Blackwell failed to issue such standards, notwithstanding the fact that election officials themselves had offered contrasting election recount procedures, including some counties who sought to unilaterally oppose doing any recount whatsoever.

Some of the serious recount irregularities that we learned of in connection with our investigation include the following:

a. Irregularities in Selecting the Initial 3% Hand Count—Many County Boards of Elections Did Not Randomly Select the Precinct Samples

In the course of our investigation we learned:

Mr. Keith Cunningham, Director of the Allen County Board of Elections, explained that it would take considerably longer to carry out the recount if there were a random selection process employed. Instead, the Board pre-selected four precincts, totaling slightly more than the required three percent, for the recount. Democratic and Green Party witnesses raised objections but to no avail.

The Clermont County Board of Elections selected the 3% precinct samples by choosing the thirteen precincts with lowest number of voters plus the next number of precincts that reached the total of 3% of the total votes cast in that county. This selection process eliminated larger and more diversified precincts. The staff of the Board admitted that small precincts were chosen because fewer problems would be encountered in smaller precincts. A witness objected to this selection process, but to no avail.

The Cuyahoga County Board of Elections decided to choose only precincts with 550 votes or more and from a cross-section of areas—one East side, one West side, one affluent, one non-affluent. This criterion left only eight percent of precincts available to be selected. In addition, witnesses observed that the ballots were not in a random order, and that they had been previously sorted. As the ballots were fed into the counting machines, there were long runs of votes for only one candidate and then long runs for another, which seemed statistically improbable.

The total number of votes cast in Morrow County was 16,694. Three percent of this would be 501. The Morrow County Board of Elections selected the Harmony Township precinct for the initial hand count because it had 517 ballots cast. When observers complained this was not random, the Board responded that it had the right to select the precinct. During this discussion, an election official with the Board called the Secretary of State's office and reported that the Secretary of State's office stated that the Board was correct.

The Hocking County Board of Elections met and Rod Hedges, a Republican Board member, stated that he believed the Board should select a precinct that was not heavily in favor of George W. Bush or John F. Kerry. The Board decided to consider only the precincts where the vote totals for Bush and Kerry were similar. An observer objected that this was not a random selection, but to no avail.

Election officials in Medina County were aware of several ''problem'' districts, but instead chose to perform the manual 3% test recount on two precincts that had been part of a school levy recount the previous Monday. That meant that those ballots had been taken out of the standard ''double lock'' situation and had been handled several times since that Monday.

The Board of Elections in Vinton County selected a precinct 3% manual recount test simply because its vote total was closest to 3% of the total votes cast in the county.

The Summit County Board of Elections selected precincts randomly with the Director and Deputy Director of the Board of Elections and two other Board employees present, both of whom were IT specialists for the Board so that they could compute the three percent. The Board shuffled 475 precinct cards and then chose randomly from the pile. The Summit County Board of Elections conducted this selection without any recount witnesses present.

b. Irregularities in Applying the Full Hand-Count Requirement—Counties Not Conducting Full Hand Count After 3% Hand and Machine Counts Did Not Match

In the course of our investigation we learned:

In Monroe County, the 3% hand-count failed to match the machine count twice. Subsequent runs on that machine matched neither each other nor the hand count. The Monroe County Board of Elections summoned a repairman from Triad to bring a new machine and the recount was suspended and reconvened for the following day. On the following day, a new machine was present at the Board of Elections office and the old machine was gone. The Board conducted a test deck run followed by the 3% hand-counted ballots. The results matched this time and the Board conducted the remainder of the recount by machine.

In Fairfield County, the hand recount of the 3% test sample did not match the machine count, even after two attempts. The Board suspended the recount and stated that Secretary Blackwell recommended that the recount should begin again ''from scratch.'' The Green recount observers were then told that it was 4:00 PM, the building was closed, and all had to leave. The Republican recount observers, however, were allowed to stay in a

conference room for an additional ten minutes or so for a private discussion. When the Board reconvened a few days later, it announced that it would be conducting a machine count of the county's votes. When a Green Party observer objected, she was told by the Board that she was not allowed to speak.

c. Irregularities in the Treatment of Ballots—Some Counties Marking Ballots and Some Counties Not Securely Storing Ballots

In the course of our investigation we learned:

In Washington County, the Board of Elections had, in the first count, excluded ballots which included no votes and overvotes. During the recount, the Board altered many such ballots to make them work. An observer protested this practice. An election official pulled a black marker from his right pocket near the beginning of the recount and stated that he was the mark-up man. He proceeded to do all of the marking of the ballots. Another election official assisted with the ''band-aids''. The observer noted that all the re-marking and band-aiding of ballots did reflect the will of the voter, with one exception. In the precinct Belpre 4A, a voter had both marked the oval and put an X through it for presidential candidate Michael Peroutka and had marked the oval for Bush. The election official put a band-aid over the Peroutka vote and put his own X on the Bush vote. The observer objected that it should be counted as an overvote. The Board ruled that the vote should count for Bush.

In Lucas County, an observer witnessed the physical alteration of three ballots for the apparent reason of ensuring that the vote count produced by the optical scan machine would match the 3% hand count. At least one of the election officials stated that she did not want the hand count and machine count to be different because they did not want to do a complete hand count. The Board made the alterations to the ballot after determining the intent of the voters. Following a lunch break during the recount, the Board kept recount observers waiting while a technician from the Diebold company reprogrammed the machine.

In Ashland County, ballots cast in the presidential election were stored by precinct in open cubicles along one wall in the employee lunchroom/meeting room, completely open and visible to anyone who enters the room. Piled on top of the cubicles were bags of Doritos, mugs, cleaning products, Glad Wrap and other miscellaneous items. Board of Election officials said the room was kept locked, except when used.

In Coshocton County, the Board stored voted ballots mixed with blank, unused ballots in partially-opened boxes, unsealed at the time of observation and apparently never sealed after the election. While ballots were stored in a locked room, all Board employees had keys to the room.

In Belmont County, the Deputy Director of Elections stated that her county had hired an independent programmer (''at great expense'') to reprogram the counting machines so that they would only count votes for President during the recount.

In Portage County, all ballot boxes were locked and reopened, locked and re-opened again—always in plain sight—and transported methodically from the visual inspection area to the tabulator room.

d. Irregularities in the Treatment of Witnesses at the Recount and their Access to Ballots

In the course of our investigation we learned:

In Summit County, recount witnesses were threatened with expulsion if they spoke to counting teams. In some instances, they were expected to ''observe'' from up to 20 feet away, which prevented them from being able to actually observe recount.

In Huron County, the punchcard tabulator test was observed only by Republican witnesses. This test was conducted the day before the Green Party witness was invited to observe the recount.

In Putnam County, Board of Elections officials told observers that their Board would meet on December 15th to decide the start date. When the observer called back on the 15th, she was told the recount had already taken place.

In Allen County, observers were not allowed to examine provisional ballots and absentee ballots during the recount. The Board told them that they must make an appointment at a later time working around the Board's schedule. The Board further stated that only the specific person who cast such a ballot is allowed to inquire whether his or her vote was counted.

In Holmes County, observers asked to see the spoiled ballot pile, comprised of five ballots, but the Board denied access, stating that they were in a sealed envelope that could not be opened.

In Licking County, the Board denied observers access to view provisional and absentee ballots.

In Mahoning County, the Board denied observers access to view rejected absentee ballots.

In Medina County, the Board denied observers access to view provisional ballot tallies, provisional ballots, and the actual machines and ballot booklets used.

In Morgan County, 30 of 160 provisional and absentee ballots were not counted, and the Board denied observers access to view these ballots. The Board stated that these ballots were locked away and would be destroyed 60 days after the election.

In Stark County, the Board denied an observer request to view the provisional ballots.

In Warren County, the Board denied an observer request to view provisional and absentee ballots. The observer has requested that the Board have this decision reviewed by the county prosecutor and the Board is now awaiting the county prosecutor's decision.

Analysis

The Secretary of State's failure to issue specific standards for the recount was a major problem. It appears to have contributed to a lack of uniformity that may very well violate both the Due Process Clause and the Equal Protection Clause of the Constitution. As the U.S. Supreme Court held in 2000, ''Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another.'' As the Court articulated in that case, ''It is obvious that the recount cannot be conducted in compliance with the requirements of equal protection and due process without substantial additional work. It would require not only the adoption (after opportunity for argument) of adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them, but also orderly judicial review of any disputed matters that might arise.'' It may also have violated Ohio state law which charges the secretary of state with ''[issuing] instructions by directives and advisories to members of the boards [of elections] as to the proper methods of conducting elections'' and ''[preparing] rules and instructions for the conduct of elections.''

In terms of the specific irregularities, they would seem to be inconsistent if not in outright violation of several aspects of Ohio's recount law. Those counties which did not randomly select the precinct samples appears to violate the Secretary of State's directive on this point. Those counties which did not conduct a full hand count after the 3% hand and machine counts did not match is inconsistent with Ohio's statutory right to have inconsistent results rechecked. Those counties that allowed for irregular marking of ballots and which failed to secure and store ballots and machinery appear to have violated provisions of Ohio law mandating that candidates have the right to ensure that ballots are secure between the election and the official recount, that ballots may not be handled by anyone besides Board members and their staff, and may not be handled outside of the presence of the Board and qualifying witnesses. Finally, those counties which prevented witnesses for candidates from observing the various aspects of the recount appear to have violated provisions of Ohio law providing that candidates have the right to observe all ballots.

RECOMMENDATIONS

A. Electoral College Challenge

We believe there are ample grounds for challenging the electors from Ohio as being unlawfully appointed.

We say this for several reasons. First, there is considerable doubt that all controversies regarding the appointment of the electors were lawfully resolved six days prior to the meeting of the electors (on December 7) in order for the state's electors to be binding on Congress as required by 3 U.S.C. Sec. 5. This is because, among other things, the Secretary of State appears to have intentionally delayed the initial certification of the electors until December 6, making it impossible for the recount (of which he was fully aware) to be completed by December 7, let alone the December 13 meeting of the electors.

Second, there are numerous irrefutable instances where Ohio election law has been violated by the Secretary of State and others such that the election cannot be said to comply with Ohio law, and the electors cannot be considered lawfully certified under state law within the meaning of 3 U.S.C. Sec. 15. These violations of law are highlighted throughout this Report.

The failure to provide adequate voting machinery would appear to violate both Ohio's Constitution, that provides all eligible adults the right to vote, and the Ohio Revised Code which requires the Boards of Elections to provide ''for each precinct a polling place and provide adequate facilities at each polling place for conducting the election.'' Secretary of State Blackwell's failure to initiate any investigation into this pivotal irregularity notwithstanding his statutory duty to do so under Ohio Revised Code Sec. 3501.05, represents another likely violation of Ohio law.

The ''caging'' tactics targeting 35,000 new voters by the Ohio Republican Party for preelection legal challenge were found by three federal courts to be illegal as being politically and racially charged, and burdening the fundamental right to vote. The tactic would also appear to violate Ohioans' right to vote under the Ohio Constitution.

Mr. Blackwell's decision to prevent news media and exit polls from interviewing Ohio citizens after they voted was found by a federal court of appeals to have violated the First Amendment's guarantee that state conduct shall not abridge ''freedom . . . of the press''. His decision also likely violated Ohio's Constitution that provides: ''Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.''

Mr. Blackwell's decision to prevent those voters who requested absentee ballots, but did not receive them on a timely basis from being able to vote, was found by a federal court to violate HAVA. This restrictive directive also likely violated Article 5, Section 1 of the Ohio Constitution, granting every Ohio citizen the right to vote if he or she is otherwise qualified.

Numerous incidents of voter intimidation and misinformation engaged in Ohio on election day likely violate the Voting Rights Act, the Civil Rights Act of 1968, and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these acts likely represents a violation of his statutory duty to investigate election misconduct.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide ''cheat sheets'' to those counting the ballots. By insuring that election boards were in a position to conform their test recount results with the election night results, Triad's actions may well have prevented scores of counties from conducting a full and fair recount. Triad's action appears to violate Ohio law prohibiting election machinery from being serviced, modified, or altered in any way subsequent to an election, unless it is done so in the presence of the full board of elections and other observers.

Numerous Ohio laws appear to have been broken in Greene County, where after initially being granted access to poll books to conduct an audit, election observers had this access abruptly revoked under the orders of Secretary Blackwell, and arbitrary and capricious practices and counting procedures that disenfranchised hundreds of voters were identified. These practices violate Ohio law requirements preventing the denial of public access to election records; requiring that ballots and machinery be kept absolutely secure; and protecting the right to vote.

The Secretary of State's failure to issue specific standards appears inconsistent with Ohio state law which charges the secretary of state with ''[issuing] instructions by directives and advisories to members of the boards [of elections] as to the proper methods of conducting elections'' and ''[preparing] rules and instructions for the conduct of elections.''

There were numerous specific irregularities in the recount that are inconsistent with several aspects of Ohio's recount law. Those counties which did not randomly select the precinct samples violated the Secretary of State's directive on this point. Those counties which did not conduct a full hand court after the 3% hand and machine counts violated Ohio's statutory right to have inconsistent results rechecked. Those counties which allowed for irregular marking of ballots and which failed to secure and store ballots and machinery appear to have violated provisions of Ohio law mandating that candidates have the right to ensure that ballots are secure between the election and the official recount, that ballots may not be handled by anyone besides Board members and their staff, and may not be handled outside of the presence of the Board and qualifying witnesses. Finally, those counties which prevented witnesses for candidates from observing the various aspects of the recount violated provisions of Ohio law providing that candidates have the right to observe all ballots.

Whether the cumulative effect of these legal violations would have altered the actual outcome is not known at this time. However, we do know that there are many serious and intentional violations which violate Ohio's own law, that the Secretary of State has done everything in his power to avoid accounting for such violations, and it is incumbent on Congress to protect the integrity of its own laws by recognizing the seriousness of these legal violations.

B. Need for Further Congressional Hearings

It is also clear the U.S. Congress needs to conduct additional and more vigorous hearings into the irregularities in the Ohio presidential election and around the country.

While we have conducted our own Democratic hearings and investigation, we have been handicapped by the fact that key participants in the election, such as Secretary of State Blackwell, have refused to cooperate in our hearings or respond to Mr. Conyers questions. While GAO officials are prepared to move forward with a wide ranging analysis of systemic problems in the 2004 elections, they are not planning to conduct the kind of specific investigation needed to get to the bottom of the range of problems evident in Ohio. As a result, it appears that the only means of obtaining his cooperation in any congressional investigation is under the threat of subpoena, which only the Majority may require.

Given the seriousness of the irregularities we have uncovered, and the importance of the federal elections, we recommend that the House and Senate form a joint, select committee to investigate the full gamut of irregularities across the board.

Among the issues which require further attention at Congressional hearings are the following:

The misallocation of voting machines. Congress should examine the extent to which the lack of machines in certain areas led to unprecedented long lines that disenfranchised predominantly minority and Democratic voters.

The decisions to restrict provisional ballots to actual precincts and to deny them to voters who did not receive absentee ballots. Congress should examine the extent to which the decisions departed from past Ohio law on provisional ballots, how many voters were impacted, and whether a broader construction would have led to any significant disruption at polling places.

The use of partisan, pre-election ''caging'' tactics. Congress should examine to what extent caging is used and to what degree minority voters were targeted for intimidation and suppression.

The use of voter suppression and intimidation tactics. Congress should investigate reports of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote.

The use of partisan challengers. Congress should examine whether the use of such challengers is disruptive and intimidating to voters. Further, Congress should investigate whether the precinct judges, which are required by law, are sufficient to regulate voting practices.

Voter purging and other registration errors. Congress should look at what methods of voter purging are used and whether they target minority groups.

The prevalence of undervotes, in which ballots are cast but lack votes for president. Congress should further investigate whether undervotes are principally caused by punchcards and what reforms can be made to prevent them.

The need for greater accountability in ballot counting. Congress should examine whether an audit capability for voting machines would enhance the ability to verify voter choices.

The lack of national standards for issuing provisional ballots and conducting recounts. Congress should examine areas in which national standards would promote the guaranteed right to vote and would ensure that every vote counts.

Restrictions on the use of government-granted power for political or personal gain. Congress should investigate the need for restricting the ability of state contractors and public officials involved in the administration of elections to participate in campaign activities.

C. Legislation

Our investigation has made it abundantly clear that Congress and the States must reform the election laws to address the many inequities that have come to light. At the very least, we must—

Develop a fair and uniform system of processing provisional ballots, including training of poll workers and counting votes.

Ensure that every voting machine has a verifiable audit trail, guidelines for which could be established by the Election Assistance Commission.

Consider an Amendment to the Constitution of the United States to reaffirm the right to vote.

Facilitate voter turnout through the establishment of a national election day holiday, the expansion of early voting, and the re-enfranchisement of former felons.

Ensure full enforcement by the Justice Department of anti-voter intimidation laws, including prohibitions on voter suppression and caging.

Establish national standards for voter registration, polling place opening hours, and ballot recounts.

Establish an explicit private right of action for voter rights in the Help America Vote Act.

Ensure that state and local election officials involved in the administration of elections do not use their offices for political gain.

Ensure enough accessible voting machines and poll workers are available at all precincts such that waiting times are reasonable, including in lower-income and minority communities.

Consistent with the First Amendment, restrict state contractors from participating in campaign activities.

Develop and fund public campaigns to educate voters on voting rights, anti-voter intimidation laws, etc.

Fully fund the Help America Vote Act.

Clarify that provisional ballots are available to all citizens who request them, as long as they are in the appropriate County.

We recommend that House and Senate Members join together in reforming these laws and preserving our democracy.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLAY) for the purpose of making a unanimous consent request.

(Mr. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Honorable colleagues, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2 of last year point to an unresolved national crisis: The lack of a unified standard for all voters and all ballots cast in a Federal election. Congress must establish this standard, with a verifiable paper or audit trail. It is the only way to ensure the integrity of the Federal election process.

Reports of voter intimidation, inadequate and malfunctioning voting machines, incompetent election judges, and lines at polling

places in urban areas that lasted for many hours were widespread.

These irregularities were compounded by the irresponsible conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's Presidential nominee.

The Ohio Secretary of State has refused to assist us in the search for the truth. He has shown no interest in determining whether the glitches were the result of mistakes, negligence, or intentional misconduct.

Numerous voters have reported that when they attempted to cast a vote for Kerry-Edwards, the electronic voting machine registered the vote as a ballot for Bush-Cheney. While it is difficult to quantify the number of votes that were altered or affected by the irregularities that have been reported, a single vote not counted, as it was intended . . . is a discredit to our democracy. I am not suggesting that these irregularities changed the outcome of the election. But I am insisting that we act to ensure that the sacred right of every voter, to have his or her vote counted, as the voter intended, is protected by adopting a uniform Federal standard.

In order to protect the voting rights of the citizens of Ohio, and to be true to the oath that we all swore to earlier this week, it is our responsibility as Members of Congress to review the serious irregularities that occurred in Ohio to ensure that this significant disenfranchisement of voters never happens again. It is imperative that we give voters complete confidence that their votes will be accurately counted by reforming our election laws to address all of the irregularities that have come to light. I encourage my colleagues to join me in preserving our democracy.

Mr. CONYERS. Members of the House, we are here today not as partisans for one Presidential candidate or another, but because we want to do our duty under the Constitution to protect our democracy. We are here because of the inner-city voter in Franklin County who waited 10 hours in the pouring rain while suburban voters in the same county had no wait because election officials decided to reallocate voting machines from Columbus to the suburbs. We are here because of the Hispanic voter in Hamilton County who also stood in line for hours, but was directed to the wrong voting table and had his ballot thrown out because of a decision by the Secretary of State of Ohio to throw out ballots cast at the right polling place but the wrong precinct.

We are here because of the elderly voter in Lucas County who requested an absentee ballot that never showed up and was refused a provisional ballot because of another partisan decision by the Secretary of State of Ohio. We are here because of the new voter in Delaware County whose registration form was thrown out because it did not meet the paper weight requirements set forth by the Secretary of State. We are here because of the African American voter in Summit County who was targeted with an unlawful voter challenge because of her race and because she refused to answer a certified letter from the chairman of the Republican Party.

Most of all we are here because not a single election official in Ohio has given us any explanation for the massive and widespread irregularity in the State. No explanation for the machines in Mahoning County that recorded Kerry votes for Bush. No explanation of improper purging in Cuyahoga County. No explanation for the lockdown in Warren County. No explanation for the 99 percent turnout in Miami County. No explanation for machine tampering in Hocking County.

Read on our Web page 101 pages of great staff work that takes this out of semantics, of partisanship; and I appeal to every Member of this body to sustain this objection.

We are here today, not as partisans for one Presidential candidate or another, but because we want to do our duty under the Constitution to protect our democracy.

We are here because of the inner city voter in Franklin County, who waited 10 hours in the pouring rain, while suburban voters in the same county had no wait because election officials decided to reallocate voting machines from Columbus to the suburbs.

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We are here because of the new voter in Delaware County, whose registration form was thrown out because it did not meet the paper weight requirements of the same Secretary of State.

We are here because of the African American voter in Summit County, who was targeted with an unlawful voting challenge because of her race and because she refused to answer a certified letter from the chairman of the Republican Party.

Most of all we are here because not a single election official in Ohio has given us any explanation for the massive and widespread irregularities in that State: No explanation for the machines in Mahoning County that recorded Kerry votes for Bush—No explanation for the improper purging in Cuyahoga County—No explanation for the lock down in Warren County—No explanation for the 99 percent voter turnout in Miami County—No explanation for the machine tampering in Hocking County.

The debate we have today will not change the outcome of November's election. We know that. But out of today's debate, I hope this Congress will respond to our challenge:

A challenge to hold true bipartisan hearings to get to the bottom of what went wrong in Ohio and around the Nation on election day.

A challenge to show the same concern about voter disenfranchisement in this country that we show in Afghanistan, and the Ukraine, and Iraq.

A challenge to enact real election reform; that gives all citizens the right to a provisional ballot; that gives all voters a verifiable paper trail; and that bans election officials from serving as campaign chairs.

The thing we should never fear in Congress is a debate, and the thing we should never fear in a democracy is the voters. I hope that today we have a fair debate and 4 years from now, we have an election all our citizens can be proud of.

Mr. Speaker, I am proud to yield the balance of my time to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding.

I agree with JOHN KERRY. I think George W. Bush won Ohio. But I agree with millions of American citizens that no American should have to wait 4 hours to cast a vote. I agree with tens of millions of Americans who are very worried that when they cast a ballot on an electronic voting machine that there is no paper trail to record that vote in the event of a recount.

What today is about is to demand that the Federal Government begin to move forward, to guarantee that every voter in America feels secure and confident that all of the votes cast in this country are counted accurately and that all of our voters are treated with respect and dignity. That is what democracy is about and that is what we are fighting for.

□ 1345

Mr. BLUNT. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from Missouri is recognized for 5 minutes.

Mr. BLUNT. Mr. Speaker, as I listened to the gentleman from Vermont make his remarks, I assume that means that he will be voting with me to accept the results from Ohio since he agrees that the President won. That has just been verified for me. So the whole purpose of this discussion, at least from that perspective of understanding that there are still challenges in our election system in the country, should be handled at a different time.

But let us talk about what we are doing here today. First of all, every Member of this body was elected to this body. It distinguishes us from almost any other institution, certainly in the Federal Government and in many other institutions. We also were all elected under the same rules and regulations that we are discussing today. I do not know that we help the process by casting doubt on what all of those people that work in elections all over America do. I know in Missouri when I was the chief election official for 8 years and an election official for 20 years that no Republican did anything on Election Day by themselves. I think it is the same in Ohio. Every single thing that is done is done by a Republican. It is also done at the same time by a Democrat. I do not think the people that stepped forward to accept that significant public responsibility are saying there was a problem with the election on Election Day. In fact, I think they are all saying we did exactly what we should have done on Election Day: We tested the equipment; we verified the ballots; we counted, as we should, with bipartisan teams

there to do that; and we have certified these results.

If we were taking this important time today to talk about a difference of 118 votes, that might be justifiable in my mind. To take this time on this day to challenge all of those Democrats and Republicans who gave of themselves and their time to make this process work in Ohio and in Missouri and everywhere else where people voted the November Election Day with a difference in this State of 118,000 seems to me to be the wrong time, the wrong place, and maybe even the wrong job for the Federal Government. These are great discussions to have in Ohio. That is where they are ultimately going to solve the problem of how they conduct elections in Ohio, and this apparently is more about that than anything about the result.

The purpose of our work here today is to certify the result unquestioned by the country, unquestioned by the Democratic nominee, unquestioned by anybody involved in this process who certified the election, our job today was to count the electoral votes, get on with our business of doing the work that can only be done here in this city by the Federal Government to move the country in a new and positive and better direction. We need to continue to do that. We need to be committed to that. We also need to understand that every time we attack the process, we cast that doubt on that fabric of democracy that is so important.

People do have to have, as I believe the gentleman from Michigan (Mr. CONYERS) said, confidence that the process works in a proper way. They do not need to believe that it is absolutely perfect because, after all, it is the greatest democracy in the history of the world and it is run by people who step forward and make a system work in ways that nobody would believe until they see it to produce the result of what people want to have happen on Election Day.

This was not a closely decided election. The President's margin is significant. No President elected since 1988 has had a majority of the vote, let alone a 3 percentage point majority of the vote with a direction clearly to move the country forward.

We need to get on with our job. We need to honor the election process by working in the proper time and the proper way at the proper place to make it better, but not to suggest that because there were problems that somehow those problems affected a result in ways that every one of us knows is not the case.

Mr. Speaker, I yield to the gentleman from Florida (Mr. KELLER).

(Mr. KELLER asked and was given permission to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a wise saying we have used in Florida over the past 4 years that the other side would be wise to learn: ''Get over it.''

Is it not ironic that the very people who refuse to move on are the people from Moveon.org and their hero Michael Moore?

There's a wise saying we've used quite a bit in Florida over the past 4 years that the other side would do well to learn—Get over it. Isn't it ironic that the only people who refuse to "move on", are the people from "move on.org", and their hero Michael Moore?

My colleagues across the aisle have two sides to choose from, the JOHN KERRY side that acknowledges the election is over and President Bush has won. Or the Michael Moore side that defines "democracy" as Democrats going to the polls, and "conspiracy" as Republicans going to the polls.

The election is over and the results couldn't be clearer. We know that President Bush won the electoral vote by 286 to 252. We know that President Bush won the popular vote by 3.3 million votes. We know that President Bush won Ohio by more than 118,000 votes, an overwhelmingly comfortable margin. We know that in every area of Ohio, bipartisan county boards have verified and vouched for the integrity of the Ohio election results.

Why are we here wasting time on silly Hollywood inspired conspiracy theories?

Well, since Hollywood likes conspiracies so much, here's a real one. On June 23, 2004, the Michael Moore movie "Fahrenheit 911" premiered in Washington, DC. According to U.S. News and World Report, New York Times, and National Journal, one of the few Senators who attended this premier was Senator BARBARA BOXER. In this movie, Mr. Moore said it was shameful that not one U.S. Senator objected to the electoral vote count in Florida. Two days ago, on January 4, 2005, the same Michael Moore published a new letter to Senator BOXER and other Senators reminding them that they didn't object to the electoral vote count 4 years ago, and requested that they rise and object to the vote count from Ohio today. Today, in fact, Senator BARBARA BOXER just objected to the Ohio vote count.

Is this all merely a coincidence? Is this pandering to the Michael Moore wing of the Democratic Party? Is it worth wasting 2 hours of Congress' time? The only bigger waste of 2 hours would be to go see "Fahrenheit 911."

Do the people in the Michael Moore wing of the Democrat Party really think that the American people and their congressional representatives, are so stupid that they could be tricked into objecting to these electoral results? Well, the answer is "yes."

Michael Moore told a British newspaper "Americans are possibly the dumbest people on the planet . . . We Americans suffer from an enforced ignorance. We don't know about anything that's happening outside our country. Our stupidity is embarrassing."

In Germany, Mr. Moore told the German people "You can see us (Americans) coming down the street . . . We've got that big grin on our face all the time because our brains aren't loaded down." He further asked the German people, "Should such an ignorant people (as Americans) lead the world? . . . Don't go the American way when it comes to economics, jobs and services . . . it is the wrong way."

Regarding those who are now killing Americans in Iraq, he said, "The Iraqis who have risen up against the occupation are not insurgents or terrorists or the enemy. They are the revolution, the minutemen and their numbers will grow—and they will win."

How many normal people in this country really believe that a terrorist like Al-Zarqawi, who chops off the heads of Americans over in Iraq, is on the same level as Paul Revere, the folk hero of the American Revolution?

Here's some straight talk. In 2000, they didn't like the way the votes were counted in Florida. Now, they don't like the way the votes are counted in Ohio. In the blue States, they call it a recount. In the red States, we call it what it is: sour grapes.

Mr. Speaker, President Bush has clearly won the electoral vote and the popular vote. Certifying these electoral votes is the only course for us to follow. Why allow the conspiracy theorists to undermine the public confidence in the electoral system itself? Let us vote down the objection, certify the electoral college results, and prepare to celebrate the happy day of January 20, 2005 when President George W. Bush is once again sworn in as the President of the United States.

Mr. WATT. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Speaker, there is nothing more basic to democracy than assuring that everyone who wants to vote is provided that opportunity and that each person's vote is counted in the result.

In the last two election cycles, our country, which has held itself out as the world's model of an example of true democracy has fallen woefully short of meriting that title. The United States cannot continue to claim that it stands for and is willing to fight for democracy and the rights of people to vote in Afghanistan, Iraq, and other places around the world while not being willing to do whatever is necessary to guarantee the vote of all of our citizens here at home. Equal access, convenience of voting, quality of voting machines, and other means to assure democracy must not be a function of economic status, race, where citizens live, or any other variable. We must do whatever is necessary to assure equality in voting rights, opportunity and access for all our citizens, and if our democracy is to be protected, the eyes of the world will be watching to see how we respond to this, not treat it as frivolous when people are not allowed to vote.

That is why I applaud the gentlewoman from Ohio (Mrs. JONES) for her leadership and for allowing this body to have a discussion about the basic right to vote in America.

For me this is not about whether George Bush won or lost the last election. I am planning to vote to certify. I will tell the Members that. But there is nothing more basic than the right to vote, and if we pretend that this is frivolous, then we are not going to move forward and do anything in response to what is going on.

Two days ago we took an oath of office to uphold and defend the Constitution, that at least three amendments in the Constitution which guarantee equal access to the ballot, and yet we are saying that people who did not get an opportunity to vote, who did not have equal access to the vote, are raising frivolous issues? Come on, give me a break. We should not be about denying or abridging that right, and I stand here in full support of it. We have got to improve the Help America Vote Act. We took the first step 2 years ago. We have got to take additional steps to make sure that every single person who seeks the right to vote is given that right.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I stand today with my colleagues in the Congressional Black Caucus as they affirm their commitment to ensuring the vote of every American is counted, something I hope everybody in this body supports.

As Chair of the Congressional Hispanic Caucus, I am proud to be a voice for this long proud history of Hispanics in this Nation. Since the earliest days of this country, Latinos too have died and fought for the ideals that our Nation was founded upon, but unfortunately we know that many in our Latino community feel disenfranchised from our political process. Our democracy depends on full participation of all our citizenry and a deep and abiding faith in our electoral system.

For the sake of this country, I ask Congress to do all they can to commit themselves to ensuring that our elections are not clouded in question and that we can truly proclaim ourselves a model for the rest of the world.

Mr. NEY. Mr. Speaker, I ask to be recognized for 5 minutes.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, this is a sad day. It saddens me that we have to be here today debating this issue. Politics in America can be bitter. Campaigns can divide people and breed resentment. That is a given. It also used to be a given that once a campaign was over the winner claimed victory, the loser accepted defeat, everybody else went on with their lives, and the country moved forward. Now, unfortunately, it seems the bitterness and resentments do not end with the campaign. Instead, the divisions are stoked by individuals who simply do not like the results.

The curious thing about this challenge today is that it is taking place in spite of the fact that the losing candidate has admitted defeat. I have to applaud JOHN KERRY for the gracious and magnanimous speech that he made the day after the election where he acknowledged he had been beaten. He also called for unity. I wish those bringing this challenge had heeded his call.

I know there are some problems obviously with this election. They are not frivolous. These problems were not unique, however, or confined to Ohio. Nor were they limited just to Democratic voters. There is no such thing as a perfect election. There has not been. There never will be a perfect election. The question, then, is not whether or not mistakes were made. Of course they were. The question is did those mistakes affect the outcome of this election? The answer is no. No serious person, no objective observer, could claim that they did today.

Now let us talk a little bit about the so-called evidence that has been presented about what happened in Ohio. Much has been made about the long waits for voters in some precincts. The distribution of voting machines in the State has been criticized, the claim being that minority precincts did not have enough machines while white or suburban precincts had too many. Ken Blackwell, our Secretary of State, has been a frequent target and basically blamed for everything. But, in fact, elections in Ohio are run by and large by the county election boards. If my colleagues are not familiar, these bipartisan boards consist of four members, two Democrats, two Republicans. Decisions about how many machines to have in each precinct are made by those boards, not by the Secretary of State. It is possible they could have miscalculated or underestimated.

In a recent article that appeared in the Columbus Dispatch, and this is important, Franklin County Board of Elections Chairman William A. Anthony, Jr. said long lines were not caused by the allocation of machines, a process controlled by a Democrat supervisor, he added, but by the high voter turnout, the overall lack of voting machines, and a ballot that included more than 100 choices for voters.

For those thinking Mr. Anthony must be a part of this conspiracy, I would point out that in addition to his position on the elections board, Mr. Anthony serves as chairman of the Franklin County Democrat Party. He said that he is offended by accusations from a band of conspiracy theorists. He further added, ''I am a black man. Why would I sit here and disenfranchise voters in my own community? I feel like they're accusing me of suppressing the black vote. I've fought my whole life for people's rights to vote.''

I could go on, Mr. Speaker, but basically what is the point? Those who believe this election was stolen will always believe it. No amount of facts or evidence will convince them otherwise. The bottom line is those bringing this challenge today simply cannot accept the fact that George Bush has been elected President of the United States. It is too painful for them.

We must always be seeking ways to improve the process. We announced weeks ago we are going to have bipartisan hearings to look at these issues, and they are not frivolous. They are important issues. But it would not have changed the outcome of the election.

Mr. Speaker, it does not elevate those who are bringing this challenge. It does not elevate our House. It does not elevate the debate. It debases all of us, and it merits a sad day in the history of this Nation.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Most of our colleagues may not know that we not only had an election in Ohio but we had a recount that was funded by two third-party candidates that got less than 1 percent of the vote, and knowing this was going to happen today, I called my boards of election back home to see how that recount went.

□ 1400

In Ashtabula County after the recount, each candidate picked up one vote.

In Geauga County there was a net gain of two votes for President Bush, and the 72 provisional ballots that were not allowed were not allowed because the people did not live and were not registered in the State of Ohio. In Lake County, not one ballot changed from November 2, and all of the 201 provisional ballots tossed were tossed because the people were not registered in the State of Ohio.

In Summit County, there was a four-vote swing for Senator KERRY.

In Cuyahoga County, the county that I am lucky enough, home of the City of Cleveland, to share with the objector and the gentleman from Ohio (Mr. BROWN) and the gentleman from Ohio (Mr. KUCINICH), the net swing was 23 votes for JOHN KERRY.

On this day, we should be praising the dedication and hard work of our election officials and not castigating them.

Ms. PELOSI. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentlewoman from California is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today we are witnessing democracy at work. This is not, as some of our Republican colleagues have referred to it, sadly, frivolous. This debate is fundamental to our democracy.

The representatives of the American people in this House are standing up for three fundamental American beliefs: that the right to vote is sacred; that a Representative has a duty to represent his or her constituents; and that the rule of law is the hallmark of our Nation.

Under the rule of law, today this House will accept the election of President Bush and Vice President CHENEY as President and Vice President of the United States. There is absolutely no

question about that. This is not in any way about rejecting that outcome. So, please, let us be respectful of each other and understand what it is about.

Today's electoral challenge is not intended to overturn the results of the election. It is instead to discuss the real problems with our electoral system and the failings of the process in Ohio and elsewhere. It is about election reform, not about the election result.

The Members of Congress who have brought this challenge are speaking up for their aggrieved constituents, many of whom may have been disenfranchised in this process. This is their only opportunity to have this debate while the country is listening, and it is appropriate to do so. If there were other venues of this caliber, we would have taken that opportunity. But this is the opportunity. We have a responsibility to take advantage of it.

The right to vote is the foundation of our democracy. A discussion of that foundation, again, should not be considered frivolous.

As the Supreme Court noted: ''No right is more precious in a free country than that of having a voice in the election of those who make the laws under which as good citizens we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.''

I repeat: ''Other rights, even the most basic, are illusory if the right to vote is undermined.''

The principle of one person-one vote is sacred in our country, and we must do everything to uphold it. Yet more than 225 years since our founding, there are still legitimate concerns over the integrity of our elections and of ensuring the principle of one person-one vote, that every person has access to voting and that every vote will be counted.

Twenty years ago, I was chair of the California Democratic Party. It was our function, it was our purpose to remove obstacles of participation to voting. The greater responsibility, of course, was with the Secretary of State in our State and in States across the country who controlled the elections in the State. But we all, in all of our capacities, had a responsibility to remove, not throw up, obstacles to participation.

I know that this issue is not just about counting votes, but what happens in all three phases, before, during and after the election; and in all three phases, there were problems in this election in Ohio and elsewhere.

Before the election, there were complaints about absentee ballots that were requested, but did not arrive. There were reports of registration problems and of improper purging of the voting rolls. The Ohio Secretary of State made decisions about provisional ballots, partisan poll watchers and paper requirements for registration forms that some found questionable, leading to widespread confusion and possible disenfranchisement.

During the election we know that there were not enough voting machines in poorer and minority areas. This is a fact. Yet there were sufficient machines in wealthier areas. This led to appallingly long waiting times of up to 10 hours in certain places. You can deny it all you want, but it is a matter of public record that this is a fact, and this is wrong.

There were credible reports of voter suppression on election day through intimidation and misinformation and the patchwork use of provisional ballots led to unequal treatment under the law; unequal treatment under the law, undermining the principles of one person-one vote and equal protection.

As for after the election, the American people must have every confidence that every vote legally cast will be legally counted and accurately counted. But constantly shifting vote tallies in Ohio and malfunctioning electronic machines which may not have paper receipts have led to additional loss of confidence by the public.

As elected officials, we have a solemn responsibility to improve our election system and its administration. We cannot be here again 4 years from now discussing the failings of the 2008 election. We must work with the Elections Assistance Commission to further reform the election process, and we must pass legislation to improve the Help America Vote Act, including universal standards for provisional ballot and strong verification measures and paper trails.

I want to commend the gentleman from Ohio (Mr. NEY), the distinguish chairman of the Committee on House Administration, for his leadership in helping to pass the HAVA Act, which is really where we are pinning our hopes, and to the gentleman from Maryland (Mr. HOYER), who served in that capacity with the gentleman, and now in the Senate others, a broader array of people who are weighing in on that.

Congress must seize the opportunity this year to reauthorize the act and to make the needed reforms and improvements. Our very democracy depends again on the confidence of the American people and the integrity of our electoral system.

So, Mr. Speaker, I say to my colleagues, please do not talk about this as a ''conspiracy theory.'' It is not about that. It is not about conspiracy; it is about the Constitution of the United States. George Bush and DICK CHENEY are the elected President and Vice President of the United States, and I think the objection will be overruled today in that regard. It has never been about that. It has always been about the fundamental principle of the legitimacy of our electoral process.

Congress will resolve this dispute today, and we will all abide by the results because we are a Nation of laws. America is a beacon of democracy to the world. We must never forget the power of our own example to those who aspire to freedom throughout the world.

So let us respect this debate today for what it is, about ensuring the foundation of our very own democracy, and by sending a message to the world that we are truly, truly protective of our Constitution and that we honor the oath of office that we take to protect and defend the Constitution.

Mr. Speaker, I urge my colleagues all to join together in a bipartisan way for electoral reform to follow on the good work that I mentioned of the gentleman from Ohio (Mr. NEY) earlier and the gentleman from Maryland (Mr. HOYER) and to make sure that 4 years from now we will come together not having to have this kind of debate, but that today's debate will serve the purpose that it is intended to have for our country.

Mr. REYNOLDS. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from New York is recognized for 5 minutes.

Mr. REYNOLDS. Mr. Speaker, I am glad that the Democratic leader mentioned the bipartisan support led by the gentleman from Ohio (Mr. NEY) and the gentleman from (Mr. HOYER). The committee on which I sit, the Committee on House Administration, did bipartisan work on the Help America Vote Act of 2002, and it took a step in the right direction.

For the record, the chairman has also scheduled hearings to evaluate where we are and where we are going in the future so we can work in a bipartisan fashion on the Help America Vote Act and its future considerations.

Mr. Speaker, in 1974, Captain Hiroo Onada formally surrendered to the U.S. military forces. What made his surrender particularly unique is Captain Onada, who had already been declared legally dead for 15 years, was a member of the Imperial Army, still fighting a war whose outcome had been decided 29 years earlier.

Thirty years later, another contest whose results have been firmly decided is being waged not on some remote island, but in the halls of the United States Congress.

It is a sad day.

Mr. Speaker, President Bush won more votes than any candidate in America's history. His opponent conceded that victory long ago. The Ohio results have been certified, and one of that State's newspapers, the Dayton Daily News, reported last month that those advancing the wild-eyed conspiracy theories surrounding Ohio's electorate votes are ''speaking nonsense.''

Mr. Speaker, it is amazing to me that my colleagues on the other side of the aisle cannot accept the words of their very own candidate who said, ''We cannot win this election.''

The American people have spoken. I urge my colleagues on the other side of the aisle to open their ears and hear their voices; to join us in facing the challenges of the future rather than trying to change the past.

President Bush has been duly elected by the people of this great country, and

it is time for those who refuse to accept the American people's decision, if you will pardon the expression, to move on.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Ohio recount requested by the other party, has been completed and has been verified. In every area of Ohio, bipartisan county boards have verified the integrity of these election results. This is the true message to the world: our system works with integrity.

We keep hearing that Ohio's vote was rigged in some way. But this is not plausible when you have a system of 88 separate bipartisan county election boards. In Ohio, our boards take great pride in their administration of the election laws.

I urge the Congress to accept the votes cast today by the State of Ohio for President Bush.

Mr. BROWN of Ohio. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I do not question the outcome of this election. However, I do know that I stood in line for hours with voters trying to cast ballots, and since election day I have heard from dozens of voters, Democrats and Republicans, who lost their right to vote on November 2 in my State of Ohio.

For 8 years in the 1980s I served as Ohio's elected Secretary of State. During my term in office, we held and my office conducted two Presidential elections, two gubernatorial elections, and dozens of primary and special elections.

The role of the Ohio Secretary of State serves two main functions: to ensure everyone is confident that his or her vote will be counted and to encourage everyone to exercise that right to vote. Our Secretary of State this year failed on both counts. I speak from experience when I say the 2004 Presidential election in Ohio was riddled with unnecessary problems.

□ 1415

I visited four precincts in Oberlin, Ohio, outside of my district where I stood in line with voters, some of whom waited up to 6 hours to vote. I visited Hispanic and white working-class precincts, and I saw long lines everywhere I went. I received panicked calls throughout the day from voters whose polling places had broken machines and were being denied the right to vote. In the days leading up to the election, I witnessed reports throughout my district in northeastern Ohio of voters who had been told their voter registration could be invalid and that despite their efforts to register, they were not on the voting rolls. In far too many cases, their votes were not allowed.

Ohio voters should never again be forced to wait 3, 5, sometimes even 10 hours to cast a vote. Ohioans should never again, as too many people did this November, lose their right to vote.

But it is not just about Ohio; it is not just about who won and who did not. It is about our system of democracy. Mr. Speaker, I am saddened that no Republicans in this body are joining us today in acknowledging problems in Ohio and in working with us to fix those problems because, Mr. Speaker, defending the right to vote should be a concern for Republicans and Democrats alike.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, Ohio symbolizes that the Help America Vote Act fell short of the lofty goals set by this Congress. Ohio's Secretary of State, Kenneth Blackwell, a Republican, in a State in which all statewide offices are controlled by Republicans and, in our State legislature, Republicans outnumber Democrats two to one in both chambers, our Secretary of State repeatedly took actions to make it more difficult for as many Ohioans as possible to have their votes fairly cast and accurately recorded.

No national standards were set for voting equipment because the Bush administration appointed members of the Election Assistance Commission so late that their confirmation was nearly a full year later than required by HAVA itself. They had no time to recommend standards until it was too late, and those standards are still not in place today.

The Ohio Secretary of State tried to force county boards of elections to buy equipment that his own reports showed to be flawed. Federal dollars that this Congress appropriated to help modernize elections became stuck in Ohio between the Secretary of State's office and local boards of elections who were often in deep disagreement as to which machine standards were trustworthy.

Just prior to election, Secretary Blackwell continued to frustrate the enfranchisement of Ohioans with actions ranging from specifying paper weight standards for voter registration forms that even his own office could not meet, and then fighting the availability of provisional ballots right up until 3 p.m. on Election Day. In fact, people who had requested absentee ballots and had not received them were denied provisional ballots until a Federal court ruling that was issued at 3 p.m. on Election Day, after who knows how many Ohioans were denied ballots that they were prepared to cast for the candidates of their choice.

No one can change the outcome of this election; but believe me, hundreds of thousands of Ohioans do have questions about the way that this election was handled in Ohio, in a State in which the winning margin was only 118,000 votes. Implementing the actual intent of HAVA and amending it where necessary deserve the full investigation of this 109th Congress, and it ought to be our first order of business.

I commend the gentlewoman from Ohio (Mrs. JONES) of Cleveland who experienced these abuses in her area for bringing this to national attention. We are very proud of her. We are very proud of the Members who have chosen to join her. I would ask my Republican colleagues, starting with the Committee on House Administration, to join us in this effort to make HAVA really work as we approach the elections of 2006.

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

Mr. HAYWORTH. Mr. Speaker, I seek to be recognized for 5 minutes.

The SPEAKER. The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, this may be the most appropriate time to remind each and every one of us engaged in this debate that it is the hallmark of our constitutional Republic and our government to operate by the consent of the governed. And there is a corollary to that which we should likewise remember: in a free system where the people choose, it is also necessary for contestants who are unsuccessful to accept the verdict of the people. In our Republic there are majority rules, but the rights of the minority are protected.

Now, also understand what has transpired this afternoon. In what should be a reaffirmation of our constitutional Republic and the Electoral College, a Member has chosen to dispute the outcome of voting in the State of Ohio. Despite that fact, speaker after speaker on the minority side, including the leader from California, has said they accept the verdict of the election. Do not misunderstand, I say to my colleagues. This is a vitally important point.

The problem we confront with this debate is that it serves to plant the insidious seeds of doubt in the electoral process. All the talk of election reform, all the talk of hearings that the leader championed, all the process complaints, some that are inaccurate that have come from the other side, are points to be debated in the regular business of this House. Yes, they are important. But to disrupt the Electoral College, to say in effect, hey, we just want to shine light on this problem, is not the proper use of the people's time. And with all due respect, I question not the intent; but the net effect is this: again, it is to place doubt and to institutionalize forever the notion of grumbling and a lack of acceptance of the verdict of the people. In less elevated terms, Mr. Speaker, it is called sour grapes; and it is sad to see in this House.

Mr. Speaker, I would be remiss if I did not point out that this view is not

shared universally, despite the kind words for the Member who brought this from her friends on that side of the aisle. Listen to the comments from Kerry campaign spokesman David Wade: ''I'd give my right arm for Internet rumors of a stolen election to be true, but blogging doesn't make it so. We can change the future; we can't rewrite the past.''

Or Kerry spokesman Joe Lockhart on Election Day: ''We think the system has worked today. There were thousands of lawyers deployed to make sure that no one tried to take advantage or unfair advantage and, by and large, it has worked. I've seen very few reports of irregularities, and even the ones we have seen, after a little investigation, you find there is not much going on.''

And it bears repeating, even though he has spoken earlier today in Baghdad and made some comments I vociferously disagree with from a Member of the Senate going into a wartime theater, listen to the words of the nominee of your own party who lost the election, my friends on the Democratic side: ''But the outcome should be decided by voters, not a protracted legal process. I would not give up this fight if there was a chance we should prevail, but it is now clear that even when all of the provisional ballots are counted, which they will be, there won't be enough outstanding votes for us to be able to win Ohio and, therefore, we cannot win this election.''

Mr. Speaker, one of the virtues of our system is this: in America, there are never lost causes because, in America, there are never fully gained causes. That is why we have the electoral process. How sad the electoral process has been sidelined today for a publicity stunt.

Mr. KUCINICH. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today to join my colleagues in objecting to the certification of the State of Ohio's electoral votes.

Mr. Speaker, I rise today to join with my colleagues in objecting to the certification of the State of Ohio's electoral votes.

Unfortunately, last November in Ohio we witnessed many of the same irregularities that occurred in Florida in the year 2000 and which tainted the election results. That year, former Vice President Gore won the popular vote by over half a million votes but was denied an electoral victory because of voter irregularities.

As a member of the House International Relations Committee, I have monitored elections around the world, in remote nations like Namibia in Africa, and most recently in the disputed election in the Ukraine. Watching election coverage of our own elections here in the United States last November, I was shocked to see American voters facing greater obstacles than I have seen in third world countries. There were voters who waited in line over 10 hours to cast a ballot. For those standing in line, not only was this frustrating, it was also a particular hardship for older voters and for parents who had families waiting for them.

In addition to the unreasonably long lines at certain voting precincts, other problems included a large percentage of provisional ballot rejections, voting machine errors, and voter registration obstacles.

Mr. Speaker, as in the past, the most impacted voters are African Americans, Hispanics and other minorities. In Florida in 2000, minorities on their way to the polls were stopped at road blocks in their neighborhoods on the pretense that law enforcement officers needed to check vehicle inspection stickers. The wait was so long that many minority voters had to turn around and go home or to work. This is not democracy. This is how people lived under apartheid in South Africa.

Now we learn that in Ohio, more than half of the complaints about long lines came from Columbus and Cleveland where a huge proportion of the State's Democratic voters live. The House Judiciary Committee report details numerous problems and obstacles that Ohio voters faced. For example, a New York Times investigation revealed that Franklin County election officials reduced the number of electronic voting machines assigned to downtown precincts and added them to the suburbs. One entire polling place had to shut down at 9:25 in the morning on election day because there were no working machines. Does this sound like democracy?

Mr. Speaker, we have a responsibility to ensure that the constitutional right of every voter in this country is protected. We are raising this objection to try to ensure that our Nation takes action to ensure that what happened in Florida and Ohio will never happen again.

Mr. KUCINICH. Mr. Speaker, let us not denigrate factual concerns about the Ohio election by dismissing them as simply partisan. This is not about Democrat or Republican votes. It is not about red or blue States or black or white. It is about wrong or right. It is not about winners or losers. It is about protecting voting rights in our democracy against corruption.

Let us review just one of the very serious concerns with the Ohio election: voting machines were misallocated, causing voters to stand in line, in some cases for 10 hours. That denies voters equal protection of the law. In the State's capital, a shortage of voting machines in predominantly African American communities was created, even though the Secretary of State knew far in advance that 102,000 new voters were registered in that county alone. The misallocation of voting machines was estimated to have denied at least 15,000 people the opportunity to vote. Furthermore, the Secretary of State, who under Ohio law has a constitutional duty to ensure election laws are upheld, failed to issue guidelines under the Help America Vote Act for 2 years. Contrary to the spirit of HAVA, which is to encourage voting and to have every vote count, Ohio's top election official conducted the activities of his office in a most partisan manner, undermining public trust in the election. He sharply restricted the ability of voters to use provisional ballots. He endeavored to make it more difficult for lower-income people, who are more likely to move, to vote.

We know who won the election, but what the American people do not know is the extent to which voting irregularities in the State of Ohio deprived tens of thousands of my fellow citizens of their 14th amendment right to equal protection of the law and their constitutionally protected right to vote. The right to vote is expressly protected by the 15th amendment, the 19th and the 24th amendment, and the 26th amendment to the United States Constitution. It is that right which has produced our very presence in this Chamber. It is that right which binds us as a Nation, which creates the unity of States, which legitimizes the government, which enfranchises not just the people, but in which reposes the treasure of the American people, a government of the people, by the people and for the people.

People have marched for that right, have put their lives, their fortunes, their sacred honor on the line for that right, have died for that right; and the least we can do is show our commitment to protecting that right.

The outcome of the election will remain unchanged, but what must change is a system which denied citizens of a great State their opportunity to change the outcome. Election reform is our solemn duty. Our statements today show whether we intend to do that duty.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE) to continue this.

Ms. LEE. Mr. Speaker, let me say, first of all, that I rise to object to the certification of Ohio's electoral vote; and I want to thank the gentleman from Michigan (Mr. CONYERS), the gentlewoman from Ohio (Mrs. JONES), and Senator BARBARA BOXER for their leadership. We all know this is not deja vu. The Supreme Court did not appoint President Bush this time, as it did in 2000. But again, in 2004, the Democratic process was thwarted.

It is a fact that thousands of minority voters were disenfranchised before and on Election Day. The misallocation of voting machines, the restrictions of provisional ballots, the improper purging of voter rolls, the delays in mailing absentee ballots, the malfunctioning of electronic machines, the widely reported incidents of intimidation and misinformation in violation of the Voting Rights Act are all but a few examples of the widespread efforts to disenfranchise and suppress Ohio voters.

Let me tell my colleagues, my constituents in the Ninth Congressional District of California want democracy to work for all. Some say ''get over it.'' I will never get over the shameful stain

of the suppression of any American's constitutional right to vote. We must pass Federal standards to require a paper trail, insist on nonpartisan officials ensuring the process be moved forward for real, in a real way, and pass real election reform.

Mr. KUCINICH. Mr. Speakr, I yield to the gentleman from New York (Mr. NADLER), a great leader.

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

□ 1430

Mr. NADLER. Mr. Speaker, the right to vote has been stolen from qualified voters. Stolen through corruption, through political cynicism, through incompetence, through technical malfunction.

Despite the fact that the widespread and documented irregularities in the Ohio election have not been proved to change the outcome of the presidential election, the loss of the right to vote by so many is unacceptable.

Elections must not only be fair and honest, they must be seen to be fair and honest in order to maintain the legitimacy of our democratic institutions.

This year we have dodged a bullet. If the apparent margin of victory in Ohio were closer, the Florida 2000 fiasco would look like a picnic.

Mr. Speaker, normally the process of counting electoral votes is a purely ceremonial event. Normally it is a celebration of our democratic institutions. Normally it is a celebration of the rule of law and equal protection of all Americans under the law.

But we do not live in normal times. the right to vote has been stolen from qualified voters—stolen through corruption, through political cynicism, and through incompetence, through technical malfunction.

Regardless of the reason, the denial of the fundamental right to vote is a crime against our democracy, against our way of life, and against the most fundamental rights of every American.

Despite the fact that the widespread and documented irregularities in the Ohio election have not been proved to have changed the outcome of the presidential election, the loss of the right to vote by so many is unacceptable.

Elections must not only be fair and honest, they must be seen to be fair and honest in order to maintain the legitimacy of our democratic institutions.

This year, we have dodged a bullet. The disgraceful events in Ohio may not have changed the outcome of the election, but a closer vote could well have made this belief impossible. If the apparent margin of victory in Ohio were 30,000 or 40,000 instead of 118,000, we would now be embroiled in a dispute that would make Florida in 2000 look like a picnic.

What is at stake is our democracy. This is not about conspiracies, or phantoms. It is about the failure to count valid votes for invalid reasons. It is about disenfranchising thousands of voters by forcing them to wait on line 10 hours to cast their votes. It is about the co-chair of the President's reelect committee serving as the chief election officer for the state, and doing everything possible to prevent voters from voting. It is about voting machines that invalidate valid votes.

We are told to get over it. How do you get over having your vote stolen? How do you get over widespread disenfranchisement?

This Congress must fully investigate these allegations, and we must act to prevent these outrages from happening again. If these outrages were criminal violations of our laws, those responsible must be brought to justice. If they were not violations of the law, they ought to be. Our next election must not again steal people's votes.

My colleagues on the other side of the aisle should not let partisan politics stand in the way of an honest assessment of this election. They should not ignore what happened. However they vote today, they should commit themselves to a full and fair investigation. Anything less would suggest that they think there is something to hide. It would suggest that there is a partisan coverup.

We can do better. We must do better.

Mrs. MILLER of Michigan. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, the American people must be watching this debate and literally shaking their heads. With all of the challenges facing our Nation we are spending our time debating the challenge to the validity of the Presidential election simply because the Democratic Party cannot accept the fact that their candidate lost this election. They cannot accept the fact that their agenda, that their vision for America has been rejected by the majority of Americans. They cannot accept the fact that President George W. Bush simply received more votes than Senator JOHN KERRY.

This election was very hard fought on both sides. The American people have accepted the fact that it is over and they want this Congress to get to work and to work in a bipartisan way.

If this is a minority party's idea of bipartisanship, then let the people of our Nation see it for what it is. Because in the spirit of bipartisanship, the Democrats are asking us to overturn the Presidential election which President Bush won by over 3 million votes nationwide and by over 118,000 votes in the State of Ohio.

In the spirit of bipartisanship they say that somehow Karl Rove was manipulating votes from a secret computer in the White House and that somehow these secret computers were changing the votes on punch cards and optical scan sheets that record actual votes. This language is in their challenge.

How interesting, however, that their challenge as it talks about conspiracies in the State of Ohio, making allegations that have no basis of fact, their challenge is silent about an incident in Ohio where fraudulent voter registration forms were being submitted and the worker who collected them was paid in crack cocaine.

How interesting that their challenge does not mention the Democratic group ACORN which submitted vote registrations for dead people that used 25 different addresses for the same individual.

Mr. Speaker, before I came to Congress I served very proudly for 8 years as the Michigan Secretary of State where my principal responsibility was serving as the chief election officer. So I feel I have a little bit of background to make some observations about the election process. In fact, Michigan is recognized as a national leader on elections. We constructed the first statewide computerized voter registration list which precludes the possibility of anybody having more than one address or registering more than once.

In fact, I might add, I was very proud in my former capacity to receive the highest grade in the Nation of Secretaries of State for voter election reforms and that grade was given to me by the NAACP.

We are all committed to free and fair elections. We all want to make sure that every single vote is counted, that no different voter is disenfranchised.

I do remember clearly, however, how distressed I was in my former capacity to have to threaten the Detroit City Clerk, a Democrat, with court action if she did not comply with our State election law to make sure that every vote is counted, particularly minority votes. However, my dismay at seeing that none of the Members of the United States Congress here ever spoke out to protect the rights of their own constituents to be heard at the ballot box. There was no outrage. There was no indignation. And yet today we hear outrage based on fantasies and conspiracies.

Mr. Speaker, let me say that I am sincerely interested in undertaking the important work of the American people in truly a bipartisan manner. So I would ask that we might be spared from selective outrage, that we might be spared from the righteous indignation based on fantasy.

Mr. Speaker, the challenges to those votes in Ohio are turkeys. I think those turkeys should be given to someone else.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Speaker, when the processes that are meant to guarantee our freedoms are abused, they are weakened in meaning and the rights and privileges that they are meant to protect are placed in peril. Like the person who cried wolf for attention, who risked the safety of the herd by demeaning and diminishing the meaning of the alarm, the objecting Members today weaken the processes of objecting to a State's electoral votes and place in peril future real attacks on our voting rights.

If their goal today was to protect the right to vote, why object only to Ohio?

Why not pick a State that voted for JOHN KERRY? Because the objection today is not about protecting our right to vote. It is about undermining our election process and our President.

Mr. Speaker, we are asking people in Afghanistan and Iraq to risk their lives to vote, and today we hear complaints about the time it took to vote in free elections in the greatest democracy in the world.

My hometown newspaper in Dayton, Ohio said, ''What's not in order is the suggestion of some great fraud where there is none. Some people will take advantage of the inevitable flaws of elections to confuse other people . . . Those people do harm, not good.''

Mr. CUMMINGS. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, we must ensure that everyone has the right to vote and every vote is counted.

Mr. Speaker, I rise today to highlight the fact that too many Americans are being denied the right to vote in a fair, free and open election process. Every American citizen who wants to vote should be allowed to vote, and every vote must count.

Sadly, many voters in this nation believe their right to cast ballots for President, Member of Congress, Governor or countless other leadership positions has been undercut because of this nation's broken electoral system.

Today, the House of Representatives will certify the Electoral College's ballot electing the next President. While my first choice for this important job was Senator JOHN KERRY, I know that President Bush won this election.

This does not change the fact that around the country and particularly in the state of Ohio, many voters felt as if their vote was not properly counted. This feeling was particularly acute in more poor, urban and minority areas. Money, privilege, or geographic location should not make someone's vote count more than anyone else's.

In October 2002, Congress enacted the Help America Vote Act, which addressed many of those weaknesses. It created a new federal agency, the Election Assistance Commission, with election administration responsibilities. It set requirements for voting and voter-registration systems and certain other aspects of election administration, and it provided federal funding; but it did not supplant state and local control over election administration.

Yet, more needs to be done. We cannot have another election where tens of thousands of Americans feel as though their votes did not count or were counted improperly. We must continue to work toward a more perfect system. The Republicans control Congress, and their unwillingness to invest what it takes to correct our national electoral system is a disgrace.

Fixing the voting problems around the country will not be easy and will not be cheap. But a fair and open election is the bedrock of our democracy and what ensures a peaceful transfer of power. How can we ask Americans to respect the laws made in Washington if we cannot ensure them the lawmakers were elected fairly?

Today, American soldiers are being wounded and dying so the United States can spread democracy around the world. It is absolutely shameful that when these soldiers return home, they cannot even be sure their own electoral process is fair and accurate.

I realize that in the case of Ohio, the irregularities would not overturn the results of the election. Even Senator KERRY has conceded that and does not support this congressional motion. I, therefore, will vote against the motion, but feel that it is important today to highlight the very real problems we have with our electoral process—which must be addressed by this Congress.

Mr. CUMMINGS. Mr. Speaker, today this is not about overturning election results but reforming a broken election system.

Mr. Speaker, as I listen to my friends from the other side I become quite upset when I hear them say things like, we are trying to break down the election system, taking away from the credibility of our election system. Nothing could be further from the truth.

What we are trying to do is make sure that every single voter has the right to vote and that their vote is counted.

This is not a black and white issue. This is not a Republican/Democrat issue. This is a red, white and blue issue.

This Constitution that we base our country and our laws on, the fundamental things of that Constitution, that building block, is the vote; and when we take away that vote, then what we do is we basically are destroying our democracy. That is what this is all about.

I wonder, I really do, if it were your wife who was denied the right to vote or your child, would you be making the same arguments?

All we are saying is we want to make sure that if we have a broken system, if there is one person whose vote is not counted, if there is one person who does not have the right to vote, then that is one person too many. It is as simple as that.

So it upsets me that you keep saying these things about us denying Bush his opportunity to be President and all this kind of thing. That is not true.

What we are addressing is the fundamental right to vote. It is simple as that.

Mr. Speaker, I rise today to express concern for our nation's democracy. At its core, our form of government is based on the premise of "one person, one vote."

When you take away that right to vote or when you deny a cast vote from being counted, then you denigrate the building blocks of our great democracy and our Constitution.

We are not here to contest the election results, but urge election reform of a broken system.

In fact, today, we are reliving the painful experiences of the 2000 election.

Those problems included: outdated and unreliable technology, confusing ballots, lack of poll worker training, and inaccurate voting lists.

As a result, 6 million voters were disenfranchised.

We all remember that this disenfranchisement was most prevalent in Florida.

And here we stand again, four years later, to discuss flaws that led to a significant disenfranchisement of voters in the recent 2004 Presidential Election.

This is not an effort to overturn the results of the election. Rather, this is an effort to address the irregularities of the election and to fix our broken election system.

Although there were general reports of irregularities across the country, we must examine the prevalent problems that occurred in the state of Ohio, in particular.

There were numerous accounts of eligible voters—waiting on line for up to ten hours in the cold and rain—facing insufficient resources at polling places, voting machine shortages, the denial of provisional ballots, voting machine errors or tampering, and the intentional distribution of inaccurate information.

I think many of my colleagues find these irregularities appalling.

My friends of the House and Senate this is a red, white and blue issue; not black or white; not urban or rural; or even Republican or Democratic.

We must stand up to these injustices.

That is why, as a result of these irregularities, I believe these critical steps must be taken:

1. Congress needs to enact meaningful nonpartisan election reform—HAVA can and needs to be improved, particularly by providing for a verified paper trail for electronic voting machines.

2. Congress should engage in further hearings into the widespread election irregularities reported in Ohio and around the country to fix our piecemeal election system.

Our duty to uphold democracy in America is clear.

If even one American is denied the right to vote, or one vote is not counted, that is simply one too many.

I applaud the brave gentlelady of Ohio, STEPHANIE TUBBS JONES, and the equally brave Senator BARBARA BOXER of the State of California for raising this contest to the electoral votes from Ohio.

I leave this great Chamber with a fitting quote from Thomas Jefferson, "[It is] by their votes the people exercise their sovereignty."

Mr. Speaker, I yield to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, never have the issues been so clear as they are for all of us today. Our country is at war ostensibly to bring democracy to a far off country on the other side of our planet. At the same time, a significant chunk of the American people protest in their own humble ways for democracy at home. They see unequal protection of the precious right to vote blatant in Ohio but not only in Ohio; voting machines that cannot be trusted, casting votes for candidates not intended by the voter. That happened in my own race in my own State of Georgia.

Provisional balloting made absurd by seemingly purposefully drafted arcane rules that in some case rendered the right to vote moot; our democracy entrusted to privately owned software run on computers that can be hacked, that overheat, break down or have their batteries die in the middle of the voting process; and, moreover, voting on machines that do not even tell us after we have voted who it is exactly that our vote was counted for.

When Congress passed the Help America Vote Act, it hoped to correct the blatant irregularities and purposeful disenfranchisement that occurred in Florida in the 2000 election. It is clear from the work of the Committee on the Judiciary, the gentlewoman from Ohio (Mrs. JONES) and the tireless efforts of people across Ohio that this Congress has a lot of work to do.

Our Vice President has told to us expect war for the next generation. It is not only our responsibility but our right to demand full democracy at home, and we do that by our actions today. This is not merely about bitterness or a recount, this is about a blackout.

It is time to end the blackout and shine the lights on our precious right to vote.

Mr. CUMMINGS. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2 of last year point to an unresolved national crisis. The lack of a unified standard for all voters and all ballots casts in a federal election.

Congress must establish this standard with a verifiable paper or audit trail. It is the only way to ensure integrity of the federal election process.

Reports of voter intimidation, inadequate and malfunctioning voter machines, incompetent election judges and lines at the polling places in urban areas that lasted for many hours were widespread. These irregularities were compounded by the irresponsible conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's Presidential nomination.

Honorable colleagues, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2nd of last year point to an unresolved national crisis: the lack of a unified standard for all voters and all ballots cast in a federal election. Congress must establish this standard, with a verifiable paper or audit trail. It is the only way to ensure the integrity of the federal election process.

Reports of voter intimidation, inadequate and malfunctioning voting machines, incompetent election judges and lines at polling places in urban areas that lasted for many hours were widespread.

These irregularities were compounded by the irresponsible conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's presidential nominee.

Mr. DREIER. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have just listened to the remarks of my returning colleague from Georgia. I certainly welcome her back to this great deliberative body. She began, Mr. Speaker, by saying that we are a nation at war, and it is very clear that we are. We are in the midst of a global war on terrorism and the people who are leading that war on terrorism clearly have no confidence whatsoever in the process of self-determination. And that is why I think that this exercise which we are going through today clearly emboldens those who would, in fact, want to undermine the prospect of democracy because there is no evidence whatsoever, no evidence whatsoever that the claims that are being made are valid.

The vote in Ohio has already been recounted. There is no doubt President Bush won the election. He won with historic margins, and millions of first-time voters in Ohio were participating. JOHN KERRY has accepted this fact. Even those foreign officials who many of our colleagues invited to the United States as election observers have come to the conclusion that George Bush won the election.

We as a Nation are regularly encouraging elections all over the world. We just observed this amazing exercise that has taken place with the election of Viktor Yushchenko in Ukraine.

Now, it is true that no election is perfect. We have seen this since the beginning of our democracy. But small imperfections here and there do not a mass conspiracy make. In fact, we have had a number of people quoting newspapers. I am not an expert on the newspapers in the State of Ohio, but I have been told by more than a few people that the Dayton Daily News, which is sometimes named something else, actually endorsed JOHN KERRY and on December 3 they said the following: ''Some people will take advantage of the inevitable flaws of elections to confuse other people, to sow doubts. Those people do harm, not good. They undermine the legitimacy of every close election outcome.''

The fact is the system worked pretty well. People should know that. Now, that came from what I am told is one of the most liberal newspapers in the State of Ohio and a newspaper that endorsed JOHN KERRY.

□ 1445

I would respectfully suggest, Mr. Speaker, to my colleagues on the other side of the aisle, as well as those on the other side of the Capitol, that what makes our system great is our willingness to accept the legitimate results of an election, whoever wins, and move forward together for the good of the American people.

I would remind them once again, there is no evidence whatsoever to suggest that the results of this election were anything other than legitimate. We know how difficult it is to lose an election. I am here with my colleague returning also, Dan Lungren. He lost his first election in 1976. I lost my first election in 1978, and Dan likes to regularly remind me that he was the first one to come and campaign and encourage me to run again in 1980.

Losing an election is disappointing, no doubt about it whatsoever; but moving forward in defeat is just as critical to the integrity of our democracy as claiming victory itself.

It has been said that democracy still represents the best hope for mankind. Sowing seeds of doubt about a legitimately decided election threatens to unnecessarily dim that hope.

This objection is without any merit whatsoever, Mr. Speaker; and we should move on together as we look towards the inauguration which will be taking place on the 20th of this month and as we proceed to implement the agenda of the American people.

Mrs. DRAKE. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, I find it interesting irony in today's challenge to the legitimacy of President George W. Bush's election, the very partisans who fought against him the first time, arguing against his intelligence, political savvy and leadership abilities, are at this very moment accusing him of pulling off a major feat in tampering with and illegally affecting the outcome of the vote in Ohio. All of this he allegedly did without leaving a shred of evidence.

Mr. Speaker, I find an interesting irony in today's challenge to the legitimacy of President George W. Bush's election as President of the United States:

The very partisans who fought against him the first time, arguing against his intelligence, political savvy and leadership abilities are at this very moment accusing him of pulling off a major feat in tampering with and illegally affecting the outcome of the vote count in Ohio.

All of this, ladies and gentlemen, he allegedly did without leaving so much as a shred of evidence.

So I ask my colleagues who prefer to dwell on the past rather than fight for the future; who would rather level accusations than legislate; who would rather waste Congress's time and taxpayer dollars than work on providing health care, education and a strong military for America—I ask these colleagues, if reform is needed in Ohio, to work with their State legislature to create the best system possible and to join Senator KERRY in accepting the will of the American people.

Mr. JACKSON of Illinois. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, I want to be clear. Today's objection is not about an individual, but our institutions. It is not about Republicans, but our Republic. It is not about

Democrats, but our democracy. It is not about an election result. It is about an election system that is broken and needs to be fixed.

Today, we are hearing the facts about voting irregularities in Ohio. In 2000, we saw a similar mess in Florida and other States. As we try to spread democracy to Iraq and Afghanistan and elsewhere, it is prudent and appropriate and timely to examine our own democracy.

What is wrong with our democracy? What is wrong with our voting system? State after State, year after year, why do we keep having these problems?

The fundamental reason is this: Americans do not have the explicit right to vote in their Constitution. In 2000, the U.S. Supreme Court in Bush v. Gore ruled: ''The individual citizen has no Federal constitutional right to vote for electors for the President of the United States.'' So at present, voting in the United States is a State right, not a citizenship right.

Hence, our voting system is built on the constitutional foundation of States rights: 50 different States, 3,067 different counties, 13,000 different election jurisdictions, all separate, all unequal.

Consider this, if a person is an ex-felon in Illinois, they can register and vote. If they are an ex-felon in 11 States, mostly in the South, they are barred from voting for life. There are nearly 5 million ex-felons who paid their debt to society but are prohibited from ever voting again, including 1.5 million African American males; but in Maine and Vermont, a person can vote if they are a felon while they are in jail. Illinois, Florida, Vermont. Different States, different rules, different systems.

In contrast, the first amendment to the Constitution guarantees us an individual citizenship right, freedom of speech, freedom of religion, freedom of association; and we can travel between the States with such a fundamental right. However, when it comes to voting, a person does not have such a fundamental right. They have a State right. A State right is not a citizenship right, but a right defined and protected by each State and limited to each State.

108 of the 119 nations in the world that elect their public officials in some democratic manner have the right to vote in their Constitution, including the Afghan Constitution and the interim document in Iraq. The United States is one of eleven nations that does not have an affirmative right to vote in the Constitution. Should we not be the 108th nation that does just that?

The Bible says if we build a house on sand, when it rains, the winds blow and the storms come and it will not stand. Our voting system is built on the sand of States rights. Florida one year, Ohio the next year, and no telling what is happening in 2008 and 2012.

As a result, the American people are gradually losing confidence in the credibility, the fairness, the effectiveness and the efficiency of our voting system. So we need to build our democracy, not on HAVA Democrats, not on HAVA Republicans, but build our democracy on the fundamental individual guarantee in the Constitution that every citizen can rely upon in their Constitution.

We need to provide the American people with the citizenship right to vote and provide Congress with the authority to craft a unitary system from Maine to California so we do not have so many separate and unequal systems. Mr. Speaker, it is the foundation upon which we build a more perfect Union amongst the States.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Georgia, whose credentials on the question of voting are unparalleled and unmarked and unmatched in this Congress.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my colleague and friend for yielding.

The right to vote and to have every vote counted is precious and sacred. It is the heart and soul of our democratic process. We cannot be true to ourselves as a democratic society unless we get it right.

I think, Mr. Speaker, it is fitting and appropriate that we pause, that we have this discussion, that we have this debate, and that Congress hold further hearings on questions about the Presidential election in Ohio and elsewhere.

Our electoral system is broken, and it must be fixed once and for all. What happened in Florida in 2000 and in Ohio in 2004 tends to dramatize the fact that there is something wrong with our democracy. More and more of our citizens have grown uneasy.

I hear people on the other side saying we should forget it, we should get over it. How can we get over it when people died for the right to vote, where people suffered for the right to vote? The right of every vote to be counted must be upheld by this body.

Mr. JINDAL. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Louisiana (Mr. JINDAL) is recognized for 5 minutes.

Mr. JINDAL. Mr. Speaker, it is a great honor to address this House for the first time in my elected career. It is also with a heavy heart that I address this House.

I think that this debate diminishes this House. This was one of the proudest weeks of my life, when my father was able to see his son being sworn into this House, when I was able to bring my daughter to watch her father being sworn into this House.

As a son of immigrants, I take very seriously the freedoms and rights granted to us in this country, America, the greatest country in the world.

I think we diminish this House by the discussion that we are having. Let us be clear. We are not here at a congressional hearing. We are not hear to talk about improving our election procedures. We are hear to certify the results of this recent election. We are here to certify the fact that President Bush did, indeed, win the votes granted to him in the State of Ohio; did, indeed, win election across this great country.

In many ways, I am glad that my daughter and father are no longer here to watch this debate taking place in this House. Even CBS news has recognized the fact that President Bush has won this election. This is probably the only place left that is still disputing this election.

What kind of message are we sending out? What kind of message are we sending to the rest of the world where we bring democracy to every corner? Where we are trying to bring democracy, the right to vote to Afghanistan, to Iraq, to the Palestinian people, what message do we send when we stand up and say if you lose an election, if you do not like the results, you can always go to court, you can always hire an attorney?

This is the wrong message to be sending. This does not bring honor to this House. This does not bring honor to our democratic tradition. This does not bring honor to the history of a peaceful transition of power. This does not bring honor to those who have gracefully conceded before.

Indeed, in my own home State we had a congressional election decided by less than half of a percentage point, less than one vote per precinct. I want to stand up here and congratulate both the Democratic winner of that election, as well as his Republican opponent.

Mr. Speaker, I have got several remarks from several different editorial pages from the State of Ohio that say that we should not be having this discussion, that say that the votes were counted in Ohio. There is another place, there is another time to be having this discussion. Today is about certifying, accepting the results.

Two things that have been good that have happened today: one, I have heard many of my colleagues from the other side recognize our President as the rightful winner. I thank them for doing that. Secondly, before I yield the balance of my time to the gentleman from Ohio (Mr. TIBERI), I would like to say in Louisiana we make several jokes about the fact that in the past, distant past, people used to vote multiple times. We never, however, in the history of our State have ever had multiple counts of the same vote.

I would offer that this is not a good day for our country, not a good day for democracy; and we have stopped the acceptance of the certification of the votes.

Mr. TIBERI. Mr. Speaker, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Ohio.

(Mr. TIBERI asked and was given permission to revise and extend his remarks.)

Mr. TIBERI. Mr. Speaker, I am often asked in Columbus, Ohio, why it is so partisan here in Washington, D.C., and one wonders why 2 days after we get sworn in.

Mr. Speaker, I spoke with a board of elections official this morning in my district, a Democrat, who said that what we are doing today is, in her opinion, an insult to not only Democrat but Republican board members throughout the State. The bipartisan system that is in place in Ohio, not one board member has objected to the process in Ohio, not one.

Mr. Speaker, were there problems? Certainly, there were problems in Ohio. Were there long lines? Certainly. I stood in a long line in my area. The Columbus Dispatch reported there were long lines everywhere. In fact, in central Ohio, in Columbus, Ohio, the busiest places to vote were not in urban areas. They were in suburban areas.

All electoral votes in Ohio have said what we are doing today is wrong. In fact, the chairman of the Democrat Party in Franklin County, my county, has gone so far as to label the charges as a band of conspiracy theorists. I did not say that; he said that. By the way, Mr. Anthony, the head of the Franklin County Democrat Party, the head of the board of elections in Franklin County is also a union official, an African American and a good man.

Mr. Speaker, what we are doing here today, as the Cleveland Plain Dealer has said, is the election horse is dead. We are beating a dead horse. The election is over. Let us get on with it.

Ms. WOOLSEY. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE) for a unanimous consent request.

(Mr. PALLONE asked and was given permission to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for yielding, and I rise in support of the challenge to Ohio's electors.

After the 2000 Presidential Election we knew we had to make changes in our elections system so American voters were confidant that their vote had been registered and counted. The 2000 election taught us that many of our election machines were outdated, and unfortunately, some of our election officials served their political party over the voter who should have the right to vote on Election Day.

Three years ago, Congress approved landmark election reform legislation, the Help America Vote Act, that was supposed to fix many of the election problems we encountered in Florida and other States in 2000.

We've spent more than $3 billion over the last 3 years to correct the voting problems of the past, but despite all this funding we still heard horror stories of Americans in lower income and minority areas having to wait more than 4 hours to cast their votes because of the lack of enough ballot machines. We have to do more to ensure that every American has an equal chance to vote—meaning we need to make sure working election machines are available at all polling places.

The nationwide use of provisional ballots is a direct result of that legislation. The problem is that while Congress can require that States allow voters to use provisional ballots, it has little control over how election officials count those provisional ballots.

Ms. WOOLSEY. Mr. Speaker, this is the second Presidential election in a row in which serious, well-documented concerns have been raised about disenfranchisement and voting rights violations without any congressional investigation. This is the second time, and this time, it must be different.

The United States is supposed to be a beacon of freedom, the greatest democracy in the world. Yet we cannot seem to guarantee that the votes of our citizens are counted.

This past election there was everything from votes outnumbering voters in some precincts to blatant voter intimidation in other precincts. It is time that we investigate these serious violations because they are violations to our democracy.

There is an irony here, a very tragic irony. Yes, indeed, we are sacrificing American lives and billions of dollars to try to establish democracy in Iraq. Yet we cannot seem to get our own democracy in order right here at home.

This is not about which candidate won, which candidate lost on November 2. It is not about politics at all. It is about citizens and their most fundamental rights.

□ 1500

The recommendations put together by the minority Members of this House must be followed, and I look forward to working with them to ensure that our efforts to ensure every vote counts come together before the next election. And if we do not, why would any American bother to vote?

Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, we have preached democracy in Afghanistan. We have preached democracy in Iraq. Now the time has come for us to accelerate the process of more fully practicing what we preach.

I wholeheartedly endorse the democracy mission of America, but I am here today to beg the chosen decision-makers here in Congress to take a giant step forward to bolster America's world crusade for democracy. Today it is appropriate that we address our remarks not only to the citizens of America but also to the people of Iraq. Our efforts to achieve free elections in Iraq will be totally shattered if we want to propose today that Nation be divided into 30 or 50 units with each unit granted the power to determine its own election procedures, to select its own equipment, and to appoint its own administrators without any uniform national standards.

Our historic compromise granting certain powers to the State that was necessary for the birth of this Nation must no longer be used as an excuse for the abuse of the free and democratic election process here in America. The abuse in certain sections of the country, which once openly used violence and intimidation, were outlawed. All other abuses involving voter suppression and dirty tricks should immediately be made Federal crimes. Out of those who have fought in the past and those still on the battlefield for the cause of democracy, it is our duty to take the steps to escalate our momentum toward the attainment of a more perfect Nation.

Mr. Speaker, we have preached democracy in Afghanistan. We have preached democracy in Iraq. Now the time has come for us to accelerate the process of more fully practicing what we preach. Our great nation is the premium democratic government of the world and we are all proud of that fact. A unifying position of both Democrats and Republicans is that we support democracy everywhere. We believe that where there is democracy the people are inevitably better off. I wholeheartedly endorse the democracy mission of America. But I am here today to beg the chosen decision makers here in the Congress to take a giant step forward to bolster America's world crusade for democracy. As we strive for a more perfect union let us unite to end hypocrisy and to construct a more perfect one person, one vote electoral process.

Today it is appropriate that we address our remarks not only to the citizens of America but also to the people of Afghanistan and to the people of Iraq. We should begin by apologizing for this present electoral system, which undercuts the principle of one person, one vote. Our efforts to achieve free elections in Iraq would be totally shattered if we were to propose today that the nation be divided into 30 or 50 units with each unit granted the power to determine its own election procedures; to select its own equipment; and to appoint its own administrators without any uniform national standards. Our historic compromise granting certain powers to the States that was necessary for the birth of this nation must no longer be used as an excuse for the abuse of the free and democratic election process here in America. The abuse in certain sections of the country, which once openly used violence and intimidation, has been outlawed. All other abuses involving voter suppression and dirty tricks should immediately be made federal crimes.

For too long our nation has accepted as legal and has tolerated blatant sabotage of free elections. Florida offered abundant evidence of such sabotage in the year 2000. Now, in 2004, Ohio has produced a multiple list of irregularities and we are demanding a more thorough investigation. In Ohio the failure of 25 to 30 voting machines to operate correctly with one precinct recording a negative 25 million votes; and the forced waiting periods of three hours in the rain in African American neighborhoods, and ten hours at a polling site for college students; these are only a few of the outrageous examples of voter disenfranchisement in Ohio.

In honor of those who have fought in the past and those still on the battlefield for the cause of true democracy it is our duty to first investigate and then to legislate to overcome all of the poisoning obstacles which obstruct the consolidation of a more perfect national election process. This is a vitally necessary action which will escalate our momentum toward the obtainment of a more perfect nation. God bless America. And God bless democracy everywhere.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding, and I thank the gentlewoman from Ohio (Mrs. JONES).

Mr. Speaker, this is a sacred debate. This is not a frivolous time in our history. This is about avoiding the suppression of votes. Might I say when the people of Ukraine rose up against their flawed election, they understood what democracy is all about.

Mr. Speaker, I rise to object to the votes in Ohio. I rise under the Constitution of the United States in Article 4, 14 and 15. I argue the point that we have an inconsistent election, and I argue the point that we believe in democracy. The equal protection and due clauses of the 14th amendment of the Constitution operate to protect the rights of citizens to vote for the candidate of their choice.

Furthermore, the well-settled case on this issue, Reynolds v. Sims, states that ''the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.''

How would Members like to be in Ohio and be told that the election was on November 3, 2004, instead of November 2, 2004? The Constitution's due process clause requires fundamental fairness and that a State election official not employ vote-counting procedures that are so flawed.

Mr. Speaker, I believe that the American people value the value of one vote, one person, and all votes counted.

Mr. Speaker, I support the objection made as to counting the votes of the Electoral College from the State of Ohio in the name of the American people, the United States Constitution, in the name of procedural due process, and in the name of democracy. The Equal Protection and Due Process Clauses of the 14th Amendment of the Constitution operate to protect the rights of citizens to vote for the candidate of their choice. Furthermore, the well-settled case on this issue, Reynolds v. Sims states that ''the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.''

This is a sacred debate that is in no way frivolous use of the time of the Congress or of the tax dollars of the American people. Nor is this debate one that aims to overturn the 2004 presidential election. On the contrary, this debate is being made at the request and at the behest of the American people.

I will cast a protest vote today not only in the name of the integrity of the Ohio voting process but for the democratic process that is seriously flawed and that must be fixed.

The Court in that case also enunciated that ''undeniably the Constitution of the United States protects the rights of all qualified citizens to vote, in state as well as in federal elections . . . It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, . . . and to have their votes counted.''

Moreover, under the Equal Protection Clause, all methods prescribed by a legislature to preserve the right to vote must be effected and not thwarted as stated in Bush v. Gore in 2000. Reynolds and its progeny of cases added that votes that are cast must actually be counted under the Equal Protection Clause of the Fourteenth Amendment—applicable to the individual States.

In addition, Mr. Speaker, the Constitution's Due Process Clause requires ''fundamental fairness,'' or that a state official not conduct an election or apply vote-counting procedures that are so flawed as to amount to a denial of voters' rights to have their voices heard and their votes count. The First Circuit federal Court in 2001 held that where ''organic failures in a state or local election process threaten to work patent and fundamental unfairness, a . . . claim lies for a violation of substantive due process.''

As we look to reauthorize relevant sections of the 1965 Voting Rights Act (VRA), it would be an indictment of the election process itself if we fail to ask pointed questions as to the integrity of the Ohio election in 2004. This challenge is an absolute must relative to America's standing and reputation as a real democracy and as a center that promotes the sanctity of the right to vote.

Today's challenge in Joint Session forum aims to ensure the maintenance of the integrity of the voting process. I support my colleagues in challenging the mechanics of the Electoral College vote certification for its procedural value. This challenge represent our collective exhaustion of legal remedies on behalf of the American people—our constituents, for without this act, their voice remains muted. What my colleagues and I stand to achieve today is to raise the awareness of the American people as to the legitimacy of the democratic process and the absolute value of the notion of ''One person, One vote''. Our collective efforts may not net a different result in terms of the recent presidential election; but can and will affect future elections. On a global scale as the standard bearers of democracy this challenge can serve to provide a shining example of hope to the emerging democracies in Afghanistan and Iraq.

The exhaustion of all remedies available when there is any doubt as to the legitimacy of the overall process is one of the basic tenants upon which this country was founded. The duty to doggedly pursue a task to its ultimate conclusion is as applicable to the recent gubernatorial race in the State of Washington as it is in the democratic elections taking place for the first time in the Ukraine. In Washington State, candidate Dino Rossi declared victory after only a partial recount. However, after a full and fair recount, it was correctly determined that the Democratic candidate Chrisine Gregoire was the victor. A rush to judgment is never prudent. The transparency of process and convincing evidence of the true and correct outcome will preserve this institution we call democracy.

In the Ukraine, a new election was held when majority supporters protested and complained of fraud in the election that resulted in the surprising defeat of opposition leader Viktor Yushchenko. The second vote held revealed that Yushchenko had actually won by a significant margin. What underscores the critical nature of full and fair recounts when there is doubt as to legitimacy is the fact that while the first flawed election rendered Yushchenko a loser by three (3) percentage points, the revote rendered him a winner by eight percentage points. This is clear and convincing evidence. This is democracy.

Mr. Speaker, election processes, like legislation, are imperfect; therefore, we must use every opportunity and resource available to bring them closer to legitimacy and a truly representative nature. All evidence of voting irregularity and failure of votes to be counted is relevant and important to the achievement of this goal. This is democracy.

The hearings that we have held as a body within the House Judiciary Committee and the hard work that officials such as my colleague from Ohio, Ms. TUBBS JONES has done leading up to November 4 and well through its aftermath have yielded factual findings that suggest the existence of ample grounds on which to challenge the electors from Ohio as being unlawfully appointed. Our fact-finding has shown possible violation of 3 U.S.C. Section 5—which states that all controversies regarding the appointment of electors should be resolved six days prior to the meeting of electors (or December 7, 2004 for purposes of the current election) in order for a state's electors to be binding on Congress when it meets on January 6, 2005, to declare the results of the 2004 election.

Secretary of State J. Kenneth Blackwell and others appear to have intentionally delayed the initial certification of the electors until December 6, rendering a recount impossible by December 7—let alone by the December 13 meeting of Ohio's electors.

Today's debate is very important to document the serious election improprieties that occurred in Ohio and in other voter precincts around America. Some of the incidents that occurred include:

Insufficient resources allocated to poor and minority precincts, which resulted in unusually long lines which resulted in long waiting time;

Lack of a verified ''paper trail'' relating to electronic voting machines, thus failing the test of transparency;

Reports of Ohioans being told, incorrectly, that the presidential election was to take place on Wednesday, November 3, 2004, as opposed to Tuesday, November 2;

Denial of provisional ballots to voters;

Voter intimidation;

Voting machine errors or tampering;

Improper purging of eligible votes;

Fraudulent phone calls, fliers, and bulletins on official-looking letterhead;

Questionable vote recount in Ohio, about which the case Yost v. David Cobb, et al. is currently under litigation.

The American people deserve to have their voice heard and to have their fundamental rights advocated.

During this past pre-election period, I had the privilege of working closely with my constituents and with very efficient legal minds

that really care about making every vote count. A former staff member of mine, Attorney J. Goodwille Pierre, led an organization called Election Protection 2004 in efforts to educate voters on the best way to increase voter turnout.

Entities such as the Houston Black Lawyer's Association, the African-American section of the State Bar of Texas, Region 5 of the National Bar Association, and Election Protection 2004 combined to hold a lawyer training session on Texas election law on October 9, 2004. Over 200 lawyers attended and participated in this training session, and I feel that it was very effective in empowering the voters in the 18th Congressional District of Houston.

In addition, I worked with these groups to hold a public meeting of over 500 volunteers from all walks of life, which included over 100 lawyers, to discuss strategies on decreasing voter intimidation and implementing complaint mechanisms. I would like to thank Attorney John Strausberger from the firm of Weil, Gosthal, & Mangen for having given us the legal procedure backbone to our effort on a pro bono basis. I also had the opportunity to meet with the key election official for Harris County to bring her within arms-reach of these groups so that voter intimidation could be detected early and properly addressed.

I would also like to thank Ms. Barbara Arnwine of Lawyer's Committee on Civil Rights, Mr. Ralph Nease of People For The American Way, and Carmen Watkins and Unity '04-Texas for their leadership and extensive efforts.

Election Protection 2004 produced a report entitled ''Texas Election Protection EIRS Report.'' It revealed over 2,200 incident reports with over 1,500 having occurred on Election Day as compiled from poll monitors, on-line systems, and the 1–866–VOTE hotline.

A partial breakdown of the results showed my District, Harris County, as leading other counties with over 720 complaints. Among the key issues identified in the complaints obtained were:

(1) Confusion about how to implement provisional ballot requirements;

(2) A significant number of Harris County voters having not received absentee ballots;

(3) Apparent vote switching in Harris and Travis Counties on e-Slate voting machines associated with straight party voting;

(4) Stringent and obtrusive identification requirements;

(5) Voter intimidation; and

(6) Confusion among voters about straight party voting.

Mr. Speaker, the fact-finding made by the Committee on the Judiciary, my colleague from Ohio, my constituents and the constituents in many other districts makes it more than clear that additional and more focused hearings are required as to the irregularities in the Ohio presidential election and around the country. Furthermore, the election law requires reform in order to make voting more fair, consistent, and representative. We must lead by example. We must act in the true spirit of democracy.

Mr. KINGSTON. Mr. Speaker, I rise to request permission to address the House.

The SPEAKER. The gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Georgia (Mr. PRICE).

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding. I rise in opposition to the objection.

Mr. Speaker, as a freshman member I stood here with the rest of you two days ago taking an oath to preserve, protect and defend the Constitution of the United States. I couldn't be more proud and humbled to be a Member of the finest deliberative body in the Nation.

Having served four terms in my state Senate in Georgia in both the majority and minority—I have great respect for appropriate procedural objections.

However, political grandstanding during this vital electoral college ballot count is shameful and reprehensible.

What my new colleagues on the other side of the aisle are doing today is destructive of our system. To raise an objection for which many speakers on the other side have said they will oppose—only feeds unfounded discontent in the veracity of our great democracy.

I shall never lose my faith and pride in our great Nation and will fight vigorously and pray for our future at a time when some in the minority party put politics over people.

God Bless America.

Mr. KINGSTON. Mr. Speaker, we have been asked by our Democratic colleagues to take this objection to the vote today seriously. We have been told this is not frivolous.

Well, we have to ask, why Ohio? Why Ohio, the State that happened to put President Bush over the top? Why not Minnesota where KERRY won, where there were discrepancies and Democrat groups working inside polling places at polling booths? Why not New Hampshire where KERRY won where Democrat operatives allegedly slashed wheels of vehicles intended to take Republicans to the polls? Why not Wisconsin which KERRY won where Democrat operatives physically intimidated Republican voters? Or why not even Colorado where a Democrat worker with ACORN signed herself up to vote 25 different times? Or why not New Mexico where a 13-year old was registered to vote by the same Democrat front group? And why not some of the other problems that were going on in Ohio, why do we not talk about them?

For example, in Franklin County in Ohio where a dead person was registered to vote, or 25 addresses were submitted for the same man, why are they not concerned about that? Or why not raise a question about Lake County where a man who had been dead for 20 years was registered to vote?

Our Democrat colleagues do not seem to be concerned about that, and yet here is the serious charge of that complaint by Reverend Bill Moss: A, that there was a computer in the White House hooked up to voting booths in Ohio which was allegedly controlled by some super agent who could change the results of those elections in Ohio from 1600 Pennsylvania Avenue. I do not think even Hollywood would even buy into that;

B, there were numerous agents who were doing ''unidentified things'' to intimidate voters;

C, that a Democrat Supreme Court candidate received more votes than JOHN KERRY; therefore, the election is a fraud; and

D, because the exit polls showed KERRY was going to win, he should have won. The only thing that I know that are less realistic than exit polls are Godzilla movies, and yet that is what the basis of this attack was.

We have heard that many voters had to stand in line for 3 hours. My dad is 87 years old. He is blind. He is very inconvenienced when he votes. He has to have assistance, yet as a World War II veteran and survivor, he is proud to wait 3 hours to vote. He only wishes more of his peer group was alive to have the same honor.

Mr. Speaker, I yield to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, my colleagues across the aisle have two sides to choose from, the JOHN KERRY side that acknowledges the election is over and President Bush has won, or the Michael Moore side that defines democracy as Democrats going to the polls, and conspiracy as Republicans going to the polls. The election is over and the results could not be clearer. Why are we here wasting time on silly, Hollywood-inspired conspiracy theories? Well, since Hollywood likes conspiracy so much, here are some real facts.

On June 23, 2004, the Michael Moore movie Fahrenheit 9/11 premiered in Washington, D.C. According to U.S. News and World Report, the New York Times and the National Journal, one of the few Senators who attended its premier was Senator BARBARA BOXER. In his movie, Mr. Moore said it was shameful that not one U.S. Senator objected to the electoral vote in Florida.

Two days ago on January 4, 2005, the same Michael Moore published a new letter to Senator BOXER reminding them that they did not object to the electoral vote count 4 years ago, and he requested they rise and object to the vote count from Ohio today. Today, in fact, Senator BOXER objected to the vote count. Does Michael Moore and the people in the Michael Moore wing of the Democrat Party really think the American people and their elected representatives are so stupid that we could be tricked into objecting to these electoral results. Well, the answer, I think, is yes.

Michael Moore told a British newspaper, ''Americans are possibly the dumbest people on the planet. Our stupidity is embarrassing.'' In Germany, Mr. Moore told the German people, ''You can see us Americans coming down the street. We have that big grin on our face all the time because our brains are not loaded down.''

Regarding those who are now killing Americans in Iraq, Michael Moore said, ''The Iraqis who have risen up against the occupation are not insurgents or terrorists or the enemy, they are the

revolution, the minutemen, and their numbers will grow and they will win.''

Mr. Speaker, how many normal people in this country really believe that a terrorist like al-Zarqawi is the same as Paul Revere? I ask my colleagues to vote no on this objection.

Ms. WATERS. Mr. Speaker, I rise to request permission to address the House.

The SPEAKER. The gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I dedicate my objection to Ohio's electoral votes to Mr. Mike Moore, the producer of the documentary Fahrenheit 9/11, and I thank him for educating the world on the threats to our democracy and the proceedings of this House on the acceptance of the Electoral College votes for the 2000 Presidential election.

The Democratic Judiciary Committee Staff Report clearly establishes that the State of Ohio has not met its obligation to conduct a fair election. Ohio's partisan Secretary of State, Mr. Kenneth Blackwell, I am ashamed to say an African American man has failed to follow even Ohio's election procedures, let alone procedures that comply with Federal law and constitutional requirements. Our ancestors who died for the right to vote certainly must be turning over in their graves.

Mr. Speaker, I traveled to Ohio where the gentleman from Michigan (Mr. CONYERS) convened hearings, and I listened to citizen after citizen describe the Ohio election debacle. When there is a shortage of voting machines that leads to lines of up to 10 hours to cast a vote in precincts that are predominant minority and Democratic voters, forcing countless prospective voters to leave without voting, and where a number of Democratic precincts had fewer machines than were used in the primary election, despite the certainty of a much higher turnout in the hotly contested general election for President, it is clear that Ohio has failed to run a fair election.

When Mr. Blackwell arbitrarily and unreasonably refused to provide provisional ballots to voters who were in the right county but the wrong precinct, or to voters who requested but did not receive an absentee ballot in a timely manner, it is clear that Ohio has failed to run a fair election. When a county in Ohio shows more votes cast than registered voters, or when another Ohio county shows an underfunded Democratic State Supreme Court candidate getting substantially more votes than the well-funded campaign of Senator KERRY, it is clear that Ohio has failed to run a fair election.

When Secretary of State Blackwell refused to recognize thousands of new voter applications because they are not on postcard-weight paper, it is clear that Ohio has failed to run a fair election. And where Secretary Blackwell, in violation of his statutory duty to investigate election irregularities, refused to investigate or remedy any of the hundreds of cases of voter intimidations reported to him, it is more than clear that Ohio has failed to run a fair election.

Mr. Speaker, we are now over 4 years beyond the nightmare of Florida in the 2000 election. I chaired the Democratic Caucus Election Reform Committee. We traveled all over this country. We held hearings. I worked with Members of this House to pass HAVA, Help America Vote Act. Yet, is there anyone who can say we have a fair election system or this is the best we can do?

The 2004 election in Ohio and elsewhere revealed that enormous problems remain in our election systems and HAVA simply does not address those problems. It is stunning to me that in the 21st century we continue to use horse-and-buggy procedures to conduct our elections. It is amazing but true that in many jurisdictions we use more sophisticated technology to run the daily lottery than we devote to our election system. Incredibly even in those few jurisdictions that have moved to electronic voting to avoid the problem of chads and punch cards, we do not require a verifiable paper trail to protect against vote tampering. If an ATM machine can give each user a receipt that that user can reply upon, then a voting machine should also be able to give a receipt.

Mr. Speaker, the issue before us is not whether the problems in the Ohio election were outcome determinative, although they could have been, it is whether the State has met its obligation to provide every voter with an equal opportunity to vote and have his vote counted. We must not allow these egregious violations to be trivialized. There is no constitutionally acceptable level of inequality in access to voting in Federal elections.

Mr. Speaker, there is no conceivable justification for disqualifying a vote for President or Senator on the count that a legally qualified voter shows up to cast his vote in the right State but the wrong precinct. Why could we not count that voter's ballot? The voter's intent is clear. There is no question as to the voter's right to vote for the President of the United States or Senator. We can ensure that the voter does not cast a provisional ballot in more than one location.

□ 1515

Mr. BOEHNER. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, elections are divisive activities in our communities, in our States, and in our country. After an election, and after the divisiveness, there needs to be a period of healing to bring our communities, our States, and our Nation back together. I think JOHN KERRY was very graceful in his concession to George Bush to begin the healing process in our country so that when we the Congress come back to work, we have an opportunity to come back together to do the people's work.

That healing period over the last several months has been interrupted by an activity without merit. I think the proceeding today will cause great harm to this institution and great harm to our country at a time when we should be coming together to get ready to do the serious work the American people sent us here to do.

I regret that. The Constitution clearly gives the responsibility for running elections to the States. All the States have their rules and regulations. In Ohio we have heard clearly, it is a very bipartisan process, two Democrats, two Republicans in each of the 88 counties. I have not heard one election official in any of the 88 counties, Democrat or Republican, raise any concern about the outcome or the fairness of the election that occurred in their counties.

If we really want to have a debate about how elections are run, that debate ought to occur at each of the 50 State legislatures where they in fact ought to look at what happened in their State. They ought to be making adjustments. But the election officials are doing the best they can, and I do think that what is happening today is really an indictment of the good work of many of those people in our States.

So I would ask my colleagues, let us get this behind us, quickly; and let us come here to do what the American people sent us here to do.

Mr. Speaker, I yield to my colleague and friend, the gentleman from Ohio (Mr. OXLEY).

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of my good friend and colleague from Ohio. I am amazed at how many experts on Ohio election law we have in this Chamber. I had no idea that so many Members from all over the country would have such a working knowledge of the Ohio electoral process. My friend from Ohio and others have explained it quite well how we work very well on a bipartisan basis. Indeed, our election laws in Ohio are quite adequate to the task despite the fact that we had a huge number of voters, an unprecedented number of registrants, and some adjustments to the new voting system; but I think we, by everybody's estimation, did quite well.

I know my friend from Michigan had a tough November with the Buckeyes beating the Wolverines and, of course, earlier in November with the loss of his Presidential candidate; but we should not try to overturn the presidential race any more than we should try to overturn the outcome of the Ohio State-Michigan game despite what my friend from Michigan might want. This is a time, as my friend from Ohio said, for reflection, for healing, for getting on with the business of the Nation.

This exercise, unfortunately, has distracted our country from that worthy goal. For that, I am truly sorry.

Ms. KILPATRICK. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentlewoman from Michigan for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, whether we like it or not, on November 2 across America, tens of thousands of people were unable to cast their vote. Many voted and their votes were not counted. I rise to support the gentlewoman's effort from Ohio. I thank her very much. Our United States Constitution gives us the opportunity and the right to represent the millions of people that we represent daily to be on this House floor today. This is their right to speak through us on what happened to them on November 2. The rules of the House of Representatives allow us as elected representatives, representing 700,000 plus people apiece, the right to be on this floor at this time. This is the only way as we represent those people that we might express their dismay that they felt on November 2. As our leader said, this has nothing to do with overturning the election. This is why we are sent here to represent, and that is what we are doing.

Regardless of what we have heard the last hour and a half, we the Members on this side of the aisle object to the process that failed many Americans on November 2. Long lines, cold, in the rain. It was in Ohio that we talk today; but Michigan, a neighboring State, had many problems. I was in my voting area called down to count the votes after the polls closed. All day long we had reports of intimidation, of men in suits intimidating my voters, asking for identification every time they went to vote all day long. But they stayed in line, they pressed forward, and they voted.

Something was very wrong on November 2. When the polls closed at 11 o'clock that night, November 2, and we were there overlooking the vote, men in suits were touching my vote counters, touching our ballots. I went on TV, live TV, the 11 o'clock news and said, That is a felony. You cannot touch our counter. You cannot touch our voters. You cannot touch the ballots. It could have been Michigan, but you chose Ohio; and I am here to stand with you today.

Something is very wrong with our voting process. Every vote must count. Every vote must be counted. We have got to fix this, and I thank the gentleman from Ohio (Mr. NEY) for his efforts, but we have got more work to do.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, nothing is more critical to the foundation of our democracy than the guaranteed right to vote. In the 2004 Presidential election, there were voters in every State, including the pivotal State of Ohio, who were denied that right; and each time it happened, the foundation is weakened. That is why I join my colleagues today in objecting to the counting of Ohio's electoral votes. I commend my colleagues in this House of the people and the Senate who are raising this objection for their courage, and I am proud to join them.

There is little disagreement that irregularities did occur. The question is what are we going to do about it. It is simply not sufficient to tell the losers in this election to get over it, or to accuse them of sour grapes, or to say we are doing the best we can. It is our patriotic duty to stand up for every voter no matter his or her race or party affiliation and demand that Congress act to expand voter protection and guarantee voter rights.

Once all the facts are determined, a national demand for electoral reform must force Congress to finally finish the job begun under the Help America Vote Act, HAVA, including voter-verified paper trail. We cannot simply sit back and accept the results as if nothing happened or possibly illegal activities had taken place in precincts throughout Ohio. Those Ohio election officials who denied voters provisional ballots, a portion of the voting reform bill that I championed, must be held accountable along with those who allowed machines to be tampered with, eligible voters to be purged illegally, and voters to be intimidated.

This is our chance to demonstrate to our citizens and the world that Americans are constantly working to perfect our own democracy.

Ms. KILPATRICK. Mr. Speaker, I yield to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, just for history purposes, I think in the 1960s we might have heard the same thing when we had the Voting Rights Act that needed to be passed by this Congress.

I rise today to address an issue that is at the core of our democracy: our ability to ensure that each vote cast by an American is counted.

Voting irregularities have been a major concern in our country for decades In October 2002, this body passed the Help America Vote Act (HAVA) in order to eliminate voting irregularities and restore integrity and reliability to our electoral system. However, these new systems have not been without flaws. Software errors used in Florida's 2002 election lost over 100,000 votes, and at least 15 states, including Texas, reporting irregularities in their equipment throughout our most recent elections.

Under HAVA, this body provided billions of dollars to the states to replace old lever voting booths and punch card voting machines that produced the infamous "hanging chads" in Florida with more high-tech machines. However, this new technology conceals the most important part of the election process: the recording and counting of votes.

While there are no federal elections being contested in Texas, there are three State House elections that are being reviewed including one in my hometown of Houston. All of these election contests were brought by Republican candidates even though there are Republican county clerks and the Secretary of State is a Republican. While the process of contesting election results in our country is a peaceful process, I question how much faith the American people have in our ability to accurately report election results. Surveys leading up to the 2004 Presidential election indicated as many as 42 percent of Americans anticipated problems with our voting system and they were right.

I strongly belive voting standards should call for a paper trail in case a vote needs to be audited. Without such requirements, even having uniform standards would not enable us to accurately rely on a final vote count without a paper trail. Several states including my home state of Texas do not have the ability to print a ballot for verification purposes. The inability to conduct a complete audit of elections results is bad public policy and it's detrimental for our democrary.

Americans deserve the ability to confirm their vote and our democracy depends on the accuracy of our election process. It is time for this body to require that each voter receives verification that their vote was accepted and counted. No election is perfect, but we all deserve an election system that enables us to correct errors when they occur.

This country served as a guide to Afghanistan in their historic elections on October 4 of last year and now, we are assisting Iraq to make their first open election in history a success on January 30. If we are to serve as the world's model of democracy, we must ensure that every vote is counted, and if need be, is able to be recounted accurately and fairly. We cannot serve as the model of democracy if our own democratic process is flawed

Mr. PORTMAN. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

(Mr. PORTMAN asked and was given permission to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, Americans turned out in record numbers and their votes have been counted. President Bush won with more votes than any other Presidential candidate in the history of our great country. In Ohio, in fact, the votes were counted and then recounted, and President Bush won by over 118,000 votes in my State.

No election is ever perfect. They never are. But there is absolutely no credible basis to question the outcome of the election. That is what is going on here today. I heard my friend from Georgia (Mr. LEWIS) say, this is about the right for every vote to be counted. No one on this side of the aisle will disagree with that. We could not agree more. That is why we have HAVA. That is why we are going to refine it further. That is why we need to continue our work, as many speakers on our side of the aisle have said, to be sure that every vote is indeed counted.

But that is not what this objection is about. This objection from the other

side of the aisle, and I am going to quote one of my colleagues who said, it is about ''massive and widespread voter irregularities in the State of Ohio.'' Not so.

I also read in the challenge lots of irresponsible conspiracy theories about what happened in Ohio. I was there. It did not happen. I also heard today from the other side of the aisle that no one has answered any of these questions. That is wrong.

One of the concerns that has been raised time and time again, most commonly raised, is that in Warren County, a district that I represent and a city that I represent, that somehow there was not a fair election because people were locked out. Yes, the media was locked out in the Warren County board of elections. It happened. But here is Jeff Ruppert, a lawyer for the Kerry-Edwards campaign who was inside and saw nothing unusual: ''It was as clear and open as it could possibly be,'' he said. Other witnesses included, of course, the Democratic members of the election board and several Democrats who were hired to help count the votes.

As has been said time and time again in Ohio, we have got a pretty good system. It is totally bipartisan, two Democrats, two Republicans, every single board in every county of our 88 counties in our great State.

This is not the time, ladies and gentlemen, to obstruct the will of the American people. It is time to get our work done. It is time to govern, not to object. Let us be clear. This is not Americans forcing their will on the American people. This is the views of Ohioans that have been clearly expressed. Every objective observer agrees. In fact, every newspaper in the State of Ohio agrees. Every editorial page agrees.

We have heard some quotes today. Here is one I love from the Cleveland Plain Dealer. It says: ''The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are now turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by a handful of unrelenting zealots still ranting in the January rain 8 weeks after the election?''

Maybe we should look at some other States. Again in Ohio, President Bush won by over 118,000 votes. JOHN KERRY won New Hampshire, but by 9,200 votes. JOHN KERRY won Minnesota, but by only 98,000 votes. JOHN KERRY won Wisconsin, but by only 11,300 votes.

I want to thank my Republican colleagues today for not raising objections to those results in those States. We need to move on. I hope what we will do today, Mr. Speaker, is that we will vote overwhelmingly, Republicans and Democrats alike, just as the other body has just voted. I am told the vote was 74–1 to turn down the objection in the United States Senate. I hope we will come together as Democrats and Republicans today to vote down this objection, not to continue this cynical political ploy to try to somehow delegitimize the Presidency of the United States and his election, but rather to move forward and get on to the very important work that we have before us today.

Mr. Speaker, I yield to my colleague, the gentleman from Cincinnati, Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, let us face it. This is nothing more or less than an attempt to sow doubt on the legitimacy of this President. It is an attempt to weaken President Bush, and it is unfortunate because we have much work to do in this House and in the Senate putting this country on the right track.

On November 2, 2004, George W. Bush received a majority of the votes cast in this country, including the State of Ohio, the State that I happen to be a Member of this House. As a Congressman from Cincinnati, Ohio, I had an opportunity to go to dozens of polling places, both in urban areas in my city of Cincinnati and also in suburban areas. I have talked to many, many people; and most people agree that this election was conducted professionally and fairly and freely.

News sources reporting on the elections have said that few mainstream politicians doubt President Bush's victory. However, rather than certifying the 2004 election in accordance with the Constitution and Federal law and starting the work that we were elected to do, we are forced today to engage in essentially partisan debate by our colleagues across the aisle. That is most unfortunate.

A nonpartisan group such as electionline.org that pushed for election reform placed Ohio at the top of the list. Let us get back to our business.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Illinois is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the most basic and fundamental principles of any democracy are equal opportunity, equal protection under the law and guarantee of the right to participate, to have that right protected and to have that participation count.

Unfortunately in the last two Presidential elections, an increasing number of elections across the country are being marred with allegations of manipulation, chicanery, trickery, intimidation and outright illegal acts of fraud, thievery, and violence.

□ 1530

All of these acts and actions have served to undermine confidence in our electoral system, disrupt the process of normalcy, and are beginning to shake the very foundation of our democracy.

Mr. Speaker, Thomas Paine once said, ''The right of voting for representatives is the primary right by which all rights are protected. To take away this right is to reduce a man to slavery.'' Therefore, Mr. Speaker, based upon an inordinate number of allegations suggesting gross voter rights allegations and misconduct, I join with my colleagues and object to counting the State of Ohio's electoral votes and urge that we pass a strong Voting Rights Protection Act to guard against any further attempts to manipulate and erode our democracy.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me.

If we are the democracy we say we are, we must show it today by taking on the astonishing problems in our national system of elections that can no longer be blinked away. Ohio's often brazen irregularities bring forward this debate, but the Buckeye State is only the poster child for the nationwide system of voting that has been discredited in the eyes of millions of voters. I watched the long lines nationwide and here in the District with both exhilaration and pain, exhilaration that finally we were getting what we asked for, with so much enthusiasm for voting that people were standing in line the way they do for million dollar lottery tickets; pain that long lines would surely discourage many voters, particularly first-time voters, people of color, young people, and many others who wanted to believe that voting could matter in their lives. The long lines in the District were especially poignant because citizens were waiting for hours to vote for a Member of Congress who herself could not cast a vote for them in this House.

Ohio's close and contentious vote speaks for the country about virtually all the problems of the last election, from voting machine access to voting intimidation and the absence of national standards for the basics. It will take time and bipartisan determination to make us proud of our elections. Until then, one reform could begin the process of restoring confidence in our elections. If all else fails, voting machines, polling place controversy, confused or partisan election officials, a provisional ballot that, if valid, will count, can help heal voting flaws until we enact a real cure. We have got a failsafe for almost everything else, from bullet proof vests to backups for computers. Let us fix our system this year, including with failsafes for voting to save our democracy.

Mr. SCOTT of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, functional democracy requires that the citizens have confidence in an election process and of course confidence that all legitimate votes will be counted. Clearly the State of Ohio is not able to provide such confidence.

First, there is a significant unexplained, uninvestigated difference in exit polling results and the reported election results. There are specific unresolved allegations of other election problems, particularly the long lines in some precincts that were caused not because of an unanticipated voter turnout but because of insufficient voting machines in the precinct. Other allegations were widespread and none of these allegations was investigated.

I know, Mr. Speaker, that this objection is somewhat awkward because it does not have the apparent support for the candidate involved, but I believe it is our responsibility to ensure that election results meet the spirit and letter of our Constitution and that we have confidence in the process by demonstrating that voting schemes and irregularities are not ignored.

Mr. Speaker, I would hope that we would take this in consideration as we review this election return so that this does not happen again.

Mr. BUTTERFIELD. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from North Carolina is recognized for 5 minutes.

(Mr. BUTTERFIELD asked and was given permission to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, I rise in support of the challenge.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BUTTERFIELD. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleagues for this opportunity to debate this very important issue. In Ohio there is a bipartisan system at the county level. However, every board of election member serves at the behest or discretion of the Secretary of State, Kenneth Blackwell, who, in fact, was the co-chair of the Bush campaign.

I want to go on to say that, for example, Secretary Blackwell issued a directive to local boards of election mandating rejection of voter registration forms on 80-weight paper. He issued a directive which ultimately was reversed which resulted in confusion and chaos among counties with regard to provisional ballots.

But be that as it may, the objection today is raised because there are irregularities across this country with regard to voting and we as a Congress have an obligation to step up to the plate and correct them. All voters ought to be allowed to vote early. There should be established a national holiday for elections to bring attention to the importance of voting. We should require those working at the voting booth to be fairly compensated, adequately educated, and sufficiently supported such that the job importance will be elevated. We need to provide them equipment, whether it is punch card, electronic, whatever it is, that it be fully tested, fully calibrated, and that there be a paper trail.

What happened in Ohio may well have been repeated across this country; yet that is no excuse for us to push the irregularities behind us and go on with the business of the day. This is an important enough issue that all the people across America want us to address it, they want us to deal with it, and they want us to correct it.

I thank all of my colleagues for giving me an opportunity to be heard, for giving us an opportunity to address the issue.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BUTTERFIELD. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank all the Members of the House who have stayed here with us, who have participated in the debate, who have shared their views, as different as many of them are, because this is the way we work.

This debate, I think we all know, will not change the outcome of the November election. But we do know that out of today's debate, the Congress will respond to the challenge that has been raised here in connection with a better system of voting, not just for Ohio but for everywhere. A challenge has been raised here this afternoon to hold true bipartisan hearings to get to the bottom of not just what went wrong in Ohio but around the Nation on Election Day. This day, the first time in our history, that since 1877 this law has been used in which the Senate and the House have come together to say that an objection has enough merit to keep us here in this discussion.

Join us. Enact real election reform and give the citizens the right to an operative provisional ballot and give all voters a verifiable paper trail. We should never fear this debate in the Congress, and I hope that today we have a fair debate and that 4 years from now, Mr. Speaker, we have an election that all our citizens can be proud of.

Mr. DELAY. Mr. Speaker, I rise to claim the remainder of the time.

The SPEAKER. The gentleman from Texas is recognized for the remainder of the time.

Mrs. JONES of Ohio. Mr. Speaker, can I ask how much time that is?

The SPEAKER. In the tradition of the House, the gentleman from Texas will be heard for such time as he may consume.

Mr. DELAY. Mr. Speaker, what is happening here today is amazing but not surprising. Mr. Speaker, what we are witnessing here today is a shame. A shame. The issues at stake in this petition are gravely, gravely serious. This is not just having a debate. But the specific charges, as any objective observer must acknowledge, are not. That is because the purpose of this petition is not justice but noise.

It is a warning to Democrats across the country, now in the midst of soul searching after their historic losses in November, not to moderate their party's message.

It is just the second day of the 109th Congress and the first chance of the Democrat congressional leadership to show the American people what they have learned since President Bush's historic reelection, and they can show that, but they have turned to what might be called the ''X-Files Wing'' of the Democrat Party to make their first impression.

Rather than substantive debate, Democrat leaders are still adhering to a failed strategy of spite, obstruction, and conspiracy theories. They accuse the President, who we are told is apparently a closet computer nerd, of personally overseeing the development of vote-stealing software.

We are told, without any evidence, that unknown Republican agents stole the Ohio election and that its electoral votes should be awarded to the winner of an exit poll instead.

Many observers will discard today's petition as a partisan waste of time, but it is much worse than that. It is an assault against the institutions of our representative democracy. It is a threat to the very ideals it ostensibly defends. No one is served by this petition, not in the long run. And in the short term, its only beneficiaries are its proponents themselves.

Democrats around the country have asked since Election Day, and will no doubt ask again today, how it came to this. The Democrat Party, the party that was once an idealistic, forward-looking, policy colossus. The New Deal, the Marshall Plan, the Great Society, the space program, civil rights. And yet today one is hard pressed to find a single positive substantive idea coming from the left.

Instead, the Democrats have replaced statecraft with stagecraft, substance with style, and not a very fashionable style at that. The petitioners claim that they act on behalf of disenfranchised voters, but no such voter disenfranchisement occurred in this election of 2004 and for that matter the election of 2000.

□ 1545

Everybody knows it. The voters know it, the candidates know it, the courts know it, and the evidence proves it.

We are not here to debate evidence, but to act our roles in some scripted, insincere morality play.

Now, just remember: pre-election memos revealed that Democrat campaign operatives around the country were encouraged by their high command in Washington to charge voter fraud and intimidation regardless of whether any of it occurred. Remember, neither of the Democrat candidates supposedly robbed in Ohio endorse this petition. It is a crime against the dignity of American democracy, and that crime is not victimless.

The Democrat leadership came down to the floor and said this is a good debate; we ought to be having a debate on this issue.

This is not a normal debate. This is a direct attack to undermine our democracy by using a procedure to undermine the constitutional election that was just held.

If, as now appears likely, Democrats cry fraud and corruption every election regardless of the evidence, what will happen when one day voters are routinely intimidated, rights are denied, or, God forbid, an election is robbed? What will happen? What will happen when, God forbid, this quadrennial crying wolf so poisons our democratic processes that a similarly frivolous petition in a close election in the future is actually successful, and the American people are denied their constitutional right to choose their own President?

Mr. Speaker, Democrats must find a way to rise above this self-destructive and, yes, plain destructive theory of politics for its own sake. A dangerous precedent is being set here today, and it needs to be curbed, because Democrat leaders are not just hurting themselves. By their irresponsible tactics, they hurt the House, they hurt the Nation, and they hurt rank-and-file Democrats at kitchen tables all around this country.

The American people, and their ancestors who invented our miraculous system of government, deserve better than this. This petition is beneath us, Mr. Speaker; but, more importantly, it is beneath the men and women that we serve.

Mr. Speaker, I urge my colleagues, both Democrat and Republican, to do the right thing. Vote ''no,'' and let us get back to the real work that the American people hired us to do.

Mr. PASCRELL. Mr. Speaker, I strongly believe that every vote should be counted. There were obviously irregularities in the Ohio vote and I urge that they be thoroughly investigated by this Congress and the Department of Justice. We have an obligation to resolve the problems that have been documented. However, I would have voted against the motion because I do not believe this to be the proper occasion to address this important issue.

Ms. ESHOO. Mr. Speaker, the debate today is not about contesting the results of the last November's election. Today's debate cuts to the essence of our democracy—the founding principle of our country—the right to vote. Clearly, the right to vote is dependent on the assurance that all voters have access to the polls and that all votes will be counted. But since the presidential election in 2000 the American public has grown increasingly wary of the accuracy and integrity of our elections, and I applaud my colleagues for their efforts to bring focus to this issue. It's essential that we bring attention to the serious problems facing our electoral system.

It's up to Congress to restore confidence in our elections, and I call on all Members to make this a priority in the 109th Congress. The 2000 Presidential Election spurred a series of reforms, and Congress took important first steps to improve our system of voting. I was proud to cosponsor the Help America Vote Act, which did much to upgrade our electoral process and create national standards for conducting elections. However, I'm disappointed that subsequent efforts to increase the security and reliability of our Increased Accountability Act in the 108th Congress, I supported requiring verifiable paper trails for all voting machines, a step that would provide a significant boost to voter confidence and allow for expedited recounts. Unfortunately, this legislation was not considered prior to the 2004 election, and the House majority leadership refused to even bring it up in committee. This issue must be revisited and legislation should be promptly passed in the 109th Congress.

Democratic elections are the foundation of all democracies, and thousands of Americans have died—and continue to die every day—for the right to vote. The United States of America should set the standard for fair and accurate elections, and the reported irregularities tell us that we continue to fall short. One need not believe in conspiracy theories or maintain that the outcome in Ohio was invalid to recognize that we still suffer from serious shortcomings in our electoral process.

I urge my colleagues not to let this opportunity slip buy. We must promptly pass electoral reforms that will ensure that the results of our elections are beyond reproach and accepted by all voters.

Mr. STUPAK. Mr. Speaker, I regret that I was not able to attend today's vote regarding the objection to the November 2004 electoral college results in Ohio. This recorded vote was not expected and came up at the last minute. I was unable to return for the vote in time due to bad weather in the Midwest that resulted in more than 1,000 flights being delayed or cancelled. Due to the problem with flights and a prior family commitment, I was unable to travel back to Washington, DC from Michigan. Had I been in attendance I would have voted ''no'' on agreeing to the objection.

However, I have very serious concerns about the voting irregularities that occurred in Ohio. I believe those problems have not been properly addressed by Ohio's Secretary of State, who also served as the State's Republican Party leader.

It is my hope that these specific problems will be further investigated and that by the 2008 presidential election our Nation's electoral process will be more fair, more open and more accessible than it was in 2004.

Mr. MEEK of Florida. Mr. Speaker, Ohio was granted an opportunity today not afforded to my home state of Florida in 2000, and for that I am thankful. I express my gratitude to Congresswoman STEPHANIE TUBBS JONES of Ohio and Senator BARBARA BOXER of California for raising this objection, but I feel that we must now move past the documented voting irregularities that plagued the State of Ohio.

The purpose of this objection is not to change the outcome of the 2004 Presidential election, but to raise awareness to the difficulty faced by thousands attempting to cast their ballots for President in Ohio. Following the 2000 election, the people of America were promised sweeping electoral reforms aimed at preventing problems like those that happened in 2000, but those promises were only partially kept. This body let the voters of this country down, and we simply need more reform. There is still too much room for error in our election law and we must be earnest in addressing these lapses.

We know that elections are not perfect, but no American should be castigated for raising questions or concerns when valid voting problems arise. Only open debate on this issue will solve these problems; only accurate information will quell rumors and conspiracy theories that question our country's sacred democratic tradition.

As we are all aware, the former Soviet Republic of Ukraine's recent presidential elections were called into question. After the first vote, Members of Congress from both sides of the aisle condemned this election in a foreign country as fraught with irregularities and intimidation. Yet some of these same Members rise in apparent indignation when irregularities are discussed in our own elections in our own country. They do not want to talk about the voting problems in Ohio. Yet these problems are real, and they deserve the attention of the American people. They provide compelling reasons why the Congress must address election reform in the first session of the 109th Congress.

The Help America Vote Act of 2002 was a good start, a necessary first step, but it was inadequately funded and unevenly implemented. More attention is needed. We must ensure that all voting machines have a paper trail that will ensure a proper recount can be conducted. We must eliminate conflicts of interest among those who administer our State's elections. No Secretary of State should serve as a Presidential campaign State co-chair as was the case in Ohio this year and in Florida in 2004. We simply must have independence, uniformity and accountability in all elections across our great republic.

These lapses, inconsistencies, lack of resources and conflicts of interest are, Mr. Speaker, worth discussing.

Again, I thank those who brought this objection. These two Members of great courage and integrity have given this country a platform for reform. Only a proper review of our voting processes will stop these kinds of electoral abuses, and I urge the House leadership to make this effort an immediate priority of the 109th Congress.

Mr. SCOTT of Virginia. Mr. Speaker, a functioning democracy requires that the citizens have confidence in its election process, and of course confidence that all legitimate votes will be properly counted. We saw the importance of this principle in the recent Ukraine national election and in the Washington State Governor's election.

Clearly, the State of Ohio is not able to provide such confidence. First there is a significant, unexplained and un-investigated difference in exit polling results and the reported election results. Then, there are many specific, serious, unresolved allegations of voting irregularities in Ohio. For example, strong evidence exists to indicate that in some predominately Black precincts, voters had to stand in line to vote for as much as 10 hours due, not to an unanticipated voter turn out, but to a clearly insufficient number of voting machines at the precinct.

Other allegations include evidence that numerous requests for provisional ballots were improperly denied, that the counting of provisional ballots violated the Help America Vote Act and that there were over 90,000 ballots cast which were set aside as spoiled ballots without justification. Not one of these allegations was officially investigated.

Now I know that this objection is somewhat awkward because it does not have the apparent support of the candidate involved, but I believe it is our duty and responsibility to assure that election results meet the spirit and the letter of our Constitution and that we instill confidence in the process by demonstrating that voting schemes and irregularities are not ignored.

Mr. MEEKS of New York. Mr. Speaker, although I will not file an objection to the counting of Ohio's electoral votes, I rise today to acknowledge the voting discrepancies and irregularities that occurred in the State of Ohio in this past presidential election.

As is evident in my colleague JOHN CONYERS's voting rights status report, Ohio has failed to provide the opportunity for its citizens to have equal access and opportunity to cast their vote and have that vote accurately counted.

Many voters were denied provisional ballots and some eligible voters were improperly purged. Others were given erroneous information as to where and when they could vote. The State provided insufficient resources to minority precincts, resulting in long lines that caused delays up to 10 hours, forcing some voters to have to leave those lines to tend to personal obligations.

There were rampant incidents of voter intimidation, deceptive phone calls and fraudulent fliers on official looking letterhead.

The lack of a verifiable paper trail by some of the electronic voting machines contributed to a questionable vote count.

Clearly, Ohio's election officials, including Secretary of State Blackwell, have questions to answer regarding these disturbing irregularities.

How can we encourage free and fair elections in Iraq, a country that may soon become a fledgling democracy, when we can't ensure free and fair elections in America after 200 years of democracy.

As a Member of Congress it is my duty to uphold the right of the people to have free and fair elections of their government officials. It is my hope that this Congress will work together in the coming months to enact real election reform that will restore America's confidence in the electoral process.

Mr. MARKEY. Mr. Speaker, I thank Representative TUBBS JONES and Senator BOXER and Representative JOHN CONYERS for forcing this institution, and thus our Nation, to debate the quality of our democratic voting process and to consider whether it meets the expectations of its people.

If we are to form a more perfect union, we must dedicate ourselves to forming a more perfect voting process.

Four years ago, this Nation shuddered at the weakness of our ballot process, and vowed to improve it.

But in some respects, it was weakened further.

The ballot was weakened when votes were allowed to be cast without a printed record.

The ballot was weakened when the vote took so long that voters had to choose between voting and missing a day's work.

The ballot was weakened when provisional ballots were not honored.

We must confront the fact that electronic voting machines that do not provide a "print our" are a black hole.

We can do better. Our ATM machines give receipts in return for cash. It is clearly not a technological barrier to provide a receipt in return for a vote.

This is America. We are the incubator for democratic evolution. We are a beacon to the free world. Ohio had special problems this time, but they are problems we can fix, and when we fix them in Ohio, we will have made the progress in 2005 that we failed to make over the last 4 years.

I am voting to support this challenge to the certification of Ohio's vote as a legitimate and constructive beginning to a more perfect democracy and a more perfect union.

Mr. HOLT. Mr. Speaker, this debate is not frivolous. This is not about sour grapes. This is not about conspiracy theories. This is about the central act of democracy.

Here in the House of Representatives all members have been elected. Some of us have been elected in recounts.

What are recounts? They are independent checks of the tally.

Reliable knowledge is verifiable knowledge. As my colleagues know, I am a scientist. It is a principle of scientific thinking that one person's claim must be subject to independent confirmation or correction.

I agree with Senator JOHN KERRY. We should today award Ohio's electoral votes to President Bush. I believe President Bush got more votes in Ohio then did Senator KERRY. I believe it. I cannot confirm it. No one can confirm it.

Consider electronic voting machines. If there was an error between the voter casting the vote on the touch screen and the recording of an electronic signal in a memory bank, no one will ever know. It might be a software error; it would not necessarily be a malicious conspiracy. But if the vote is recorded incorrectly, no one will ever know.

I ask my colleagues, can anyone say he or she knows that the actual vote is what has been presented to us? The answer is no. None of us can say this knowledge has been independently verified. It is not reliable knowledge unless it is verified knowledge. This is not a philosophical fine point. Americans don't want to and should not have to take the results simply on faith. The electronic machines used in Ohio and most other States are not designed to be verifiable. Recounts are meaningless.

Self-government works only if we believe it does. A loss of confidence in our system is fatal to a democratic republic such as ours. That confidence has been eroded over the years and has taken some body blows in recent years.

We need a major effort to shore up our democracy.

Americans are a trusting people, but we demand evidence. We demand verification.

We are also a pragmatic people, and so we in the House will not upset the apple cart today. Without doubt we will endorse the electoral votes presented to us today. But we should not be satisfied. Republicans should not be satisfied. Democrats should not be satisfied. The reason is not that President Bush got more votes. The reason is that the knowledge of President Bush's majority is unreliable knowledge.

Anything of value should be auditable. Votes are valuable. Each voter should have the knowledge that the vote is recorded as intended. We are talking today about the heart of our democratic republic.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today, not with the hope of overturning an election, but with the hope of overturning a system that has for too long failed to guarantee every American their most basic right, the right to vote.

Our very democracy was founded on the essential right of citizens to have a voice in their government. As Members of Congress we are sworn to uphold the Constitution of the United States, which includes the 13th and 19th Amendments, and I am quite frankly saddened that such a debate today breaks down along party lines. Each and every one of us as Americans should stand to defend this right, to protect and guarantee that every citizen, black, white, male, female, Democrat or Republican, has the opportunity to cast a vote.

As representatives we should not fear the will of the people; we should not fear a debate here on the floor of the House seeking to shed light on and improve our voting system, rather we must fear any threat to our right to vote. We must take seriously any allegation that would deprive any citizen of this right, let alone the serious and widespread allegations that are being make in Ohio.

The debate today is not about the election of George W. Bush, rather it is about the integrity and the future of our voting system. Today we are challenging ourselves to do better. We are challenging ourselves to examine our voting system, to get to the bottom of what went wrong in Ohio and around the Nation on Election Day. We need to hold hearings. We need to conduct an investigation and we need to pass legislation that puts in place specific federal protections for our federal elections, especially in the areas of auditing electronic voting machines and casting and counting provisional ballots. We must be willing to hold the same light on our election system that we hold on nations such as Afghanistan, Ukraine, and Iraq. How can we serve as a model for democracy, when our own citizens lack faith in our democracy?

That is what today is about, restoring faith in our system. This can not be accomplished by simply accepting the status quo and allowing opportunities such as today to pass without objection. The only way to change an injustice is to stand against it. Mr. Speaker, this is why I rise today. We must not accept the status quo, rather we must challenge ourselves to do better. This is what we do as Americans and this is what I am challenging us to do today.

Ms. CORRINE BROWN of Florida. Mr. Speaker, in the aftermath of the 2000 election, in which my congressional district witnessed the discarding of 27,000 votes, I am displeased to see that the Congress is here again today, 4 years later, continuing to confront many of the same problems we faced in the previous election. Many Members of Congress here to voice their own concerns, as well as echo those of citizens across the county, are engaging in floor debate to publicly enunciate their doubts and worries with respect to the veracity and/or fairness of the 2004 election. The goal of my colleagues is not so much to systematically overturn the 2004 election results, but rather, to bring about honest and open debate today to the House floor. Clearly, a formal challenge to the election's outcome could not change the results, but what it can do is to at least force both Chambers to engage in open debate and

speak clearly about the serious flaws we have experienced in our last two presidential elections. I believe this debate is beneficial for our democracy, particularly in light of recent events that went on in my State in Florida, as well as apparent discrepancies in Ohio.

With respect to the Ohio vote count, I find the objections stated by my close friend and colleague, Congresswoman STEPHANIE TUBBS JONES, to be most disturbing. According to her press statement, among the numerous discrepancies in her state, perhaps the most egregious included: ''large percentages of rejections among provisional ballots, numerous problems with voting machines, and significant flaws in registration processes and procedures.'' These very serious concerns, I believe, deserve to be discussed and debated by the Congress, in an open public forum in full view of the American public.

In addition, I would like to enumerate numerous other discrepancies that were contained in a report put out by the Judiciary Committee entitled, Preserving Democracy, What Went Wrong in Ohio, about the 2004 elections:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters.

Mr. Blackwell's decision to restrict provisional ballots resulted in the disenfranchisement of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters.

Mr. Blackwell's widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party's decision to engage in preelection ''caging'' tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout.

The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of legal voters, who were not only intimidated, but became discouraged by the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges ''can't help but create chaos, longer lines and frustration.''

Mr. Blackwell's decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors.

There were 93,000 spoiled ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25 percent each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties throughout the state: (i) in Mahoning county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than voters in other precincts, and voters casting more than one ballot; (iv) in Butler county a down ballot and underfunded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of numerous irregularities in tallying provisional ballots and conducting and completing the recount that disenfranchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete):

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority

Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and Equal Protection Clauses.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide ''cheat sheets'' to those counting the ballots (Preserving Democracy, What Went Wrong in Ohio, A Report Put out by Democratic Judiciary Committee Staff).

Moreover, in my State of Florida, the problems that surfaced regarding the 2004 election related more to pre election irregularities. Examples are plentiful, examples include: Duval County, where I had to personally fight to get additional early voting locations in the county so citizens could vote early if they so desired; in Orlando, along with many of my Florida colleagues, I demanded a Department of Justice investigation into police misconduct and voter intimidation, in which the Florida Department of Law Enforcement officers intimidated elderly members of Orlando's black community, wherein armed plain clothes police in Orlando went house to house to question, or rather intimidate, dozens of elderly African American voters in their own homes. It is not surprising to me that many of the people that were questioned were volunteers in get out the vote campaigns. Lastly, we saw once again that the Florida elections supervisors were on the verge of incorrectly purging thousands of Florida citizens from the voting rolls, an action which fortunately was never completely carried out because of a CNN lawsuit requesting to see the names on their list.

Let us remember that during the 2000 elections, in my district alone (Duval County) there were approximately 27,000 ballots that were spit out by faulty machines. A disproportionately large percentage of these votes came from City Council Districts 7, 8, 9 and 10, primarily African American residential areas. Even more disturbing to me was that the Supervisor of Elections' office didn't release these figures to local officials until after the 72 hour deadline had passed. As a result, there were no legal avenues to demand a recount.

Moreover, it often goes unpublished that Florida Governor Jeb Bush spent $4 million of taxpayer money to purge a list of suspected felons from the rolls across the State: but whether or not this list was accurate was of little importance to Governor Bush. Apparently, it was the responsibility of the accused citizen to correct his or her status. Only later did we learn that the reason many of the people were incorrectly purged (estimates go as high as 50–57,000) was merely because their name was the same as, or similar to, one of the purged felons. For this reason, during the 2000 elections, some of the local election supervisors went so far as to refuse to purge names from the list of their voter rolls because, they argued, 'they did not have faith in how the state compiled its list of disqualified voters.'

Moreover, as part of a grassroots effort to encourage voters, particularly minorities, to get out to the polls, I organize motor voter drives. Yet during the last election, many voters, especially African Americans, were wrongly purged from registration lists, and many who had signed up at state motor voter vehicle offices never had their voter registration fully processed. As a result, these voters were disenfranchised as well. It is for this reason that provisional balloting is so important (wherein if a voter has not re-registered after moving within the same county, he or she may cast a provisional ballot at the polling place of their current residence). Unfortunately, to this day, the state of Florida STILL does not completely follow through with provisional balloting because, in Florida, if one casts a provisional ballot in a voter precinct which is not their own, their vote will be discarded.

To close, I reiterate that I strongly support today's Floor discussion, and pledge to continue to do everything within my capacity as a Member of Congress, and as the Democratic Party's Voting Task Force, to improve our voting system to ensure that everyone's vote is counted in future elections, and that our democracy remains just that, a democracy, not a plutocracy ruled by the elites.

Ms. MCKINNEY. Mr. Speaker, many have suggested that those of us committed to seeing a complete and accurate count of the Ohio vote in this past November's Presidential race should simply ''just get over it''.

Well this Member of Congress has sworn an oath to ''uphold and defend'' our nation's Constitution, and I do not believe that our commitment to Democracy is anything we should ''get over''. In fact, our commitment to democracy is something I believe we must deepen and

expand until this dream is transformed into a reality for every citizen of this nation.

But democracy is not to be achieved by an investment in the latest computer technology (even if computers can help us administer our elections). It is not achieved by rhetoric and flags, pomp and feel good myths of what a great nation we are.

Democracy will only be achieved by listening closely to the intention of the voters and hearing clearly from them what a great nation they wish this to be.

I'm afraid that has not happened in Ohio nor likely in other states this year.

Predominantly African-American precincts and campus precincts saw localized shortages of voting machines leading to long lines frustrating would-be voters who left for work without casting a ballot. Precincts in affluent, white and Republican suburbs did not suffer such problems.

Phone calls and fliers targeted African American voters sending them to vote on the wrong day at the wrong locations.

Long-time voters ''disappeared'' from voting rolls.

Voting machines ''defaulted'' to Bush votes regardless of which candidate the person voted for.

People were forced to vote provisionally if they were in the right county but the wrong precinct. Sometimes the right precinct was literally only one table away.

And as we did in Georgia—I'm sorry to say, too many voters in Ohio cast ballots on machines running trade secret protected, proprietary software, which produced no contemporaneously voter verified paper audit trail of their votes, leaving voters intentions subject to untraceable electronic manipulations.

The Green and Libertarian Presidential candidates demanded a recount because the stories of vote suppression and manipulation were so blatant. Three thousand volunteers and six thousands contributors came together to make that recount possible.

But Secretary Blackwell, charged with providing for free and fair elections for the people of Ohio fell short. While the law requires that precincts be selected randomly for spot checks, many counties hand-picked precincts in violation of the law.

Ohio law requires that a discrepancy between the machine count and the hand count in a spot checked precinct lead to a full recount by hand of the entire county. But these hand recounts were not conducted as required.

The integrity of the recount itself was put at risk by lax security for the ballots and the voting machines, which failed to maintain a chain of custody for election materials.

Credentialled observers were denied an opportunity to meaningfully observe the recount process, were threatened with eviction for asking questions and completed their work still unable to assure the voters that the certified results accurately reflected the collective intention of the voters in their counties.

The Ohio Secretary of State failed to provide adequate and uniform standards for the conduct of the recount.

Perhaps as disturbing as anything else, was that Ohio Secretary of State J. Kenneth Blackwell mixed his non-partisan duties to the voters of Ohio with his partisan duties as the co-chair of the his state's Bush Re-election campaign.

We need:

A Constitutional right to vote;

Uniform standards for the conduct of elections and recounts;

A contemporaneously produced voter verified paper trails for electronic voting machines;

An end to the use of trade-secret protected, proprietary software for voting machines;

Independent election commissions (or administrators) to oversee elections. (No campaign officials should ever again be placed in charge of counting or overseeing the vote); and

The abolition of the Electoral College, replacing it with popular vote using Instant Runoff Voting.

As can be learned at votecobb.ord, the recount documented wide spread evidence of fraud, the obstruction of legitimate votes (especially those cast by African Americans and young people), and computer voting machine manipulation. The Ohio recount was tainted by a lack of cooperation, the failure to follow consistent standards, and conflicts of interest by Republican election officials.

A constituent of mine from Chamblee Georgia wrote that ''If Senate Democrats remain silent on Thursday, and we see a repeat of their 2000 endorsement of a manipulated election, the Democratic Party will have abandoned all claims to be the opposition. Americans who care about democracy and fair elections should understand such silence as an endorsement of the kind of Republican election engineering we witnessed in Ohio and of the Bush agenda.''

The founders ratified our Constitution, but under popular protest very quickly adopted a set of amendments demanded by the people. Among those first changes to our governing Constitution were two Amendments designed to ensure that our nation would continue to serve the people of this nation. The First Amendment guarantees our right to petition, speak, write and assemble: in short to organize politically to change our form of government. The Second Amendment was adopted to ensure the ''security of a free State.'' If we cannot protect the sanctity of the vote and those First Freedoms, we risk leaving our citizens no choice but to reach for the Second Amendment in their own defense.

There have been 1,341 U.S. soldiers, including twenty-nine Georgians and two from my district that have so far lost their lives in our occupation of Iraq. I grieve with the families for their loss. But what are we to do when we attempt to export democracy abroad when we can't seem to even produce it at home.

Ms. MILLENDER-McDONALD. Mr. Speaker, today it is with a respect of my past ancestors that I rise to list my name with my fellow colleagues, who have come to address the disenfranchisement of many voters who were unable to cast their votes in the most fundamental exercise of democracy—voting for the President of the United States.

As the sole member of the Congressional Black Caucus and the only woman to serve on the Committee on House Administration, I have received numerous letters from constituents and citizens whose outcry is of faulty equipment and irregularities in this last Presidential election.

Mr. Speaker, the breadth and depth of what occurred in Ohio surrounding this past Presidential election is astounding and naturally calls into question the validity of our electoral process.

However, the larger picture requires that we must engage a debate of our voting process as it represents the bedrock of our democratic society.

The Judiciary Committee, under the request of Congressman JOHN CONYERS, found that voter registration applications were incorrectly rejected; registered voters were wrongfully purged from the rolls; inadequate numbers of voting machines were used resulting in voters waiting hours to vote; and voter intimidation and misinformation was insidious at voting sites. This caused the disenfranchisement of thousands of voters across the country.

Mr. Speaker, I represent the voices of my constituents in the 37th district of California who are calling on this Congress to fully fund the Help American Vote Act. I have also called on the President to fully fund HAVA to remedy the ill-fated processes and procedures that currently exist.

Our country cannot be seen as the example of democracy in the world when there are lines of voters wrapped around the corner unable to vote and exercise this fundamental right.

We must do everything in our power as a representational body to make sure that every voter votes and that every vote is counted. We must reform our election process so that the outcome of future elections will not bring us again to this same place.

I will continue to call for further hearings that will help alleviate the irregularities in voting, and put into action the implementation of voting best practices.

Ms. DEGETTE. Mr. Speaker, the American electoral system is the paragon of democracy for the world. Therefore, we must hold ourselves to the highest standards when we conduct elections. There can be no doubt about the outcomes, no questions about fairness or fraud. Where there is even a whiff of impropriety, we have an obligation to act, and in a bipartisan manner.

The fundamental underpinning of our democracy is our guarantee that every citizen has the right to vote. Over the last 225 years we have worked slowly, but steadily, to expand this right. We have corrected grievous injustices that once prevented too many of our fellow citizens from having a voice in our democracy. Despite these efforts, sadly, we have had serious evidence of improprieties in both of the last Presidential elections. In 2000, the disenfranchisement of Florida voters took that election all the way to the U.S. Supreme Court. The 2004 Washington State gubernatorial election took over 6 weeks to resolve, and the Ohio voting process gives rises to grave concerns.

In Ohio, and other states, voters in far too many precincts faced significant obstacles when they tried to vote. Ten-hour lines to vote, a lack of sufficient ballots, wrongly purged or inaccurate voter registration roles and miscalibrated voting machines are unacceptable. These actions not only call into question the integrity of our election results, they deprive individuals of the right to vote that too many people have fought and died to protect.

We should have learned our lesson after the 2000 election. I supported and co-sponsored strong voting reform legislation, including the Help America Vote Act. This was the most

comprehensive package of voting reforms passed by Congress since the Voting Rights Act of 1965. It marked a first step, but only a first step in modernizing our electoral process nationwide.

While Congress did pass legislation, the 2004 election shows that we have not gone far enough to restore integrity to the process. We cannot continue to ignore this problem. We cannot allow Americans to be unjustly deprived of our fundamental right to vote or of anyone to doubt the outcome of our elections. Congress must develop a comprehensive and bipartisan solution to the problems that still plague our system.

I commend the gentlewoman from Ohio for raising this issue, and commit to work with her and the rest of my colleagues in our continuing quest to assure that all Americans' votes are counted.

Mr. DEFAZIO. Mr. Speaker, as even the sponsors of today's challenge to the Ohio vote acknowledge, the protest is not intended to try to overturn the results of the 2004 election. President Bush won the state of Ohio and the popular vote.

However, like in 2000, the most recent election was marred by multiple irregularities, allegations of fraud, and technical challenges. Today's debate provides an important opportunity to discuss on the House floor our continuing concerns about the integrity of our electoral process, which has been called into question by the last two Presidential elections.

Others have mentioned many of the specific concerns about the process in Ohio. Many of these problems were seen in other states as well. In response to the widespread problems, I wrote to the Government Accountability Office in November requesting an investigation of these irregularities and a review of whether tougher federal voting standards are necessary to resolve them. While Congress did approve election reform legislation in response to the problems in 2000, more needs to be done to restore the integrity of the electoral process.

One of the most blatant shortcomings is the lack of a paper trail for many electronic voting machines. In 2003, I cosponsored legislation to rectify this problem. Regrettably, the Republican Congress refused to act on it. So we headed into this last election knowing that electronic votes could not be verified or recounted manually. Damaged machines and programming errors have actually expunged all records of votes in isolated instances. That is unacceptable. I will continue to pressure the Republican leadership to allow a vote on this issue.

In addition, I asked GAO to review the need for open-source computer code for these machines. The new technology must be accessible for review and audit. The voting public must be certain that the system cannot be manipulated, and that their vote is recorded properly and accurately regardless of what system they use.

And, I asked that the investigation review the need for uniform and simple standards for counting provisional ballots, registering voters, and identification requirements at polling places. I believe strong federal standards in these and possibly other areas are necessary for federal elections. The varied standards from state to state, and even within states, seriously endanger the integrity of our elections.

We need to insure the integrity of our electoral process is absolutely beyond question. Until we fix the problems mentioned today, we will never be able to say with confidence that every vote has been counted, and counted correctly and fairly. Election reform must be a top priority of the 109th Congress.

Mrs. DAVIS, of California. Mr. Speaker, the 2004 election is over, and the results are in. I am not here today to dispute which candidate won the election. I join my colleagues today in expressing concern, however, about the irregularities that have been documented from the election in Ohio.

Mr. Speaker, we can argue all day about what did or did not happen with the election in Ohio, the procedures that were or were not used there, or about the voting machines. The issue we are addressing today, however, is the fundamental right of every American to vote. I am not challenging the outcome of the past election today. What I am challenging is the fact there are people in America who have been denied the right to vote. And that, Mr. Speaker, is wrong.

People from around the world watched the State of Ohio with great interest on Election Day. Widespread reports of irregularities and waiting times in excess of 4 hours were extremely troubling to all of us.

I just returned from the Ukraine, where some of my colleagues and I had the privilege to observe the second election there. As we are all well aware, incidence of irregularities, voter intimidation and fraud during the first Ukrainian election were widespread and well documented. People from all over the world watched both of the Ukraine elections. And we have all been deeply moved by the success of democracy there. The triumph of the Ukrainian people's will has been profound.

Mr. Speaker, a success for the democratic process like the one we just witnessed in the Ukraine doesn't just happen on its own. It takes the courage and conviction of a country's citizens to rise up and challenge what they feel is wrong. If the people feel that irregularities or intimidation have taken place, they must stand up to it. They must shed light on it. They must insist it be prevented from ever happening again.

Much of the international community, including the United States, has contributed money, training and resources to help build democracy in countries like the Ukraine. Having the opportunity to go to the Ukraine, and to witness the process first hand, was an incredible experience for me and for my colleagues who were with me. To see the people in the streets, and to observe their profound sense of satisfaction with the election was very powerful. It was clear to all of us who were there that the Ukrainian people had come to believe that people truly are empowered to challenge injustices when they occur.

Mr. Speaker, I cannot escape the parallels we should draw between the issue we are addressing today and my experiences during the Ukrainian elections. In large numbers, the Ukrainian people took to their streets—not to support a particular candidate—but to support democratic principles and the right for each person's vote to be counted fairly and unencumbered. I am heartened that America has been able to offer assistance to countries like the Ukraine in establishing democracy. What we must realize, however, is that America may indeed have a few things to learn from their experience as well.

Mr. TIBERI. Mr. Speaker, I rise today to express my disappointment with where we are today and what this process has become. I'd like to start by pointing out just a few facts.

County boards of elections in Ohio are bipartisan—made up of two Republicans and two Democrats. These individuals routinely put in 12–15 hours a day for 3 months to oversee elections in Ohio. I've spoken with Democratic members of the boards of elections in the counties I represent. They too have expressed disappointment. In fact, not one board of elections official has raised complaints.

In fact, Franklin County Board of Elections Chairman William Anthony has gone so far as to label those making these wild charges ''a band of conspiracy theorists.'' By the way, Anthony is also head of the Franklin County Democratic Party. I know him personally, as I do others who serve on the boards of elections in the three counties I represent.

Democrat or Republican, they badly want their candidates to win. But above all else, they want to ensure that everyone eligible to vote has an opportunity to do so, and that each vote is counted accurately.

Were there problems? Certainly. Long lines, not enough voting machines, these are things we can discuss. But, we must also acknowledge that these are problems that occurred across the board—urban and rural, Republican and Democrat.

The Republicans and Democrats who served on each county board of elections decide on the placement of voting machines jointly. I don't think the Democrats would agree to a plan that would cost their candidates votes by shifting machines away from where their supporters cast ballots.

Second, there were lines everywhere because of unprecedented turnout. As The Columbus Dispatch pointed out after the election, the busiest places to vote were not in the urban areas of Columbus, but in the suburbs.

All editorial boards of the major newspapers in Ohio have said what we are doing today is over the line. From the Cleveland Plain Dealer, ''The election horse is dead. You can stop beating it now.''

Everybody talks about how partisan this town has gotten. I wonder why—look at how we're starting the 109th Congress.

In closing, I'd like to say a few words to boards of elections members—and all other elections workers—that they might not have heard recently:

Thanks. Your hard work is appreciated.

Mr. CONAWAY. Mr. Speaker, several members have mentioned the inconvenience that many voters may have experienced on voting day by having to stand in line to wait their turn to vote.

I want us to put that inconvenience into a proper perspective. It goes without saying we should eliminate any barrier to voting that we reasonably can eliminate. That said, one day last year the Afghan people got up early one morning, put on their best clothes and set out to vote for the first time. They left the safety of their homes to vote at the express threat to their safety and very lives. They were threatened with being shot and killed or maimed by bombs. In addition, many stood in line all day to vote.

I believe we should look to the Afghan people for an example of how to fulfill our responsibility to vote.

Mr. SHUSTER. Mr. Speaker, I've been rather mystified over the reaction to the recent election by many Democrats. Since the November election, when a political opportunity

arises, some on the other side of the aisle shout out words like "fraud" and "sham." If they aren't doing that they demean what the people in the red states did on Election Day and call them insulting names.

If this all seems to be the reaction of a shell-shocked party who has lost any vision and has moved to a vicious attack cycle—it is. The hard truth is that 58 million people voted for President Bush. And the even harder truth is that the majority of this country voted for President Bush, no matter how you try to confuse it. No proven allegations of fraud. No reports of widespread wrongdoing. It was, at the end of the day, an honest election.

My concern with this protest, is its overtly partisan nature. I notice that my colleagues are quick to criticize the vote in Ohio, a state that the President carried. Yet we have heard little about potential problems with voting in states that Senator KERRY won. Rumors of voter problems have been reported in states other than Ohio, including my own state of Pennsylvania. But the focus today seems to only be on a state carried by President Bush; and that leads me to believe that today's protest is about the outcome not about the process.

I believe a good deal of the reason for the last election is the failure of the left to produce a vision. And with an opportunity to regroup, take responsibility and work hard; they have walked away to the comforting shoulder of smear attacks.

I say let's move on to do what we were elected to do, make positive change in this country. It's time we put partisan politics behind us.

The SPEAKER. All time has expired.

The question is, Shall the objection submitted by the gentlewoman from Ohio (Mrs. JONES) and the Senator from California (Ms. BOXER) be agreed to.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PORTMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 31, nays 267, not voting 132, as follows:

[Roll No. 7]

YEAS—31

Brown, Corrine
Carson
Clay
Clyburn
Conyers
Davis (IL)
Evans
Farr
Filner
Grijalva
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick (MI)
Kucinich
Lee
Lewis (GA)
Markey
McKinney
Olver
Owens
Pallone
Payne
Schakowsky
Thompson (MS)
Waters
Watson
Woolsey

NAYS—267

Aderholt
Akin
Alexander
Andrews
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Etheridge
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Istook
Jindal
Johnson, Sam
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Spratt
Strickland
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—132

Abercrombie
Ackerman
Allen
Baca
Baird
Baker
Baldwin
Bass
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Capps
Capuano
Cardin
Cardoza
Coble
Cooper
Costello
Crowley
Cunningham
Davis (TN)
DeFazio
Delahunt
Doggett
Doolittle
Doyle
Edwards
Emanuel
Eshoo
Everett
Fattah
Flake
Forbes
Ford
Fossella
Frank (MA)
Gallegly
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Granger
Graves
Gutknecht
Hefley
Higgins
Hinojosa
Holden
Hoyer
Inslee
Issa
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kind
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Leach
Lofgren, Zoe
Lowey
Lynch
Maloney
Matheson
McCarthy
McDermott
McIntyre
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Moran (KS)
Neal (MA)
Ortiz
Otter
Pascrell
Paul
Pearce
Pickering
Rangel
Rogers (AL)
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Schiff
Serrano
Shays
Shimkus
Skelton
Slaughter
Smith (WA)
Souder
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Towns
Udall (CO)
Velázquez
Walden (OR)
Walsh
Weldon (FL)
Wexler
Wilson (SC)
Wynn

SWEARING IN OF MEMBER-ELECT

The SPEAKER (during the vote). Will the gentleman from Georgia (Mr. NORWOOD) please come to the well of the House and take the oath of office at this time.

Mr. NORWOOD appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Under clause 5(d) of rule XX, the Chair announces to the House that in light of swearing in the gentleman from Georgia (Mr. NORWOOD) the whole number of the House is adjusted to 430 Members.

□ 1702

Messrs. HALL, MORAN of Virginia and CUMMINGS changed their vote from "yea" to "nay."

Ms. MCKINNEY changed her vote from "nay" to "yea."

So the objection was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ABERCROMBIE. Mr. Speaker, due to official travel today with the House Armed Services Committee, I was unable to cast my vote on the challenge to the Electoral College tabulation of votes for President and Vice President of the United States. Had I been present, I would have voted to sustain the objection to the Ohio electoral votes.

Stated against:

Mr. PASCRELL. Mr. Speaker, I was unavoidably absent for the rollcall vote today on challenging the Ohio electoral vote. Had I been present, I would have voted "no" on rollcall 7.

Mr. WALDEN of Oregon. Mr. Speaker, I would respectfully request that today's RECORD reflect that I was in my home State of Oregon attending a longstanding official event

when I learned of the vote relating to Mrs. JONES of Ohio's objection to the certified results of the Electoral College balloting in the State of Ohio and was unable to return to Washington, DC in time for today's vote. I would like the RECORD to reflect that had I been present I would have voted "nay."

Mr. BERMAN. Mr. Speaker, I was unavoidable detained and therefore unable to cast a vote on rollcall No. 7. Had I been present, I would have voted "no."

Mr. SHAYS. Mr. Speaker, on January 6, I was conducting oversight in Southeast Asia of tsunami disaster relief efforts and, therefore, missed one recorded vote.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "no" on recorded vote No. 7.

Mrs. MCCARTHY. Mr. Speaker, because of illness, I was not present on the vote on agreeing to the objection on the Ohio electoral vote on January 6. Had I been present, I would have voted "nay."

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 7. Had I been present, I would have voted "no" on this measure.

Mr. STEARNS. Mr. Speaker, I was unavoidably detained and missed rollcall No. 7. Had I been present, I would have voted "no."

Mr. BASS. Mr. Speaker, on Thursday, January 6, 2005, I regrettably missed recorded vote 7. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. KIND. Mr. Speaker, unfortunately, I had to fly back to Wisconsin for a military funeral and missed rollcall vote No. 7.

The SPEAKER. The Clerk will now notify the Senate of the action of the House, informing that body that the House is now ready to proceed in joint session with the further counting of the electoral vote for the President and Vice President.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and RICHARD CHENEY for Vice President.

At 5:08 p.m. the Sergeant at Arms, Wilson Livingood, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left. Senators took seats to the right of the rostrum as prescribed by law.

The VICE PRESIDENT. The joint session of Congress to count the electoral vote will resume. The tellers will take their chairs.

The two Houses retired to consider separately and decide upon the vote of the State of Ohio, to which objection has been filed.

The Secretary of the Senate will report the action of the Senate.

The Secretary of the Senate read the order of the Senate, as follows:

Ordered, That the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and Richard Cheney for Vice President.

The VICE PRESIDENT. The Clerk of the House will report the action of the House.

The Clerk of the House read the order of the House, as follows:

Ordered, That the House of Representatives rejects the objection to the electoral vote of the State of Ohio.

The VICE PRESIDENT. Pursuant to the law, chapter 1 of title 3, United States Code, because the two Houses have not sustained the objection, the original certificate submitted by the State of Ohio will be counted as provided therein.

The tellers will now record and announce the vote of the State of Oklahoma for President and Vice President in accordance with the action of the two Houses.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Oklahoma seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 7 votes for President, and DICK CHENEY of the State of Wyoming received 7 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Oregon seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 7 votes for President, and John Edwards of the State of North Carolina received 7 votes for Vice President

Senator LOTT. Mr. President, the certificate of the electoral vote of the Commonwealth of Pennsylvania seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 21 votes for President, and John Edwards of the State of North Carolina received 21 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Rhode Island seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President, and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of South Carolina seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 8 votes for President, and DICK CHENEY of the State of Wyoming received 8 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of South Dakota seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and DICK CHENEY of the State of Wyoming received 3 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Tennessee seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 11 votes for President, and DICK CHENEY of the State of Wyoming received 11 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Texas seems to be quite proud in reflecting the regular form and authenticity, and it therefore appears that George W. Bush of that great State of Texas received 34 votes for President, and DICK CHENEY of the State of Wyoming received 34 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Utah seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Vermont seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

□ 1715

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the Commonwealth of Virginia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 13 votes for President and DICK CHENEY of the State of Wyoming received 13 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Washington seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 11 votes for President and John Edwards of the State of North Carolina received 11 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of West Virginia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Wisconsin seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 10 votes for President and John Edwards from the State of North Carolina received 10 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, you should be justifiably

proud that the certificate of the electoral vote of the State of Wyoming seems to be in regular form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President and DICK CHENEY of the State of Wyoming received 3 votes for Vice President

The VICE PRESIDENT. Members of Congress, the certificates having been read, the tellers will ascertain and deliver the result to the President of the Senate.

The whole number of electors appointed to vote for President of the United States is 538. Within that whole number, a majority is 270.

The votes for President of the United States are as follows:

George W. Bush of the State of Texas has received 286 votes.

JOHN F. KERRY of the Commonwealth of Massachusetts has received 251 votes.

John Edwards of the State of North Carolina has received one vote.

The whole number of electors appointed to vote for Vice President of the United States is 538. Within that whole number, a majority is 270.

The votes for Vice President of the United States are as follows:

DICK CHENEY of the State of Wyoming has received 286 votes.

John Edwards of the State of North Carolina has received 252 votes.

This announcement shall be a sufficient declaration of the persons elected President and Vice President of the United States for the term beginning January 20, 2005, and shall be entered, together with a list of the votes, on the respective journals of the Senate and the House of Representatives.

The purpose of the joint session having concluded, pursuant to Senate Concurrent Resolution 1, 109th Congress, the Chair declares the joint session dissolved.

(Thereupon, at 5 o'clock and 18 minutes p.m., the joint session of the two Houses of Congress dissolved.)

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, 109th Congress, the electoral vote will be spread at large upon the Journal.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and RICHARD CHENEY for Vice President.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE ROBERT T. MATSUI

The SPEAKER pro tempore (Mrs. BLACKBURN). Pursuant to House Resolution 11, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Honorable Robert T. Matsui:

The gentleman from California, Mr. STARK;

The gentlewoman from California, Ms. PELOSI;

The gentleman from California, Mr. GEORGE MILLER;

The gentleman from California, Mr. WAXMAN;

The gentleman from California, Mr. LEWIS;

The gentleman from California, Mr. THOMAS;

The gentleman from California, Mr. DREIER;

The gentleman from California, Mr. HUNTER;

The gentleman from California, Mr. LANTOS;

The gentleman from California, Mr. BERMAN;

The gentleman from California, Mr. GALLEGLY;

The gentleman from California, Mr. HERGER;

The gentleman from California, Mr. COX;

The gentleman from California, Mr. ROHRABACHER;

The gentleman from California, Mr. CUNNINGHAM;

The gentleman from California, Mr. DOOLITTLE;

The gentlewoman from California, Ms. WATERS;

The gentleman from California, Mr. BECERRA;

The gentleman from California, Mr. CALVERT;

The gentlewoman from California, Ms. ESHOO;

The gentleman from California, Mr. FILNER;

The gentleman from California, Mr. MCKEON;

The gentleman from California, Mr. POMBO;

The gentlewoman from California, Ms. ROYBAL-ALLARD;

The gentleman from California, Mr. ROYCE;

The gentlewoman from California, Ms. WOOLSEY;

The gentleman from California, Mr. FARR;

The gentlewoman from California, Ms. ZOE LOFGREN;

The gentleman from California, Mr. RADANOVICH;

The gentlewoman from California, Ms. MILLENDER-MCDONALD;

The gentleman from California, Mr. SHERMAN;

The gentlewoman from California, Ms. LORETTA SANCHEZ;

The gentlewoman from California, Mrs. TAUCHER;

The gentlewoman from California, Mrs. CAPPS;

The gentlewoman from California, Mrs. BONO;

The gentlewoman from California, Ms. LEE;

The gentleman from California, Mr. GARY G. MILLER;

The gentlewoman from California, Mrs. NAPOLITANO;

The gentleman from California, Mr. THOMPSON;

The gentleman from California, Mr. BACA;

The gentlewoman from California, Ms. HARMAN;

The gentlewoman from California, Mrs. DAVIS;

The gentleman from California, Mr. HONDA;

The gentleman from California, Mr. ISSA;

The gentleman from California, Mr. SCHIFF;

The gentlewoman from California, Ms. SOLIS;

The gentlewoman from California, Ms. WATSON;

The gentleman from California, Mr. CARDOZA;

The gentleman from California, Mr. NUNES;

The gentlewoman from California, Ms. LINDA T. SÁNCHEZ;

The gentleman from California, Mr. DANIEL E. LUNGREN;

The gentleman from California, Mr. COSTA;

The gentleman from New York, Mr. RANGEL;

The gentleman from Minnesota, Mr. OBERSTAR;

The gentleman from Massachusetts, Mr. MARKEY;

The gentleman from Michigan, Mr. KILDEE;

The gentleman from Michigan, Mr. LEVIN;

The gentleman from North Dakota, Mr. POMEROY;

The gentlewoman from Texas, Ms. JACKSON-LEE;

The gentleman from Texas, Mr. HINOJOSA;

The gentleman from Ohio, Mr. KUCINICH;

The gentleman from New Jersey, Mr. HOLT;

The gentlewoman from Ohio, Mrs. JONES;

The gentlewoman from Minnesota, Ms. MCCOLLUM.

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the objection of today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

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

H. Con. Res. 2. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ELECTION REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I said earlier, as I see my good friend and colleague on the floor, that this was a sacred and historic day, and I am gratified of the leadership of the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Michigan (Mr. CONYERS), my ranking member, who joined together with many of us in Washington and Ohio to acknowledge the sanctity and sacredness of the right to vote and the Constitution.

We did not stand in bitterness or opposition to a person. We did not stand to undermine the presidency of the United States of America. But what we did do was to stand to uphold the Constitution and our oath of office taken on January 4, 2005, and that was to uphold the laws of this Nation. I am grateful for this debate and the process of democracy so that the world can see in Afghanistan, Iraq, in Africa, South America, in Asia, and around the world that America stands for equality and justice. We have work to do, Madam Speaker. There is no paper trail in our process. There is an unequal system of justice of voting in the States. This Congress must work in a bipartisan way to reform the election system of America, and I ask my colleagues to do so.

□ 1730

AGREEMENT BETWEEN UNITED STATES AND RUSSIAN FEDERATION EXTENDING MUTUAL FISHERIES AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–5)

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:

Consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1999, with annex, as extended (the ''Mutual Fisheries Agreement''). The present Agreement, which was affected by an exchange of notes in Moscow on March 3, 2003, and January 30, 2004, extends the Mutual Fisheries Agreement to December 31, 2008.

In light of the importance of our fisheries relationship with the Russian Federation, I urge the Congress to give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 6, 2005.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BLACKBURN). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISSUES CONCERNING AMERICA AND THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Madam Speaker, I will begin my remarks as I started this morning and as I continued on the floor just a few minutes ago.

It is good to be an American, and it is certainly good to have Americans value their freedom, their justice, their democracy, and their Constitution.

I said earlier that the debate regarding the election of a President had nothing to do with any personal statement on the executive. But what it did have to do with is, I believe, a value for all Americans, and that is the value of valuing a vote; one vote, one person; one vote counted and not uncounted.

The reason why I rise is because I cochair the Afghan Caucus, and I was very proud to see the work that was done by all of those around the world that helped contribute to the election process in Afghanistan.

I was equally proud of those who have sacrificed their lives; those who tried to vote but were undermined by terrorists and others who were distracted away from the voting process. And even though there is much disagreement many times about the process, we welcome democracy; President Karzai now has begun to turn Afghanistan into a nation that welcomes the education of all people, that welcomes the empowerment of women and the protection of human rights.

So it is important today, January 6, 2005, to reinforce that for our Nation, for if we were to look at some of the infractions, in my own county, in Harris County, Texas, 270 voting failures; the lack of voting places and voting equipment; equipment breaking down; voter intimidation; voter suppression; equipment showing one name, as in my particular election of the Eighteenth Congressional District, constituents voting for me and my opponent's name showing up, who happened to be in the other party. So it is very vital, Madam Speaker, for us to take very seriously the democratic process.

Let me also say in the backdrop of a terrible tragedy in Iraq, and when I say tragedy, obviously what I mean is no reflection on the brave men and women who fight every day, those who I visited and those whose greetings I bring home to their families, but the tragedy of a misdirected war, a war based on weapons of mass destruction that did not exist, a war that was based on liberation, and we are still struggling for that, a war that is ongoing with no end in sight. We still are looking for an election on January 30 and hoping and praying that the Iraqi people will have the opportunity to take up their own destiny.

But that is why this day was so very important and why it was important for Members of Congress, not of any caucus or any one group, to be engaged in the debate and the democracy. I thank the two signers of the petition, as I indicated, the gentlewoman from Ohio (Mrs. JONES) and the Senator from California, Ms. BOXER.

But I also thank the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), for the insight he had; for the hearings I participated in in Washington and also the hearings that others participated in in Ohio. It allowed us to hear firsthand the pain of people who tried to vote and could not vote. It allowed us to hear firsthand about those who stood in line until 4 a.m., those who were turned away, those who had fewer machines in their community than those in anothers.

Madam Speaker, I think in this year we are to reauthorize portions of the Voting Rights Act of 1965. It is clearly urgent that we not disregard and disrespect the voting process.

Might I say that my heritage is one that is different from many Americans. My ancestors came here as slaves. When the Constitution was written, they were less than one person. It took constitutional amendments, the 13th, 14th and 15th, one to eliminate slavery, the others to provide equal process and equal protection and due process. And certainly it took the Constitution to acknowledge every citizen's right to vote.

Therefore, I do not take lightly the responsibility of fighting for voting rights, and that is why I stand today at the conclusion of this day to say to this House that we hope no one left here embittered, believing that this should not have been done; that I will get you in the appropriations process; I will make sure your bill does not pass; I will see you in the committee room.

I hope that does not happen, Madam Speaker. I hope that the collegiate response of the Speaker of the House, the gentleman from Illinois (Speaker HASTERT), who presided, who I give great accolades for his demeanor and temperament, I hope that will be the temperament of the Republican leadership throughout this body's time. I hope that individual Members will not take it personally. I hope that they will not undermine their oath of office and demean the dignity of this place by punishing people for utilizing democracy.

Then I would simply say that in the backdrop of the tragic loss of our good friend and colleague, Bob Matsui, and the passing of our former colleague, Shirley Chisholm, two Members that were so different in time and age but yet represented the focus of this body, and that is representing the people, today we attempted to represent the people. We represented people not only in Ohio, but where people felt they were disenfranchised all over the Nation. So in that representation, I am proud.

As we look to the future and the backdrop of the tragedy that is going on in Asia, people now who have no places to live, no places to vote, no places to eat, no places to go and get medical care, no places to be educated, we in America should be highly grateful for what has transpired in this country on this very day.

As we do so, might I say that I congratulate those who are now engaged in the humanitarian help going on for the tsunami victims.

I would also like to applaud the efforts of a group that has founded itself in Houston, Houston's Solution for Tsunami Victims. There are many other groups that have formulated in Houston as well, but this group in particular came together in less than 48 hours after the tragedy, and they are representatives from Indonesia, Sri Lanka, Bangladesh, Vietnam, India, Pakistan, Thailand and all over our community, those who came together to find out what they could do.

I am gratified that on this Sunday they will come together again. January 9, 2004, we will be at the University of Houston Wellness Center in Houston, Texas, inviting all the community to come out and provide medical relief and as well to save the children by providing diaper items and bottles and other dry items for children who are in need in these devastated areas.

I look forward as well to joining my colleagues in visiting Sri Lanka in the days to come and hopefully bringing a sense of hope to the people who are now hopeless.

This is an important democracy in which I stand in the most powerful lawmaking body in this Nation.

I am gratified to able to stand here, one, to salute the process today that was one founded in democracy, equal protection and due process; but I am also very grateful to stand here today to salute America and all of those who have risen to the occasion in aid of those in the Asian area that are suffering from the tsunami devastation.

I will also make mention of the legislation that is now gaining great bipartisan support, the temporary protective status to be given to those nationals from those areas so devastated who are not able to go back and their legal documents are expired. I hope we will move swiftly on that legislation, because it will add to the humanitarian stance of the President of the United States, the Secretary of State, the United States Congress, and the American people.

We all can do better, and we can do better united together. I want to applaud Houston's Solution for Tsunami Relief Victims. I want to applaud all of the relief efforts going on around the Nation and all of the international aid groups in the United Nations for rising to the occasion.

As I close, let me admonish those who are participating in this relief effort that this is a short-term stance that we are taking right now. We will need a long-term investment. The $350 million that the United States has offered, it may not be enough; and I hope this Congress will rise to the occasion and make it sufficient.

On that, let me say, Madam Speaker, I am grateful that we have a Constitution that allows me to speak under the first amendment. I am grateful that we have a process that allows democracy to follow through today. I am more grateful that we have a large heart in the United States that is drawn together from every nook and cranny, every hamlet, every city, every rural area, that is now participating in this massive relief effort for those so devastated.

Let me also ask for prayers for families who have lost loved ones, including those Americans that have now died, and let us ask for prayers for those who are now suffering. We hope that we can stand in the doorway and prevent more disease and more death that may come from this terrible disaster.

I ask as I go to my seat that God bless the United States of America, God bless this process, and God bless those that are suffering today in the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of duties in the district.

Mr. KIND (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of important business in the district.

Mr. STARK (at the request of Ms. PELOSI) for today on account of escorting the Matsui family to Sacramento, California, where the late Honorable Robert T. Matsui will lie in state in the California State capitol.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of travel problems.

Mrs. TAUSCHER (at the request of Ms. PELOSI) for today on account of official business.

Mr. WYNN (at the request of Ms. PELOSI) for today on account of personal reasons.

Mrs. BIGGERT (at the request of Mr. DELAY) for today on account of official travel overseas.

Ms. GRANGER (at the request of Mr. DELAY) for today on account of being out of the country on official business.

Mr. SHADEGG (at the request of Mr. DELAY) for today on account of a death in the family.

Mr. SHIMKUS (at the request of Mr. DELAY) for today on account of his traveling with a congressional delegation to Jordan.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONYERS and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $5,867.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Madam Speaker, pursuant to House Concurrent Resolution 2, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to House Concurrent Resolution 2, 109th Congress, the House stands adjourned until 10 a.m. on Thursday, January 20, 2005.

Thereupon (at 5 o'clock and 42 minutes p.m.), pursuant to House Concurrent Resolution 2, the House adjourned until Thursday, January 20, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

101. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorothalonil; Re-establishment of Tolerance for Emergency Exemptions [OPP-2004-0409; FRL-7691-1] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

102. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerance [OPP-2004-0394; FRL-7689-7] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

103. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Pesticide Tolerance [OPP-2004-0042; FRL-7691-4] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

104. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Amendments to the Size Thresholds for Defining Major Sources and to the NSR Offset Ratios for Sources of VOC and NOX [RME R03-OAR-2004-DC-0001; FRL-7855-3] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

105. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of Minor Clarification to Municipal Regulations [RME R03-OAR-2004-DC-0002; FRL-7855-1] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

106. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule [R03-OAR-2004-DC-0003; FRL-7853-9] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

107. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Consumer Products [R03-OAR-2004-DC-0006; FRL-7854-7] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

108. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Mobile Equipment Repair and Refinishing [R03-OAR-2004-DC-0008; FRL-7852-6] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

109. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Portable Fuel Containers and Spouts [R03-OAR-2004-DC-0004; FRL-7853-5] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

110. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Solvent Cleaning [R03-OAR-2004-DC-0005; FRL-7853-3] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

111. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of the Control of VOC Emissions from Municipal Solid Waste Landfills in Northern Virginia [R03-OAR-2004-VA-0005; FRL-7853-7] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

112. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule [R03-OAR-2004-VA-0004; FRL-7853-1] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

113. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipments Leaks [OAR-2003-0023; FRL-7852-3] (RIN: 2060-AK49) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

114. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: 1-Hour Ozone Maintenance Plan Update for Edmonson Area [R04-OAR-2004- KY-0001-200425(a); FRL-7848-9] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

115. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [R07-OAR-2004-MO-0004; FRL-7850-3] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

116. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL-7849-9] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

117. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Process for Exempting Critical Uses from the Phaseout of Methyl Bromide [FRL-7850-8] (RIN: 2060-AJ63) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

118. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards [OAR-2003-0061; FRL-7856-1] (RIN: 2060-AM04) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

119. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Recodification and SIP Renumbering of the New Mexico Administrative Code for Albuquerque/Bernalillo County [NM-44-1-7603a; FRL-7856-3] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

120. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Victoria County Maintenance Plan Update [R06-OAR-2004-TX-0003; FRL-7856-7] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

121. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual inventory of U.S. Government-sponsored international exhanges and training programs, as well as the FY 2004 report on the activities of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG), pursuant to Public Law 87—256, section 112(f) and (g) 22 U.S.C. 2460(f) and (g); to the Committee on International Relations.

122. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

123. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

124. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

125. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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128. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

129. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

130. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

131. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

132. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

133. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

134. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

135. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

136. A letter from the Director, National Gallery of Art, transmitting an annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

137. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

138. A letter from the Director, Office of Personnel Management, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

139. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

140. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

141. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clarification of Address for Documents Filed With EPA's Environmental Appeals Board [FRL-7855-6] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

142. A letter from the Director and Under Secretary of Commerce for Intellectual Property, United States Patent and Trademark Office, transmitting a report evaluating the Inter Partes Reexamination, pursuant to Public Law 106—113, section 4606 (113 Stat. 1501A—571); to the Committee on the Judiciary.

143. A letter from the Chief, Regulations and Administrative Law, USCG, Deparment of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Portland, OR [CGD13-04-043] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

144. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River [CGD05-04-224] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

145. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Sitkinak Island, Kodiak Island, AK [COTP Western Alaska-04-002] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

146. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01-04-151] received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

147. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-04-148] received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

148. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks displays in the Captain of the Port Portland Zone. [CGD13-04-044] (RIN: 1625-AA00) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

149. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago River Main Branch, Chicago, IL [CGD09-04-149] (RIN: 1625-AA00) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

150. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Merrimack River, MA [CGD01-04-146] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

151. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Shrewsbury River, NJ. [CGD01-04-127] (RIN: 2115-AE47) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

152. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT. [CGD01-04-142] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

153. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska-04-001] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

154. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; St. Croix River, Wisconsin, Minnesota [CGD08-04-018] (RIN: 1625-AA09) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

155. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01-04-106] (RIN: 1625-AA09) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

156. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-310-AD; Amendment 39-13831; AD 2004-22-06] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

157. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-90-AD; Amendment 39-13804; AD 2004-19-10] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

158. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-294-AD; Amendment 39-13820; AD 2004-20-15] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

159. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; deHavilland Inc. Models DHC-2 Mk. I and DHC-2 Mk. II Airplanes and Bombardier Inc. Model (Otter) DHC-3 Airplanes [Docket No. 2004-CE-02-AD; Amendment 39-13827; AD 2004-21-06] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

160. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. (Formerly Hartzell Propeller Products Division) Model HC-B5MP-3() /M10282A() Five Bladed Propellers; Correction [Docket No. 86-ANE-7; Amendment 39-13822; AD 2004-21-01] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

161. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-1159, G-1159A, G-1159B, and G-IV Series Airplanes [Docket No. FAA-2004-19337; Directorate Identifier 2004-NM-155-AD; Amendment 39-13824; AD 2004-21-03] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

162. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Becker Flugfunkwerk GmbH AR 4201 VHF AM Transceivers [Docket No. 2003-NE-68-AD; Aemdnemt 39-13825; AD 2004-21-04] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

163. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines (IAE) AG V2500-A1, V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-

A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines [Docket No. 98-ANE-45-AD; Amendment 39-13667; AD 2004-12-08] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

164. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Compnay Model 525 Airplanes [Docket No. 2003-CE-54-AD; Amendment 39-13729; AD 2004-14-20] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

165. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc., Models PA-28-161, PA-28-181, PA-28R-201, PA-32R-301 (HP), PA-32R-301T, PA-301FT, PA-32-301XTC, PA-34-220T, PA-44-180, PA-46-350P, and PA-46-500TP Airplanes [Docket No. FAA-2004-18032; Directorate Identifier 2004-CE-15-AD; Amendment 39-13721; AD 2004-14-12] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

166. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Airplanes [Docket No. 2002-NM-234-AD; Amendment 39-13724; AD 2004-14-15] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

167. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 2003-NM-37-AD; Amendment 39-13723; AD 2004-14-14] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

168. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2004-NM-46-AD; Amendment 39-13716; AD 2004-14-07] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

169. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-74-AD; Amendment 39-13719; AD 2004-14-10] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

170. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworhtiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes and Model Avro 146-RJ Series Airplanes [Docket No. 2004-NM-35-AD; Amendment 39-13713; AD 2004-14-04] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

171. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2003-NM-228-AD; Amendment 39-13712; AD 2004-14-03] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

172. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas DC-9-82 (MD-82) and DC-9-83 (MD-83) Airplanes; and Model MD-88 Airplanes [Docket No. 2003-NM-251-AD; Amendment 39-13705; AD 2004-13-23] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

173. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-149-AD; Amendment 39-13725; AD 2004-14-16] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

174. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2004-NM-29-AD; Amendment 39-13673; AD 2004-03-34 R1] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

175. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2003-NM-109-AD; Amendment 39-13728; AD 2004-14-19] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

176. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2001-NM-316-AD; Amendment 39-13720; AD 2004-14-11] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

177. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, C-8-43, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-50, -60, -60F, -70 and -70F Series Airplanes [Docket No. 2002-NM-176-AD; Amendment 39-13714; AD 2004-14-05] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

178. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2002-NM-175-AD; Amendment 39-13715; AD 2004-14-06] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111, -211, -212, and -231 Series Airplanes [Docket No. 2002-NM-177-AD; Amendment 39-13718; aD 2004-14-09] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

180. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-111, -112, -113, and -114; A320-111, -211, -212, and -214; and A321-111, -112, and -211 Series Airplanes [Docket No. 2002-NM-201-AD; Amendment 39-13732; AD 2004-14-23] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

181. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. 2001-NM-352-AD; Amendment 39-13707; AD 2004-13-25] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F-28 Mark 0070 and 0100 Series AIrplanes [Docket No. 2003-NM-162-AD; Amendment 39-13710; AD 2004-14-01] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

183. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) Models 250-C28, -C28B, and -C28C Turboshaft Engines [Docket No. FAA-2004-18538; Directorate Identifier 2004-NE-29-AD; Amendment 39-13711; AD 2004-14-02] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

184. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes; Equipped with Pratt & Whitney JT9D-7R4 or 4000 Series Engines [Docket No. 2002-NM-39-AD; Amendment 39-13726; AD 2004-14-17] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

185. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes [Docket No. 2002-NM-339-AD; Amendment 39-13727; AD 2004-14-18] (RIN: 2120-AA64) received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

186. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes [Docket No. 2003-NM-82-AD; Amendment 39-13722; AD 2004-14-13] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

187. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600), and A310 Series Airplanes [Docket No. 2003-NM-12-AD; Amendment 39-13717; AD 2004-14-08] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

188. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. Models S10, S10-V, and S10-VT Sailplanes [Docket No. 2003-CE-58-AD; Amendment 39-13730; AD 2004-14-21] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

189. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-105-AD; Amendment 39-13694; AD 2004-13-12] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

190. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Disposal; Designation of a Dredged Material Disposal Site in Rhode Island Sound [FRL-7848-2] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

191. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2003 report entitled, ''Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act'' required under Section 23(a)(2) of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

192. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''Report to the Congress: Growth in the Volume of Physician Services,'' fulfilling the Congressional request of Section 606(b) of the Medicare Modernization Act; jointly to the Committees on Energy and Commerce and Ways and Means.

193. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''Report to the Congress: Impact of Resource-Based Practice Expense Payment for Physician Services,'' fulfilling the Congressional request of Section 606(a) of the Medicare Modernization Act; jointly to the Committees on Energy and Commerce and Ways and Means.

194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2005-14 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from June 16, 2004 to the present; jointly to the Committees on International Relations and Appropriations.

195. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification of the Department of State's intent to initiate the FY 2005 International Military Education and Training funds for Iraq, pursuant to Pub. L. 108-199, Title III; jointly to the Committees on International Relations and Appropriations.

196. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal letter to OMB regarding the initial determination of the FY 2006 budget request, pursuant to 49 U.S.C. 1113; jointly to the Committees on Transportation and Infrastructure and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

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

[Omitted from the Record of January 4, 2005]

By Mr. CALVERT (for himself, Mr. HUNTER, Mr. GALLEGY, Mr. SENSENBRENNER, Mrs. BLACKBURN, Mr. ISSA, Mrs. BONO, Mr. GARY G. MILLER of California, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. LEWIS of California, and Mr. DREIER):

H.R. 19. A bill to require employers to conduct employment eligibility verification; referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 44. A bill to direct the Secretary of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region; to the Committee on Homeland Security.

By Mr. EHLERS:

H.R. 50. A bill to provide for the National Oceanic and Atmospheric Administration, and for other purposes; referred to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 58. A bill to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the Virgin Islands of the United States; to the Committee on Homeland Security.

By Mr. FRELINGHUYSEN (for himself, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. LOBIONDO, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. PAYNE, Mr. PALLONE, Mr. ANDREWS, Mr. ROTHMAN, Mr. PASCRELL, and Mr. MENENDEZ):

H.R. 91. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; referred to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 101. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H.R. 102. A bill to amend the Communications Act of 1934 to provide for the use of unexpended universal service funds in low-income schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 103. A bill to amend the National Flood Insurance Act of 1968 to provide a 50 percent discount in flood insurance rates for the first 5 years that certain low-cost properties are included in flood hazard zones; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas:

H.R. 104. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 105. A bill to amend the Immigration and Nationality Act to exempt elementary and secondary schools from the fee imposed on employers filing petitions with respect to non-immigrant workers under the H–1B program; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 106. A bill to require the Surface Transportation Board to consider certain issues when deciding whether to authorize the construction of a railroad line; to the Committee on Transportation and Infrastructure.

By Mr. GENE GREEN of Texas:

H.R. 107. A bill to deem the nondisclosure of employer-owned life insurance coverage of employees an unfair trade practice under the Federal Trade Commission Act, and for other purposes; referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota:

H.R. 130. A bill to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights; to the Committee on Education and the Workforce.

By Mr. MENENDEZ:

H.R. 153. A bill to provide increased rail and public transportation security; referred to the Committee on Homeland Security and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 154. A bill to authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 163. A bill to amend title 46, United States Code, to direct the Secretary of Homeland Security to carry out an empty shipping container sealing pilot program to encourage shipping container handlers to seal empty shipping containers after they have unpacked them, and for other purposes; to the Committee on Homeland Security.

By Ms. MILLENDER-McDONALD:

H.R. 173. A bill to prevent and respond to terrorism and crime at or through ports; referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. REGULA:

H.R. 189. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. SWEENEY:

H.R. 226. A bill to strengthen and expand scientific and technological education capabilities of associate-degree-granting colleges through the establishment of partnership arrangements with bachelor-degree-granting institutions; to the Committee on Education and the Workforce.

By Mr. SWEENEY (for himself, Mr. MCHUGH, and Mr. BOEHLERT):

H.R. 227. A bill to reduce acid deposition under the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY:

H.R. 228. A bill to establish a realistic, threat-based allocation of grant funds for first responders; to the Committee on Homeland Security.

By Mr. TERRY (for himself. Mr. FORTENBERRY, and Mr. OSBORNE):

H.R. 232. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 238. A bill to amend the Internal Revenue Code of 1986 to designate educational empowerment zones in certain low-income areas and to give a tax incentive to attract teachers to work in such areas; referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 239. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Ms. PRYCE of Ohio (for herself, Mr. THOMAS, Mr. BOEHNER, Mr. BARTON of Texas, Mr. GOODLATTE, Mr. HERGER, Mr. MCKEON, Mr. BILIRAKIS, Mr. DELAY, Mr. SHAW, Mr. CANTOR, Mr. ENGLISH of Pennsylvania, Mr. CAMP, Mrs. JOHNSON of Connecticut, Mr. WELLER, Mr. WILSON of South Carolina, and Mr. KLINE):

H.R. 240. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota:

H. Con. Res. 7. A concurrent resolution expressing the sense of the Congress that there should be established a Free Enterprise Education Week to encourage schools and businesses to educate students about the free enterprise system; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 8. A concurrent resolution expressing the sense of the Congress that the National Family Caregiver Support Program should be fully funded continue efforts to provide relief and necessary services to individuals who perform informal or unpaid care for the elderly and care for children under 18 years of age; to the Committee on Education and the Workforce.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H. Con. Res. 10. A concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Government Reform.

By Mr. STEARNS:

H. Con. Res. 11. A concurrent resolution requiring the display of the Ten Commandments in the Hall of the House of Representatives and the Chamber of the Senate; to the Committee on House Administration.

By Mr. STEARNS:

H. Con. Res. 12. A concurrent resolution requiring the display of the Ten Commandments in the United States Capitol; to the Committee on House Administration.

By Mr. TOWNS:

H. Con. Res. 13. A concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. GENE GREEN of Texas:

H. Res. 19. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon, all of whom died in the destruction of the space shuttle Columbia; to the Committee on Government Reform.

[Submitted January 6, 2005]

By Mr. THOMAS (for himself and Mr. RANGEL):

H.R. 241. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami; to the Committee on Ways and Means. considered and passed.

By Mr. EHLERS:

H.R. 242. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 243. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; to the Committee on Science.

By Ms. JACKSON-LEE of Texas:

H.R. 244. A bill to create a separate DNA database for violent predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 245. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 246. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 247. A bill to increase the numerical limitation on the number of asylees whose status may be adjusted to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 248. A bill to modify the requirements applicable to the admission into the United States of H-1C nonimmigrant registered nurses, and for other purposes; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 249. A bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562; to the Committee on Resources.

By Mr. EHLERS:

H.R. 250. A bill to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Science.

By Ms. JACKSON-LEE of Texas:

H.R. 251. A bill to assist aliens who were transplanted to the United States as children in continuing their education and otherwise integrating into American society; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 252. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 253. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 254. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 255. A bill to prevent commercial alien smuggling, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 256. A bill to amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 257. A bill to amend the Immigration and Nationality Act to reunify families, permit earned access to permanent resident status, provide protection against unfair immigration-related employment practices, reform the diversity visa program, provide adjustment of status for Haitians and Liberian nationals, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 258. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to the seven members of the crew of the space shuttle Columbia in recognition of their outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 259. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 260. A bill to amend the Immigration and Nationality Act to modify the requirements for a child born abroad and out of

wedlock to acquire citizenship based on the citizenship of the child's father, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 261. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 262. A bill to require the Secretary of Education to conduct a study and submit to Congress a report on methods for identifying and treating children with dyslexia in kindergarten through third grade; to the Committee on Education and the Workforce.

By Mr. BILIRAKIS:

H.R. 263. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire:

H.R. 264. A bill to amend the Internal Revenue Code of 1986 to allow a lump sum contribution to Coverdell education savings accounts whenever the contribution limit is increased; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire:

H.R. 265. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for student loan payments made by an employer on behalf of an employee; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 266. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP:

H.R. 267. A bill to require amounts remaining in Members' representational allowances at the end of a fiscal year to be used for deficit reduction or to reduce the Federal debt, and for other purposes; to the Committee on House Administration.

By Mr. CAMP:

H.R. 268. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 269. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 270. A bill to require establishment of an Office of Territorial Affairs in each Executive department and each independent establishment; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 271. A bill to convey certain submerged lands to the Government of the Virgin Islands, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 272. A bill to provide for a land exchange on the island of Saint John, Virgin Islands, between the National Park Service and the Government of the United States Virgin Islands to facilitate the establishment of a school on the island, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 273. A bill to amend the Internal Revenue Code of 1986 to repeal the cap on the cover over of tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 274. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 275. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 276. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 277. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa:

H.R. 278. A bill to amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, and for other purposes; to the Committee on House Administration.

By Ms. MILLENDER-McDONALD:

H.R. 279. A bill to amend the Family and Medical Leave Act of 1993 to include nurse practitioners and domestic partners within the scope of coverage of the Act and to extend the period of family or medical leave for spouses employed by the same employer; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mrs. MALONEY, Mr. OXLEY, Mr. FRANK of Massachusetts, Mr. NEY, Mr. KANJORSKI, Mr. LEACH, Ms. HART, Mr. SOUDER, and Mr. TURNER):

H.R. 280. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Financial Services.

By Mr. NORWOOD:

H.R. 281. A bill to require a study and report regarding the construction and designation of a new Interstate from Augusta, Georgia to Natchez, Mississippi; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. CHABOT, Mr. BERMAN, Mr. CANTOR, Mr. ACKERMAN, Mr. ANDREWS, Mr. BACHUS, Ms. BERKLEY, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. CHANDLER, Mr. COX, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. GREEN of Wisconsin, Ms. HARRIS, Mr. ISRAEL, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. LARSEN of Washington, Mr. McCOTTER, Mr. MENENDEZ, Mr. MICA, Mrs. MYRICK, Mr. NADLER, Mr. NORWOOD, Mr. NUNES, Mr. PENCE, Mr. PLATTS, Mr. PORTER, Mr. ROTHMAN, Mr. ROHRABACHER, Mr. RYAN of Wisconsin, Mr. SAXTON, Mr. SHERMAN, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. SULLIVAN, Mr. TANCREDO, Mr. WELLER, Mr. WEXLER, and Mr. WILSON of South Carolina):

H.R. 282. A bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; to the Committee on International Relations.

By Ms. LINDA T. SANCHEZ of California:

H.R. 283. A bill to amend the Safe and Drug-Free Schools and Communities Act and the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the use of grant funds for bullying and gang prevention, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself and Mr. DAVIS of Illinois):

H.R. 284. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and the Workforce.

By Mr. THORNBERRY (for himself and Ms. ZOE LOFGREN of California):

H.R. 285. A bill to amend the Homeland Security Act of 2002 to enhance cybersecurity, and for other purposes; to the Committee on Homeland Security.

By Mr. TOWNS:

H.R. 286. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 287. A bill to amend title XIX of the Social Security Act to assure coverage for legal immigrant children and pregnant women under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 288. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 289. A bill to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Staff Sergeant First Class John Marshall Post Office Building''; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 14. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the late George Thomas ''Mickey'' Leland; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 15. Concurrent resolution expressing the sense of Congress that Congress has the sole and exclusive power to declare war; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. LANTOS, Mrs. JO ANN DAVIS of Virginia, Mr. BURTON of Indiana, Mr. WEXLER, and Ms. KAPTUR):

H. Con. Res. 16. Concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress that the National Academy of Sciences, through the Board on Children, Youth, and Families, should convene an expert panel to recommend the best practices and measures to use in data collection relating to foster care and to research and develop methods for streamlining the application and approval process for moving a child from foster care to a permanent residence; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself and Mr. ENGEL):

H. Con. Res. 18. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic; to the Committee on International Relations.

By Mr. PENCE:

H. Res. 32. A resolution electing Members, Delegates, and Resident Commissioners to standing committees of the House of Representatives; considered and agreed to.

By Mr. CLYBURN:

H. Res. 33. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. COX (for himself, Mrs. BONO, Ms. WATSON, Mr. ROHRABACHER, Ms. SOLIS, and Mr. SHADEGG):

H. Res. 34. A resolution congratulating the University of Southern California Trojans for their second straight national title; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H. Res. 35. A resolution expressing the sense of the House of Representatives concerning health promotion and disease prevention; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota (for herself and Ms. BORDALLO):

H. Res. 36. A resolution congratulating the College of Saint Catherine in Saint Paul, Minnesota, on its centennial anniversary, and commending its outstanding contributions to the education and preparation of women as leaders of our communities, our families, and our nation; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Res. 37. A resolution commending the people and the Governments of the Hashemite Kingdom of Jordan, the Kingdom of Morocco, the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, the Sultanate of Oman, and the Republic of Yemen for their political and economic liberalization efforts and expressing hope that progress will continue and that the efforts of these countries will serve as a model for other Arab countries; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. CROWLEY, and Mrs. JO ANN DAVIS of Virginia):

H. Res. 38. A resolution expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 68 memorializing the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center; to the Committee on Energy and Commerce.

2. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 305 memorializing the President and the Congress of the United States to designate the River Basin Battlefield as a National Historic Landmark; to the Committee on Resources.

3. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 32 memorializing the United States Congress to support and fully fund the National Aeronautics and Space Administration's Vision for Space Exploration Program; to the Committee on Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas:

H.R. 290. A bill for the relief of Ahmad Khabaz Taghizadeh and Azammolok Taghizadeh Vatani; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 291. A bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Baol Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sondos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

1. The SPEAKER presented a petition of the Prince George's County Government, Maryland, relative to Resolution No. CR-60-2004 supporting H.R. 4217 to increase the maximum Federal share of the costs of State programs under the National Guard ChalleNGe Program, and petitioning the Maryland Delegation to the United States Congress to join and support the efforts to secure passage of H.R. 4217; to the Committee on Armed Services.

2. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 542 of 2004 petitioning the United States Senate to pass, and the United States House of Representatives to introduce and pass, S. 2968—A Bill to amend the Public Health Service Act to address the shortage of influenza vaccine, and for other purposes; to the Committee on Energy and Commerce.

3. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 543 of 2004 petitioning the United States Congress to introduce and pass appropriate legislation allowing equal federal tax treatment of health benefits for married couples and domestic partners as is addressed in U.S. Senate Bill S. 1702, The Domestic Partner Health Benefits Equity Act, and the United States Congress Bill H.R. 935, The Tax Equity For Health Plan Beneficiaries Act; to the Committee on Ways and Means.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, ruler of all nature, thank You for the gift of life and for the opportunity to invest in freedom. As electoral college votes are counted today, increase our gratitude for this great land.

Infuse the executive, legislative, and judicial branches of Government with strength to meet the challenges of our time. Remind our leaders that humility precedes honor and that service is the litmus test of greatness.

Continue to bless those who seek to relieve the suffering of the tsunami victims. Help them to remember that they are doing Your work and reward them from the bounty of Your love. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 6, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. MCCONNELL. Madam President, today we are in session to consider two committee membership resolutions. We hope to have those resolutions considered and adopted in a short while. The two resolutions will make majority and minority committee appointments for the 109th Congress, as well as officially appoint the chairmen and ranking members for each of those committees.

In addition to that business, today at 1 p.m. we will have a joint meeting with the House to count electoral votes. Members should begin gathering in the Senate Chamber at 12:40 this afternoon so we may depart as a body at 12:50.

Senators have been asking about the possibility of rollcall votes during today's session. At this point we have to say, unfortunately, that rollcall votes are still possible during today's session. As always, we will alert Members as the voting schedule becomes more clear. Once we have adopted our committee resolutions and the electoral vote count is completed, it is my intention the Senate will adjourn until January 20, Inauguration Day.

I will have more to say on the schedule today before the Senate closes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TODAY'S AGENDA

Mr. REID. Madam President, we are very close to working something out on committee funding. We have an agreement on the split. It is just a question of what we are splitting. I have a meeting today with the ranking members. I spoke to virtually all of them last night and we will be able to work something out here. It is important we do that. We have Members on our side, new Senators, we want to appoint to committees. The majority has new Members they need to appoint to committees. There will be some new committee chairs, new ranking members. We want to expedite this. We hope to have it done, as I told the distinguished Senator from Kentucky, by noon today. It is something we need to do. I am confident we can do that.

On our side if, in fact, there is an objection filed to any of the States that are going to report their electoral college findings, we will not require a rollcall vote on our side, but that does not mean there won't be one. So whether there is an objection filed, we will wait and see at 1 o'clock today. After that, there will be decisions made by individual Senators as to whether there is a vote.

Procedurally, as I understand the rule, if there is an objection filed, automatically the electoral college proceedings are put in recess for 2 hours. During that 2 hours, Members in the House and Senate are allowed to speak for up to 5 minutes each on the objection. Following that, the electoral college reconvenes. If, in fact, there is an objection filed, I think everything would be completed by around 4 o'clock today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. MCCONNELL. Madam President, I might say with regard to speaking requests, I only have one or two. They will be very brief. It is my hope we might not take the entire 2 hours the Democratic leader has outlined, thereby allowing us to get that job finished earlier in the afternoon.

Mr. REID. Madam President, the distinguished Senator is again absolutely right. We have had a few requests on our side. At last count, I had less than five. That is 25 minutes, at most. But we cannot do anything until the House finishes. If they finish earlier, we would finish earlier and be able to move forward.

We will see what the day brings us. But it should not be a long day, no matter what happens.

Mr. MCCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Montana.

TSUNAMI TAX CREDIT

Mr. BAUCUS. Madam President, I rise to share a few remarks involving the overwhelming disaster that has hit Southeast Asia. I hope the distinguished deputy leader would heed my remarks because I very much hope we can get this legislation passed this year—not only this year, but passed today—which gives a charitable tax deduction, cash deduction to Americans on their tax returns for 2004 who give a charitable contribution to the tsunami disaster. Clearly that has to be done immediately. Otherwise it will not have any real effect. It affects taxpayers who wish to give today but take the deduction on their 2004 tax returns, or 2005. This gives an opportunity to take the deduction on the 2004 returns.

It is almost impossible to talk about the tsunami disaster. Words do not begin to describe the extent of the disaster. We all feel it when we watch television and see the photographs in the newspapers. We hear reports from those who have been there; Secretary Powell, for example. It is so overwhelming. It is so large scale. One hundred fifty thousand people perished. Just imagine.

September 11 was a disaster almost beyond belief, and that was 3,000 deaths. We are talking now about 150,000 people who just had no defense. Families were destroyed. In many cases there is very little hope because so many relatives are gone. Roads are gone. Houses are gone. Up to 2 million people who are displaced are homeless. It is staggering. Some suggest this might be the worst disaster in modern history. It could well be. But whether it is the worst or second worst is not the point. The point is, it is a huge personal disaster, personal tragedy for so many people over such a large scale.

I am encouraged and very thankful so many people around the world have poured their hearts out to the victims. Many have flown over to volunteer help. Many have sent contributions, sometimes in-kind contributions, sometimes cash.

Last night, I was watching a television program to raise money for the tsunami victims, and you could see it happen over a 45-minute period. First it went to $1 million, and then it went up to $6 million that had been pledged within that 45 minutes. That is wonderful.

I think a lot of Americans want to give. Clearly, some Americans are strapped, but they still want to give. It is the American spirit. It is who we are as Americans.

I suggest, in cosponsoring a bill with the chairman of the Finance Committee, Senator GRASSLEY, that we pass legislation today which gives Americans the opportunity to take the full deduction that is currently available for deductions in 2005—after all, this is January—that Americans can take that deduction today on their 2004 tax returns. I think many Americans would like to do that. It would be an additional incentive, an additional encouragement for Americans to contribute to the tsunami disaster.

It is very simple legislation but legislation that will be very helpful, and it must pass right away. Clearly, it will not work if it is passed much later. It will cause a lot of administrative problems for the IRS. After all, April 15 is the deadline for 2004 tax returns. If we could pass this legislation today, the IRS has told us it can very easily accommodate and deal with the changes that are necessary to allow Americans to take those deductions on their 2004 tax returns for the contributions they make now.

I very much hope the minor questions people have about this legislation are resolved very quickly because there is no reason not to pass this legislation. It will not create a huge precedential problem. It is not going to be terribly costly. But it is the right thing to do. It is the right thing for Americans to do, to pass legislation to make it a little easier for Americans to contribute to the victims of the tsunami disaster.

I very much hope we can get it passed. I am going to stay on the floor today as long as it takes to get it passed. There is no conceivable reason it should not pass. I am going to stay here until we do get it passed because it is the right thing to do.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

JOINT SESSION

Mr. DAYTON. Mr. President, I would like to address a few subjects this morning.

First, regarding the joint session of the House and the Senate that will be meeting this afternoon, I have received a great number of calls and expressions of interest and concern about that historic event—where the two bodies meet in joint session to certify the tally of votes from the electoral college.

Our role is a very limited one under both the Constitution and under Federal law which was passed and has stood since 1887. The role of the House and the Senate is not to adjudicate last November's Presidential election. That should not be our role. Those who want us to insert ourselves into that process are very well intentioned, but the role they envision for us is, in my judgment, inappropriate and potentially even dangerous. Our role today in this joint session of the Senate and the House is one of witnessing the tally of the electoral college vote. If there is an objection, it is based on very limited circumstances.

In fact, only once in the entire history of this legislation since 1886, only one time has there been a formal objection made, and that was for one electoral vote cast by one elector who did not vote in the way in which they pledged—in this case, the District of Columbia; not a State, a district. That objection was rejected by the House and the Senate in 1969.

There has never been in the history of the country an entire State slate of electoral votes objected to or rejected by actions of both the House and the Senate.

If an objection is made today signed by at least one Member of the House and one Member of the Senate, under the law, under the Constitution, the Senate separates from the House and meets for 2 hours. Our debate is limited by law to 2 hours. We each can speak up to 5 minutes and speak only once. Then on the basis of that debate we are supposed to vote—each of us—on whether to accept that electoral slate and the tally certified by the election authorities of the respective States or reject it.

We are a partisan body. We are well intentioned. We are all honorable men and women, as are our colleagues in the House. But we are elected as Democrats or Republicans, and in one case an Independent. For us on the basis of a 2-hour meeting and a 5-minute presentation by each of us to vote on

whether to accept or reject the will of the people of a particular State is an enormously dangerous precedent. In my judgment, the standard and the bar under which any objection must qualify for our consideration, much less for our rejection, needs to be a very high one. That is what our Federal law envisions. It says:

No electoral vote or votes from any State which have been regularly given by electors whose appointment has been lawfully certified from which but one return has been received shall be rejected.

In other words, if the procedure that was followed by the election authorities of the State is a proper one and if it is certified as proper, if there is only one tally received from a State—in other words, if there are not two different representations of that State's electoral tally—then our function is to witness and acknowledge that that function has been performed properly; it is not to say whether that election was conducted properly. That review, if it is warranted, is the proper role of the Judiciary, which is supposed to be nonpartisan, which is supposed to be objective, impartial, fair, and ultimately make the decision which, under the respective States and Federal laws and the facts of all sides presented and carefully considered over whatever necessary period of time and finally in that very careful and sober deliberation, is determined to be the proper judgment.

That is not our capability. That is not our role. Under the restrictions of 2 hours today, that would be a travesty of justice. It is a situation where it would be reversed if JOHN KERRY had won this election. If a Republican-controlled Senate and a Republican-controlled House had objected based on the information I have seen regarding the electoral conditions in Ohio or any other State in the election, if they had been rejected and those electoral college votes had thrown the election into the House of Representatives where a partisan majority voted on partisan lines to elect the other candidate as President of the United States, there would be such a public outcry and loss of confidence in the integrity of our electoral process that I fear we would not recover as a nation—at least not for a long time. I would say the same if the situation were reversed.

This is not about partisanship. This is about ensuring the integrity of the legislative process. That is in its broad sense the proper role and responsibility of Congress; that is, one where those who are objecting to the conduct of this last election have solid ground and where we properly should insert ourselves once again as we did after the 2000 election when on a bipartisan basis in this body and the House we passed election reform legislation.

We provided funding for State and local governments to conduct these elections. And the intention was, I might add, under the Constitution they can do so more effectively and more accurately. The principle is everyone should have the right to vote, and that vote should be counted accurately, which is fundamental to our democracy. If we fail at that, if we are not perfect in carrying that out, we are not carrying out our responsibility to protect the sanctity of this great democracy.

I take that responsibility very seriously. As a member of the Senate Rules Committee, which has jurisdiction over that, I will ask the chairman, Senator LOTT, to convene hearings into the 2000 election. We need to learn from that experience. A lot of focus and attention has been directed on Ohio, as it appropriately should. It was a State that ultimately in the final development of events on election night determined the outcome. There were probably other States which had some perhaps even greater imperfections in their voting procedures. That should be used as the basis for further legislation as necessary to safeguard this process so that, in fact and in perception, the American people know they had the right to vote, the chance to vote, and their vote was counted, and that the will of the majority, as reflected in the Presidential election through the electoral college, was faithfully, honestly, and accurately carried out by everyone responsible for doing so.

How much time remains under the order?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. DAYTON. I ask unanimous consent for an additional 5 minutes to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DAYTON. Last week, Senator LIEBERMAN and I traveled to Iraq, to Baghdad. When I visited Iraq a year and a half ago, our Senate delegation in Baghdad and other cities, Basra and Tikrit, boarded armed Humvees and with military escort drove throughout those respective cities. Last week, we were confined for security reasons to the heavily fortified green zone, which is the command post of the United States military, our Government representatives, and the Iraqi government.

The necessity for those restrictions was made apparent because one of the opposition political leaders with whom we were supposed to meet and where we envisioned traveling for 5 minutes outside of the green zone was the target of an assassination attempt the previous day. He was not harmed, but a suicide bomber killed himself and nine other Iraqis outside the location where the meeting was to occur, which underscores the perilous nature of the environment and the impossibility of providing the necessary and complete security for our own forces who are performing heroically and continue to risk their lives, and in some cases give up their lives, tragically, to protect the Iraqi people from the insurgent forces which are brutal and sometimes lethally effective in what they are intending to do in that particular country.

Sunday, I had the occasion to meet with a few hundred Minnesotans, family members of loved ones who are presently serving in Iraq. They asked the same question over and over again: When are our husbands, wives, sons, fathers, mothers, coming home?

Although I opposed the Iraq war resolution in October of 2002 and continue to believe, unfortunately, we have on an overall basis weakened our national security, not strengthened it by our action, we are there, with 150,000 of our Armed Forces committed. It is imperative we succeed. It is also imperative that we start to devise—we should have already—a strategy to bring our troops home safely as soon as possible with the victory secure. The only way victory will be ultimately secured is by the Iraqi people.

When Senator LIEBERMAN and I met with the Deputy Prime Minister of Iraq he said exactly that: The security of Iraq can only be gained by the Iraqi people. The process from being subject to a brutal dictator, tyrannical oppression for over a quarter of a century, to self-determining democracy is an enormous social transformation, one that will probably take several years.

When we justify, by those who are responsible for our continued presence in Iraq, what we are doing there, they need to be very clear about the parameters. First, we were looking for weapons of mass destruction which turned out not to exist there. Then it was an alleged link between Saddam Hussein and al-Qaida which has never been demonstrated to exist. Then it was opposing an evil dictator, which Saddam Hussein certainly was, which was achieved in the first 3 weeks of magnificent effort by our military. For the last 21 months it has been protecting as much as possible the country and protecting the time necessary for the Iraqi people to form a government, which they are in the process of doing.

Holding the election on January 30 as scheduled is essential to doing that. Training and equipping the Iraqi forces—police, military, national guard—to be able to do what the people of any country have to do to have a functional country under any form of government, which is to protect and defend their own country, has been regretfully a very slow process. I asked the United States military command and our civilian leadership in Iraq as well as the Iraqi Government authorities how far they thought we had progressed from a starting point to 100 percent Iraqi self-sufficiency regarding their own self-security and the answer was variously between 40 and 50 percent. We have initiated and engaged in and this Congress has funded to the full extent requested by the administration the Iraqi security training programs for over a year, about 15 or 16 months.

It is obviously a difficult assignment, given that the previous military structure of the country was removed by the Provisional Authority, but that decision has been made and now that process of retraining new forces has been underway for 15, 16 months and we are told it is not even half way there.

The Iraqi people need to be responsible for their own country. They must be responsible for their own country. They must decide to stand up for themselves. Many are doing so and even giving their lives to conduct this upcoming election and engaging in various security actions.

But the brunt of that responsibility, the burden, the fighting, the bleeding, the dying, is still being incurred by our own forces. We need to know when that is going to be able to stop. We need to know how that transition and when that transition is going to occur. We need to put the Iraqi people and our allies on notice that we are not going to be there indefinitely and that they need to be willing to step forward to provide what I think everyone wants, most of the world wants: a stable, secure, and successful Iraq.

As a member of the Senate Armed Services Committee, I have been increasingly frustrated by our inability, either in the committee, whether in public or secret briefings, whether as a body or through other discussions, to get what turns out to be accurate and reliable information from the civilian command, from the administration. Yesterday afternoon we had an Armed Services Committee hearing, a secret hearing, for 3 hours. I received information regarding the force capabilities of the Iraqi police and military that was at significant variance from what I was told a week before in Baghdad, which itself was at considerable variance from what we were told 2 months before, which then was half of the force level we were told existed a year before that.

What the numbers are, what the training capabilities are—I hesitate to use this word on the Senate floor, but it applies here—I don't like being lied to. I am elected to represent the people of Minnesota. I am elected to look out for their best interests. I met on Sunday with a few hundred Minnesota family members who were depending upon me to look out for the interests of their sons and daughters, husbands and wives. I take that as a life-or-death responsibility, as it is to them and their loved ones and all the members of the U.S. Armed Forces, putting their lives on the line every day.

They deserve to know, we deserve to know, the American people deserve to know from this administration their plan, what is their timetable, and what kind of progress are we making. We deserve to know the facts. We deserve to be told facts today that hold up as the truth tomorrow. I regret to say that is not occurring. It has not occurred, not only in this instance yesterday but in other significant respects throughout the last several months.

I appreciate enormously and admire tremendously the leadership of the Senate Armed Services Committee under its chairman, Senator WARNER, and its ranking member, Senator LEVIN. Senator WARNER has convened any number of hearings and briefings on the situation in Iraq and other places around the world, on the prison abuses at Abu Ghraib, on the armoring and rearmoring of the equipment and personnel for service in Iraq and Afghanistan.

In the last month, we have found, according to the private contractors, there was an unused capacity in their production capabilities of 25 percent for armored Humvees and these rearmoring kits for those Humvees that are over there in Afghan and Iraq that are unarmored, a 25-percent unused capacity because of a lack of production orders from our military, when we were told—and we asked, Republican and Democratic members of the Armed Services Committee alike, repeatedly: What do you need? What money, laws, procedures? What do you need to maximize production and immediate distribution to protect our men and women serving in Iraq?

We were assured, again and again and again, there was 100-percent production, that everything was being done, and that they did not need anything. And then we find out there is significant variance to that, in fact, in the truth.

Chairman WARNER convened several hearings in the last 6 months on the alleged prison abuses at Abu Ghraib. There were rumors of abuses occurring elsewhere in Iraq and elsewhere in the world. We were assured again and again by the administration and the other authorities who spoke before us that it was limited to those isolated instances in Iraq and in the Abu Ghraib prison. Now it comes to light, in the last month, there were documented reports through the chain of command, information that people who testified before our committee had to be aware of when they told us in committee hearings information that was at variance with those reports.

Similarly, the status of the Iraqi security and military forces—being told by the Secretary of Defense, who I think believed what he was telling us because that was the information he was given, a year ago that force level was at 202,000; and then to find out last September 15, in public remarks he made elsewhere, that number was about half that level; and then to get published reports that the actual number is some 78,000; and then to get a report last week that the number is somewhat above that; and then to get a report yesterday that the number is some tens of thousands above that. Having that number not being able to be confirmed by those who are testifying before us is a great travesty of justice and legality, and their moral, ethical responsibility to tell us the truth and give us the facts so we can make those judgments that we are elected and held responsible to make, along with them, so that hopefully the collective wisdom of all of us serves the best interests of this country, its foreign policy, and the lives of its men and women who are serving us overseas, and who, for every day we keep them over there, are continuing to risk their lives, and some of them losing their lives or losing limbs, bodily functions.

This is life and death, and it is time we stop being lied to. I want this administration, I want the Pentagon command, to tell us the facts, tell us the truth about the situation in Iraq—what is going right, but what is going wrong, to tell us the truth and the facts about the capability of the Iraqi forces to replace ours, to take over responsibility for the law and order of their own country, to tell us the truth and the facts about the economic recovery projects, which ones have started, which ones have not, how much money has been expended, how much money has been wasted, how much money has been stolen.

It is shameful this body, which has the history of Harry Truman setting up a special committee during World War II to investigate the proper contracting, the proper expenditure of taxpayer dollars for a defense effort, where again American men and women were relying on that equipment, relying on getting it right away, and living or dying as a result—Harry Truman said: I don't care whether they are Democratic contractors or Republican, let the chips fall where they may and the truth be known. He went on to become the Vice President and then the President of the United States because he had that kind of integrity and that kind of courage.

We ought to see that today on the other side of the aisle, to be willing to investigate these matters. Whether it is a Republican administration or a Democratic administration, I don't care; it is an American administration. Those are American soldiers putting their lives on the line. We are all responsible, and we can't even get anybody to look into what is happening or not happening there, and we can't get anybody to tell us the facts, the truth. It is deplorable. It is unconscionable. It is un-American. And it is intolerable.

I think this body collectively needs to stand up and demand that we get the facts and the truth so we can go back home and tell those sons and daughters and fathers and mothers and husbands and wives what is happening to their loved ones over in Iraq, and when they are coming home with the victory they worked for, lived for, bled for, and died for secured, and how we are going to do that and when.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX DEDUCTING FOR TSUNAMI RELIEF

Mr. BAUCUS. Mr. President, I suggested to the chairman of the Finance Committee, Senator GRASSLEY, and he agreed, that it would be appropriate and, in fact, it would be a good idea, to pass legislation today which would allow Americans to give a full deduction that is available under current law to the tsunami relief effort in 2004, if they wish. Even though we are clearly now in 2005, the idea is and the legislation would provide that, for Americans who want to give to the tsunami relief effort and take that contribution on their 2004 tax returns, they may do so.

I am very encouraged the House took up that bill a few minutes ago. It is unclear as to when that will actually pass, but it is my understanding it will pass today. I have spoken to a good number of Senators about this legislation, and I have with me a long list of cosponsors of this legislation. I think it would be good for us to do this right away. I say quickly because the IRS has informed me that the sooner we pass this, the better. That is, the sooner we pass the legislation, the more easily they can work with American taxpayers who want to take this deduction—it is a cash deduction—in 2004.

It is framed as a cash deduction because that is what the relief agencies want. They want cash. First, cash can be transmitted much more quickly than in-kind contributions, as much as food and clothes is important. They can transmit the cash contribution with the speed of light, frankly. Second, with cash it can be disbursed and sent to the area where it is needed the most. Maybe food is needed, maybe medical supplies are needed in one area more than another, maybe clothing or tents or whatnot is needed. With the cash available, the relief agencies can decide what is the best use.

This is also the approach taken by our President when he nominated and encouraged former President Bush and former President Clinton to go nationwide to encourage Americans to contribute to the relief effort. They, too, suggest cash contributions are best. They are much more efficient. It is what makes the most sense as being the most helpful to the people in that part of the world who need it the most.

I have a special feeling, almost reverence, for Southeast Asia, because I have traveled in that part of the world many times. The Southeast Asia ambassadors have been guests of mine in my home State of Montana just recently, this past year. I visited Southeast Asia quite recently. My heart, all of our hearts, clearly, go out to the victims and their families. Words cannot describe the extent and depth of this tragedy, and I am not going to make the effort to do so. But certainly when we see the photographs and we read the reports and hear people such as Secretary Colin Powell comment on what they have seen and what has happened or has not happened over there, it tugs very deeply at the hearts of all of us. That part of the world has our deepest prayers and our fondest hopes that we will do all we can to help out.

That is happening. The American public, the American people are the most generous people in the world. I don't know what it is, there is something extra special about the American spirit. We dig down to help people who need help. We are there. I think it is probably because we are a society that is much more open than most others. We are also a country with many immigrants. We feel for the goings on in other countries in the world.

We are a young country by comparison. I wouldn't say that makes us naive, but it certainly enables us to have much more hope about the future because we still are young. We are very hopeful. Many countries that are much older do not have quite the same hope, it seems. There is maybe a little cynicism—they have seen it all, or maybe not, but we are a country that is open and we want to help.

Therefore, I ask unanimous consent to have printed in the RECORD a resolution which would accelerate the income benefits for charitable cash contributions for the relief of victims in the Indian Ocean tsunami. Also, I ask unanimous consent to have printed in the RECORD a list of all the cosponsors of this Senate joint resolution. I am not going to read all the names. It is a long list.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF INDIAN OCEAN TSUNAMI VICTIMS.

(a) IN GENERAL.—A taxpayer may treat any contribution described in subsection (b) made in January 2005 as if such contribution was made on December 31, 2004, and not in January 2005.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of victims in areas affected by the December 26, 2004, Indian Ocean tsunami for which a charitable contribution deduction is allowed under section 170 of the Internal Revenue Code of 1986.

Mr. BAUCUS. Mr. President, I want our colleagues to know that Senator GRASSLEY and I were joined in the effort to provide tsunami relief assistance by dozens of our Colleagues. I want to acknowledge them by asking for unanimous consent that the text of the Senate Joint Resolution and the full list of cosponsors be printed in the RECORD.

Senator AKAKA of Hawaii, Senator ALEXANDER of Tennessee, Senator BIDEN of Delaware, Senator BUNNING of Kentucky, Senator BYRD of West Virginia, Senator CANTWELL of Washington, Senator CLINTON of New York, Senator CORZINE of New Jersey, Senator DAYTON of Minnesota, Senator DURBIN of Illinois, Senator FEINGOLD of Wisconsin, Senator FEINSTEIN of California, Senator HAGEL of Nebraska, Senator HARKIN of Iowa, Senator HATCH of Utah, Senator INOUYE of Hawaii, Senator JEFFORDS of Vermont, Senator KERRY of Massachusetts, Senator KOHL of Wisconsin, Senator LANDRIEU of Louisiana.

Senator LAUTENBERG of New Jersey, Senator LEAHY of Vermont, Senator LEVIN of Michigan, Senator MCCAIN of Arizona, Senator MIKULSKI of Maryland, Senator MURRAY of Washington, Senator NELSON of Nebraska, Senator NELSON of Florida, Senator OBAMA of Illinois, Senator REID of Nevada, Senator ROCKEFELLER of West Virginia, Senator SANTORUM of Pennsylvania, Senator SCHUMER of New York, Senator SMITH OF Oregon, Senator WYDEN of Oregon, Senator STABENOW of Michigan, Senator DORGAN of North Dakota, Senator DODD of Connecticut.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. Pursuant to S. Con. Res. 1, the Chair appoints the Senator from South Dakota, Mr. JOHNSON, as teller on part of the Senate, in lieu of the Senator from Connecticut, Mr. DODD.

MAKING MAJORITY PARTY APPOINTMENTS TO COMMITTEES

Mr. MCCONNELL. I send a resolution to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) making majority party appointments to certain Senate committees for the 109th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 5) was agreed to, as follows:

S. RES. 5

Resolved, That not withstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the One Hundred Ninth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss (Chairman), Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Talent, Mr.

Thomas, Mr. Santorum, Mr. Coleman, Mr. Crapo, Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran (Chairman), Mr. Stevens, Mr. Specter. Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. DeWine, Mr. Brownback, Mr. Allard.

COMMITTEE ON ARMED SERVICES: Mr. Warner (Chairman), Mr. McCain, Mr. Inhofe, Mr. Roberts, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Talent, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby (Chairman), Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Santorum, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY: Mr. Stevens (Chairman), Mr. McCain, Mr. Burns, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Allen, Mr. Sununu, Mr. DeMint, Mr. Vitter.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici (Chairman), Mr. Craig, Mr. Thomas, Mr. Alexander, Ms. Murkowski, Mr. Burr, Mr. Martinez, Mr. Talent, Mr. Burns, Mr. Allen, Mr. Smith, Mr. Bunning.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe (Chairman), Mr. Warner, Mr. Bond, Mr. Voinovich, Mr. Chafee, Ms. Murkowski, Mr. Thune, Mr. DeMint, Mr. Isakson, Mr. Vitter.

COMMITTEE ON FINANCE: Mr. Grassley (Chairman), Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Santorum, Mr. Frist, Mr. Smith, Mr. Bunning, Mr. Crapo.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar (Chairman), Mr. Hagel, Mr. Chafee, Mr. Allen, Mr. Coleman, Mr. Voinovich, Mr. Alexander, Mr. Sununu, Ms. Murkowski, Mr. Martinez.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi (Chairman), Mr. Gregg, Mr. Frist, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. DeWine, Mr. Ensign, Mr. Hatch, Mr. Sessions, Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins (Chairman), Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Chafee, Mr. Bennett, Mr. Domenici, Mr. Warner.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Roberts (Chairman), Mr. Hatch, Mr. DeWine, Mr. Bond, Mr. Lott, Ms. Snowe, Mr. Hagel, Mr. Chambliss, Mr. Warner (ex officio).

COMMITTEE ON THE JUDICIARY: Mr. Specter (Chairman), Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. DeWine, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, Mr. Coburn.

SPECIAL COMMITTEE ON AGING: Mr. Smith (Chairman), Mr. Shelby, Ms. Collins, Mr. Talent, Mrs. Dole, Mr. Martinez, Mr. Craig, Mr. Santorum, Mr. Burns, Mr. Alexander, Mr. DeMint.

COMMITTEE ON THE BUDGET: Mr. Gregg (Chairman), Mr. Domenici, Mr. Grassley, Mr. Allard. Mr. Enzi. Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Alexander, Mr. Graham.

SELECT COMMITTEE ON ETHICS: Mr. Voinovich (Chairman), Mr. Roberts, Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. McCain (Chairman), Mr. Thomas, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, Mr. Crapo, Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Bennett (Vice-Chairman), Mr. Brownback, Mr. Sununu, Mr. DeMint, Mr. Sessions, Mr. Cornyn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Lott (Chairman), Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Santorum, Mr. Frist, Mr. Chambliss, Mrs. Hutchison, Mr. Bennett, Mr. Hagel.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe (Chairman), Mr. Bond, Mr. Burns, Mr. Allen, Mr. Coleman, Mr. Thune, Mr. Isakson, Mr. Vitter, Mr. Enzi, Mr. Cornyn.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig (Chairman), Mr. Specter, Mrs. Hutchison, Mr. Graham, Mr. Burr, Mr. Ensign, Mr. Thune, Mr. Isakson.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAKING MINORITY PARTY APPOINTMENTS TO COMMITTEES

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 6) making minority party appointments to certain Senate committees for the 109th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 6) was agreed to, as follows:

S. RES. 6

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 109th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Ranking Member), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Dayton, and Mr. Salazar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Ranking Member), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, and Ms. Landrieu.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Ranking Member), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Bayh, and Mrs. Clinton.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Ms. Stabenow, and Mr. Corzine.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Ranking Member), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Nelson of Nebraska, and Mr. Pryor.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mrs. Feinstein, Ms. Cantwell, Mr. Corzine, and Mr. Salazar.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Jeffords (Ranking Member), Mr. Baucus, Mr. Lieberman, Mrs. Boxer, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, and Mr. Obama.

COMMITTEE ON FINANCE: Mr. Baucus (Ranking Member), Mr. Rockefeller, Mr. Conrad, Mr. Jeffords, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden and Mr. Schumer.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Ranking Member), Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson of Florida, and Mr. Obama.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Ranking Member), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Jeffords, Mr. Bingaman, Mrs. Murray, Mr. Reed, and Mrs. Clinton.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Ranking Member), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Dayton, Mr. Lautenberg, and Mr. Pryor.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Ranking Member), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, and Mr. Durbin.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Dodd (Ranking Member), Mr. Byrd, Mr. Inouye, Mrs. Feinstein, Mr. Schumer, Mr. Dayton, Mr. Durbin and Mr. Nelson of Nebraska.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Ranking Member), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, and Mr. Pryor.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Ranking Member), Mr. Rockefeller, Mr. Jeffords, Mrs. Murray, Mr. Obama and Mr. Salazar.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Ranking Member), Mr. Jeffords, Mr. Feingold, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson of Florida, and Mrs. Clinton.

COMMITTEE ON THE BUDGET: Mr. Conrad (Ranking Member), Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Corzine.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Vice Chairman), Mr. Akaka, and Mr. Pryor.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Vice Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, and Ms. Cantwell.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, and Mr. Corzine.

JOINT ECONOMIC COMMITTEE: Mr. Reed, Mr. Kennedy, Mr. Sarbanes, and Mr. Bingaman.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FUNDING LEVELS

Mr. REID. Mr. President, I want to engage my colleague, the distinguished majority leader, in a colloquy regarding committee funding. As the majority leader is aware, the current biennial funding authorization for committee funding expires on February 28. Normally, by now the Rules Committee has advised the committees of the budget assumptions for the next biennial period, March 1, 2005 through February 28, 2007, so that they may be preparing their committee authorizing resolutions for the next biennial funding period. However, the Rules committee is awaiting direction from the

leadership. Based on conversations between the majority leader and myself, is the majority leader in a position to announce the funding and allocation assumptions for the next biennial committee funding period?

Mr. FRIST. I am pleased to respond to the inquiry of the Democratic leader. The budget assumptions for the next committee funding biennial period, subject to appropriations, will be an across-the-board freeze budget, with salary baselines adjusted by COLAs of 3.71 percent in 2005, as approved by the President pro tempore this week; and 3.3 percent assumed for 2006 and 3.5 percent assumed for 2007, although both the 2006 and 2007 actual COLA amounts remain subject to the approval of the President pro tempore.

Mr. REID. Is it my understanding that such a freeze will result in aggregate funding levels, subject to appropriations, as follows: March 1, 2005–September 30, 2005: $53,243,918; October 1, 2005–September 30, 2006; $93,467,365; and October 1, 2006–February 28, 2007: $39,782,891, and that such funding levels include, but do not separately allocate, the additional 10 percent allocated to the committees in the 108th Congress?

Mr. FRIST. That is correct. With regard to committee personnel salary allocations between the majority and minority staff, the Democratic leader and I have agreed to a 60–40 split of all personnel funds, after allocations for nondesignated administrative and clerical staff are agreed to by the chairman and ranking member pursuant to Rule XXVII of the Standing Rules of the Senate. However, the chairman and ranking member of any committee may, by mutual agreement, modify the allocation of personnel funds. The division of committee office space shall be commensurate with this allocation agreement.

Mr. REID. I thank the majority leader for his comments and assistance in reaching this agreement.

Mr. REID. Mr. President, if I could, if the distinguished acting leader would allow me to say a word, what we have just done has been something that is important for the institution. We want to show bipartisanship, and this has been very difficult. Briefly, because I know we have a joint session, let me say the chairmen and ranking members do yeoman's work around here. They work very hard.

What has just been completed is a compromise. I appreciate the cooperation of Senator FRIST and Senator MCCONNELL, Senator LOTT and Senator DODD. We have worked hard to arrive at this point, and we have shown some bipartisanship. We on the Democratic side, and I think I can speak for some of my friends on the Republican side, hope that the money the committees are going to get to do their work is not all needed. We didn't use it all last time. I hope we don't need it this time. But at least we have a framework where we have divided the responsibilities of the Senate on a 60–40 basis. I believe that is fair. I hope never in the future of this institution, no matter what party is in control, will it ever change and be any lower.

Mr. MCCONNELL. Mr. President, I thank my colleague, the Democratic leader, as well. I am glad we were able to work this out.

UNANIMOUS CONSENT AGREEMENT—H.R. 241

Mr. MCCONNELL. I ask unanimous consent that when the Senate receives from the House H.R. 241, the Senate proceed to its immediate consideration, that the bill be read three times, passed, and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR JOINT SESSION OF THE TWO HOUSES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now recess to reassemble in the Hall of the House of Representatives for the joint session for the purpose of the counting of electoral votes and the Senate reassemble in the Senate Chamber on the dissolution of the Joint Session.

There being no objection, the Senate, at 12:52 p.m., recessed, to reassemble in the Hall of the House of Representatives for a joint session, and at 1:30 p.m. reassembled in the Senate Chamber when called to order by the Vice President.

OBJECTION TO COUNTING OF OHIO ELECTORAL VOTES

The VICE PRESIDENT. Pursuant to S. Con. Res. 1 and section 17 of title 3, United States Code, when the two Houses withdraw from the joint session to count the electoral vote for separate consideration of an objection, a Senator may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question: Shall the objection be sustained?

The clerk will report the objection made in the joint session.

The assistant legislative clerk read as follows:

Ms. TUBBS JONES, a Representative from Ohio, and Mrs. BOXER, a Senator from California, object to the counting of electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from California.

Mrs. BOXER. Mr. President, thank you so much.

For most of us in the House and in the Senate, we have spent our lives fighting for what we believe in, always fighting to make our Nation better. We may not agree from time to time, but we are always fighting to make our Nation better. We have fought for social justice. We have fought for economic justice. We have fought for environmental justice. We have fought for criminal justice. Now we must add a new fight: the fight for electoral justice.

Every citizen of this the greatest country in the world who is registered to vote should be guaranteed that their vote matters, that their vote is counted, and that in the voting booth in their community their vote has as much weight as any Senator, any Congressperson, any President, any Cabinet member, or any CEO of any Fortune 500 corporation. I am sure every one of my colleagues agrees with that statement, that in the voting booth everyone is equal. So now it seems to me that under our great Constitution of the United States of America, which we swear allegiance to uphold, which guarantees the right to vote, we must ask certain questions.

First, why did voters in Ohio wait hours in the rain to vote? Why were voters at Kenyan College, for example, made to wait in line until 4 a.m. to vote? It was because there were only 2 machines for 1,300 voters when they needed 13.

Why did voters in poor and predominantly African- American communities have disproportionately long waits?

Why in Franklin County did election officials use only 2,798 machines when they needed 5,000? Why did they hold back 68 machines in warehouses, 68 machines that were in working order? Why were 42 of those machines in predominantly African-American communities?

Why in the Columbus area alone did an estimated 5,000 to 10,000 voters leave polling places out of frustration without having voted? How many more never bothered to vote after they heard this because they had to take care of their families or they had a job or they were sick or their legs ached after waiting for hours?

Why is it when 638 people voted at a precinct in Franklin County, a voting machine awarded 4,258 extra votes to George Bush? Thankfully, they fixed it. Only 638 people had shown up, but George Bush got more than 4,000 votes. How could that happen?

Why did Franklin County officials reduce the number of electronic voting machines to downtown precincts while adding them in the suburbs? This also led to long lines.

In Cleveland, why were there thousands of provisional ballots disqualified when everyone knew that poll workers had given faulty instructions to the voters?

Because of this and voting irregularities in so many other places, I am joining today with Congresswoman STEPHANIE TUBBS JONES, a 10-year judge, an 8-year prosecutor, a 6-year Member of Congress, a woman inducted into the Women's Hall of Fame. Folks, she has great credibility, and she asked just one Senator to take a couple of

hours. I hate inconveniencing my friends, but I believe it is worth a couple of hours to shine some light on these issues.

We passed the Help America Vote Act, which was important to help American voters, but then we did nothing.

Senators GRAHAM, CLINTON, and I introduced a bill to ensure that a paper trail go along with electronic voting. We couldn't even get a hearing in the last Congress. In the House, it is the same problem. We need this kind of bill.

Let me simply say to my colleagues: I have great respect for all of you. But I think it is key, whether it is Republicans or Democrats, that we understand that the centerpiece of this country is democracy, and the centerpiece of democracy is ensuring the right to vote.

I ask you, my friends from both sides of the aisle, when we get busy working within the next few weeks, let us not turn away from the things that happened in Ohio. Our people are dying all over the world. A lot of them are from my State. For what reason? To bring democracy to the far corners of the globe. Let us fix it here, and let us do it the first thing out.

Thank you very much, Mr. President. I yield the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, I find it almost impossible to believe that I am actually standing on the floor of the Senate today engaged in a debate over whether George Bush won Ohio in the 2004 Presidential election. Clearly he did and did so by 118,000 votes.

Because I am limited under the rules to 5 minutes, I will not have time to address all of the wild, incoherent, and completely unsubstantiated charges that have been made about the 2004 Ohio Presidential election. What might be a better way for me to explain the absurdity of the suggestion that Ohio did not go for President Bush is to quote from numerous editorials that have been written in Ohio newspapers.

The Cleveland Plain Dealer, a newspaper that did not endorse either President Bush or JOHN KERRY, said in an editorial this past Tuesday addressing those in Ohio and those from out of State still contesting Ohio's results:

The election horse is dead. You can stop beating it now. Not one ounce of political flesh remains on that carcass. Ohio has counted and recounted: President George W. Bush received 118,775 more votes than your man Sen. John Kerry.

The senator had the good grace and sense to acknowledge the abundantly obvious, go home, and resume his life. You might consider emulating his excellent example, because what you are doing now—redoubling your effort in the face of a settled outcome—will only drive you further toward the political fringe. And that long grass already is tickling your knees.

The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by the two of you and a handful of unrelenting zealots still ranting in the January rain, eight weeks after the November voting?''

The headline for the Akron Beacon Journal's editorial from December 24, 2004 was:

We wish John Kerry would have won Ohio. He didn't.

The piece went on to say:

The allegations being thrown around are of the flimsiest nature . . . Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated.

The Columbus Dispatch, in an editorial dated December 12, 2004, said:

On Monday, the 20 Ohio members of the Electoral College will cast their votes to elect the next president of the United States. When those votes are added to those from electors in the other 49 states, George W. Bush's re-election will be official.

But that won't stop the conspiracy theorists who claim that Bush stole his victory. Though they are small in number, these naysayers are loud and repetitious. So the truth bears repeating, too: Bush won because more Ohioans voted for him than for Senator John Kerry.

Kerry understands that George Bush legitimately won the election, which is why he conceded on November 3rd. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence, nor have they explained how a conspiracy could be carried out successfully in a decentralized system involving 88 separate, bipartisan county election boards.

Such a conspiracy would have to involve scores, if not hundreds, of Democratic election-board members actively working against their own party and presidential candidate.

It is terribly unfortunate that this body is meeting under these circumstances. I urge my colleagues to act unanimously in seating Ohio's electors.

I ask unanimous consent to have the full text of the above-mentioned articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the Cleveland Plain Dealer, Jan. 4, 2005)

PLEASE, LET IT GO. ELECTION WAS 2 MONTHS AGO; INAUGURATION IS IN 2 WEEKS; JACKSON AND TUBBS JONES SHOULD GET ON TO SOMETHING USEFUL.''

Memo to Rep. Stephanie Tubbs Jones and the Rev. Jesse Jackson: The election horse is dead. You can stop beating it now.

Not an ounce of political flesh remains on that carcass. Ohio has counted and recounted: President George W. Bush received 118,775 more votes than your man, Sen. John Kerry.

The senator had the good grace and sense to acknowledge the abundantly obvious, go home and resume his life. You might consider emulating his excellent example, because what you are doing now—redoubling your effort in the face of a settled outcome—will only drive you further toward the political fringe. And that long grass already is tickling your knees.

The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by the two of you and a handful of unrelenting zealots still ranting in the January rain, eight weeks after the November voting?

Yes, long lines built voter frustration. Yes, some electronic machines malfunctioned. Yes, boards rejected more provisional ballots than usual. But such things happen when hundreds of thousands of new voters join the process and new technology debuts under fire. Your doubts notwithstanding, numerous nonpartisan election experts say Ohio did an above-average job.

Americans treasure the right to be loudly mistaken—a right you now freely exercise. But for two national figures whose constituencies are among the poorest of the poor, it seems an embarrassing waste of energies sorely needed elsewhere. Fold your mildewed tents, collect your soggy cardboard and focus on the poverty, single-parenthood and dropout rates that have so impoverished those in whose names you protest too much. Good causes await your serious advocacy. And what you are doing now isn't serious.

[From the Akron Beacon Journal, Dec. 24, 2004]

STILL CHASING CONSPIRACIES; WE WISH JOHN KERRY WOULD HAVE WON OHIO. HE DIDN'T

The $1.5 million recount of presidential votes in Ohio is almost finished. With all counties except Lucas reporting, the results haven't shifted by more than a few hundred votes for either candidate. George W. Bush's win in Ohio, which gave him a majority of Electoral College votes, is safe.

Still, die-hards are continuing to question. A challenge filed in the Ohio Supreme Court by a group backed by the Rev. Jesse Jackson alleges fraud, computer hacking and post-election vote-switching, among other things. John Conyers of Michigan, the highest-ranking Democratic member of the House Judiciary Committee, wants an FBI investigation. A lawyer representing Sen. John Kerry's campaign now says some parts of the recount in Cuyahoga County should be counted again.

The allegations being thrown around are of the flimsiest nature. Jackson and Conyers are, for example, seeking exit polling data to compare with the official voting results. To what end? Is the election to be handed to Kerry based on a sampling of voters' opinions on Election Day, or the actual results?

Conyers based his request for an FBI investigation, in part, on the fact that a vote-tabulating computer had undergone routine maintenance before the recount in Hocking County. A review of the procedure by the election board and computer technicians showed the maintenance hadn't altered a thing.

Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated. There isn't any. What happened on Election Day, the long lines, tens of thousands of punch-card ballots that failed to record a vote, confusion over provisional voting and proper registration, can and should be addressed by J. Kenneth Blackwell, the secretary of state, and local election boards.

The voters would be better served if those backing the challenges backed off, concentrating on election reforms instead of electoral futility.

[From the Dayton Daily News, Dec. 20, 2004]

DID VOTES VANISH IN MIAMI VALLEY?

Specific complaints about the Ohio vote count keep getting aired—especially on the Internet—and keep getting laid to rest, but then just keep on getting cited by some diehard Democrats.

The supposed outrage in Republican Warren County? There the authorities closed off the vote-counting site on election night. Turns out, however, the local Democratic authorities were there, inside the building, and were fine with what went down, seeing no shenanigans.

The fact that many ballots in Montgomery County showed no vote for president? Turns out there was an electrical malfunction, and the counts have been changed, with Republicans benefiting.

Votes showing up late in the process in Miami County? Turns out the original state reports were wrong.

Similar phenomena in other parts of the state have similarly turned out not to amount to much.

Yet 12 Democrats on the U.S. House Judiciary Committee have posed questions about these alleged irregularities to Secretary of State J. Kenneth Blackwell. The strategy seems to be throw everything at the wall and see what sticks.

Several Miami Valley issues are at the center of this national squabble.

Some committee questions are just nonsense: How can the secretary of state explain that Sen. John Kerry did no better in Warren County than Al Gore did in 2000, even though Sen. Kerry spent more money and Ralph Nader wasn't on the ballot this time? Please. This is nothing. Republicans are leaving central urban counties for places like Warren, making the places they leave bluer and the new places redder.

Perhaps the most intriguing question is the one about the race for chief justice of the Ohio Supreme Court.

Democratic challenger C. Ellen Connally ran worse than Sen. John Kerry statewide, by about 3 percentage points. But in some counties in Southwest Ohio—Miami, Darke, Butler, Claremont, Brown—she ran ahead of him. Why?

Is it possible, as has been charged, that some 60,000 Kerry votes somehow disappeared in those counties?

Consider: Party labels do not appear on the ballots for judicial candidates. So, in these very Republican counties, one would not expect Judge Connally to have the kind of problem that Sen. Kerry had.

But why did Judge Connally run behind Sen. Kerry statewide if she ran ahead of him in these counties? Probably because the Moyer campaign—the only well-funded one—focused its commercials and mailings someplace other than small, Republican counties.

To ask the secretary of state to explain these things is absurd. Any response he offers will be treated by the Democrats on the House committee as partisan. Nonpartisan think tanks could do this work more credibly and with more expertise.

The partisan Democrats know that. They're just playing games.

[From the Cleveland Plain Dealer, Dec. 15, 2004]

MOVE ON NOW; THE ZEALOTS WHO REFUSE TO ACCEPT OHIO'S VOTE COUNT RISK UNDERMINING CONFIDENCE IN THE SYSTEM ITSELF

Most Americans, including the vast majority of those who supported John Kerry for president, have grasped the most basic reality of Election Day 2004:

George W. Bush was re-elected. He won roughly 60.7 million votes and carried 31 states with 286 electoral votes. Ohio's 20 Electoral College members formally cast ballots for the president Monday in the Statehouse.

Unfortunately, there is a small, but very vocal, group of Americans who refuse to accept this reality. They argue that what appear to be routine technical glitches and human errors were in fact an elaborate conspiracy to skew the election results. They claim that long lines at a few polling places, the rather unsurprising result of high voter interest, were evidence of a systematic campaign to discourage participation. In short, having failed to get the outcome they wanted at the polls, they have decided to mount an irresponsible campaign aimed at undermining public confidence in the electoral system itself.

Ohio, arguably the most intensive battleground for Bush and Kerry, has been the No. 1 target of these diehards.

Since Election Day, they have seized on isolated problems in a relative handful of this state's 11,366 precincts as proof of greater ills or even criminal activity.

One speaker in Columbus over the weekend likened Ohio to Ukraine. The Rev. Jesse Jackson has complained of widespread ''fraud and stealing.''

The Green and Libertarian parties, whose presidential candidates got a combined three-tenths of one percent of the vote in Ohio on Nov. 2, have demanded a recount of the state's 5.7 million ballots. That will cost taxpayers about $1.4 million. A coalition of critics, led by a former Ohio organizer for Ross Perot, has asked the Ohio Supreme Court to overturn the presidential election, as well as the outcome in the race for chief justice. The Kerry campaign, reflecting its leader's maddening desire to have everything both ways, has said it does not expect a recount to change anything—yet has also issued a list of things it wants local elections officials to double-check.

Obviously, there were problems on Election Day. There always are. Elections are run by imperfect humans. Many individual polling places are in the hands of civic-minded neighbors with a few hours of training. Machines malfunction. Voters mess up ballots.

But Ohio has already done its usual intensive post-election audit and reconciliation, a process designed to spot mistakes. That canvass resulted in Bush's unofficial 136,000–vote margin being reduced to the 119,000–vote edge that Secretary of State Kenneth Blackwell certified last week.

Ohio's bipartisan elections system makes the kind of GOP conspiracy that some allege all but impossible to execute. Every county board of elections consists of two Democrats and two Republicans. So when Jackson and other national Democrats question Ohio's outcome, they demean their own allies. William Anthony Jr., the African-American who chairs both the Franklin County Democratic Party and its elections board, has been personally stung by Jackson's slander: ''Why would I sit there and disenfranchise my own community?'' he asks.

The recount will go forward because by law it must; history suggests few votes will change. But it is time to focus on how to make future elections more efficient.

Clearly it would help if groups that register new voters did not deliver thousands of applications at the last minute. Ohio also needs an early voting system to relieve at least some of the pressure on Election Day. And rather than retreating from electronic voting machines, the state needs to find a secure system and back it up with a paper record.

Common-sense solutions can make a difference. Endless sour grapes will not.

[From the Columbus Dispatch, December 12, 2004]

SOUND AND FURY; ELECTION-CONSPIRACY THEORISTS DO NOTHING TO IMPROVE VOTING

On Monday, the 20 Ohio members of the Electoral College will cast their votes to elect the next president of the United States. When those votes are added to those from electors in the other 49 states, George W. Bush's re election will be official.

But that won't stop the conspiracy theorists who claim that Bush stole his victory. Though they are small in number, these naysayers are loud and repetitious. So the truth bears repeating, too: Bush won because more Ohioans voted for him than for Sen. John Kerry.

Kerry understands that Bush legitimately won the election, which is why he conceded on Nov. 3. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence. Nor have they explained how a conspiracy could be carried out successfully in a decentralized system involving 88 separate, bipartisan county election boards.

Such a conspiracy would have to involve scores, if not hundreds, of Democratic election-board members actively working against their own party and presidential candidate.

The idea that Democratic election officials disenfranchised voters in minority and Democratic precincts offends William A. Anthony Jr., chairman of the Franklin County Democratic Party and of the Franklin County Election Board, who was at the center of planning for the Nov. 2 election.

He was particularly incensed after the Rev. Jesse Jackson recently repeated the allegations and called for an investigation of the Ohio election.

''I am a black man,'' Anthony said. ''Why would I sit there and disenfranchise voters in my own community? I feel like they're accusing me of suppressing the black vote. I've fought my whole life for people's right to vote.''

Anthony's indignation is justified.

The major problem with the Nov. 2 election was the long lines at many polling places. But these were the result of high turnout, not conspiracy. Republican and Democratic voters alike were inconvenienced. In many precincts, the problem was exacerbated by a long ballot containing many tax and bond issues in addition to candidate choices.

Ohio is in the midst of an effort to replace election machinery throughout the state. Secretary of State J. Kenneth Blackwell made a good-faith effort to have the new equipment in place in time for the Nov. 2 election, but he was stymied by political disputes over the security and verifiability of the machines. County election officials wisely are waiting until this issue is sorted out before moving ahead with purchases of new machines.

But before that, Ohio lawmakers can reduce lines by rewriting election laws to allow voters to cast absentee ballots instead of visiting polling places.

Much work remains to be done to improve the state's voting system. The conspiracy theorists are contributing nothing to the effort but useless noise.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I advise Members on the minority side if they

want to speak on this issue, I have been informed that when the speeches end there will be a rollcall vote. If people are waiting to come here an hour from now, they may not get the chance to speak. Members who want to speak should come here now. I have been informed on the majority side there may not be another speaker or, if so, maybe only one other speaker.

For my side, I repeat, as I understand the rules, they should be here to speak for the 5 minutes when the time comes. That time is now.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I have the greatest respect and personal regard for my friend from the State of California. It is not often I find myself rising in disagreement, but I emphatically disagree and say respectfully that I believe those involved, citizens from around the country, with all their good intentions, are seriously misguided and are leading us into a very unfortunate precedent that was not in any way contemplated by the Constitution, by the law, or by historical precedent.

Obviously, the law, which was established in 1887, did not envision that our role would be to adjudicate in any State the results of an election for President. If it were the intent, it clearly would not have designed this kind of forum where an objection is raised, we each express our opinion for up to 5 minutes, and then vote on a whole array of facts and allegations and statements and contradictions that we could not possibly in this setting determine fairly and accurately.

If we were to do so, if we were to hypothetically object on an inevitably partisan basis to the actions taken by the electorate of a certain State, certified by the election officers of that State and then brought to us today, if we were to overturn that process and in this instance throw the election into the House of Representatives, the damage it would do to our democracy, to the integrity of our system, would be incalculable. If it were to result hypothetically in an alteration of the publicly expressed electoral will in an election for President, the entire credibility of our system would possibly be destroyed.

I am not the complete authority, but as I have read some of the assertions made about the conduct of the election in Ohio, I find serious imperfections. If we shed that spotlight on most States in this country, including my own State of Minnesota, we would find other imperfections.

Democracy is not a perfect process, but it is a process that we have a responsibility, not in hindsight but with foresight, to try to structure and to continue to perfect so it is as close to perfect as is humanly possible. I share entirely the concerns expressed by my colleague from California and others who said despite our best efforts—and I was part of that collaborative effort in this body and under the Rules Committee in the last couple of years—we made some progress but we still fell short.

I respectfully ask the chairman of the Rules Committee, Senator LOTT, who is here today, if he would be willing to convene hearings in the very near future and look not just at Ohio but at the experience from this election and how it can instruct us to improve that process for the future.

The Senator from California is absolutely right; every American should know he or she has a right to vote, that they can vote expeditiously, that their vote will be counted and it will be tabulated accurately, whether under Republican or Democratic election officials, whether it is for President from one party or another.

Whether I agree or disagree with the judgment of the American people, I respect and agree more than anything else with that process and the integrity of the process that produces whatever result they determine. It is that which we must guard today. I regret we are in a position of possibly compromising it. It would be a fatal mistake to overturn it in the way suggested.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I say at the outset, this historic meeting in the Senate will end at some point in a vote. When the time comes to vote I would vote to certify the vote from the State of Ohio.

I do not have personal knowledge of what occurred in the election in Ohio, but I have spoken to those who were present, who tell me that despite irregularities, which I will note, they do not rise to a level where we would challenge the outcome of the election in Ohio.

In addition, the Democratic Party Kerry-Edwards campaign had more than 2,000 lawyers on the ground in Ohio on election day. That was replicated in many States across the Nation. I think what it says is that the nature of this debate and the challenges which we are raising do not go to the results of the election but rather go to our electoral system.

Some may criticize our colleague from California for bringing us here for this brief debate. I thank her for doing that because it gives Members an opportunity once again on a bipartisan basis to look at a challenge that we face not just in the last election in one State but in many States. Because of different electoral practices in States across America, voters who wish to cast a vote for President or Vice President cannot approach the polls with certainty that their vote will be counted or that they can vote in a fair and convenient manner.

There are litanies of examples that could be cited. I do not challenge the legitimacy of the 2004 election outcome. I do not believe there is evidence of widespread fraud. I believe Senator KERRY was correct in announcing his concession, but let us concede on a bipartisan basis that we can and should do better.

In the case of Reynolds v. Sims, the Supreme Court of the United States made it clear that we have a constitutional right to vote. Thank God. That decision which was handed down in 1964 appears clear and unequivocal. But wait. Four years ago that same Supreme Court, in the case of Bush v. Gore, reached a different conclusion and stated that the individual citizen has no Federal constitutional right to vote for electors for the President of the United States.

It appears that this statement by the highest court in the land is inconsistent with a decision reached 40 years ago.

So where do we stand today? There is great uncertainty. Congressman JESSE JACKSON of my home State of Illinois is proposing a constitutional amendment to make it clear and unequivocal that we have a constitutional right to vote in America. I am loathe to jump on the bandwagon for constitutional amendments. I have seen some things done here that are not very proud moments in the history of the Senate when it comes to offering constitutional amendments, but I will take this one seriously.

When you look at the results of the election in Ohio and in many other States, serious questions are raised. These have been documented by the House Judiciary Committee Democratic staff.

Mr. President, I ask unanimous consent that the Executive Summary of this report, entitled ''Preserving Democracy: What Went Wrong in Ohio,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT WENT WRONG IN OHIO

EXECUTIVE SUMMARY

Representative John Conyers, Jr., the Ranking Democrat on the House Judiciary Committee, asked the Democratic staff to conduct an investigation into irregularities reported in the Ohio presidential election and to prepare a Status Report concerning the same prior to the Joint Meeting of Congress scheduled for January 6, 2005, to receive and consider the votes of the electoral college for president. The following Report includes a brief chronology of the events; summarizes the relevant background law; provides detailed findings (including factual findings and legal analysis); and describes various recommendations for acting on this Report going forward.

We have found numerous, serious election irregularities in the Ohio presidential election, which resulted in a significant disenfranchisement of voters. Cumulatively, these irregularities, which affected hundreds of thousand of votes and voters in Ohio, raise grave doubts regarding whether it can be said the Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law, let alone federal requirements and constitutional standards.

This report therefore, makes three recommendations: (1) consistent with the requirements of the United States Constitution concerning the counting of electoral votes by Congress and Federal law implementing these requirements, there are ample

grounds for challenging the electors from the State of Ohio; (2) Congress should engage in further hearings into the widespread irregularities reported in Ohio; we believe the problems are serious enough to warrant the appointment of a joint select Committee of the House and Senate to investigate and report back to the Members, and (3) Congress needs to enact election reform to restore our people's trust in our democracy. These changes should include putting in place more specific federal protections for federal elections, particularly in the areas of audit capability for electronic voting machines and casting and counting of provisional ballots, as well as other needed changes to federal and state election laws.

With regards to our factual finding, in brief, we find that there were massive and unprecedented voter irregularities and anomalies in Ohio. In many cases these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush-Cheney campaign in Ohio.

First, in the run up to election day, the following actions by Mr. Blackwell, the Republican Party and election officials disenfranchised hundreds of thousands of Ohio citizens, predominantly minority and Democratic voters:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters. This was illustrated by the fact that the Washington Post reported that in Franklin County, ''27 of the 30 wards with the most machines per registered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry.'' Among other things, the conscious failure to provide sufficient voting machinery violates the Ohio Revised Code which requires the Boards of Elections to ''provide adequate facilities at each polling place for conducting the election.''

Mr. Blackwell's decision to restrict provisional ballots resulted in the disenfranchisement of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters. Mr. Blackwell's decision departed from past Ohio law on provisional ballots, and there is no evidence that a broader construction would have led to any significant disruption at the polling places, and did not do so in other states.

Mr. Blackwell's widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party's decision to engage in preelection ''caging'' tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout. The Third Circuit found these activities to be illegal and in direct violation of consent decrees barring the Republican Party from targeting minority voters for poll challenges.

The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of legal voters, who were not only intimidated, but became discouraged by the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges ''can't help but create chaos, longer lines and frustration.''

Mr. Blackwell's decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968. Equal Protection, Due Process and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors.

There were 93,000 spoiled ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25% each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties throughout the state: (i) in Mahoning county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than voters in other precincts, and voters casting more than one ballot; (iv) in Butler county a down ballot and underfunded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of numerous irregularities in tallying provisional ballots and conducting and completing the recount that disenfanchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete):

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority votes. In Cuyahoga County alone, the lack of guidance and the ultimate narrow and arbitrary review standards significantly contributed to the fact that 8,099 out of 24,472 provisional ballots were ruled invalid, the highest proportion in the state.

Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and the Equal Protection Clauses. We found innumerable irregularities in the recount in violation of Ohio law, including (i) counties which did not randomly select the precinct samples; (ii) counties which did not conduct a full hand count after the 3% hand and machine counts did not match; (iii) counties which allowed for irregular marking of ballots and failed to secure and store ballots and machinery; and (iv) counties which prevented witnesses for candidates from observing the various aspects of the recount.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide ''cheat sheets'' to those counting the ballots. The cheat sheets informed election officials how many votes they should find for each candidate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full countywide hand recount mandated by state law.

Mr. DURBIN. Mr. President, the irregularities were not confined to the State of Ohio. Let me give you an Illinois example. In DuPage County, IL, 26 percent of provisional ballots were counted, but in Chicago, a few miles away, 61 percent were counted. That is more than twice as many. That is largely because Chicago allows provisional ballots to be cast by a voter who turns up in the wrong precinct on election day. DuPage County does not, the county right next to Cook County.

How is it that the fundamental right of an American citizen to have his or her vote counted can vary dramatically—not just from State to State but from county to county? We need to address this on a national basis.

The PRESIDENT pro tempore. The Senator's time has expired.

Who seeks recognition?

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today to talk about the most fundamental right in our democracy, the right to vote. Every election day, millions of people in America from different social, economic, and ethnic backgrounds converge on polling stations to cast their ballots. And as they leave the polling booths, they emerge, one by one, as equals.

They are equals because the power of our Constitution resides with the people who delegate power to the Government. Our Constitution guarantees the right of every American to be heard equally about whom they want to lead their Government. We, as their elected leaders, have a responsibility to ensure that those constitutional freedoms are honored and protected.

We have heard from some voters in Ohio and across the country about the election in November. They feel that their voices were not heard.

Thousands of voters waited in line for up to 10 hours to cast their ballots. Some waited until 4 in the morning, and some waited for hours in the rain. Many voters with job, family, and other responsibilities simply could not wait any longer, and they left without voting. It is unreasonable to expect voters to wait 10 hours to exercise their constitutional right to vote.

Some soldiers and other Americans living overseas believe their ballots

were not counted. Without question, every legal ballot should count, whether it is cast overseas or here in the United States.

Many precincts across the country continue to use outdated punch-card ballots and decades-old voting machines that are more prone to error or simply do not work properly. That is disturbing enough—machines from the 1950s being used in 2004—but even more disturbing is that urban areas are disproportionately affected. More urban areas do not have the modern voting machines and equipment that is available in other areas of the country. This disparity affects voting for a large number of minorities, and that is unacceptable.

Even those precincts with electronic voting machines had problems. Some machines malfunctioned, causing votes to be counted more than once or not at all. Anyone who has used a computer at home or at work knows that even saved data can be lost. Yet most electronic voting machines do not have a paper record to back up the system. It could be as simple as a paper receipt like the one you get when you withdraw money from an ATM machine.

In Nevada, electronic voting machines have a paper trail, and we need it for all electronic voting machines. We must ensure the integrity of our voting process.

Many voters felt intimidated at the polls. When they went to vote, so-called election observers demanded that they provide more than the required form of identification. Others read flyers that directed them to the wrong polling places.

These are real people with real concerns, and we need to listen to them. Our Constitution requires that we listen to them. As elected leaders of these people and all of those in our States who have delegated to us the power to represent them, we have an obligation to listen.

After voters experienced similar problems in the last election, we addressed many of those issues. Congress passed, and I supported, the Help America Vote Act, which required the use of provisional ballots for voters who went to the wrong location so ballots would be sealed and counted later in the proper precinct, and each State received funding to update their voting systems.

But in Ohio, the provisional ballot was rendered virtually worthless in the November 2004 election. Ohio's Secretary of State ruled that provisional ballots were valid only if they were cast in the proper precinct.

So today we talk about the problem, but I think we also need to talk about the solution. Voting is fundamental to our democracy. The process should be fair, honest, and easy.

I do not support holding up the results of our November election to address the concerns many voters have raised about the process because I believe we need to move on with the business of the country. But I do support the GAO investigation into these concerns. When we find out what the GAO has to say, we have an obligation to address the problems they uncover.

I do support true election reform that will create a 21st century voting system that we can all be proud of.

The PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. First of all, I commend and thank our friend from California, Senator BOXER, for giving us this opportunity to address the Senate on this issue.

On November 3, JOHN KERRY conceded the 2004 Presidential election to George Bush. While we do not question the outcome, many of us remain deeply concerned that for the second time in a row, in a closely contested election, there were so many complaints about the ability of voters to cast their votes and have them counted fairly.

The right to vote is the cornerstone of our democracy. Every Member of Congress has a duty to protect and uphold that right. When that right is threatened, Congress must act to protect it. Clearly, the legislation we enacted to do so after the 2000 election was not adequate for the 2004 election.

Forty years ago this year, after the Selma-Montgomery march, many of us in the Senate and House worked hard to pass the landmark Voting Rights Act of 1965, to guarantee that racism and its bitter legacy do not close the polls to any citizen.

After the 2000 election, we passed the Help America Vote Act in an effort to correct the serious problems that undermined the right to vote in that election.

Unfortunately, last November, we learned that we still have work to do. As in 2000, the votes of many who wanted to vote were not, in fact, counted. The reasons are many and varied. Some voters gave up in the face of endless lines and waits of many hours at polling places unable to handle the large turnout of voters. In other cases, voting was frustrated by broken or ancient voting machinery, by confusion over applicable rules for voting precincts, or because States decided that certain votes did not comply with arbitrary and inflexible State or local procedures. We saw all those problems in Ohio. It is far from clear the extent to which these serious problems were the result of intended manipulation or widespread incompetence, but either way, the voting process did not live up to the standards worthy of our democracy.

Today's debate is an opportunity for all of us to admit that the 2004 election was flawed and to pledge action in this new Congress to fix the festering problems once and for all.

Citizens must have faith that they will be able to cast their votes efficiently and with complete confidence that their votes will be fairly and accurately counted. We cannot go through another election wondering whether a patchwork of unequal and outdated procedures—whether by accident or design—have yet again denied so many of our fellow citizens the right to vote.

I commend the many thousands of citizens in Massachusetts and other States who insisted that treating today's electoral vote count in Congress as a meaningless ritual would be an insult to our democracy unless we register our own protest against the obviously flawed voting process that took place in so many of our States. We are hopeful that this major issue that goes to the heart of our democracy is now firmly implanted on the agenda for effective action by this Congress.

Few things are more important to the Nation and to each of us, both Republican and Democrat, than a genuine guarantee that the people's will is heard through the ballot. No democracy worth the name can allow such a flawed election process to take place again.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, today, the Congress gathers to exercise the role laid out by the Framers in the Constitution of the United States. The past two national elections have been surrounded in controversy, not just controversy over issues and ideas—which is important and healthy in a democratic system of government—but also controversy over the mechanics of the election and the counting of the votes.

The 2000 election left citizens across this country with a belief that not every vote was fairly counted. In response, Congress passed a much-needed reform legislation. States worked to modernize their equipment and procedures. We had high hopes that the 2004 election—under much closer scrutiny than the election of 2000—would provide the public with confidence that everyone who registered would be able to vote, and that every vote cast would be counted accurately.

Yet, despite the legislation and the more than $2 billion dedicated to fixing the election problems, the election of 2004 was marred with reports of irregularities and, as a result, there is a significant group of our citizenry that seriously questions the results of the vote, and particularly the vote in Ohio.

There are several groups and organizations that are investigating the reported irregularities in the Ohio election. That is important work and it should and will continue. When the investigations conclude, should there be solid evidence of criminal activity, those responsible should be prosecuted, no matter how high that responsibility may reach. But the Senate should not prejudge the results of those investigations.

I applaud the efforts of the Senator from California, Mrs. BOXER, and the Congressional Black Caucus to defend the integrity of the electoral process. But the question before us today is

whether we uphold the objection to the certification of Ohio's electors in the count of the electoral vote. The Senate must vote, based on the information available to us at this moment, and absent the clear conclusions of the ongoing investigations into reported irregularities in Ohio, I shall vote to allow the electoral count to proceed.

In this session of Congress, I hope that we can take the lessons learned from November and continue to improve the integrity of elections and encourage greater faith in the results. The legitimacy of our government rests upon the confidence of the people. We, in Congress, must get serious about crafting legislation aimed at restoring confidence in the most fundamental characteristic of a representative democracy, the Constitutional right and duty to vote.

Mr. INOUYE. Mr. President, although there were voting irregularities in Ohio, I will not vote in support of the objection. I do respect the result of the recent Presidential election, but I do not respect the process. Several thousand voters believe they were discouraged or even prevented from voting, and several thousand who did vote believe that their votes were not correctly reported. The inequitable allocation of voting machines, the lack of instruction for the review of provisional ballots, and the questionable activities surrounding the recount of the electronic ballots call into question the final results in Ohio. However, I am unconvinced that it would have made a difference in the final outcome of this Presidential election.

I had hoped that we would not have the electoral college votes called into question again. After the 2000 Presidential election, we worked together to pass election reform legislation, the Help America Vote Act. That legislation set Federal requirements for provisional ballots and for voter information, registration, and identification. Unfortunately, that legislation has not yet been fully implemented and does not go far enough.

I would like to work with my colleagues craft legislation to ensure that all of our citizens are encouraged to vote and participate in our democratic process. Our citizens must believe their vote will count. At a time when we are risking lives of our service men and women to spread democracy throughout the world, we cannot ignore the threats to the democratic process here at home. I do not relish the vote I am forced to cast today, but I as I do, I look forward to being able to cast future votes on Federal election reform to ensure that we are not in this position again.

Mr. KOHL. Mr. President, serious allegations have been raised about voting irregularities in Ohio during the 2004 presidential election. I agree with many of my colleagues that these allegations must be investigated to the fullest extent possible because every eligible citizen in this nation must have an equal opportunity to exercise the constitutional right to cast a vote in Federal elections. That said, I do not believe there is anything to be gained by sustaining the objection to the ballot certification with regard to the state of Ohio. Senator JOHN KERRY has already conceded the election and there are no pending investigations that will result in sufficient votes being changed so as to alter the outcome of this election.

However, the last two elections have revealed a glaring need for us to rethink how we conduct elections in our Nation. With more and more voters needing to cast their ballots on Election Day, we need to build on the movement which already exists to make it easier for Americans to cast their ballots by providing alternatives to voting on just one election day. Twenty-six states, including my own state of Wisconsin, now permit any registered voter to vote by absentee ballot. Twenty three states permit in-person early voting at election offices or at other satellite locations. The state of Oregon now conducts statewide elections completely by mail. These innovations are critical if we are to conduct fair elections for it has become unreasonable to expect that a nation of 294 million people can line up at the same time and cast their ballots at the same time. And if we continue to try to do so, we will encounter even more reports of broken machines and long lines in the rain and registration errors that create barriers to voting.

That is why I have been a long-time advocate of moving our federal election day from the first Tuesday after the first Monday in November to the first weekend in November. Holding our federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections. I look forward to introducing legislation to this end in the 109th Congress and I urge my colleagues to join me in this effort.

Ms. CANTWELL. Mr. President, we meet in historic session today. The twelfth amendment to the Constitution sets forth the requirements for casting electoral votes and counting those votes in Congress. The electors are required to meet, cast and certify their ballots and transmit them to the Vice President in his capacity as President of the Senate.

With the exception of objections to the electoral votes from the State of Florida in the 2000 election, objections to an entire slate of votes from a State have been rare. But we have had one today, which gives us the opportunity to discuss and debate a very important issue for our country and for the citizens of my State—the issue of whether we have ensured that every vote is counted.

I will vote to uphold the outcome of this most recent election.

However, I think we have more work to do in the area of election reform, and I think the discussion we are having today is appropriate and overdue.

In 2001, I supported the passage of the Equal Protection of Voting Rights Act. That law was designed to protect voting rights and ensure the integrity of the electoral system in our nation. I did so because I feel that making certain that each citizen's vote is counted and promoting public trust and confidence in our election process is crucial.

The job is far from over. We may need to have additional hearings and we may need to take additional legislative action. There have been troubling reports from this most recent election.

Representative JOHN CONYERS and the minority staff of the House Judiciary Committee have conducted their own hearings and investigations of instances of voter disenfranchisement, flawed or corrupted voting machinery, and inappropriate procedures for counting and recounting votes in Ohio. They have produced a compelling report itemizing and analyzing the irregularities.

A 2-hour debate on the matter, when people across the country waited in 4, 6 and 12-hour lines to vote all over this country in November, is the least we can do.

The debate we are having focuses attention on legitimate concerns that have been raised regarding the Ohio vote and count, and on broader concerns about America's inconsistent and sometimes flawed election processes which vary so radically from State to State that genuine equal protection concerns arise.

I will certify the election results, because I don't think we should sacrifice the greater good of the continuity of Government at this time. We need to govern. But, what we should be doing is using this debate to get this Congress, and this country, talking about the steps that must be taken to ensure that American elections provide a true representation of the people's will.

Mr. LEAHY. Mr. President, while I was pleased at the large number of Americans who turned out to vote in last year's Presidential election, I am deeply concerned about the many credible allegations of voting irregularities that surfaced in the weeks following the election.

I cannot, however, support an objection to the certification of Ohio's electoral votes. Although I believe this debate is worthwhile, I am not persuaded that the alleged fraud was sufficient to change the outcome of either the Electoral College or the popular vote. Senator KERRY conceded the election more than 2 months ago, and he does not support a challenge. Moreover, the practical effect of discounting Ohio's electoral votes would simply be to allow the election to be decided by the House of Representatives.

In the months leading up to Election Day, I joined with Senator KENNEDY in

writing with great frequency to Attorney General Ashcroft about our concerns about voter suppression and possible partisan activity by the Department of Justice. It is with dismay, then, that I have learned about the secret counting of votes in Warren County, OH, allegedly prompted by an FBI terrorism warning that the FBI denied making. I have read also of the nearly 4,000 votes President Bush was mistakenly awarded in a Franklin County precinct with only 800 voters. Although this mistake was corrected, such a malfunction suggests the possibility that other problems with the vote count may have been missed.

Finally, I would point to the shocking misdistribution of voting machines in Ohio. Voters from minority and urban communities frequently waited in line for four to five hours to cast their votes, while suburban voters faced far more manageable waiting times.

We cannot know the effect this may have had on vote totals, but we can and should work with State and local officials to prevent this from happening in future Presidential and other Federal elections.

I commend Representative CONYERS and many of his Democratic colleagues on the House Judiciary Committee for their tireless pursuit of a goal that all of us—Republicans and Democrats alike—should desire: a free and fair election in which every vote counts.

I look forward to the results of the Government Accountability Office's investigation of election irregularities called for by Representative CONYERS.

Mrs. LINCOLN. Mr. President, I accept the decision voters made on November 2 to elect George W. Bush as the President of the United States. I do not come to the floor today to challenge the outcome of the election. However, I do have concerns about the process. I believe there are some valid issues raised with the Ohio electoral votes regarding the legitimacy of our Nation's voting procedures, and I take these issues very seriously. In this modern, computerized age and in our magnificent, democratic country, there is absolutely no excuse for database errors, lack of polling-place education and training, equipment malfunctions, or voter disenfranchisement.

I supported the Help America Vote Act, HAVA, and have consistently supported adequately funding this law so that States can achieve its requirements and improve voting procedures to ensure every valid vote is counted. In addition, I helped introduce the Restore Elector Confidence in Our Representative Democracy, RECORD, Act, S. 2313, last year. This act contains a provision to strengthen security measures for electronic voting devices to prevent outside tampering and requires a paper printout of votes cast at electronic voting machines.

The right to vote freely and without intimidation is the foundation of democracy and we must do all we can to ensure every vote is counted and recorded accurately. I believe voters must have faith in the electoral process for our democracy to succeed, and I look forward to working with my colleagues in the coming year to ensure that our Nation's election system is fair and effective.

Mr. JEFFORDS. Mr. President, we are here today in this extraordinary session to discuss a challenge to Ohio's electors.

It was gratifying to see the high level of interest in the election create such a large voter turnout. However, it was discouraging to hear of the problems that affected the election in many parts of the country, including Ohio.

Representative CONYERS, other House Democrats, and individuals across this country deserve our thanks for the important work they have done to document the issues that arose from the 2004 election.

I would also like to thank Senator BOXER and Representative TUBBS JONES for their diligence in bringing this issue to the forefront.

All voters deserve to get answers, and corrective actions, to the reported irregularities and flaws of the 2004 election.

As my colleagues may know, the Government Accountability Office, GAO, is currently conducting a comprehensive investigation of many of the issues raised in the 2004 election.

I am very supportive of this investigation, and believe that through a complete and full investigation by the GAO, answers to the questions raised regarding the 2004 election will be obtained.

The information the GAO obtains will allow the Congress to take appropriate action to address the problems uncovered.

At a minimum, there are two changes to our election system that should be implemented by the Congress: requiring a paper trail for electronic voting machines and creating a national standard for provisional ballots.

I will work with my colleagues in the Congress to enact these important reforms. We must work to maintain, and indeed improve, the confidence in and integrity of the election process.

I am under no illusion that the actions taken on this challenge will change the outcome of the election. Senator KERRY has conceded the election. The events of today will not change this result, and I fear they will only further polarize our political landscape.

The solutions to the irregularities of the election will not be found or enacted in this 2-hour process today. They will come from a complete investigation, like the on-going GAO one.

Because I believe that contesting the slate of Ohio electors is not the way to achieve the needed reforms of the election system, I will vote against this challenge today.

However, I want to put my colleagues on notice that I will be vigorously pursuing reforms of the election system to enact much needed improvements in the system.

We have to make sure our elections are a solid reflection of the voters' intent. Given the resources of our great Nation, there is no reason why we should not be able to achieve this goal.

Mr. FEINGOLD. Mr. President, I appreciate this opportunity to comment briefly on voting irregularities that occurred during our most recent presidential election. While some steps were taken after the 2000 election to help rectify a number of problems with our voting process that were identified across the country, the election in November demonstrates that more needs to be done.

The outcome of the November election will not change because of the current process underway in both the Senate and the House, but I certainly understand the goal of those who have initiated this debate with their written objections to certifying the election results. While I understand that the Senator from Massachusetts (Mr. KERRY) has indicated that his campaign's legal team was unable to find evidence that would change the outcome of the election, enough questions have been raised to justify a thorough examination by Congress and the administration. Of course, the rules governing this debate are highly restrictive, and do not afford any meaningful review of potential voting irregularities, let alone the consideration of possible solutions to any problems. That effort will have to be done outside the confines of the specific work we have today, and to that end, I strongly hope the Senate Rules Committee will make this the very highest priority, and that the Senate's leadership will schedule any legislation that comes from such a review for prompt floor action.

Since the election, I have heard both Democrats and Republicans pledge to work together to tackle some of our most pressing issues. We are 3 days into the 109th Congress and it is time to put that promise to the test. I look forward to working with all of my colleagues to help ensure that in future elections every eligible citizen who wishes to vote is able to do so and all votes are counted.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. CORZINE. Mr. President, as we prepare to commemorate the 40th anniversary of the Voting Rights Act of 1965, we are called on to look back and reflect on whether we have fixed the systemic problems that this historic legislation sought to address. Have we ensured that all citizens are provided equal access to the ballot, regardless of race, ethnicity, or language-minority status? Have we created the proper safeguards and procedures that make certain that every vote is counted? Have we done enough to protect our democracy's most sacred right—the right to vote?

The accounts from our most recent Presidential election suggest that we have not yet met our goal of securing a free and fair election for all Americans. Driving this point home is yesterday's 102-page report published by the House Judiciary Committee's Democratic staff. The report goes into great detail describing the voting irregularities that arose in Ohio last November. The allegations include accounts of voter registration barriers, voter intimidation, voting machine shortages and failures, and confusion over the counting of provisional ballots. These accounts raise serious doubts about whether Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law or Federal requirements and constitutional standards.

The most troubling revelation from the committee staff's report is the seeming disproportionate impact these voting irregularities had on minority voters. And so I ask, 40 years later, have we done enough to make sure the letter and spirit of the Voting Rights Act is being enforced?

I ask my colleagues to join me in pushing for congressional hearings on the alleged voting irregularities witnessed in Ohio and elsewhere this past election season. I also ask them to join me in examining whether we need to reform our election laws to ensure that we have free and fair elections for all Americans, regardless of race or ethnicity. Only then can we be sure that we have adequately protected the constitutional right of all qualified citizens to participate in our democracy's most cherished right.

I am traveling overseas on a humanitarian mission to Southeast Asia to visit the areas most affected by the recent tsunami and regret that I will not be available to participate in this afternoon's debate. I nonetheless commend my colleagues who are raising these important issues, and applaud their efforts to give a voice to those who were disenfranchised last November.●

Ms. MIKULSKI. Mr. President, today I rise to discuss an issue that Congress tried to address after the 2000 election nightmare. Frankly, I am stunned to be standing before you 4 years later to take up the same issues of voting irregularities and uncounted votes. And I thank my colleague from California for bringing this important issue before the Senate for debate. Her opposition serves as a call upon the Congress to take action this year to address the ongoing problems in our electoral system.

Today, I will vote to certify the result, but once again we see that the election system in the United States does not work to provide absolute confidence in the results. Today, I am voting to certify the results because I do not believe that the voting problems changed the outcome of the election. Certification should not be delayed further under such circumstances. I believe the majority of voters in Ohio have spoken and that result should be certified.

But while I do not question the result, I rise today to call attention to what went wrong, to the disenfranchised voters, the broken machines and problems people had casting their ballots on election day.

This should not be happening in the United States of America. When we vote for President, we should all have total confidence that every vote counts and that every vote is counted.

There simply should be no questions or problems when we vote for the President of the United States. But, here we are, again, talking about voting problems and talking about lost or uncounted votes.

Like many Americans, I was shocked in 2000 to see how outdated the voting systems in America were. I was also shocked to see how easy it was to manipulate those voting systems and how easy it was for votes to be lost or go uncounted.

It was literally unbelievable. I asked myself, how could such things happen here in the United States? In 2000, we all learned that many ballots, many people's votes, were thrown out, lost, misplaced, or miscounted.

We saw election officials who did not know the rules and some who appeared to ignore the rules.

We witnessed innocent mistakes, machine mistakes, ballot mistakes and mistakes that were not so innocent.

The result was that many votes simply did not count.

The Presidential election of 2000 was an eyeopener. Our election systems in this country, the World's oldest democracy, were broken and needed to be fixed.

Republicans and Democrats agreed this had to be done. It was important. It was vital.

And we did something. We passed the Help America Vote Act. We set standards. We authorized money for the states to help them get new machines, new technology and fix their electoral systems. We provided for provisional ballot systems so that if there was a question about a voters registration they could still cast a ballot.

We thought that our voting systems were well on their way to being fixed. We thought that we would never have another election like 2000. We thought that all votes were going to count and all votes were going to be counted.

We were wrong.

We now see, in 2004, 4 years after the 2000 election debacle, we have people standing in lines for hours because polling places could not handle the turnout, people being given the wrong information, machines breaking down, too few machines in some precincts, ballots being lost or misplaced, and voters being told to go to the wrong place to vote. That is simply not right.

It is not clear if these problems by accident or intended, but the result was that again people were not able to cast their votes or their votes simply were not counted. That's just wrong. That is not suppose to happen in the United States.

And where did much of this happen? In minority neighborhoods, in cities, in economically distressed areas, in primarily Democratic areas across the Nation. I ask myself, is this just a coincidence? Those communities do not think so. And it is critical that we let them know that we take their concerns seriously.

What happened in the last election is less important than making sure that it never happens again. These communities need to know that the Congress is taking action to meet their concerns and will work to correct the abuses that were documented in many States in 2004.

This is not a Republican or a Democratic issue. Ensuring that every registered voter who wants to vote can vote is not a partisan issue. It is an issue of what it means to be an American. In 2004, everyone should agree that every vote should count and we have to do whatever is necessary to make sure that happens.

I call on the Congress to renew its efforts to ensure that there is true electoral reform that every American who casts their ballot can be sure it is counted and that every American who wants to cast their ballot has that opportunity. This Congress should take three steps:

We should fully fund the Help American Vote Act so that all States have the resources that they need to truly reform their electoral systems.

We need to pass legislation to ensure that there is a voter verified paper trail on electronic machines so voters can verify that they cast their ballot and who they cast it for.

We need to re-examine the issue of electoral reform to see what steps the Congress needs to take to ensure that the voting rights of all Americans are protected. So that we have uniform standards. So that provisional ballots work, people do not have to wait in long lines, machines are operative and voters can get to the polls on election day.

And, we must do it now, before this issue fades from view again. The media will move on to other issues. We will move on to other issues. There are many important issues that this Congress will address this year, but as we look forward, and this year celebrate the 40th Anniversary of the Voting Rights Act, we must make this a priority issue. We must act to protect those vital rights and protect our democracy. There is no better way to honor this historic Act than to ensure that we fix the problems in our electoral system that continue disenfranchise voters.

I thank my colleague, Senator BOXER, from California for giving us the opportunity to debate these important points and focusing the spotlight on the voting problems still facing our democracy. And while I vote today to

certify the election, I do not certify how our electoral system works in the United States and on that front we must now act.

I look forward to working on this with other members of the Senate. But, we must not be here in 2006 or 2008 talking about how shocked we are to see yet again votes not counted, ballots missing, lost and misplaced, and confused election officials. We must act this year, while the spotlight is still on, to do more to ensure that all voters will have confidence in our electoral system.

Mr. LEVIN. I will vote against objecting to counting Ohio's electoral votes. Of course I am concerned by reports of irregularities across the country during the 2004 presidential election. The 109th Congress should address these problems this year as part of election reform legislation. But voting to throw out the electoral votes of a State in the absence of clear evidence that voting fraud in that State changed the outcome would set a dangerous precedent for future elections in which the majority party of Congress could overturn the outcome of a presidential election.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, free and fair elections are the foundation of our democracy. Thanks to the efforts of tens of thousands of citizens, millions more Americans registered and went to the pools this year. But despite this dramatic expansion in public participation, many voters faced barriers to casting their ballot. Disenfranchisement and barriers to voting are fundamentally undemocratic and should be unacceptable in the freest nation in the world.

On November 3, I conceded the Presidential election to George Bush and also expressed my commitment to ensuring that every vote in this election is counted. The questions being raised by my colleagues in Congress about the vote in Ohio are important. As evidenced by the media and Congressman JOHN CONYERS' report of the vote in Ohio, there were many voting irregularities in the November election that led to the disenfranchisement of voters. These included long lines at predominantly minority polling places resulting from the failure to provide sufficient number of voting machines; voter intimidation and misinformation; the restriction of provisional ballots in a fashion that likely disenfranchised voters; and instances in which malfunctioning voting machines transferred Kerry votes to Bush.

I strongly believe that we need to investigate this election and reform our system. However, while I am deeply concerned about the issues the questions and issues being raised by this objection and think they are very important, I do not believe that there is sufficient evidence to support the objection and change the outcome of the election and I am not joining their protest of the Ohio electors.

Despite widespread reports of irregularities, questionable practices by some election officials and instances of lawful voters being denied the right to vote, our legal teams on the ground have found no evidence that would change the outcome of the election.

It is critical that we investigate and understand any and every voting irregularity anywhere in our country, not because it would change the outcome of the election but because Americans have to believe that their votes are counted in our democracy.

We must take action this Congress to make sure that the problems voters encountered in Ohio and elsewhere never happen again. We must make sure there are no questions or doubts in future elections. It is critical to our democracy that we investigate and act to prevent voting irregularities and voter intimidation across the country.

I strongly support the efforts of the civil rights and voting rights groups across the country that continue to investigate what happened in 2004 and how we can ensure it will never happen again. A Presidential election is a national Federal election but we have different standards in different States for casting and counting votes. We must have a national Federal standard to solve the problems that occurred in the 2004 election.

I am calling on my Republican colleagues to put election reform on the congressional agenda this year. The Republican leadership in the House and Senate must commit to make protecting voting rights a priority and commit to adding election reform legislation to the legislative calendar this year. One goal must be to eliminate barriers to voting, to encourage the greatest level of civic participation possible, and to restore confidence in the notion that every eligible voter will have the opportunity to vote and to have their vote counted.

I have spoken with Democratic Senate Leader HARRY REID and my colleagues in the House and Senate about my intention to introduce legislation this year to ensure transparency and accountability in our voting system and the need for the Democratic Caucus to make voting rights and electoral reform one of our top priority pieces of legislation. Election reform will be one of my top agenda items.

I will be meeting in coming weeks with key leaders on both sides of the aisle and from civil rights and voting rights groups across the Nation. I plan to use the information gathered by Representative CONYERS in his report, and information from other investigations underway, to guide my legislation.

We must invest resources in our country to help State and local communities purchase modern voting machines and do research and development on safe and secure forms of voting. We must ensure that our voting machines enable voters to verify their vote.

No American citizen should wake up the morning after the election and worry their vote wasn't counted. No citizen should be denied at the polls if they are eligible to vote. As the greatest, wealthiest nation on Earth, our citizens should not have to be forced to vote on old unaccountable voting machines. And, as the greatest, wealthiest Nation on Earth, our citizens should never be forced to vote on old, unaccountable and nontransparent voting machines from companies controlled by partisan activists.

Together we can put the critical issue of electoral reform on the front burner in Washington and across the country.•

Mr. WYDEN. Mr. President, I believe it is extraordinarily important for both sides to be gracious when an American election is over. But I also believe it is extraordinarily important not to ignore urgently needed election reform, such as requiring a paper trail for every single ballot that is cast in our country. Such a paper trial is required in my home State. In this last election, record numbers of Oregonians voted. There were no allegations of fraud. The system worked, and it worked well. Unfortunately, that is not the case in too many communities in our country.

When the Senate last debated the issue of election reform, this body spent weeks debating whether one dog in the Midwest was an illegal voter. I worked with colleagues on a bipartisan basis. We made sure that dog, Mitzi, would not be allowed to vote again. Now, in the name of justice, when hundreds of thousands of Americans feel they have been disenfranchised, I don't think their concerns ought to be swept under the rug.

Credible journalists have now documented voting irregularities across the country, and that ought to trouble every Member of the body. Incredible reports come from the States of North Carolina, Indiana, Washington, Florida, and Ohio. In my view, while not proving to be of a volume that would have changed the outcome of the Presidential election, when you take these findings together, they raise very significant and troubling matters that this body should be tackling on a bipartisan basis. I do believe there is critical work ahead of this body with respect to election reform. So I did write in November to Representative CONYERS to ask that he examine these voting irregularities. The problems with provisional ballots in the State of Ohio particularly concerned me because I was one of the principal authors of the section of the Help America Vote Act that involved provisional ballots. The decision of the Ohio Secretary of State to restrict the ability of voters to use provisional ballots, I thought, was troubling. His decisions raised serious questions with respect to whether they were consistent with what the Senate had in mind as we wrote that provision.

I was also concerned about the reports from Ohio, where in one county only 800 citizens were registered to vote and more than 4,500 votes were counted. This just defies common sense, and it is one of the reasons why I have come to the floor to make the case for a continued focus on the issue of election reform.

The problems of election abuse are not ones that can be given short shrift if we are to keep faith with our citizens and ensure that their fundamental belief that our democratic system is sound is maintained. Otherwise, we will see a growing lack of confidence in the conduct of our elections, and that lack of confidence will come to overshadow some of our elections altogether. We will see many more Members of this body come to the floor demanding to know what has happened.

I end my statement with the plea that, on a bipartisan basis, this body return to the issue of election reform, correct the abuses that have been credibly documented over the last few weeks, and that we do it in a bipartisan fashion.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise to support the contention of the junior Senator from California that we have to take a very hard look at this. We are trying to demonstrate the virtues of democracy to Iraqis and Ukrainians and other people around the world who are struggling to be free. People must have confidence that our election results are unassailable.

Unfortunately, questions have been raised in the Presidential election of 2000 and in the Presidential election of 2004. At this point, I want to be clear: I am not challenging President Bush's victory in the State of Ohio. Neither has Senator KERRY. But there have been reports of systematic voter disenfranchisement and other problems in Ohio, such that we would be derelict in our duty if we failed to investigate it.

Yesterday, Congressman JOHN CONYERS, ranking Democrat on the House Judiciary Committee, issued a report of problems that occurred in Ohio. Some of the problems he reported include problems with voting machines in predominantly minority, Democratic-leaning wards, which caused people to wait 10 hours or more in the rain. One precinct was forced to close at 9:25 in the morning because its voting machines were not working. The Ohio Republican Party suppressed the turnout of minority, Democratic-leaning voters by engaging in preelection caging tactics, tactics which were declared illegal by a Federal court.

Ohio Secretary of State Ken Blackwell, a Republican, deviated from election law by severely restricting voters' access to provisional ballots. He went so far as to reject voter registration applications based on paperweight and texture. Those actions and his complete unwillingness to cooperate with Congressman CONYERS' investigation are deeply troubling. His actions are troubling, particularly because he didn't just serve as the chief election official of his State; he also cochaired the Bush-Cheney campaign in Ohio.

Allowing a State official to oversee a Federal election and simultaneously serve as a partisan campaign official for a candidate in that election is a blatant conflict of interest and we have to put a stop to it. That is why later this month I am going to introduce the Federal Election Integrity Act, a bill to prohibit State election officials from overseeing Federal elections in which they play a partisan role on behalf of one of the candidates.

Secretary Blackwell is now running for Governor. He recently sent a fundraising letter to potential Republican donors. I think his letter underscores the need for my bill. The first page of his letter tells the story. In part, it says:

> I have no doubt that the strong campaign we helped the President run in Ohio . . . can easily be credited with turning out record numbers of conservatives and evangelicals on election day.

It is not surprising that many people have no doubt that Secretary Blackwell also ran a strong campaign against other voters, namely minorities and Democrats.

Americans need to believe their election officials are beyond reproach. Allowing such officials to serve simultaneously in a partisan campaign capacity seriously undermines that confidence. That is why, regardless of what happens today, I will introduce the Federal Election Integrity Act. It is a step we can and should take to restore confidence that our elections are fair and the results are accurate.

I don't believe the objection the junior Senator from California has raised will be sustained this afternoon, but that doesn't mean we should not discuss the problems that precipitated the objection and do something about them in the future to assure that when the votes are counted, we know everybody has had a fair chance to cast their ballots and that there hasn't been any tinkering with them.

I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, this is obviously a difficult debate for many reasons. I commend the Senator from California for joining with members of the House, most particularly Congresswoman STEPHANIE TUBBS JONES, in raising the objection, because it does permit us to air some of these issues—something I believe is necessary for the smooth functioning of our democracy and the integrity of the most precious right of any citizen, namely, the right to vote.

As we look at our election system, I think it is fair to say there are many legitimate questions about its accuracy and about its integrity, and they are not confined to the State of Ohio. They are ones that have arisen throughout our country and certainly because of the election of 2000 have been given high relief in the last 4 years. Then questions were raised additionally with respect to this election which deepened the concern of many people about whether we can assure the continuity of our democratic process by ensuring the consent of the governed and the acceptance of the results of elections.

Several weeks ago, we stood in great admiration as a nation behind the people of Ukraine as they took to the streets to demand they be given the right to an election where every vote was counted.

In a few weeks, we are going to see an election in Iraq. We know there are people literally dying in Iraq for the right to cast a free vote. I am very proud of our country, that we have stood with Ukrainians, Iraqis, and others around the world, but increasingly, I worry that if this body, this Congress does not stand up on a bipartisan basis for the right to vote here at home, our moral authority will be weakened.

I take that very seriously because freedom is our most precious value, and we have for 225-plus years worked to form a more perfect Union. At first, not everybody was permitted to vote in our own country, but through constitutional changes, a civil war, and a civil rights movement, we expanded the franchise. This year we will celebrate the anniversary of the Voting Rights Act, and it will be an opportunity for us to take a look at this landmark legislation and determine how we are going to move it into the 21st century so it really stands for what it was intended to do when it was first passed.

I would be standing here saying this no matter what the outcome of the election because I still think the best rule in politics is the golden rule: Do unto others as you would have them do unto you. I worry, whether it is a Democratic or Republican administration or a local county, State, or Federal election, that we are on a slippery slope as a nation.

My colleague, Senator BOXER, and I, along with former Senator BOB GRAHAM of Florida, introduced legislation last year to try to assure a verifiable paper audit. We did not get anywhere with that. We did not get a hearing before the Rules Committee, and I hope the distinguished chair of the Rules Committee will hold such a hearing this year because if we can buy a lottery ticket or go to a bank and make an ATM deposit, then we know we can use an electronic transfer mechanism that gives us a record. That is just one of the many issues we can deal with technologically.

Last spring, India, the largest democracy—we are the oldest democracy, so in that way we are real partners in this great enterprise of democracy—had an election. Mr. President, 550 million or

so people voted, from the dot-com billionaire to the poor illiterate peasant. They all voted. They voted on electronic voting machines. They voted in a way that guaranteed the safety, security, and accuracy of their vote. They had uniform standards. They had a nonpartisan board that oversaw that election, and the result was shocking. They threw out the existing government. Nobody had predicted that. Yet they did it with integrity.

Surely, we should be setting the standards. I hope in this body, and thanks to the objection of my friend from California, this debate which started today will continue.

Thank you, Mr. President.

The PRESIDENT pro tempore. The distinguished Democratic leader.

Mr. REID. Mr. President, I spoke on a procedural matter earlier. I ask unanimous consent that not be deemed to be my speech in regard to this matter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, today great men and women of our Armed Forces are working to bring the right of free and fair elections to Iraq. In less than a month, there will be elections in Iraq. The sacrifice of our military demands that we work to ensure our own elections are fair. That is why today's debate is here, and I applaud my friend from California for allowing us to talk a little bit about elections generally.

A constitutional right that can be said to help secure all other rights is the right to vote. History has shown us that the right to vote demands constant vigilance and attention. While secured by our Constitution, widespread disenfranchisement of African Americans and other Americans led to the landmark Voting Rights Act of 1965 and the amendments in 1970, 1975, and 1982.

Constitutional protection was not enough. We needed tough new laws and took action. More recently, the abuses in Florida 4 years ago demonstrated the need for change and led to reform—and it was reform—in the Help America Vote Act of 2002.

I spread on the RECORD today the good work of Senator MCCONNELL, Senator DODD, and Senator BOND. There were others, but those are the three who stand out in my mind.

While the literacy tests and poll taxes of the past are gone, a more insidious form of disenfranchisement continues to taint our electoral system.

In this past election, in the State of Nevada, phone calls were made to heavily African-American parts of Las Vegas to try to trick those voters into not voting. The same happened in the Hispanic areas of our State, especially in Clark County. These calls, which we were unable to trace, told voters election day was November 3, not November 2.

Our registration process in Nevada is also tainted by the proven destruction of Democratic voter registration forms. This is clear. It happened. There was a company hired by the Republican National Committee to register only Republicans. We had people come forward and say they destroyed Democratic registration forms. That investigation is still underway.

In some of my earliest elections in Nevada, private individuals dressed in uniforms meant to resemble police officers stood around polling places in minority voting spots to frighten people from coming to vote, and it worked. These officers were posted, as I indicated, at the polls to intimidate these minority voters.

In this past election in Ohio, we heard a lot about what appeared to be wrong there, and I hope there will be more done to determine what went on in Ohio.

Legal challenges to restrict provisional voting, a provision of HAVA, which is the Help America Vote Act which I talked about earlier, meant to cure the widespread disenfranchisement of minorities in Florida and around the rest of the country.

These problems damage our system, deny our citizens equal protection, and undermine the right to vote. Rooting out this corruption requires not only strong laws but I believe strong hearts. It relies upon the integrity of our election officials in every State and each one of us to speak up when abuses occur.

It is my hope the debate today will once again lead to action to cure some of the more glaring defects of the 2004 election. One of the most significant problems in Ohio and in many other States was the lack of measures to ensure the integrity of electronic voting machines. While we have made improvements that are historic with HAVA, one important omission is in this area; that is, electronic voting, how to ensure the integrity of it.

In the last election, of all 50 States, Nevada was the only State where we had total electronic voting with a paper trail. When you voted in Nevada, you did your electronic voting and you could look right there to see for whom you voted. No mistakes. You did not take it with you, of course, but it was in the machine, and if there was a recount, it could be determined easily.

This is the way it should happen all over America, an electronic machine with a paper trail.

Last year, my colleague, the distinguished junior Senator from Nevada, Mr. ENSIGN, and I introduced a measure to require paper trails for electronic voting machines every place. We will introduce our bipartisan Voting Integrity and Verification Act in this Congress.

I hope that as we consider the 2004 election today—I ask unanimous consent for one additional minute, Mr. President.

The PRESIDENT pro tempore. The statute allows no more than 5 minutes to any Senator, I regret.

Mr. REID. I will end by saying we look forward to enacting commonsense measures such as the Voting Integrity and Verification Act which Senator ENSIGN and I will introduce in a few days to continue to improve the integrity of our elections.

I do not view the need to consider these additional reforms as a sign that our electoral system has failed. That we learn, investigate, and reform demonstrates its strength. The only failure following the 2004 election would be to not acknowledge and act to strengthen the right to vote.

I hope my colleagues on the other side of the aisle will join with me in that effort.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. The Senator from California is performing an important service for American democracy today, along with her partner in this effort on the House of Representatives side, the Congresswoman from Ohio. Their challenge allows a needed debate in the Senate, as well as in the House of Representatives. This debate is short today. We are limited to 5 minutes. I hope this debate will continue in the future, at least this year, to try to reach some better conclusions as to how we operate voting in America.

I want to be clear that I do not question the legitimacy or outcome of our 2004 Presidential election. Nor will I vote to overturn the result of the vote in Ohio. The irregularities and the disenfranchisement that took place in that State and elsewhere, which are real and deeply worrisome, do not appear to me to have determined the outcome, either nationally or in Ohio.

But the right to vote and the need for citizens to have confidence that their votes will be counted correctly are basic to our democracy. That is why I believe there can be no more appropriate time to talk about problems in our electoral system than today, the day on which we officially confirm and proclaim the results of our recent election. So I thank Senator BOXER, as well as Representative TUBBS JONES, who is a former judge in the State of Ohio, for this responsible action.

I say to my friend Mr. DEWINE from Ohio, whom I listened to briefly a little bit ago, this is not about whether George Bush won the election. It is about taking a hard look at the voting structure in America, asking how we can make it better. How can we make it better and more equitable for people?

Now we tried, through the Help America Vote, to fix some of the problems, but there is evidence we did not do enough. We know that massive lines at the polls in Ohio likely led to thousands of voters giving up on voting. People had to wait 4, 5, 10 hours in line. Standing in line for 10 hours in America is like throwing acid in the face of democracy. It mars it. It scars it permanently.

Now, why the long lines? They did not have an adequate number of voting

machines. Where were the lines? Many of them were in urban areas and minority communities because there was an inequitable distribution of machines between urban and suburban areas.

According to the New York Times, in Columbus, OH, there was an average of 4.6 machines per voter in Bush's strongest precincts while there were only 3.9 machines in the so-called Kerry precincts.

What we saw in Ohio was a concerted effort by an official, the Secretary of State, to try to minimize the ability of Ohioans to cast their vote. The Secretary of State was also the Chairman of the Ohio Bush re-election campaign. For example, in the weeks leading up to the election, the Secretary of State of Ohio tried to argue that thousands should be denied the right to vote because the forms they used to register were printed on the wrong weight of paper.

The Secretary of State also argued that absentee voters who had not received their ballots should not be allowed to vote, another concerted effort to suppress votes.

We also have reports of electronic voting machines not voting properly. A system where software is kept secret has been allowed to be the norm. This is an inappropriate practice that could result in serious fraud. Clearly, we need a Federal statute requiring independent review of the software used in electronic voting machines, as well as providing both sides access to the software in these machines.

What we saw in Ohio, what we likely would see in many States if they came under this type of scrutiny, is continuing problems with the whole election process that need to be fixed. We need to make changes in Federal law to make it clear that election officials are to work to maximize the right of people to vote rather than finding technicalities to disenfranchise them.

It is curious to note that in the Constitution of the United States, there is not a provision guaranteeing the right to vote. There are a number of amendments, the 14th, the 15th, 19th, 24th, 26th, that expand the concept, say people cannot be denied the right to vote on the basis of poll taxes, race, color, gender, and age.

Perhaps what we need is a constitutional amendment guaranteeing the right of every citizen of the United States a secret ballot and to have that ballot counted. I think it would come as a shock to most Americans to know that it is not in the Constitution of the United States that we have that right to vote.

This debate is needed to fix a system that is broken.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak on this matter?

The Senator from Illinois.

Mr. OBAMA. Mr. President, I did not anticipate speaking today, but the importance of this issue is enough for me to address this body.

During the election, I had the occasion of meeting a woman who had supported me in my campaign. She decided to come to shake my hand and take a photograph. She is a wonderful woman. She was not asking for anything. I was very grateful that she took time to come by. It was an unexceptional moment except for the fact that she was born in 1894. Her name is Marguerite Lewis, an African-American woman who had been born in Louisiana, born in the shadow of slavery, born at a time when lynchings were commonplace, born at a time when African Americans and women could not vote. Yet, over the course of decades she had participated in broadening our democracy and ensuring that, in fact, at some point, if not herself, then her children, her grandchildren, and her great-grandchildren would be in a position in which they could, too, call themselves citizens of the United States and make certain that this Government works not just on behalf of the mighty and the powerful but also on behalf of people like her.

So the fact that she voted and her vote was counted in this election was of supreme importance to her and it is the memory of talking to her and shaking her hand that causes me to rise on this occasion.

I am absolutely convinced that the President of the United States, George Bush, won this election. I also believe he got more votes in Ohio. As has already been said by some of the speakers in this body, this is not an issue in which we are challenging the outcome of the election. It is important for us to separate the issue of the election outcome with the election process.

I was not in this body 4 years ago, but what I observed as a voter and as a citizen of Illinois 4 years ago was troubling evidence of the fact that not every vote was being counted. It is unfortunate that 4 years later we continue to see circumstances in which people who believe they have the right to vote, who show up at the polls, still continue to confront the sort of problems that have been documented as taking place not just in Ohio but places all across the country.

I strongly urge that this Chamber, as well as the House of Representatives, take it upon itself once and for all to reform this system.

There is no reason, at a time when we have enormous battles taking place ideologically all across the globe, at a time when we try to make certain we encourage democracy in Iraq and Afghanistan and other places throughout the world, that we have the legitimacy of our elections challenged—rightly or wrongly—by people who are not certain as to whether our processes are fair and just.

This is something we can fix. We have experts on both sides of the aisle who know how to fix it. What we have lacked is the political will.

I strongly urge that, in a circumstance in which too many voters have stood in long lines for hours, in which too many voters have cast votes on machines that jam or malfunction or suck the votes without a trace, in which too many voters try to register to vote only to discover that their names don't appear on the roles or that partisan political interests and those that serve them have worked hard to throw up every barrier to recognize them as lawful, in which too many voters will know that there are different elections for different parts of the country and that these differences turn shamefully on differences of wealth or of race, in which too many voters have to contend with State officials, servants of the public, who put partisan or personal political interests ahead of the public in administering our elections—in such circumstances, we have an obligation to fix the problem.

I have to add this is not a problem unique to this election, and it is not a partisan problem. Keep in mind, I come from Cook County, from Chicago, in which there is a long record of these kinds of problems taking place and disadvantaging Republicans as well as Democrats. So I ask that all of us rise up and use this occasion to amend this problem.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend and thank our colleague from California who, as a result of her objection, has allowed us to have a couple of hours here to debate and discuss the events that occurred on election day this year. I thank her for doing that. Whatever occurred during the day, I think it is important that this body take a moment now and review what has occurred since election 2000 and this election as well. I recognize we are still operating under a very imperfect system when it comes to the Federal elections in this country. I thank the distinguished minority leader, Senator REID, for commending this body for its support of the Help America Vote Act that we adopted almost unanimously in this body a couple of years ago, through the work of Senators MCCONNELL and BOND and others.

It was certainly not a perfect piece of legislation, but it was the first time in the history of this country, outside of the Voting Rights Act, that this body, the Congress of the United States, spoke comprehensively about the conduct of Federal elections.

I point out to my colleagues that while certainly things need to be done to improve even that effort, there were 119,000 provisional ballots cast in the State of Ohio that never would have been counted had we not adopted provisional ballot requirements.

There are certainly legitimate questions about what does and doesn't constitute a ballot. I am drafting for my colleagues' approval a comprehensive piece of legislation that deals with the shortcomings in the HAVA bill itself.

The fact is we are going to have access to statewide voter registration. The fact is we are making it possible for 20 million disabled Americans to cast a ballot independently and privately.

I know personally what this is like, having watched a sibling of mine having to cast a ballot with the help of someone else, despite two master's degrees and being a teacher for 40 years. We also put into HAVA the requirement that every voter have the right to see his or her ballot before actually casting their ballot. HAVA required that all voters who are challenged, for any reason, have the right to cast a provisional ballot. The Federal Court of Appeals for the Sixth Circuit of the United States affirmed the absolute right to receive a provisional ballot, without any additional requirements.

We have made great progress here. More needs to be done, clearly, if we are going to make a Federal election system exist where every vote will be counted and every eligible person will have an equal opportunity to vote.

I appreciate the opportunity here to talk about this. My hope would be that we would build bipartisan support, just as we did 2 years ago in adopting the Help America Vote Act, in both bodies, and get the kind of bipartisan support necessary so the conduct of elections, Federal elections, will have a system that has the confidence of the voters of this country.

I think it was Thomas Paine who, more than 200 years ago, said the right to vote is the right upon which all other rights depend. If you don't get this right, every other right is in jeopardy, and that is the business we need to be about.

Obviously events in Ohio and elsewhere raise legitimate and serious concerns. In this country we are still operating Federal elections on the basis of a voluntary work, pretty much, of local people. It worked pretty well for many years. It doesn't work any longer. It has to be changed. We have to do a better job. It is important that this body, the Congress of the United States, say to the American public we are going to do everything we can to see to it that you have an equal opportunity to vote and that your vote will be counted, and we are going to have the people, the technology, and the resources in place to make that happen.

We have made great strides. More needs to be done. The Senator from California has given us an opportunity today to highlight the importance of this. I regret that the Senate finds itself in this situation today where we find that the American public still lacks confidence in the legitimacy of the process and the results of our presidential elections.

But as painful as this debate today may be, this discourse is necessary to ensuring the American public that we, here in Congress, hear their concerns and frustrations, and will continue to fight to see that their most basic of all democratic rights—the right to vote—is secure.

Sadly, the concerns we are hearing expressed today are all too familiar to those we heard exactly 4 years ago following the debacle of the 2000 presidential election.

Following the 2000 presidential election, Congress responded to the problems which arose in Florida and other states by enacting bipartisan legislation, the Help America Vote Act, which I was pleased to coauthor. The goal of that bill was to ensure that every eligible American would have an equal opportunity to cast a vote and have that vote counted, regardless of race, gender, disability, language or party or precinct; and, that it would be easier to vote, but harder to defraud the system.

The Help America Vote Act—or HAVA—had the support of countless civil rights, disability, language minority and voting rights groups, and organizations representing state and local governments. HAVA has been hailed as the first civil rights law of the 21st century and I am committed to ensuring that it is fully implemented as such.

While the results of the 2004 presidential election may not have been contested in the same manner as those of the 2000 election, the jury is still out on whether HAVA successfully addressed all the problems that arose in the 2000 election. While I believe there is still much work to do to ensure the franchise for all Americans, I am confident that without HAVA, thousands of eligible American voters would not have been able to cast a vote, nor have their vote counted, in the November 2004 presidential election.

It is important to remember that HAVA is not yet fully implemented. In some respects, the most important reforms have yet to be implemented by the States.

These reforms include:

mandatory uniform and nondiscriminatory requirements that all voting systems provide second-chance voting for voters;

full accessibility for the disabled and language minorities;

a permanent paper record for manual audits;

uniform standards for what constitutes a vote and how such a vote will be counted for each type of voting system used by a State; and

a computerized statewide voter registration list which must contain the name and registration information for every eligible voter in a State and be electronically available to every State and local election official at the polling place on election day.

Had these additional reforms been in place on election day this November, many of the Election Day problems that arose across the country could have been avoided or resolved at the polling place.

But one of the HAVA reforms that was in place this November did make a difference: the requirement that all States provide a provisional ballot to voters who are challenged at the polls, for any reason. This requirement ensured the franchise for thousands of Americans on November 2 last year.

In Ohio alone, 155,000 voters cast provisional ballots, of which an estimated 77 percent were counted. That represents over 119,000 American voters who otherwise might not have been able to cast a vote or have their vote counted, but for HAVA.

Some States, including Ohio, attempted to restrict the right to a provisional ballot, but were ultimately unsuccessful. The Federal Court of Appeals for the 6th Circuit of the United States affirmed the absolute right to receive a provisional ballot, without any additional requirements, in the decision of Sandusky vs. Blackwell decided on October 26, just one week prior to the election.

More importantly, that decision upheld the right of an individual voter to seek judicial redress of the rights conferred by HAVA and upheld HAVA as a civil rights law enforceable as such in the courts.

As with any comprehensive civil rights legislation, HAVA's reach and effectiveness will have to be hammered out by the courts. As that process plays out, coupled with the States' implementation of the remaining HAVA reforms, we will be in a better position to assess whether this landmark legislation hit the mark or needs further reform.

But it is already clear, based on the November election, that it will take further reform to ensure that all eligible Americans have an equal opportunity to cast a vote and have that vote counted. We already know that States are implementing the provisional ballot requirements in significantly differing manners. It is simply unacceptable that a Federally-guaranteed provisional ballot, cast for President of the United States, may not be counted simply because of the local precinct that the otherwise eligible voter was standing in at the time he or she voted.

We know from the November elections that election officials did not provide sufficient numbers of machines to ensure that all voters could vote in a timely manner. We also know that many voters, such as those in Ohio, were still forced to vote on antiquated equipment such as the punch card which disenfranchises minority voters at greater rates than other voters, or use ballots that are confusing. And we know that some states still insist on purging voters based on inaccurate lists and refuse to reinstate the voting rights of felons, even after they have completed their debt to society.

It is time to consider whether, for Federal elections, there is a national responsibility to ensure that no matter where and how a ballot is cast for the office of the President of the United States, all Americans will have confidence that their vote was cast and counted in a uniform and nondiscriminatory way.

I will be introducing comprehensive election reform legislation when we reconvene which will build on HAVA and address these and other issues. My proposal will:

require states to provide enough machines, and ensure they are geographically distributed;

ensure that the provisions of HAVA that require that voters have a chance to verify their ballot before it is cast and that an audit trail exists to establish that such ballot was counted are implemented;

require states to offer extended voting times to ensure that single parents, the disabled, and those who simply cannot get to the polls on the one day can still cast their vote;

ensure that only eligible voters can vote, but that no voter who is eligible will be barred from the polls simply because he or she did not check a box on a form; and

require the reinstatement of felons for the purpose of casting a Federal ballot.

And my legislation will provide the Federal funds necessary to ensure that the states can timely implement the reforms.

The Help America Vote Act is an historic landmark legislation that comprehensively defines, for the first time in this Nation's history, the role of the Federal government in the conduct of Federal elections. It was an important first step, but our work is not done.

The real test, however, will be not so much on how we vote in the next few minutes on some resolution here, but whether in the coming days we are willing to pass legislation to fill in the gaps that are left vacant as a result of our inability to get more done with the HAVA bill.

I believe we can do it. We did it in the last Congress. We ought to do it in this one, so we never again have questions raised about the legitimacy of the election process or results, in any State, of a Federal election.

I look forward to working with my colleagues, and the civil rights, disability, language minority, and voting rights communities, as well as State and local election officials, to continue our work to ensure that all Americans have access to the most fundamental right in a representative democracy: the right to cast a vote and have that vote counted.

I yield the floor.

The PRESIDENT pro tempore. Is there a Senator who has not spoken who wishes to speak on this matter?

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today as a Member of the body who recently was sworn in for his second term. In my first 6 years as a Senator of the United States in this institution, I faced challenges unprecedented in this country's history.

While we have made tremendous progress making our Nation more secure, increasing America's competitiveness in the global marketplace, and upholding the Federal Government's promise to seniors by enacting a prescription drug benefit through Medicare, we still have serious problems confronting our Nation.

On November 2, voters across this Nation chose their Government that will face these forthcoming challenges. The voters of Ohio and our Nation chose President George W. Bush. Even with a recount in Ohio, President Bush won my State by over 118,000 votes. As a Republican from Cleveland who has been reelected as a Republican from Cleveland, elected to Federal, State, county, and municipal offices, I am living proof Ohioans know how to count ballots and, more importantly, we count fairly.

(Disturbance in the Visitors Gallery.)

The PRESIDENT pro tempore. There will be order in the galleries, please. The Sergeant at Arms will remove people from the gallery if there is no order in the gallery.

Mr. VOINOVICH. It is clear that those who persist in beating a dead horse are attempting to create uncertainty where none exists. That is why I am so disappointed that this body is squandering its time playing Monday-morning quarterback when the result of Ohio's Presidential election is clear. President George W. Bush won my home State and its 20 electoral votes.

Frankly, I am proud of how the election went in Ohio. Hundreds of thousands of new voters took part in their democracy this past November, increasing Ohio's voter participation rate to 72 percent, up from 64 percent in 2000. Unfortunately, prior to November 2, unsubstantiated allegations were being made about the electoral process in Ohio. But, at the end, on election day, and at the end of the recount, Ohio's Secretary of State Kenneth Blackwell and the bipartisan election boards across the State did a tremendous job to ensure that the election was fair and the results were without question. I want to publicly applaud the good work of those dedicated public officials.

It is time to put this election to rest. Editorial boards from Ohio newspapers, many of which endorsed Senator KERRY, agree as well. The so-called recount effort is a circus that needs to pack up and leave town, is what one of them said.

The Akron Beacon Journal, a newspaper that endorsed Senator KERRY, stated on December 24:

The allegations being thrown around are of the flimsiest nature. . . . Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated. There isn't any.

The Cleveland Plain Dealer, on December 15:

Ohio's bipartisan elections system makes the kind of GOP conspiracy that some allege all but impossible to execute. Every county board of elections consists of two Democrats and two Republicans. So, when (Jesse) Jackson and other national Democrats question Ohio's outcome, they demean their own allies.

William Anthony Jr., the African American who chairs both the Franklin County Democratic Party and its election board, has been personally stung by Jackson's slander. ''Why would I sit there,'' Mr. Anthony said, ''and disenfranchise my own community?''

The Columbus Dispatch on December 12, 2004, states:

[John] Kerry understands that Bush legitimately won the election, which was why he conceded on November 3rd. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence.

An editorial that appeared on Tuesday, January 4, just this week, in my hometown newspaper, the Cleveland Plain Dealer, said:

The 176 Democrats who sit on Ohio's county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future.

Across the country, people are moving forward after nearly 2 years of a continuous political campaign for the Presidency.

This country deserves to be able to put this undisputed election to rest. We need to stop wasting time and move on to the serious issues facing our Nation.

I yield the floor.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak?

The Senator from Mississippi.

Mr. LOTT. Mr. President, realizing that I have the 5-minute allocation, I make a parliamentary inquiry about where we are. If there are no further speakers, is the Chair going to be prepared to put the question so that there would be a recorded vote?

The PRESIDENT pro tempore. The yeas and nays have been ordered and the question will be placed before the body.

Mr. LOTT. Mr. President, I think the case has been made. I think this was an unfortunate procedure. This process which we have been through was an inauspicious and unfortunate beginning of our session. I hope it does not have a lasting negative impact. But the Senator from California, Mrs. BOXER, made her case, others have responded, and I don't think it merits any further response. I, therefore, think we should be prepared to vote.

I yield the floor.

Mr. MCCONNELL. Mr. President, 204 years ago, Thomas Jefferson took the oath of office as President of the United States in this very Capitol. He was the first President ever to do so. As he walked from a boardinghouse on Pennsylvania Avenue toward this building on the morning of his inauguration, he must have marveled at what was about to take place.

For the first time in American history, power was changing hands from one party—the Federalists—to the other, the Democratic-Republicans. John Adams willingly left office. No shots were fired, and no monarchs were hanged. Unlike their brethren in Europe, Americans, under our glorious Constitution, had mastered the peaceful transfer of authority from one faction to another. Jefferson called his election the ''revolution of 1800,'' brought about ''by the rational and peaceful instruments of reform, the suffrage of the people.''

But America's tradition of this peaceful transfer of power is now being challenged.

The obstruction of the counting of the electoral vote undermines the tradition that Jefferson and Adams established. By blocking this vote when there is no possibility whatsoever of overturning the result, the legitimacy of our republican form of government is questioned. I am sure that is not the intention of my colleagues who have forced us to debate this. Yet it is undoubtedly the result.

I understand that a minority of a minority protests the presidential vote in the State of Ohio. But President Bush has indisputably won that State by over 118,000 votes, and the votes have been counted twice.

Some of my colleagues have claimed that, even though they agree that President Bush has won Ohio, they must take this opportunity to speak about the need for electoral reform. I submit that hijacking a presidential election to use as a personal soapbox is shameful.

Electoral reform may very well be desirable—for as long as people administer elections, elections will be imperfect. There will always be some irregularities, most due to innocent mistake, some to outright fraud. We should absolutely do everything possible to combat this.

But if electoral reform is needed, Senators should introduce legislation. They should not obstruct a legitimate count of the electoral votes where there is an unequivocal victor. They should not trample on the proud republican government our Founding Fathers bequeathed us. They should not mock the beautiful concept that sovereignty lies with the people, while our troops are fighting and dying to plant that concept in the soil of Iraq.

Even the junior senator from Massachusetts has not endorsed the radical scheme that a minority of a minority has unleashed on us today. In an e-mail to supporters yesterday, Senator KERRY said that he would not participate in this petulant protest but, rather, will propose legislation to address perceived deficiencies in our electoral system. This is the only proper route to take, and history will applaud Senator KERRY for disavowing what is happening here today.

This is an ignominious beginning to the 109th Congress. Last month I spoke about the desire on this side of the aisle to work with our colleagues in the other party to get things done for the American people in a spirit of bipartisanship. I'm still holding onto that hope. I appeal to cooler heads on the other side of the aisle: Don't let a fraction of your number march you down a dead end.

The words that we say here today amount to little against the fact that in 2004, the President won an overwhelming victory in Ohio and 30 other States, and received 286 electoral votes. Years from now, that fact will still be obvious. I hope that the damage done from this assault on our traditions is not.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak on this issue?

If not, the question is, Shall the objection submitted by the gentlewoman from Ohio, Ms. TUBBS JONES, and the Senator from California, Mrs. BOXER, be sustained?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Texas (Ms. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MARTINEZ), the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), and the Senator from Arizona (Mr. MCCAIN) would have voted ''nay''.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 1, nays 74, as follows:

[Rollcall Vote No. 1, Joint]

YEAS—1

Boxer

NAYS—74

Alexander	Dodd	Lincoln
Allard	Dole	Lott
Baucus	Domenici	McConnell
Bennett	Dorgan	Mikulski
Biden	Durbin	Nelson (FL)
Bond	Enzi	Nelson (NE)
Brownback	Feingold	Obama
Burr	Graham	Pryor
Byrd	Grassley	Reed
Cantwell	Gregg	Reid
Carper	Hagel	Roberts
Chambliss	Harkin	Rockefeller
Clinton	Hatch	Salazar
Coburn	Inouye	Santorum
Cochran	Isakson	Sarbanes
Coleman	Jeffords	Schumer
Collins	Johnson	Sessions
Conrad	Kennedy	Smith
Cornyn	Kohl	Snowe
Crapo	Lautenberg	Specter
Dayton	Leahy	Stabenow
DeMint	Levin	Stevens
DeWine	Lieberman	
Sununu	Thune	Warner
Talent	Voinovich	Wyden

NOT VOTING—25

Akaka	Ensign	Martinez
Allen	Feinstein	McCain
Bayh	Frist	Murkowski
Bingaman	Hutchison	Murray
Bunning	Inhofe	Shelby
Burns	Kerry	Thomas
Chafee	Kyl	Vitter
Corzine	Landrieu	
Craig	Lugar	

The PRESIDING OFFICER. The objection is not sustained.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Secretary will notify the House of the action of the Senate, informing that body that the Senate is now ready to proceed to joint session with further counting of the electoral vote for President and Vice President.

INDIAN OCEAN TSUNAMI RELIEF ACT

The PRESIDING OFFICER. Under the previous order, H.R. 241 having been received from the House, the bill is considered read the third time and passed, and the motion to reconsider is laid on the table.

The bill (H.R. 241) was read the third time and passed.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the resolution submitted this week by Senator FRIST and Senator REID expressing sympathy and support for the victims of the devastating earthquake and tsunami.

Words cannot begin to describe my emotions when I first learned of the scope of the disaster and the loss of life. More than 140,000 people from 12 nations have perished to date and the number could double or triple as a result of infectious diseases spread in the disaster's aftermath.

The victims, their families, and all the affected countries are truly in my thoughts and prayers. When I visit the Indonesian Embassy this week to sign the condolence book, I will do so with a heavy heart but also a commitment to ensure that we do everything in our power to help in the rescue, recovery, and reconstruction efforts.

I welcome the President's commitment to provide $350 million in relief and as a member of the Senate Appropriations Committee, and I stand ready to do my part to designate a robust and comprehensive aid package. Initially, we must provide emergency supplies such as water, sanitation, food, and shelter to prevent the spread of disease and give people hope.

There is little time to lose.

Yet our work and our commitment must not end there. Together with our friends and allies in the international community, the United Nations, and vital organizations such as the Red Cross we will develop a long term relief

and reconstruction plan with substantial funding. Too often when a disaster leaves the headlines and the top of the news broadcasts, we forget that the work has only just begun and the victims and their families need to know that we are with them for the long haul.

Indeed, this is an important opportunity to show the world the best of America and the American people.

Americans have already donated more than $100 million through nongovernmental organizations to support relief efforts and thousands more stand ready to volunteer their time, energy, and skills.

And I am confident that President George H.W. Bush and President Bill Clinton will do an excellent job in leading a nationwide charitable fundraising effort to sustain awareness about the disaster and raise additional assistance.

We are a generous, giving, and caring people and through our actions we will earn the world's respect and admiration. We will show the victims and their families that America is always ready to help a neighbor and a friend in need.

I am pleased the resolution was passed by Unanimous Consent.

JUDICIAL NOMINATIONS

Mr. DURBIN. On Tuesday of this week, the majority leader came to the Senate floor and talked about judicial nominations. He said he was planning to have a vote next month on one of President Bush's judicial nominees. He didn't say which nominee he had in mind, but he gave a clear signal that it would be someone controversial. He warned that if Senate Democrats prevent the nominee from receiving an ''up or down'' vote, then he would try and change the rules and traditions of the U.S. Senate.

I am sorry to see that the majority leader chose to sound such a partisan note on a famously bipartisan day—the first day of the new Congress. On such a day, we swear in our new colleagues and strive for a fresh start.

I do not believe this is the time or the place to engage on this issue. There are too many other, more urgent problems facing this world and this Nation.

But it is important to address a few statements made by the majority leader that I believe are in error.

First, he stated that ''the Senate failed to perform in an essential constitutional duty'' last Congress when we blocked ten judicial nominees. He said that the Senate ''failed to offer advice and consent to the President'' and indicated this was an unconstitutional action on the part of Senate Democrats.

I do not believe that the Senate acted unconstitutionally. The Constitution requires advice and consent—it does not require us to be a rubberstamp. I could just as easily assert that President Bush acted unconstitutionally by not soliciting the advice of Senate Democrats before nominating most of his nominees. After all, Article II, Section 2 of the Constitution requires the advice and consent of the Senate.

There is no constitutional right for any President to have 100 percent of his judicial nominees confirmed. During President Bush's first term, the Senate confirmed 204 judicial nominees. President Bush had more judicial nominees confirmed in his first term than the previous three presidents had in theirs.

A second error made by the majority leader was his statement that ''these filibusters were unprecedented.'' Filibusters of judicial nominees are hardly unprecedented. The majority leader voted to filibuster some of President Clinton's nominees in the 1990s.

But the facts show that President Bush's judicial nominees have received far better treatment than President Clinton's. At least 61 of President Clinton's judicial nominees—representing 20 percent of his selections—were denied an ''up or down'' vote on the Senate floor. In fact, they were denied an ''up or down'' vote in the Judiciary Committee. The majority leader did not mention this critical statistic when he spoke on Tuesday.

I also take issue with his statement that ''I seek cooperation not confrontation.'' If he truly meant that, he would not threaten to change the Senate rules and traditions next month. If he truly meant it, he would have urged the White House not to re-nominate those nominees who were rejected by the Senate last Congress. If he truly meant it, he would have done what Senator HARRY REID did last month and send a letter to the White House urging the President to engage in bipartisan collaboration in the selection of Federal judges.

Finally, I wish to note the majority leader's surprising rejection of the longstanding tradition of the Senate as a continuous body. In his statement, he said that ''I do not acquiesce to carrying over all the rules from the last Congress'' and he specifically named Rule 22 as the rule he objected to. This is the rule that permits 41 Members of the Senate to prevent a vote on any measure, motion, or other matter pending before the Senate.

All of us who have served in the House and the Senate know that one of the most basic differences between our chamber and the House is that the Senate is a continuing body and the House is not. In other words, the Senate does not have to reorganize itself each new Congress by adopting new rules and electing new leaders. The House, on the other hand, must do so.

It is my hope that the 109th Congress can operate with more bipartisanship and less acrimony than the previous Congress on the issue of judicial nominations. But if my colleagues across the aisle try and change generations of Senate rules and traditions, it will not be good for this body, and it will not be good for the American people.

TRIBUTE TO CONGRESSMAN BOB T. MATSUI

Mrs. FEINSTEIN. Mr. President, I offer a few words about the passing of Bob Matsui, one of California's great political leaders.

Bob was one of those people who you always thought would be there. His death has come as a great shock and surprise to many.

I extend my deep sorrow to Doris, Brian, and the rest of the Matsui family. You are in my thoughts and prayers.

Throughout his career his wonderful wife Doris has been by his side. One of the things I remember most about the two of them is the wonderful smile she always had whenever they walked into a room together. They truly were a fine couple.

I would also like to offer my sympathy to everyone in the Sacramento area—you were so well served by this wonderful man. He has done a fantastic job representing you in Washington for the last 26 years and before that on the Sacramento City Council.

I have known Bob Matsui for a long time. I will remember him as a great human being, as a trusted colleague, as a fine public servant, and someone in whom I was very proud to place friendship, respect, and collegiality.

Bob was a superb public servant. He was a thoughtful, constructive leader who brought people together to find solutions for public policy issues. He was a reasoned voice; he was a dependable voice.

When we faced a problem related to the Folsom Dam, Bob was one of the most constructive figures in getting that very divided issue settled.

Bob was also a good thinker and a strong thinker. People knew that when Bob Matsui said something that it was steeped in practicality. He was well respected and influential among his colleagues.

If Bob told me something was true, I knew it was true and not some variation of the facts. This is an important quality in someone who represents others because it gives them credibility among their colleagues. Bob Matsui had that credibility.

We have all heard the story of Bob's family and their internment at the Tule Lake Camp in 1942. I think this probably had a very sobering impact on his life.

I think he knew what could happen in situations of stress and military conflict. I think it presented a challenge to him as a young man growing up. He clearly overcame that challenge and I think it probably had an impact in his knowing what he wanted to do with his life, and that was public service.

One of Bob's most significant legacies will be the work he did to help the government make amends with the Japanese Americans who were interned during World War II.

As a member of Congress, Bob was successful in passing legislation that

offered a formal apology from the government for the internment program and provided compensation to victims. This is a great legacy and it will be well remembered.

Another of the areas in which Bob excelled is his knowledge and expertise of Social Security as well as tax and trade policy. He had an influential place on the House Ways and Means Committee. His leadership there will be missed.

Bob did what he did extraordinarily well. Throughout his career he showed that he was a skilled politician as well as a great policymaker.

In addition to his duties as a House Member, he took on heading the Democratic Congressional Campaign Committee this past election cycle—a particularly demanding and grueling position. Despite the enormous challenges he faced, he did a superb job in guiding the committee through the elections.

Throughout his long and distinguished career Bob Matsui proved to be a dedicated public servant and his constituents considered themselves lucky to have his representation. I consider myself lucky to have known him.

We will truly miss him.

Mr. BAUCUS. Mr. President, I rise today to join my colleagues in expressing sympathies to the family of Representative Bob Matsui, who passed away over the weekend. I was shocked and saddened to hear the news about our old friend.

While few Montanans may know Bob Matsui, he did embody one trait Montanans are familiar with. He was always willing to reach out to those across the aisle to get the job done. He and I shared this work philosophy on free trade especially. He was a tireless advocate in the Congress for America's trade agenda and was essential to the enactment of many historic international agreements.

We will surely miss his leadership on critical issues this next Congress, such as Social Security, one issue where the American people expect and deserve a healthy, vigorous, and open debate. And for that type of debate, you could certainly count on Bob Matsui to deliver.

Despite starting his life as a child unjustly interned by his own Government during World War II, Bob later rose to serve in that very Government at its highest echelons, as a Member of Congress. How proud his family must have been to see this dynamic man elected to public office, where he championed legislation to apologize for the internment of Japanese American families such as his. Overcoming obstacles and injustices to rise to a level of public admiration, respect, and trust may sound like a Hollywood story; to Bob, though, it was his life story.

Wanda and I send our prayers and sympathies to his family; his wife Doris, son Brian, daughter-in-law Amy, and granddaughter Anna. He will be greatly missed by us all.

Mr. SARBANES. Mr. President, it is with great sorrow that I mark the passing of Representative Robert Matsui. In his quarter-century of service representing California's Fifth District in the House of Representatives, Robert Matsui won the deep respect and affection of everyone who ever worked with him. When he first ran for Congress, in 1978, he pledged to bring to the office ''a new form of statesmanship.'' For more than 25 years, on a daily basis, he fulfilled that promise, and his constituents honored him for it. This past November they returned him to the Congress for his fourteenth term, with 71 percent of the vote.

Bob Matsui was a third-generation Japanese American. Like so many of us, he was part of a family that had come to the United States for the great opportunities this country offers, to build a better life for their children. Because Bob Matsui's family was Japanese-American, however, he and his parents were taken from their home in Sacramento in 1942, following the Japanese attack on Pearl Harbor. They were interned for more than three years at Tule Lake, in one of the ''relocation centers'' specifically created for Japanese Americans. Bob Matsui himself was very young at the time—barely 6 months old at the time of internment, not yet 4 years old when the war ended but he felt deeply the confusion and anguish of the adults around him. Yet he never lost faith in his country and in himself. Inspired by the Kennedy administration to enter public service, he dedicated his professional life to serving and protecting the rights of all Americans, first as a lawyer and then as a public official. He served 8 years on the Sacramento City Council before entering the Congress. But the experience of his early childhood never left him, and in 1988 he was instrumental in ensuring enactment of the Japanese American Redress Act, which offered recognition of the terrible, unconstitutional wrongs done to Japanese Americans.

As a senior member of the House Ways and Means Committee, Bob Matsui worked unstintingly to assure the safety net for those most in need: children, seniors, the disabled, the poor and others who needed an advocate. As the ranking minority member of the Social Security Subcommittee, he was one of the Social Security system's best-informed and most eloquent advocates in the Congress. No one understood better than he the indispensable role that Social Security plays in assuring basic standards of security and dignity to Americans when their working years are over, and no one was more dedicated to keeping the system intact. Robert Matsui believed in the social insurance system that Rockefeller created to care for retirees, but we as a society expanded to care for younger citizens in need, the disabled, widowed and survivors. He made politics personal, and because he cared so deeply for others, he was able to be a real leader in this realm. His voice will be sorely missed.

Congressman MATSUI leaves a legacy of extraordinary integrity, commitment and strength. It is fitting that in his memory Bob Matsui's family and friends have established The Matsui Foundation for Public Service, which will carry forward the principles to which he dedicated his life. I express my deepest sympathies to his wife, Doris Okada, his son Brian, daughter-in-law Amy, and granddaughter Anna, and thank them for sharing him with us these many years.

U.S. FOREST SERVICE PLANNING REGULATIONS

Mr. COCHRAN. Mr. President, on December 22, 2004, The U.S. Department of Agriculture Forest Service published a final rule that will streamline the process used by the Forest Service in revising forest management plans.

I am pleased that the Department completed work on this important regulation. Ultimately, this rule will help local forest managers provide future generations with healthier forests, cleaner air, cleaner water and more abundant wildlife through more efficient management of our forests and grasslands. I am also pleased that this regulation builds upon one of the important lessons we learned during consideration of the Healthy Forests Restoration Act in the 108th Congress: emphasis on actual forest management rather than administrative paperwork. This will result in our forest managers being able to undertake important forest health projects rather than be overburdened with administrative processes.

Although the final planning rule is very comprehensive, I would like to point out several key components: It will for the first time incorporate implementation and outcome assessment into the forest planning process, which will ensure that the forest planning process is a dynamic one that can quickly adjust to changing conditions. As we learned with the Healthy Forest Restoration Act, a dynamic management system allows the Forest Service to address the most time-sensitive forest health issues such as wildfire, invasive species, or disease. It incorporates meaningful public participation throughout the planning process, and ensures that the best available scientific information will be used in decision making. It contains a process that will fairly and objectively allow us to see whether the Forest Service is getting the job done. This reporting process will rely on independent reviews of Forest Service land management, will measure actual results against intended outcomes, and will incorporate an audit process to produce publicly available results. Finally, and most importantly, this rule will streamline the planning process, which in turn will save the Forest Service both time and money. The current forest plan takes between 5 and 7 years; under the new regulation the anticipated timeframe is between 2 and 3 years. These

savings in both time and money will allow our land managers to more quickly complete on-the-ground projects to improve the health of our Nation's forests.

For too long our Nation's forests have been imperiled because of a planning process that is too cumbersome and takes too long, and usually results in forest plans that are out-of-date by the time they are finished. I applaud the efforts of the U.S. Forest Service to streamline our Nation's forest planning process to reduce red tape and paperwork. I am hopeful that this final rule will provide further tools for the U.S. Forest Service in appropriately managing our Nation's forests.

MAKING A COMMITMENT

Mr. LEVIN. Mr. President, as we begin a new Congress, I am hopeful that the Senate will consider and pass sensible gun safety legislation for the benefit of our families, communities, and police officers. The 109th Congress has the opportunity to act together on a bipartisan basis to pass legislation that will make our streets safer for all Americans.

In order to achieve a reduction in gun violence, we must commit ourselves to enacting legislation that supports this goal. The 108th Congress missed numerous opportunities to have a positive impact on safety in our communities across the nation. In the last Congress, we did not close the gun show loophole, we did not reauthorize the 1994 assault weapons ban, and we failed to make needed improvements to the National Instant Criminal Background Check System that would have made it more difficult for convicted criminals to gain access to guns.

Combating gun violence also requires a commitment to funding effective gun violence prevention and enforcement programs. Unfortunately, the Fiscal Year 2005 omnibus appropriations bill signed by the President in December eliminated much of the funding for one of these programs, known as Project Safe Neighborhoods.

The Project Safe Neighborhoods initiative focuses on increased enforcement of existing gun laws, vigorous prosecution of crimes committed with handguns, and gun violence prevention education. The project supports organizations working against gun violence and has provided over $1 billion in funding to help prosecute gun crimes, hire personnel, provide training, and assist with community outreach activities. It is critical that we provide adequate resources to programs like the Project Safe Neighborhoods initiative in order to more effectively address the gun violence epidemic in this country.

I urge my colleagues to join me in working to adequately fund effective gun violence reduction programs and enact sensible gun safety legislation that will help to make our communities safer.

HONORING OUR ARMED FORCES

CORPORAL JASON SCOT CLAIRDAY

Mrs. LINCOLN. Mr. President, I rise today, to honor a young man from Arkansas who had a passion for life, a gift for bringing smiles to the faces of those around him, and a sense of duty toward the country and the people he would serve with honor. Jason Scot Clairday was a loving husband, son, brother and friend. He was also a brave soldier who died a hero, trying to bring freedom to a people he had never met in a country he had never known.

Cpl. Clairday was the type of person others were naturally drawn to. He showed a genuine interest in their well-being and his gentle nature and infectious smile could brighten the darkest of moods. It was apparent to everyone around him that he approached every day with a rare enthusiasm and love for life. The youngest of three boys was often found playing sports or fishing and hunting along a nearby creek, enjoying the outdoors and the time spent with his friends and family. After moving to the small northern Arkansas town of Salem, he did what he did best, made friends, and quickly distinguished himself by excelling in high school athletics and becoming an active member of the First Baptist Church.

Cpl. Clairday enlisted in the United States Marine Corps shortly after graduating from Salem High School in 2001. It was a decision he was proud to make and members of the First Baptist Church remember the pride with which he wore his Marine dress blues while attending service. On July 30, just weeks prior to his deployment to Iraq, Cpl. Clairday married the love of his life, Sarah. After his military service, he looked forward to returning home to be with her, attending Arkansas State University at Mountain Home, and building a family life. He felt his experience in the Marine Corps was a way to better prepare him for that future.

While in Iraq, Cpl. Clairday sometimes spoke with friends and loved ones of liberating the war-torn country and making a better life for the Iraqi people. While he never talked much about the war, he preferred instead to talk about the end of his enlistment in the spring, the future and coming home to be with his new wife and his family. Sarah last spoke with her husband on December 3rd, when he was scheduled to enter Fallujah for 10 days with his fellow marines in an attempt to bring greater stability to the city prior to the Iraqi national elections slated for January. At the conclusion of the 10 days, he was to be granted a 2-day leave. Tragically, he was killed by enemy fire on December 12th, a day before he was to leave the area.

At his memorial service in Camp, Arkansas, more than 600 people would come to pay their respects to their fallen Arkansas soldier. At the conclusion of the service, Cpl. Clairday was buried with full military honors. The flag that had draped his casket was presented to his young widow with the Purple Heart that he had posthumously earned for his gallant service on behalf of a grateful nation.

When we think of Jason Clairday, we will remember that he gave himself completely to every aspect of his life; his family, his community, and his country. The legacy of his 21 years is a testament to who he was. The love, the humor, the selflessness, and the passion with which he taught us to live our lives, will remain with us forever. My thoughts and prayers go out to his wife, Sarah, to his family, and to all those who knew and loved him.

SERGEANT MICHAEL A. SMITH

Mr. President. Today, I humbly rise to pay tribute to the life of Michael A. Smith and to honor the sacrifice he made on behalf of a grateful nation. Sergeant Smith was a friendly, easy-going young man who had one of those rare personalities that allowed him to quickly make friends with everyone he met. He was also a brave soldier, who died a hero, fighting for the beliefs, the people and the country he cared for deeply.

Sgt. Smith was born and raised in the small, southern Arkansas town of Camden. There, he is remembered by those who knew him best as a good and gentle soul, who was always concerned about the welfare of others, and often went out of his way to help them whenever they were in need. Upon his 1999 graduation from Camden Fairview High School, Sgt. Smith set his sights on Southern Arkansas University Tech. Attending the university would allow him to stay close to his family in Camden while pursuing his interest in computers. To help pay his way through college, Sgt. Smith joined the Arkansas Army National Guard. Once he completed his military service, he had plans to return home and begin his education.

Sgt. Smith became a member of the Guard's 39th Support Battalion. He was later called up to serve in Operation Iraqi Freedom, where he was stationed at Camp Taji, about 16 miles northwest of downtown Baghdad. To his comrades in the 39th, ''Smitty'' quickly became one of the guys; a dedicated soldier who never complained, always did his duty, and could be entrusted with the lives of those around him.

This November, family and friends of Sgt. Smith were excited with the news that he would be taking his leave of service, and would possibly be home before Thanksgiving. Tragically, 5 days before he was set to return to Arkansas, he was shot by a sniper while conducting patrols in Baghdad. As a result of the injury, he was flown to Landstuhl Army Medical Center in Germany and then to Walter Reed Medical Center in Washington, DC. His parents, Donald Ray and Deborah and his sister, Lai, came to visit him in the hospital's intensive care unit. Although Sgt. Smith never regained consciousness in his 2 weeks at Walter Reed, his family was with him in his

final moments before he passed away on November 26.

At his memorial service in Camden, Sgt. Smith's coffin, surrounded by red, white, and blue flowers, was placed at the front of his high school gymnasium. Throughout the service and in the aftermath of his son's passing, Donald Ray Smith described the outpouring of love from the community as ''remarkable.'' It was a testament to the gratitude of a community fully aware of the ultimate sacrifice paid by their fallen Arkansas soldier in the name of freedom.

In the 24 years Michael Smith was with us, the impressions he made and the lives he touched will never be forgotten. Although he will be deeply missed by us all, it is his selflessness, his courage, and his heart that we will remember when we think of him. My thoughts and prayers go out to Donald Ray, Deborah, Lai, and the rest of his family, friends and loved ones.

SERGEANT JEREMY R. WRIGHT

Mr. BAYH. Mr. President, I speak today with a heavy heart and deep sense of gratitude in honor of the life of a brave young man from Shelbyville, IN. SGT Jeremy R. Wright, 31 years old, died on January 3 during a patrol when the vehicle he was riding in was struck by a roadside bomb near Kabul. With his entire life before him, Jeremy risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 1992 graduate of Southwestern High School, Jeremy went on to attend Wabash College where he won the NCAA Division III Great Lakes regional title in 1993 for distance running and graduated with honors as a chemistry major. Jeremy joined the Army in 2002, pursuing his long-time fascination with the military. Like most things Jeremy set his mind to, he was successful in his military career, becoming a member of the elite Green Beret. Wabash spokesman Jim Amidon shared memories of the former student with the Associated Press, saying his ''rare combination of intellect, courage, discipline and passion made him a naturally brilliant distance runner . . . Those are the same qualities that made him a fine soldier, too, the kind of officer our country needs in the military.''

Jeremy was killed while serving his country in Operation Enduring Freedom. He was assigned to the 2nd Battalion, 1st Special Forces Group, Fort Lewis, WA. This brave young soldier leaves behind his mother, Jackie Nickel and his father, Dale Wright.

Today, I join Jeremy's family, his friends and the entire Shelbyville community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jeremy, a memory that will burn brightly during these continuing days of conflict and grief.

Jeremy was known for his dedication to family and his love of country. Today and always, Jeremy will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jeremy's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jeremy's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jeremy R. Wright in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jeremy's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jeremy.

TRIBUTE TO JERRY EHRENFREUND

• Mrs. HUTCHISON. Mr. President, I take this opportunity to honor and pay tribute to a distinguished individual, Jerry Ehrenfreund, who served as Chief Clerk in the Office of Printing Services from 1985 to 1990.

Mr. Ehrenfreund spent a lifetime in dedicated service to his country, serving in the Army and working for the Federal Government. In 1969, he began working for the Government Printing Office and worked on the staff which compiled the Federal Register. Shortly thereafter he was detailed to the Senate where he became the staff printer on the Senate Select Committee on Nutrition and Human Needs and, later, the staff printer for the Senate Foreign Relations Committee. Mr. Ehrenfreund truly exemplified the positive work ethic and dedication to his job and was named the Chief Clerk in the Office of Printing Services in 1985. In 1990 he retired from the staff of the Secretary of the Senate and retired to Katy, TX.

Mr. Ehrenfreund passed away on July 14, 2004. His work in the Senate deserves special recognition, and I know my colleagues will join me in honoring him. Mr. Ehrenfreund was held in high regard by all who knew him and will be deeply missed by his wife of 48 years, Sylvia, their two daughters and five grandchildren.•

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE NATIONAL FUNERAL DIRECTORS ASSOCIATION

• Mr. KOHL. Mr. President, I recognize the fundraising efforts of the National Funeral Directors Association NFDA. The NFDA is the largest funeral service organization in the world and is dedicated to funeral service professionalism and quality.

The recent tsunami tragedy in South Asia has created a desperate need for monetary donations to charitable organizations participating in the relief effort. In a direct response to President Bush's nationwide appeal to assist tsunami victims, the NFDA has established the Funeral Service Asian Relief Fund. The NFDA has asked its members, funeral service suppliers, and domestic and international allied organizations to contribute to this endeavor. All contributions will be directed to an appropriate charitable organization.

The generosity and caring of the funeral service industry was demonstrated during past humanitarian crises such as the September 11th terrorist attack and the Oklahoma City bombing. This new effort further proves the commitment of the NFDA to utilizing its resources for the benefit of those experiencing great hardship. I commend the charity of the members of the National Funeral Directors Association during this time of need in South Asia.•

HAYES CENTER AND VILLA HAYES

• Mr. NELSON of Nebraska. Mr. President, Hayes Center is in the southwestern part of my home state of Nebraska. Villa Hayes is in the southwestern part of the Republic of Paraguay. I rise today to highlight the unusual connection between these two towns, named for the same American President, which have forged strong ties despite the distance between them. Thanks to a historian's efforts, these towns share a bond that affirms the power of international friendship and the enduring legacy of President Rutherford B. Hayes.

In 1878, President Hayes arbitrated a boundary dispute between Paraguay and Argentina, awarding new territory to Paraguay. The country named a department and a city, near the national capital of Asuncion, for him. John Fatherley of Chicopee, MA, is a historian who studies President Hayes. During college studies in Paraguay, he learned about the country's respect for our 19th President, whose decision in 1878 enlarged Paraguay by 30 percent.

Mr. Fatherley has since sought to promote ties between Hayes Center and Villa Hayes. He has traveled to Nebraska to educate Hayes Center students about the President for whom their town is named. He has also brought documents on President Hayes from the U.S. to Paraguay. In return, Villa Hayes presented Mr. Fatherley with its town seal, which he donated to the Hayes Center Historical Society in Nebraska.

Nebraskans are fortunate to share this connection with our South American friends and to have benefited over the years from Mr. Fatherley's admirable efforts. He has promoted international cooperation between Nebraskans and Paraguayans and honored the memory of a president too often forgotten. In an age when the well-being of any nation depends on so many others, it is more important than ever to strengthen the ties between Americans and our fellow human beings around the world.

I wish to express my admiration, therefore, for Mr. Fatherley and the towns of Hayes Center, NE, and Villa Hayes, Paraguay. Mr. Fatherley's work has revealed a small but important piece of common ground between the United States and Paraguay. He has also taught students in a small Nebraska community about the world beyond their walls. Both these things are essential to continued American prosperity and leadership in these challenging times.●

150TH ANNIVERSARY OF WARRENSBURG, MISSOURI

● Mr. TALENT. Mr. President, I rise today to salute the citizens of Warrensburg, MO, in celebration of their 150th anniversary as an incorporated town.

The town of Warrensburg was incorporated in 1855 as a community proud of its heritage and loyal to the ideals, traditions and institutions that have contributed to the success and growth of the city.

Warrensburg prides itself as being a self-contained city with a vibrant employment base, excellent education system, active cultural scene, and many civic events and activities for residents to enjoy.

Warrensburg serves as the county seat for Johnson County, and is currently home to 17,075 residents who are served by an excellent school system which has been accredited with Distinction in Performance by the Missouri State Board of Education. The Warrensburg School System has also been named a Gold Medal School, ranking them among the Nation's top 18 percent of schools.

The community is also the proud home of Central Missouri State University, which has provided quality postsecondary education for more than 130 years. This comprehensive university annually serves nearly 14,000 students from all over the State, Nation, and world, and offers more than 150 areas of study at the undergraduate and graduate levels.

The city's heartland work ethic and community pride make it a great place to do business, with several local companies which have grown into national and international prominence aided by the exceptional workforce and affordable business climate. Warrensburg is home of EnerSys, G.E. Transportation Systems, ThyssenKrupp Stahl Company, Swisher Mower, Bomag Paving Products, and the world headquarters of both Sigma Tau Gamma Fraternity and Carlyle Van Lines.

Warrensburg is also proud of its rich diversity, with over 35 different languages spoken within the Warrensburg School District, and over 30 faith communities gathering for worship and service each week.

Warrensburg is also the boyhood home of John William ''Blind'' Boone, the legendary ragtime composer and piano player; home of the first gasoline-powered, push lawn mower invented by Leonard Goodall; the original self-propelled mower and the zero-turning radius riding lawn mower both invented by Max Swisher, who remains a Warrensburg resident; and Errett Lobban Cord, inventor of Cord Automobiles.

Finally, Warrensburg is also the hometown of Old Drum, the hunting dog for which Senator George Graham Vest's ''Eulogy on the Dog'' was delivered, coining the idea that ''man's best friend is his dog.''

I am honored to share Warrensburg's proud history and its sesquicentennial anniversary as a town with my colleagues, and I wish the people of Warrensburg all the best for the future.●

JOHN SACKETT RETIREMENT

● Mr. CRAPO. Mr. President, after years of faithful service and dedication to his work at Argonne National Lab, a friend and respected Idahoan, John Sackett, is retiring to pursue a quieter life with his family. John served in a number of positions in the Lab over the past 34 years, the most recent being director or Argonne National Lab West located at Idaho National Environment and Engineering Lab in southeast Idaho. He has earned international recognition and respect for his work in the areas of nuclear safety and advanced reactor design.

I have had the privilege of working with John the entire time I have served in Congress. Over the past 12 years, I have witnessed his steady leadership, commitment to the goals of the Lab and DOE. John and I share a fervent belief in the role of nuclear energy and research in economic, technological, security and energy sectors.

Perhaps what is most remarkable is that despite the tremendous demands of his work at Argonne, he finds the time to give back to his community, serving on numerous medical and economic boards and councils in eastern Idaho as well as on the advisory boards of both the University of Idaho and Idaho State University.

Argonne National Lab's loss is certainly John's family's gain, as well as the gain of any organization in which he decides to invest his retirement energy. He has my best wishes in his retirement.●

HONORING DAVID L. DAY ON HIS RETIREMENT

● Mr. ALEXANDER. Mr. President, I rise today to honor David L. Day on his retirement from 35 years of public service as the Deputy Engineer for Programs and Project Management with the Nashville District, U.S. Army Corps of Engineers. During his 35 years of Federal service, 33 with the Corps of Engineers, from 1969 to present, Dave held a clear vision and achieved a remarkable string of successes in furthering the mission of the Nashville District and the U.S. Army Corps of Engineers. Dave has earned a reputation of being honest, fair, and professional with his coworkers. He began his career with the Nashville District in October 1998 when he was selected as the Deputy District Engineer for Programs and Project Management and is the senior civilian for the district with more than 800 employees and a $140 million annual operating budget. The district provides Federal engineering, planning, construction, project management, real estate, and environmental services. His responsibilities included budgeting, planning, and executing Civil Works and Interagency and International Services programs under the project management business process.

Dave Day has distinguished himself as a leader in many ways during his tenure. He continuously has encouraged a culture of professional improvement, fostering team leadership and activity to meet district goals, while at the same time, taking care of the people with whom he works. Dave had a strong, positive impact on the morale of the district's Planning, Programs, and Project Management Division employees as well as Project Delivery Team members. He always made time to recognize deserving individuals or discuss any problem that arose. His genuine concern for every member of his team was reflected in his many messages, letters, awards, and hallway greetings.

Dave oversaw the operation of the Account Executive Program, which the Nashville District uses to establish and strengthen relationships with customers and find ways to meet regional and national needs. He also led the effort to partner, both formally and informally, with the States of Tennessee and Kentucky, Tennessee Valley Authority, TVA, Southeastern Power Association, SEPA, Tennessee River Valley Authority, TRVA, Tenn-Tom Waterways, Metro Nashville, and other

governmental and industry groups to maximize program and project accomplishments. Dave has been one of the strongest, most consistent driving forces behind the plan for the new $320,000,000 lock on the Tennessee River at Chickamauga Dam. By bringing a TVA environmental impact statement up to Corps standards, he helped advance the authorization of and funding for this new lock. He also worked hard with TVA, SEPA, and SEPA's power customers to allow SEPA customers to fund rehabilitation of hydropower facilities in the Cumberland River basin, a first in the Great Lakes and Ohio River Division.

I extend warm congratulations to Dave Day on his retirement. He will be missed, but I know the citizens of Tennessee join me in wishing him all the best as he moves forward in life.●

IN RECOGNITION OF REVEREND GLORIA L. CHERRY'S RETIREMENT

● Mr. CARPER. Mr. President, I rise today in recognition of the Reverend Gloria L. Cherry upon her retirement. Pastor Cherry has served the state of Delaware for countless years and her leadership over that span of time has won her the respect and gratitude of our entire state. She has been, and remains, a trusted friend.

Pastor Cherry was born in New Church, VA, on July 3, 1935, to the late Marvin and Bertha Trader. She came to Delaware at a young age and attended Phillip C. Showell Elementary in Selbyville, DE, and received her high school education from Howard High in Wilmington, DE.

Pastor Cherry is the wife of the late Christopher H. Cherry. The two met and were married in Delaware on May 1, 1976. Gloria is the proud and beloved mother of five children, Larry Robinson, Garry Robinson, Addie Merchant, Bertha Hardman and Lorri Jamison; eight grandchildren, Ryan, Rodney and David Robinson, Willie Hardman, III, Christopher and Bobbie Merchant and Winston, Shavon and Dionna Jamison and one great grandson, Ryan Robinson, Jr.

Pastor Cherry was ordained in Spain in 1978 where she received her calling from God. She studied under Pastor Eliah Holland and became a licensed minister in 1980. In 1983, she founded the First United Church of Gospel Ministries which in 2004 was renamed the Healing Wings Christian Center.

Pastor Cherry's service has extended far beyond the church and well into the community. Through the First United Church of Gospel Ministries, she, along with a group of concerned citizens met to discuss the challenges facing young people such as teenage pregnancy, substance abuse and discipline issues. As a result, the Because We Care, Inc. community-based organization was formed. Through a grant from the Delaware Department of Services for Children, Youth and Their Families, Pastor Cherry founded the Because We Care Alternative Middle School in Dover, DE. The Because We Care Alternative Middle School is a nonprofit agency that provides continuing education to Kent County middle school children who have been expelled or are on the verge of expulsion. The Because We Care Alternative Middle School serves the five school districts located within Kent County, DE. The program focuses on learning skills, life skills, social competencies and substance abuse/resistance training. Her successes with young people are hailed by Superintendents, Principals and parents alike.

By soliciting volunteers to act as caseworkers, mentors and activity aides, the youth are exposed to one-on-one relationships that routinely develop into long-time friendships. Pastor Cherry's philosophy is that children do not have discipline problems; they have 'love' problems. Too many of them live in homes bereft of love. Pastor Cherry believes that providing a stable learning atmosphere along with the love that every child needs, children can make the turn to a more positive life with their families.

In 1999, Pastor Cherry envisioned a homeless shelter for youths as a means of respite for parents and guardians who are struggling with employment and housing for their families. Through additional grants, donations, and blood, sweat and tears, her vision came to fruition through the building and leasing of 'Glory Hall.' Glory Hall is a dormitory style living facility that houses 18 youths. The Hall is equipped with a classroom, full-service kitchen and cafeteria, activity area and bedrooms—all built through Pastor Cherry's devotion and love for young people. This year, Glory Hall has been leased to an organization called South West Keys, a Texas based organization with agencies throughout the United States. This organization provides shelter for immigrant children until they are reunited with family members here in the United States.

Through Reverend Cherry's tireless efforts, she has made a profound difference in the lives of thousands of Delawareans. Upon her retirement, she will leave behind a legacy of commitment to public service for both her children and grandchildren and for the rest of us to follow. I thank her for the friendship that we share and for the inspiration that she provides through a lifetime of caring. Although Pastor Cherry is ending this particular chapter of her life, she will open the next chapter by continuing to crusade for those of us less fortunate. On behalf of all Delawareans, I congratulate her on a truly remarkable and distinguished career and extend to her my very best wishes for every success in the future. I wish her and her family only the very best in all that lies ahead for each of them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION EXTENDING THE AGREEMENT ON MUTUAL FISHERIES RELATIONS OF MAY 31, 1999—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Foreign Relations; and Commerce, Science, and Transportation:

To the Congress of the United States:

Consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1999, with annex, as extended (the ''Mutual Fisheries Agreement''). The present Agreement, which was affected by an exchange of notes in Moscow on March 3, 2003, and January 30, 2004, extends the Mutual Fisheries Agreement to December 31, 2008.

In light of the importance of our fisheries relationship with the Russian Federation, I urge the Congress to give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 6, 2005*.

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 6, 2005, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government.

H. Con. Res. 2. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has agreed to H. Res. 2, resolving that the Senate be informed that a quorum of the House of Representatives has assembled; that J. DENNIS HASTERT, a Representative from the State of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Minority Leader appoints Mr. Michael Wessel of Virginia, for a term of 2 years, to the United States-China Security Review Commission.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), and the order of the House of December 8, 2003, the Speaker reappoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission: Larry Wortzel of Alexandria, Virginia, for a term to expire December 31, 2006.

The message further announced that pursuant to Senate concurrent resolution 2, One Hundred Ninth Congress, the Speaker reappoints as members of the Joint Committee to make the necessary arrangements for the Inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January 2005, the following Members of the House of Representatives: Mr. HASTERT of Illinois, Mr. DELAY of Texas, and Ms. PELOSI of California.

The message also announced that the House has agreed to H. Res. 11, resolving that the House has heard with profound sorrow of the death of the Honorable Robert T. Matsui, a Representative from the State of California.

Resolving, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolving, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolving, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

At 12:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

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

The message further announced that pursuant to Senate concurrent resolution 1, One Hundred Ninth Congress, and the order of the House of January 4, 2005, the Speaker appoints as tellers on the part of the House to count the electoral votes: Mr. NEY of Ohio, and Mr. LARSON of Connecticut.

At 5:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has rejected the objection submitted by the Representative from Ohio, Mrs. JONES, and the Senator from California, Mrs. BOXER, and is now ready to further proceed with the counting of the electoral votes for President and Vice President of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4. A communication from the President of the United States, transmitting, pursuant to law, the Report to the Congress on Implementation of Public Law 107–228 Authority for Russian Federation Debt Reduction for Nonproliferation; to the Committee on Foreign Relations.

EC–5. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinosad; Pesticide Tolerance'' (FRL7691–4) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerance'' (FRL7689–7) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorothalonil; Re-establishment of Tolerance for Emergency Exemptions'' (FRL 7691–1) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1775, 1777, 1778, 1780, 1942, 3570, and 4274, 'Definition Clarification of State Nonmetropolitan Median Household Income' '' (RIN0572–AB96) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFT 1775, Technical Assistance Grants'' (RIN0572–AB75) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Servicing of Delinquent Community and Business Program Loans—Workout Agreements'' (RIN0575–AC57) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Shell Egg Grading Regulations—Facilities and Equipment'' (RIN0581–AC33) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–12. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2004–2005 Marketing Year'' (Doc. No. FV05–982–1 IFR) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–13. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruits, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit.'' (Doc. No. FV05–905–1 IFR) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–14. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Swine Health Protection'' (Doc. No. 04–109–1) received on December 8, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–15. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Clementines, Mandarins, and Tangerines from Chile'' (Doc. No. 02–081–3) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–16. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for Agricultural Quarantine and Inspection Services'' (Doc. No. 04–042–1) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–17. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emerald Ash Borer; Quarantined Areas'' (Doc. No. 02–125–2) received on January 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–18. A communication from the Acting Inspector General, transmitting, pursuant to

law, the report of the Office of the Inspector General concerning alternative Medicare payment methodologies for the costs of training medical residents in nonhospital settings; to the Committee on Finance.

EC–19. A communication from the Acting Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of the Office of the Inspector General concerning alternative Medicare payment methodologies for the costs of training medical residents in nonhospital settings; to the Committee on Finance.

EC–20. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Report on Fiscal Year 2004 Competitive Sourcing Efforts as required by the Consolidated Appropriations Act of Fiscal Year 2004; to the Committee on Finance.

EC–21. A communication from the Chairman, Medicare Payment Advisory Board, transmitting, pursuant to law, the Report on the Impact of Resource-Based Practice Expense Payment for Physician Services; to the Committee on Finance.

EC–22. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Report on the Growth in the Volume of Physician Services; to the Committee on Finance.

EC–23. A communication from the Assistant Secretary, Employees Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers under HIPAA Titles I and IV'' (RIN1210–AA54) received on December 31, 2004; to the Committee on Finance.

EC–24. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and State Health Care Programs: Fraud and Abuse: OIG Civil Money Penalties Under the Medicare Prescription Drug Discount Card Program'' (RIN0991–AB30) received on January 3, 2005; to the Committee on Finance.

EC–25. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Modifications to Managed Care Rules'' (RIN0938–AK71) received on January 3, 2005; to the Committee on Finance.

EC–26. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Program; Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders'' (45 CFR 303) received on January 3, 2005; to the Committee on Finance.

EC–27. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers Under HIPPA Title I and IV'' (RIN0938–AL43) received on January 3, 2005; to the Committee on Finance.

EC–28. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Areas in which Rulings in the International Area will not be issued'' (Rev. Proc. 2005–7) received on January 5, 2005; to the Committee on Finance.

EC–29. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Republication of Rev. Proc. 2004–6'' (Rev. Proc. 2005–6) received on January 5, 2005; to the Committee on Finance.

EC–30. A communication from the Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Letter Rulings and Determination Letters'' (Rev. Proc. 2005–1) received on January 5, 2005; to the Committee on Finance.

EC–31. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fees for Copies of Exempt Organization Material'' (RIN1545–BB22) received on January 5, 2005; to the Committee on Finance.

EC–32. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election to Determine Corporate Tax on Certain International Shipping Activities under Tonnage Tax Regime'' (Notice 2005–2) received on January 5, 2005; to the Committee on Finance.

EC–33. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Republication of Rev. Proc. 2004–8'' (Rev. Proc. 2005–8) received on January 5, 2005; to the Committee on Finance.

EC–34. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Gross Estate; Election to Value on Alternate Valuation Date.'' (TD 9172) received on January 5, 2005; to the Committee on Finance.

EC–35. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Republication of Rev. Proc. 2004–4'' (Rev. Proc. 2004–4) received on January 5, 2005; to the Committee on Finance.

EC–36. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Republication of Rev. Proc. 2004–5'' (Rev. Proc. 2005–5) received on January 5, 2005; to the Committee on Finance.

EC–37. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Areas in which Rulings will not be Issued (domestic areas)—Revised to Remove Restrictions on Sections 107, 1402(a)(8), (c)(4) and (e), 3121(b)(8)(A), and 3401 of the Internal Revenue Code.'' (Rev. Proc. 2005–3) received on January 5, 2005; to the Committee on Finance.

EC–38. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for issuing TAMs and TEAMs.'' (Rev. Proc. 2005–2) received on January 5, 2005; to the Committee on Finance.

EC–39. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic Rollover and Section 401(a)(31)(B) of the Code'' (Notice 2005–5) received on January 5, 2005; to the Committee on Finance.

EC–40. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic Extension of Time to File Certain Information Returns and Exempt Organization Returns'' (RIN1545–BB29) received on December 17, 2004; to the Committee on Finance.

EC–41. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier 2 Tax Rates for 2005'' (Notice 2005–1) received on December 17, 2004; to the Committee on Finance.

EC–42. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Reduction of Penalty for Understanding Tax by Adequate Disclosure of an Item on Return'' (Rev. Proc. 2004–73) received on December 17, 2004; to the Committee on Finance.

EC–43. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2004–82) received on December 17, 2004; to the Committee on Finance.

EC–44. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Public Hearings on the Advance Pricing Agreement Programs'' (Ann. 2004–98) received on December 17, 2004; to the Committee on Finance.

EC–45. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 1397E—Allocation of National Limitation for Qualified Zone Academy Bonds for year 2005'' (Rev. Proc. 2004–72) received on December 17, 2004; to the Committee on Finance.

EC–46. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Cumulative List of Changes in Plan Qualification Requirements'' (Notice 2004–84) received on December 17, 2004; to the Committee on Finance.

EC–47. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—October 2004'' (Rev. Rul. 2004–113) received on December 17, 2004; to the Committee on Finance.

EC–48. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prohibited Allocations of Securities in an S Corporation'' (RIN1545–BC33) received on December 17, 2004; to the Committee on Finance.

EC–49. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: IRC sec. 44 Disabled Access Credit'' (UIL:0044.60–00) received on December 17, 2004; to the Committee on Finance.

EC–50. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Inflation Indexing Revenue Procedure'' (Rev. Proc. 2004–71) received on December 8, 2004; to the Committee on Finance.

EC–51. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Internet Activities of Trade Associations Revenue Ruling'' (Rev. Rul. 2004–112) received on December 8, 2004; to the Committee on Finance.

EC–52. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal

Unemployment Tax Deposits—Special Rule'' (RIN1545–BB66) received on December 8, 2004; to the Committee on Finance.

EC–53. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Optional 10–Year Writeoff of Certain Tax Preferences'' (RIN 1545–BC13) received on January 3, 2005; to the Committee on Finance.

EC–54. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revision of Rev. Proc. 2001–22'' (Rev. Proc. 2005–12) received on January 3, 2005; to the Committee on Finance.

EC–55. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2005 Per Diem Rates Update'' (Rev. Proc. 2005–10) received on January 3, 2005; to the Committee on Finance.

EC–56. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''New Markets Tax Credit'' (RINS1545–AY87, 1545–BC03) received on January 3, 2005; to the Committee on Finance.

EC–57. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 1374 Effective Dates'' (TD9170) received on January 3, 2005; to the Committee on Finance.

EC–58. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under 409A of the Internal Revenue Code'' (Notice 2005–1) received on January 3, 2005; to the Committee on Finance.

EC–59. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Practice Before the Internal Revenue Service (Circular 230—Shelter)'' (RIN1545–BA70) received on December 31, 2004; to the Committee on Finance.

EC–60. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic Consent to Change an Accounting Method Provided in 1.263(a)–4 or –5'' (Rev . Proc. 2005–9) received on December 31, 2004; to the Committee on Finance.

EC–61. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Services by a Student that Qualify for the Exception from Federal Insurance Contributions Act Tax'' (Rev. Proc. 2005–11; 2005–2) received on January 3, 2005; to the Committee on Finance.

EC–62. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—January 2005'' (Rev. Rul. 2005–102) received on January 3, 2005; to the Committee on Finance.

EC–63. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice: Fuel Tax Guidance; Request for Public Comments'' (Notice 2005–04) received on January 3, 2005; to the Committee on Finance.

EC–64. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Regulation Providing Guidance on the Student FICA Exception'' (RIN1545–BC81) received on January 3, 2005; to the Committee on Finance.

EC–65. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cash or Deferred Arrangements Under Section 401(k) and Matching Contributions Section 401(m)'' (TD9169) received on January 3, 2005; to the Committee on Finance.

EC–66. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''901(j)(5) Presidential Waiver with Respect to Libya'' (Rev. Rul. 2005–3) received on January 3, 2005; to the Committee on Finance.

EC–67. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers under HIPAA Titles I and IV'' (TD9166) received on January 3, 2005; to the Committee on Finance.

EC–68. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier 2 Tax Rates for 2005'' received on January 3, 2005; to the Committee on Finance.

EC–69. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report on the activities of the Department of Justice in Relation to the Prison Rape Elimination Act (PL 108–79); to the Committee on the Judiciary.

EC–70. A communication from the Clerk of Court, Court of Federal Claims, transmitting, pursuant to law, the report of Judgements of the United States Court of Federal Claims during the year ended September 30, 2004; to the Committee on the Judiciary.

EC–71. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Second Year Report of the Corporate Fraud Task Force; to the Committee on the Judiciary.

EC–72. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report on the Continuing Need for Existing Bankruptcy Judgeships; to the Committee on the Judiciary.

EC–73. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Exemption from Control of Certain Industrial Products and Materials derived from the Cannabis Plant'' (RIN1117–AA55) received on December 7, 2004; to the Committee on the Judiciary.

EC–74. A communication from the Acting Assistant Secretary, Department of State transmitting, pursuant to law, the report of a rule entitled ''Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended-Student and Exchange Visitor Information System (SEVIS)'' received on December 8, 2004; to the Committee on the Judiciary.

EC–75. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Materials and Processes Authorized for the Treatment of Wine and Juice (2004R–517P)'' (TD17) received on December 8, 2004; to the Committee on Finance.

EC–76. A communication from the Assistant Attorney General for Administration, Criminal Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Exempting a Privacy Act System of Records of the Criminal Division (CRM) from Certain Subsections of the Privacy Act (5 U.S.C. 552a): Organized Crime Drug Enforcement Task Force'' received on December 17, 2004; to the Committee on the Judiciary.

EC–77. A communication from the Assistant Secretary, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended: Electronic Petition for Diversity Immigrant Status'' (RIN1400–AB84) received on January 3, 2005; to the Committee on the Judiciary.

EC–78. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report on FAIR Act inventories for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–79. A communication from the Secretary to the Board, Railroad Retirement Board, transmitting, pursuant to law, a report on competitive sourcing activities in Fiscal Year 2004 and 2004 Commercial Activities Inventory Under the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–80. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Public Affairs, received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–81. A communication from the Acting Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Standards Improvement Project—Phase II'' (RIN1218–AB81) received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–82. A communication from the Senior Regulatory Officer, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Child Labor Regulations, Orders and Statements of Interpretation (29 CFR Part 570); Child Labor Violations—Civil Money Penalties (29 CFR Part 579); Civil Money Penalties—Procedures for Assessing and Contesting Penalties (29 CFR Part 580)'' (RIN1215–AA09) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–83. A communication from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System'' (RIN1205–AA66) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–84. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Tissue Practice for Human Cell, Tissue, and Cellular and Tissue-Based Product Establishments; Inspection and Enforcement'' (Doc. No. 1997N–484P) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–85. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Establishment and

Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' (RIN0910–AC30) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–86. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Advisory Committee: Change of Name and Function; Technical Amendment'' received on November 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–87. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study; Mannitol'' (Doc. No. 2004F–0066) received on December 8, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–88. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Clinical Chemistry and Clinical Toxicology devices; Classification of Newborn Screening Test Systems for Amino Acids, Free Carnitine, and Acylcarnitines Using Mass Spectrometry'' (Doc. No. 2004N–0482) received on December 31, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–89. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Drug Labeling; Sodium Labeling for Over-the-Counter Drugs'' (RIN0910–AF50) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–90. A communication from the Administrator, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Unemployment Insurance Program Letter: SUTA Dumping—Amendments to Federal Law Affecting the Federal-State Unemployment Compensation Program—Additional Guidance'' received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–91. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Mental Health Parity; Interim Final amendment to Regulation'' (RIN1210–AA62) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–92. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety zone Regulations (Including 4 regulations): [CGD05–04–224], [COTP Western Alaska 04–001], [CGD13–04–043], [COTP Western Alaska 04–002]'' (RIN1625–AA00) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–93. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation (Including 2 regulations): [CGD05–04–223], [CGD08–04–040]'' (RIN1625–AA09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–94. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (Including 2 Regulations): [CGD01–04–148], [CGD01–04–151]'' (RIN1625–AA09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–95. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (Including 2 Regulations): [CGD13–04–044], [CGD09–04–149]'' (RIN1625–AA00) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–96. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01–04–152]'' (RIN1625–AA11) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–97. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Warrensburg, MO'' (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–98. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Lexington, MO'' (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–99. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, NE'' (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Burwell, NE'' (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAMBLISS for the Committee on Agriculture, Nutrition, and Forestry.

*Mike Johanns, of Nebraska, to be Secretary of Agriculture.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

Carlos M. Gutierrez, of Michigan, to be Secretary of Commerce.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Margaret Spellings, of Texas, to be Secretary of Education, Labor, and Pensions.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Res. 5. A resolution making majority party appointments to certain Senate committees for the 109th Congress; considered and agreed to.

By Mr. REID:

S. Res. 6. A resolution making minority party appointments to certain Senate committees for the 109th Congress; considered and agreed to.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 5—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 109TH CONGRESS

Mr. FRIST submitted the following resolution; which was considered and agreed to:

Resolved, That not withstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the One Hundred Ninth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss (Chairman), Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Talent, Mr. Thomas, Mr. Santorum, Mr. Coleman, Mr. Crapo, Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran (Chairman), Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. DeWine, Mr. Brownback, Mr. Allard.

COMMITTEE ON ARMED SERVICES: Mr. Warner (Chairman), Mr. McCain, Mr. Inhofe, Mr. Roberts, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Talent, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby (Chairman), Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Santorum, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY: Mr. Stevens (Chairman), Mr. McCain, Mr. Burns, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Allen, Mr. Sununu, Mr. DeMint, Mr. Vitter.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici (Chairman), Mr. Craig, Mr. Thomas, Mr. Alexander, Ms. Murkowski, Mr. Burr, Mr. Martinez, Mr. Talent, Mr. Burns, Mr. Allen, Mr. Smith, Mr. Bunning.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe (Chairman), Mr. Warner, Mr. Bond, Mr. Voinovich, Mr. Chafee, Ms. Murkowski, Mr. Thune, Mr. DeMint, Mr. Isakson, Mr. Vitter.

COMMITTEE ON FINANCE: Mr. Grassley (Chairman), Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Santorum, Mr. Frist, Mr. Smith, Mr. Bunning, Mr. Crapo.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar (Chairman), Mr. Hagel, Mr. Chafee, Mr. Allen, Mr. Coleman, Mr. Voinovich, Mr. Alexander, Mr. Sununu, Ms. Murkowski, Mr. Martinez.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi (Chairman), Mr. Gregg, Mr. Frist, Mr. Alexander,

Mr. Burr, Mr. Isakson, Mr. DeWine, Mr. Ensign, Mr. Hatch, Mr. Sessions, Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins (Chairman), Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Chafee, Mr. Bennett, Mr. Domenici, Mr. Warner.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Roberts (Chairman), Mr. Hatch, Mr. DeWine, Mr. Bond, Mr. Lott, Ms. Snowe, Mr. Hagel, Mr. Chambliss, Mr. Warner (ex officio).

COMMITTEE ON THE JUDICIARY: Mr. Specter (Chairman), Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. DeWine, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, Mr. Coburn.

SPECIAL COMMITTEE ON AGING: Mr. Smith (Chairman), Mr. Shelby, Ms. Collins, Mr. Talent, Mrs. Dole, Mr. Martinez, Mr. Craig, Mr. Santorum, Mr. Burns, Mr. Alexander, Mr. DeMint.

COMMITTEE ON THE BUDGET: Mr. Gregg (Chairman), Mr. Domenici, Mr. Grassley, Mr. Allard. Mr. Enzi. Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Alexander, Mr. Graham.

SELECT COMMITTEE ON ETHICS: Mr. Voinovich (Chairman), Mr. Roberts, Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. McCain (Chairman), Mr. Thomas, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, Mr. Crapo, Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Bennett (Vice-Chairman), Mr. Brownback, Mr. Sununu, Mr. DeMint, Mr. Sessions, Mr. Cornyn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Lott (Chairman), Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Santorum, Mr. Frist, Mr. Chambliss, Mrs. Hutchison, Mr. Bennett, Mr. Hagel.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe (Chairman), Mr. Bond, Mr. Burns, Mr. Allen, Mr. Coleman, Mr. Thune, Mr. Isakson, Mr. Vitter, Mr. Enzi, Mr. Cornyn.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig (Chairman), Mr. Specter, Mrs. Hutchison, Mr. Graham, Mr. Burr, Mr. Ensign, Mr. Thune, Mr. Isakson.

SENATE RESOLUTION 6—MAKING MINORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 109TH CONGRESS

Mr. REID submitted the following resolution; which was considered and agreed to:

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 109th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Ranking Member); Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln. Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Dayton, and Mr. Salazar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Ranking Member), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, Mr. Dorgan. Mrs. Feinstein, Mr. Durbin, Mr. Johnson, and Ms. Landrieu.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Ranking Member), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Bayh, and Mrs. Clinton.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Ms. Stabenow, and Mr. Corzine.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Ranking Member), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Nelson of Nebraska, and Mr. Pryor.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mrs. Feinstein, Ms. Cantwell, Mr. Corzine, and Mr. Salazar.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Jeffords (Ranking Member), Mr. Baucus, Mr. Lieberman, Mrs. Boxer, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, and Mr. Obama.

COMMITTEE ON FINANCE: Mr. Baucus (Ranking Member), Mr. Rockefeller, Mr. Conrad, Mr. Jeffords, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden and Mr. Schumer.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Ranking Member), Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson of Florida, and Mr. Obama.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Ranking Member), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Jeffords, Mr. Bingaman, Mrs. Murray, Mr. Reed, and Mrs. Clinton.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Ranking Member), Mr. Levin. Mr. Akaka, Mr. Carper, Mr. Dayton, Mr. Lautenberg. and Mr. Pryor.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Ranking Member), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, and Mr. Durbin.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Dodd (Ranking Member), Mr. Byrd, Mr. Inouye, Mrs. Feinstein. Mr. Schumer, Mr. Dayton, Mr. Durbin and Mr. Nelson of Nebraska.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Ranking Member), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, and Mr. Pryor.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Ranking Member), Mr. Rockefeller, Mr. Jeffords, Mrs. Murray, Mr. Obama and Mr. Salazar.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Ranking Member), Mr. Jeffords, Mr. Feingold, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson of Florida, and Mrs. Clinton.

COMMITTEE ON THE BUDGET: Mr. Conrad (Ranking Member), Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Corzine.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Vice Chairman), Mr. Akaka, and Mr. Pryor.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Vice Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, and Ms. Cantwell.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, and Mr. Corzine.

JOINT ECONOMIC COMMITTEE: Mr. Reed, Mr. Kennedy, Mr. Sarbanes, and Mr. Bingaman.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, January 6, 2005. The purpose of this meeting will be to review the nomination of Mr. Michael Owen Johanns to be Secretary of Agriculture for the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, January 6, 2005, immediately following the first vote. The Senators will assemble in front of the President's Room on the nomination of Carlos Gutierrez to be Secretary of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for the hearing on the Presidential nomination of Margaret Spellings to be Secretary of Education during the session of the Senate on Thursday, January 6, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, January 6, 2005, at 9:30 a.m., on the nomination of The Honorable Alberto R. Gonzales, Counsel to President George W. Bush, to be the Attorney General of the United States. The hearing will take place in the Hart Senate Office Building Room 216.

Witness List

Panel I: The Honorable John Cornyn and the Honorable Ken Salazar.

Panel II: The Honorable Alberto R. Gonzales, Counsel to President George W. Bush, Washington, DC.

Panel III: Admiral John D. Hutson, Ret. USN, President and Dean, Franklin Pierce Law Center, Concord, NH; Mr. Harold Hongju Koh, Dean, Yale Law School, New Haven, CT; and Mr. Douglas A. Johnson, Executive Director, Center of Victims of Torture, Minneapolis, MN.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2004 fourth quarter mass mailings is Tuesday, January 25,

2005. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these fillings. For further information, please contact the Public Records office at (202) 224–0322.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

CONDITIONAL ADJOURNMENT OF THE HOUSE AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 2, the adjournment resolution, provided that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 2) was agreed to, as follows:

H. CON. RES. 2

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, January 6, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Thursday, January 20, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, January 20, 2005, it stand adjourned until 2 p.m. on Tuesday, January 25, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, January 6, 2005, or Friday, January 7, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, January 20, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR THURSDAY, JANUARY 20, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the joint session is dissolved, the Senate stand adjourned under the provisions of H. Con. Res. 2 until 3 p.m., Thursday, January 20, 2005.

I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the Senate then proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, this order allows that once the electoral vote counting is complete and the joint session is dissolved, we will adjourn until 3 p.m. on January 20.

As a reminder, January 20 is the date of the inauguration. We will convene later that day following the swearing in of the President and the Vice President. We expect to consider one or more of the President's nominations on that day and, therefore, rollcall votes are expected.

With that said, we will now wait for the message for us to return to the House Chamber.

RECESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess, awaiting word from the House of Representatives that it is ready to receive the Senate.

There being no objection, the Senate, at 3:12 p.m, recessed until 5:05 p.m., to reassembled in the House of Representatives to continue the joint session.

Whereupon, at 5:20 p.m. the Senate adjourned, according to the provisions of H. Con. Res. 2, until Thursday, January 20, 2005, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate January 6, 2005:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TERRANCE T. ETNYRE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT A. LOVETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARTIN POFFENBERGER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TIMOTHY D. MITCHELL, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM F. BITHER, 0000
JAMES R. OLIVER, 0000
PAUL J. RAMSEY, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

WILLIAM R. LAURENCE, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624, AND 3064:

To be colonel

MEGAN K. MILLS, 0000
LINDA L. ROWBOTHAM, 0000
THERESA M. SCHNEIDER, 0000
LOUIS H. SMITH III, 0000
MARIA A. WORLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

TIMOTHY K. ADAMS, 0000
MARGARET N. CARTER, 0000
MARK B. GOLD, 0000
JOHN L. POPPE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH W. BURCKEL, 0000
FRANK J. MISKENA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANK J. MISKENA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROSA L. HOLLISBIRD, 0000
KINLEY W. HOWARD, 0000
BRENT P. NIXON, 0000
DEBORAH A. ROMAN, 0000
BRIAN L. SOMBERG, 0000
MARK STILING, 0000
MICHAEL T. TRAVIS, 0000
BETH A. ZIMMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRUCE A. MULKEY, 0000
JEROME F. STOLINSKI, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MATTHEW R. SEGAL, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CASANOVA C. OCHOA, 0000
CHARLES R. PLATT, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH R. GREENE, 0000
WILLIAM F. ROY, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES E. FERRANDO, 0000
MARY J. FORBES, 0000
WILTON S. GORSKE, 0000
ELIZABETH H. HINES, 0000
ROBERT P. NELSON, JR., 0000
TERRY R. SOPHER, JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BILLY J. BLANKENSHIP, 0000
MARK F. BURKE, 0000
DARRELL L. BUTTERS, 0000
EDWARD K. CHUN FAT, JR., 0000
JOHN L. CRAFT, 0000
KEITH R. DANIEL, 0000
PATRICK M. HAMILTON, 0000
RANDAL G. MARTIN, 0000
WILLIAM J. ONEILL, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK E. COERS, 0000
ROBERT J. COY, 0000
JAMES C. ERNST, 0000
JAMES M. KENNEDY, 0000
STEVEN J. LOKENSGARD, 0000
BRYAN D. MEYERS, 0000
JACKIE L. REAVES, 0000
SIMSUNDARETH S. TAN, 0000
RICHARD A. WEAVER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JEFFREY T. ALTDORFER, 0000
MICHAEL R. BRESNAHAN, 0000
MICHAEL J. CARLSON, 0000
KIMBERLY A. DILLON, 0000
JAMES E. KEIGHLEY, 0000
KEITH A. MABRY, 0000
GREGG L. RILEY, 0000
JOSEPH E. ROONEY, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID C. BARNHILL, 0000
PETER Y. LEE, 0000
TIMOTHY M. MCKEITHEN, 0000
KENNETH B. SMITH, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID B. ENYEART, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID A. GREENWOOD, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SANDRA W. DITTIG, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN M. OWINGS, JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DANIEL J. BUTLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PETER W AUBREY, 0000
JACQUES A AZEMAR, 0000
JAMES D BASS, 0000
JOSEPH L BASS, 0000
CYNTHIA M BEDELL, 0000
ALLEN L BORGARDTS, 0000
THOMAS H BRYANT, 0000
JOHNNY R BULLINGTON, 0000
KYLE T BURKE, 0000
BRIAN J BUTCHER, 0000
CALVIN T CARLSEN, 0000
ROBERT C CARPENTER, 0000
JON E CHICKY, 0000
KEVIN D CLARK, 0000
DANIEL T COTTRELL, 0000
JOHN L CUNNANE, 0000
DANIEL J FAGUNDES, 0000
JAMES P FLETCHER, 0000
MARK R FRANKLIN, 0000
DONALD V GIBSON, 0000
MARK W GILLETTE, 0000
PATRICK F GILLIS, 0000
RICHARD S GIRVEN, 0000
LINDA L GOULD, 0000
WARREN P GUNDERMAN, 0000
WILLIAM D HUGGINS, JR, 0000
THEODORE L JENNINGS, 0000
LAWRENCE J KINDE, 0000
WILLIAM L LAMB, 0000
CHARLES S LAMBERT, 0000
NORMAN R LARSON, 0000
JOY A LEAPHEART, 0000
STEPHEN B LEISENRING, 0000
BRUCE D LEWIS, 0000
DAVID E LOCKHART, 0000
ROBERT A LOVETT, 0000
MARK MALATESTA, 0000
TUCKER B MANSAGER, 0000
GENE W MCCONVILLE, 0000
JOHN J MCGUINESS, 0000
FRANK R MOLINARI, 0000
RAYMOND H NULK, 0000
DAVID W PHARES, 0000
CHRISTOPHER M RASMUSSEN, 0000
KEVIN E RICHARDS, 0000
EHRICH D ROSE, 0000
RICHARD T SHIPE, 0000
NEWMAN D SHUFFLEBARGER, 0000
EUGENE W SKINNER, JR, 0000
STEVEN M SOUCEK, 0000
CHRISTOPHER J TONE, 0000
LEE J WHITESIDE, 0000
MICHAEL E WILLIAMSON, 0000
JEFFREY K WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL J ARINELLO, 0000
DANIEL L BAGGIO, 0000
JAMES E BARRINEAU, 0000
STEVEN A BECKMAN, 0000
WILLIAM D BLACKLEDGE, 0000
WILLIAM M COSTELLO, 0000
TODD E DAY, 0000
RALPH W HARRIS, 0000
HENRY L HUNTLEY, 0000
JOHN P JENKS, 0000
GARY E LANGSTON, JR, 0000
JOHN G LEVINE, 0000
PATRICK H MACKIN, 0000
GARY M MCANDREWS, 0000
CLARENCE A MEADE, 0000
WAYNE A PARKS, 0000
CHARLES E PHILLIPS, JR, 0000
RORY R RADOVICH, 0000
JOSEPH D RICHARD, 0000
ANDREW G RILEY, 0000
ROSS V ROMEO, 0000
RICHARD A SCHANTZ, 0000
RICKY R SIMS, 0000
BRUCE G SMITH, 0000
ROBERT P SMITH, JR, 0000
LAURI J SNIDER, 0000
DAVID B TAYLOR, 0000
JAMES E WHALEY III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONNA A ALBERTO, 0000
MANUEL APONTE, JR, 0000
PHILIP F BEAVER, 0000
DONNA M BRAZIL, 0000
BRENT B BREDEHOFT, 0000
TYRONE K BROWN, 0000
CARLTON A BUCHANAN, 0000
CURTIS A CARVER, JR, 0000
GREGORY L DANIELS, 0000
KIRK A DAVIS, 0000
DAVID P DOLPH, 0000
JOHN F EICHLER, 0000
JAMES J GALVIN, JR, 0000
TROY P KRAUSE, 0000
BOBBY L LIPSCOMB, JR, 0000
SAVERIO M MANAGO, 0000
JAMES C MARKLEY, 0000
G S MCCONNELL, 0000
JEANETTE M MCMAHON, 0000
RAYMOND C NELSON, 0000
JOHN E PHELAN, 0000
ROBERT G PHELAN, JR, 0000
MICHAEL D PHILLIPS, 0000
THOMAS P REILLY, 0000
MARK A RICCIO, 0000
EDGAR K RUGENSTEIN, 0000
KEVIN L SMITH, 0000
LEON I SMITH IV, 0000
DAVID M THIEDE, 0000
TIMOTHY E TRAINOR, 0000
DWIGHT D WATKINS, 0000
THEODORE S WESTHUSING, 0000
DOUGLAS A WILD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

SCOTT W ARNOLD, 0000
GREGORY B COE, 0000
DAVID L CONN, 0000
FLORA D DARPINO, 0000
JAMES J DILIBERTI, 0000
CHARLES L GREEN, 0000
RANDALL L KEYS, 0000
JERRY J LINN, 0000
MARK S MARTINS, 0000
JEFFREY C MCKITRICK, 0000
MICHAEL W MEIER, 0000
JOHN W MILLER II, 0000
CHRISTOPHER J OBRIEN, 0000
CHARLES N PEDE, 0000
SHARON E RILEY, 0000
LISA M SCHENCK, 0000
DAVID S SHUMAKE, 0000
FRED P TAYLOR, 0000
SUSAN D TIGNER, 0000
MARK W TOOLE, 0000
KEITH C WELL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

RONALD P ALBERTO, 0000
THOMAS R ANDERSON, 0000
PERI A ANEST, 0000
JOHN E ANGEVINE, 0000
DIONYSIOS ANNINOS, 0000
JOEL R ARMSTRONG, 0000
KNOWLES Y ATCHISON, 0000
CARL G AYERS, 0000
HUBERT E BAGLEY, JR, 0000
DAVID P BAGNATI, 0000
SHARON H BAKER, 0000
ROBERT S BALLEW, 0000
JEFFREY L BANNISTER, 0000
THOMAS H BARTH, 0000
JOSEPH A BASSANI, JR, 0000
PHILIP F BATTAGLIA, 0000
KEVIN M BATULE, 0000
MARLON K BECK, 0000
ERIC R BELCHER, 0000
MICHAEL S BELL, 0000
HENRY W BENNETT, 0000
SCOTT D BERRIER, 0000
LUIGI E BIEVER, 0000
RAYMOND L BINGHAM, 0000
JOHN J BIRD, 0000
DAVID M BLACKBURN, 0000
DAN BLAND, 0000
JERRY L BLIXT, 0000
JAMES C BOISSELLE, 0000
ROBERT J BOTTERS, JR, 0000
ANDREW W BOWES, 0000
WILLIAM W BRALEY, SR, 0000
CURT R BRANDT, 0000
PAUL W BRICKER, 0000
ROBERT S BRIDGFORD, 0000
TODD A BUCHS, 0000
DOROTHEA M BURKE, 0000
RODERICK BURKE, SR, 0000
DAVID R BYRN, SR, 0000
PAUL P CALE, 0000
MARK E CALVERT, 0000
FRANCIS J CAPONIO, 0000
DOMINIC J CARACCILO, 0000
STEVEN P CARNEY, 0000
JAMES E CASHWELL, 0000
JOHN W CHARLTON, 0000
JERRY S CHASTAIN, 0000
MICHAEL W CHILDERS, 0000
ROBERT E CHOPPA, 0000
MICHAEL J CHRISTIAN, 0000
ARMON A CIOPPA, 0000
DAVID J CLARK, 0000
RICHARD D CLARKE, JR, 0000
MICHAEL N CLAWSON, 0000
ERIC G CLAYBURN, 0000
TRACY A CLEAVER, 0000
HARRY L COHEN, 0000
THERESA D COLES, 0000
KATHERINE M COOK, 0000
ALFRED CORBIN, 0000
BRUCE A CORDELLI, SR, 0000
MARIO CORONEL, 0000
CHRISTOPHER P COSTA, 0000
CRAIG S COTTER, 0000
DAVID G COTTER, 0000
WILLIAM J * COULTRUP, 0000
THOMAS H COWAN, JR, 0000
HARVEY L CROCKETT, 0000
CLIFFORD D CROFFORD, JR, 0000
MICHAEL E CULPEPPER, 0000
DANIEL J CUMMINGS, 0000
LAUREL D CUNNANE, 0000
GREG W CUSIMANO, 0000
ANTHONY F DASKEVICH II, 0000
JOHN J DAUGIRDA, 0000
WILLIAM E DAVID, 0000
JAMES W DAVIS, 0000
JIMMY D DAVIS, 0000
MARK A DAVIS, 0000
PHILIP D DECAMP, 0000
PETER A DELUCA, 0000
WADE F DENNIS, 0000
YOLANDA C DENNISLOWMAN, 0000
WAYNE L DETWILER, JR, 0000
KENNETH W DEVAN, 0000
JOSEPH J DICHAIRO, 0000
WILLIAM T DOLAN, 0000
MICHAEL J DONOVAN, 0000
JAMES P DRAGO, JR, 0000
MARK E DRAKE, 0000
JOHN D DROLET, 0000
JOHN E DUMOULIN, JR, 0000
JOE D DUNAWAY, 0000
JERRY L EGBERT, 0000
MICHAEL E ERDLEY, 0000
MARK W ERWIN, 0000
JOE E ETHRIDGE, JR, 0000
SCOTT D FABOZZI, 0000
JESSIE O FARRINGTON, 0000
THOMAS H FELTS, 0000

HOWARD R FERGUSON, 0000
PATRICK L FETTERMAN, 0000
JOHN R FISHER, 0000
CHARLES A FLYNN, 0000
ROY W FOX, 0000
GEORGE J FRANZ III, 0000
JOSEPH J FRAZIER, 0000
KRISTIN K FRENCH, 0000
LEONARD T GADDIS, JR, 0000
JOE E GALLAGHER, 0000
GERALD E GALLOWAY III, 0000
DUANE A GAMBLE, 0000
KENNETH D GANTT, 0000
GREGORY L GARDNER, 0000
GEORGE GECZY III, 0000
CHRISTOPHER P GEHLER, 0000
DEBORAH L GEIGER, 0000
DANIEL M GEORGI, 0000
EARL S GLASCOCK, 0000
RYAN F GONSALVES, 0000
TIMOTHY C GORRELL, 0000
HEIDI H GRAHAM, 0000
RAY A GRAHAM, JR, 0000
TOBIN L GREEN, 0000
ROGER K GRIFFIN, 0000
DAVID M GRIFFITH, 0000
JAMES E GRIFFITH, 0000
GREGG E GROSS, 0000
PAUL L GROSSKRUGER, 0000
STEVEN R GROVE, 0000
THOMAS P GUTHRIE, 0000
CHRISTOPHER K HAAS, 0000
RALPH W HADDOCK, 0000
GREGORY L HAGER, 0000
BRIAN P HAMILTON, 0000
JOHN T HANSEN, 0000
DENNIS P HARBER, 0000
JOHN D HARDING, JR, 0000
CHARLES K HARDY, 0000
ROBERT H HARMS, 0000
JOHN C HARRISON, 0000
DAMIAN J HEANEY, 0000
PERRY HELTON, 0000
TERENCE J HERMANS, 0000
WILLIAM B HICKMAN, 0000
JOHN B HILDEBRAND, 0000
TIMOTHY P HILL, 0000
JAY T HIRATA, 0000
CHRISTOPHER M HOLDEN, 0000
JOHN S HOLWICK, 0000
CHARLES E HONORE, JR, 0000
JOHN H HORT, 0000
JOHN M HUEY, 0000
CHRISTOPHER P HUGHES, 0000
ALLEN HULL III, 0000
DANA R HURST, 0000
RONALD W HUTHER, 0000
JEFFREY D INGRAM, 0000
BJARNE M IVERSON, 0000
NORMAN K JACOCKS, 0000
VICTOR A JOHN, 0000
FREDERICK J JOHNS, JR, 0000
ROBERT P JOHNSON, JR, 0000
THOMAS W JOHNSON, JR, 0000
ALLEN S JONES, 0000
MARK T JONES, 0000
REBECCA W JONES, 0000
SANDRA L KEEFER, 0000
YVETTE J KELLEY, 0000
PATRICK J KELLY, 0000
DANIEL A KESSLER, 0000
TIMOTHY P KIELY, 0000
HENRY A KIEVENAAR III, 0000
KEITH C KODALEN, 0000
JOHN M KOIVISTO, JR, 0000
STREP R KUEHL, 0000
JAMES E LACKEY, 0000
CHRISTOPHER J LARSEN, 0000
JACK E LECHNER, JR, 0000
BRIAN D LESIEUR, 0000
MARK F LESSIG, 0000
SCOTT W LEVIN, 0000
CECIL T LEWIS III, 0000
CHIPPER M LEWIS, 0000
DENNIS R LINTON, 0000
DONALD G LISENBEE, JR, 0000
CHRISTOPHER E LOCKHART, 0000
JOSEPH B LOFGREN, 0000
JERYL C LUDOWESE, 0000
WILLIAM E LUKENS, 0000
KENNETH S LUNDGREN, 0000
KEVIN D LUTZ, 0000
ROBIN D LYNCH, 0000
ANTHONY J MACDONALD, 0000
JOSEPH E MAHER, JR, 0000
ROBERT W MARRS, 0000
TERRENCE MARSH, 0000
CHRISTOPHER W MARTIN, 0000
THEODORE D MARTIN, 0000
PAMELA L MARTIS, 0000
HAROLD P MARTY, 0000
JAMES M MARYE, 0000
CHARLES F MASKELL, 0000
REGINALD P MASON, 0000
JAMES P MATTIES, JR, 0000
MICHAEL S MCBRIDE, 0000
RODNEY X MCCANTS, 0000
DAVID J MCCAULEY, 0000
MICHAEL MCCORMICK, 0000
JOHN G MCCRACKEN, 0000
ROGER L MCDONALD III, 0000
ROSA M MCNEELY, 0000
LEONARD S MCWHERTER, 0000
ROBERT W MEEKS, 0000
TODD A MEGILL, 0000
JEFFREY A MELLO, 0000
MICHAEL T MIKLOS, 0000
MICHAEL M MILLS, 0000
MICHAEL T MINYARD, 0000
STEVEN T MITCHELL, 0000
ARNOLD P MONTGOMERY, 0000
MICHAEL T MOON, 0000
BRIAN P MOORE, 0000
ROBBIE L MOSLEY, 0000
LAWRENCE G MROZINSKI, 0000
PETER W MUELLER, 0000
DARRYL G MURCH, 0000
MICHAEL W MURFEE, 0000
THOMAS J MURPHY, 0000
PAUL M NAKASONE, 0000
YVETTE D NONTE, 0000
ROBERT K NYE, 0000
JOHN R OCONNOR, 0000
MARK A OLINGER, 0000
REYNOLD F PALAGANAS, 0000
EDMUND J PALEKAS, 0000
TIMOTHY D PARKS, 0000
DAVID G PASCHAL, 0000
RICHARD M PASTORE, JR, 0000
FREDERICK D PELLISSIER, 0000
FRANK G PENHA, 0000
DENNIS A PERKINS, 0000
LAWRENCE P PHELPS, 0000
BOBBY R PINKSTON, 0000
RICHARD G PISCAL, 0000
MICHAEL E PLAYER, 0000
DOMINIC E POMPELIA, JR, 0000
BARRYE L PRICE, 0000
MICHELE M PUTKO, 0000
VALERIE W RATLIFF, 0000
CURT A RAUHUT, 0000
DIANA A RAYNOR, 0000
ROBERT F RHODES, 0000
KENNETH H RIDDLE, 0000
JAMES G RILEY, 0000
JOHN S RISCASSI, 0000
JAMES E RISELEY, 0000
STEVEN W RISLEY, 0000
CHRISTOPHER L ROBERTSON, 0000
JOSE ROBLESMALDONADO, 0000
DAVID RODRIGUEZ, 0000
MATTHEW H RUSSELL, 0000
ANTHONY SABB, 0000
DAVID G SAGE, 0000
JEFFREY R SANDERSON, 0000
STEPHEN M SCHILLER, 0000
JOHN M SCHLEIFER, 0000
MARTIN P SCHWEITZER, 0000
KENT R SELBY, 0000
FRANCIS V SHERMAN, JR, 0000
RICKY W SHERMAN, 0000
FRANK W SHEROD II, 0000
DAVID L SHUTT, 0000
FRANK J SILTMAN, 0000
ROBERT A SINKLER, 0000
DENNIS E SLAGTER, 0000
DENNIS W SMITH, 0000
FORREST E SMITH, 0000
HUGH T SMITH, 0000
STEVEN J SMITH, 0000
MARK E SOLSETH, 0000
MARK S SPINDLER, 0000
BILLY F SPRAYBERRY II, 0000
ROBIN J STAUFFER, 0000
JOHN S STCYR, 0000
WAYNE STEVENS, 0000
STEPHEN G STEWART, 0000
JERRY R STIDHAM, 0000
ALBERT C STJEAN, 0000
JOHNNY C STRAIN, 0000
LAWRENCE E STROBEL, 0000
ALAN M STULL, 0000
FREDERICK W SWOPE, 0000
DARIN TALKINGTON, 0000
THOMAS L TATE, 0000
EARL J TEETER, 0000
BURDETT K THOMPSON, 0000
SCOTT B THOMPSON, 0000
LEO J THRUSH, 0000
CURTIS L TORRENCE, 0000
ANIELLO L TORTORA, 0000
BOBBY A TOWERY, JR, 0000
MARK D TROUTMAN, 0000
CHRISTOPHER TROUVE, 0000
DREW A TURINSKI, 0000
JEFFERY L UNDERHILL, 0000
ROBERT VALDIVIA, 0000
RICHARD S VANDERLINDEN, 0000
ROBERT R VARELA, 0000
CRAIG VEST, 0000
RICHARD E VOLZ, JR, 0000
MICHELLE L WALLA, 0000
MARK R WALLACE, 0000
ROBERT M WALTEMEYER, 0000
MARK L WATERS, 0000
GREGORY A WATT, 0000
TIMOTHY A WEATHERSBEE, 0000
JEFFREY S WEISSMAN, 0000
ERIC P WENDT, 0000
MARK A WESTBROOK, 0000
ROBERT C WHALEY, 0000
ROBERT P WHITE, 0000
MARY K WHITWORTH, 0000
ERIC A WIEDEMANN, 0000
HARRY B WILLIAMS, 0000
WILLIE WILLIAMS, JR, 0000
KEVIN J WILSON, 0000
MARTIN J WILSON, 0000
CHRISTOPHER L WINNE, 0000
MICHAEL D WINSTEAD, 0000
WILLIAM T WISEMAN, 0000
STANLEY H WOLOSZ II, 0000
PAUL J WOOD, 0000
KEVIN S WOODS, 0000
STEVEN G WOODS, 0000
STEPHEN G YACKLEY, 0000
ANDREW C YEE, 0000
DENNIS O YOUNG, 0000
SCOTT D ZEGLER, 0000
WILLIAM E ZELLER, 0000
X0000
X0000
X0000
X0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

PAUL T BARTONE, 0000
KENNETH G CANESTRINI, 0000
LARRY L * CONWAY, 0000
JOHN P COOK, 0000
LAURIE A CUMMINGS, 0000
RAFAEL E DEJESUS, 0000
KENNETH J FOPPIANO, 0000
RICHARD A GULLICKSON, 0000
DONALD E HALL, 0000
CURTIS S HANSEN, 0000
DAN E HARMS, 0000
DUANE N HILL, 0000
REGINALD W HOWARD, 0000
CAROL W LABADIE, 0000
THOMAS J LITTLE, JR, 0000
JOSE L LOPEZ, 0000
DAVID L MACDONALD, 0000
MICHAEL S MCDONALD, 0000
RICHARD S MITCHELL, 0000
TIMOTHY J MOORE, 0000
KELVIN B OWENS, 0000
ELAINE S PERRY, 0000
LEON L ROBERT, 0000
FRANKLIN D ROWLAND, JR, 0000
PATRICK D SARGENT, 0000
JAMES A SIGNAIGO, 0000
DAWN M SMITH, 0000
BARBARA J STANSFIELD, 0000
ROBERT L STEWART, 0000
JEFFREY M UNGER, 0000
DONALD R WEST, 0000
DERICK B ZIEGLER, 0000
JEFFREY P ZIMMERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CYNTHIA A CHAVEZ, 0000
JOHN E COLLINS, 0000
SANDRA K JORDAN, 0000
THOMAS J MCCANN, 0000
MARSHA MCCLESKEY, 0000
DAVID C PALADINO, 0000
RICHARD T PETERS, 0000
JAMES J SHEAR, 0000
RUTH A WELCH, 0000
JACLYNN A WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANCIS B AUSBAND, 0000
GRIFFIN L DEEN, JR, 0000
ROBERT W ERLACH, 0000
ALFREDO J FERNANDEZ, 0000
RICHARD H FIXOTT, 0000
ENRIQUE GARCIA, 0000
MARK M KUBA, 0000
JASON M MAILHOT, 0000
STEVEN D MCCLINTOCK, 0000
ANTHONY L MOLINA, 0000
RICK G MUMFORD, 0000
CHANTAL NEWSOME, 0000
ALLEN RASHEED, 0000
NORMAN M ROGERS, 0000
JOE W SNAVELY, 0000
GREGORY A STOUTE, 0000
SCOTT A WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LORETTA A ADAMS, 0000
THOMAS L ANDERSON, 0000
JAMES R BOEN, 0000
PEGGY L BRADLEY, 0000
JOSEPH W BURCKEL, 0000
LISA P CHISHOLM, 0000
JERRELL J COCKRELL, 0000
MARK D ELLIOTT, 0000
WILLIAM W FARTHING, JR, 0000
JOHN E FORRETTE, 0000
FRANK FUENTES, 0000
PAUL D GANCHER, 0000
ROBERT GUILD, 0000
MARY E HALLMARK, 0000
EDWIN N HERNANDEZ, 0000
EUGENE V HOLAHAN, JR, 0000
BRIAN D JONES, 0000
HENRY F KENT, 0000
BRADLEY M KNOERNSCHILD, 0000
PETER K LANDSTEINER, 0000
ALBERT L MAAS III, 0000

LESLIE R MCKECHNIE, 0000
DANIEL A MORIARTY, 0000
CYNTHIA A OCONNELL, 0000
DONALD S PENDER, 0000
JEFFREY G PHILLIPS, 0000
PETER T QUINN, 0000
MICHAEL A ROGALLA, 0000
ELMAR T SCHMEISSER, 0000
KENNETH F SELOVER, 0000
WALTER D SOJA, 0000
MICHAEL T THORNTON, 0000
PURRY A WACKER, 0000
CLARK H WEAVER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

ROBERT D AKERSON, 0000
JAMES T ARSCOTT, 0000
SANJIVANI C BAKARE, 0000
GREGORY J BEILMAN, 0000
DAVID A BELYEA, 0000
DEIRDRE M BYRNE, 0000
RAYMOND L CAPPS, 0000
PAUL C DALY, 0000
CARL L DANIELSON III, 0000
WILLIAM P DIEFENBACH, 0000
KEVIN M DWYER, 0000
LAWRENCE E FOLTZ, 0000
WALTER B FRANZ III, 0000
DAVID E GREEN, 0000
DAVID K GUSTAVISON, 0000
RICHARD K HAILE, 0000
WALTER H HALLORAN, 0000
THOMAS M HARRIS, 0000
NORMAN A HETZLER, JR, 0000
ROY H HINMAN II, 0000
PAUL J HUBBELL, 0000
JAMES W HUSTON, 0000
WILLIAM S JOHNSON, 0000
CHRISTOPHER JONES, 0000
CHANCE T KAPLAN, 0000
FREDERICK B KRAFT, 0000
MARK A LOWRY, 0000
FRANCISCO J MALDONADO, 0000
HARRY P MARSHALL, JR, 0000
CHARLES N MARVIN, JR, 0000
DANIEL J MATRICIA, 0000
PHILIP E MCCUNE, 0000
GARY B MORSCH, 0000
SRIDHAR NATARAJAN, 0000
MIGUEL A OQUENDO, 0000
TERESA L OTTO, 0000
SILVINO P PAZCOGUIN, 0000
SUSAN E PEARSON, 0000
JEROME C M PETERS, JR, 0000
TIMOTHY P PFANNER, 0000
KELLY D PRIDGEN, 0000
CLYDE R REDMOND, 0000
HERNANE C RESTAR, 0000
EILEEN M ROSEN, 0000
JOSEPH F RUDA, JR, 0000
FELICITAS F SANTIAGO, 0000
CHRISTOPHER K SINHA, 0000
RONALD T STAUBLY, 0000
ROBERT E SUTER, 0000
PETER P TAILLAC, 0000
HEIDI P TERRIO, 0000
HEMANT K THAKUR, 0000
DEAN R THOMSON, 0000
MICHAEL T TRAVIS, 0000
ROBERT F TYREE, 0000
ROBBI D VENDITTI, 0000
BARBARA E WALKER, 0000
CHARLES A YOUMANS, 0000
RICHARD S K YOUNG, 0000
BETH A ZIMMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PRISCILLA A BERRY, 0000
JERRY W BIEHL, 0000
JAMES F BOBO, 0000
TERRY D BONNER, 0000
OLGA R BRADLEY, 0000
AUDREY J CARAMANNA, 0000
MARY K CHAMBERS, 0000
MICHAEL W COLEMAN, 0000
WILLIAM T DIAMOND, 0000
RONALD E DZIEDZICKI, 0000
MARGARET M EIDEN, 0000
JOAN M ERICKSON, 0000
TEMPIE M EVANS, 0000
DEBRA M GIBBS, 0000
JUDITH L GISONDI, 0000
GLENDA W HILL, 0000
LAGAUNDA C JONES, 0000
GORDON KUNTZ, 0000
CHRISTINE V ODONNELL, 0000
PENNY A REPLOGLE, 0000
DIANE L ROBATEAU, 0000
DELOIS ROBINSON, 0000
DENISE T ROONEY, 0000
DONALD J RUTHERFORD, 0000
RUTH A SHULL, 0000
MICHELE S SLICK, 0000
MARIA O STEWART, 0000
WILLIAM L STOLTZFUS, 0000
JUDITH L STONGE, 0000
MARGARET A SULLIVAN, 0000
DARLENE S THOMASEC, 0000
DOLORES J TROMBETTA, 0000
SANDRA M WEBBBOOKER, 0000
IMELDA J WEDDINGTON, 0000
RHONDA M WELLER, 0000
DONNA J WIBERG, 0000
CATHERINE E WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GEORGE A ABBOTT, 0000
ELVIS ACOSTA, 0000
HALVOR N ADAMS III, 0000
RANDY A ALEWEL, 0000
MICHAEL A ALEXANDER, 0000
WILLIAM M ALEXANDER, 0000
PATRICK B ALLEN, 0000
THOMAS H ALLEN, JR, 0000
WILLIAM C ALLEN, 0000
JEFFREY T ALTDORFER, 0000
JOHN W ALTEBAUMER, JR, 0000
CARL S AMATO, 0000
MAXIMILIANO AMAYA, 0000
DAVID B ANDERSON, 0000
JEFFRY L ANDERSON, 0000
JOHN K ANDREW II, 0000
GEORGE ANTOCHY, 0000
ARTHUR E ARMSTRONG, 0000
MARK E ASBURY, 0000
JOSE R ATENCIO III, 0000
BRIAN S ATTAWAY, 0000
DAVID E AUCOIN, 0000
ROBERT P AUCOIN, 0000
RICHARD M AUGERI, 0000
ELIZABETH D AUSTIN, 0000
KEVIN R AUSTIN, 0000
SCOTT A AYRES, 0000
MICHAEL J BABUL, 0000
MARTIN L BADEGIAN, 0000
GREGORY BAGLEY, 0000
WILLIAM M BAILEY, JR, 0000
TONY D BAKER, 0000
ANDREW M BARCLAY, 0000
LYNN BARDEN, 0000
ALLEN F BAREFORD, 0000
CRAIG A BARGFREDE, 0000
JOHN G BARKER, 0000
JAMES A BARKSDALE, 0000
RICHARD C BARR, JR, 0000
WILLIAM P BARRIAGE, 0000
WILLIAM E BARTHELD, 0000
KIRK M BAYLESS, 0000
KENNETH E BEAN, 0000
JOHN H BEARD, 0000
KENNETH A BEARD, 0000
ROBERT G BEARD, 0000
KEVIN J BECKER, 0000
TIMOTHY D BECTON, 0000
JAMES D BEESLEY, 0000
OLIVER T BELLAMY, JR, 0000
PAUL M BENENATI, 0000
THOMAS J BENJAMIN, 0000
STEVEN J BENSEND, 0000
NANCY L BERGERON, 0000
THOMAS L BERGFELD, 0000
DAVID E BERRY, 0000
DENISE P BERRY, 0000
JEFFREY E BERTRANG, 0000
EUGENE N BIAN, 0000
JOHN R BIGGS, 0000
MICHAEL R BISHOP, 0000
MARK F BITTICK III, 0000
TODD W BJERKE, 0000
MICHAEL J BLACHURA, 0000
JAMES S BLACKMON, 0000
PERCY L BLACKMON, JR, 0000
PHILIP W BLAKELEY, 0000
HERSCHELL R BLAND II, 0000
BILLY J BLANKENSHIP, 0000
PETER C BLEICH, JR, 0000
LESLIE C BLIVEN, 0000
RONNIE V BLUE, 0000
RICHARD J BLUMBERG, 0000
JOHN D BLUMENSON, 0000
JOHN S BLY, 0000
MICHAEL E BOBECK, 0000
KENNETH E BOLTZ, 0000
CHARLES A BONASERA, 0000
MARGARET S BOND, 0000
JAMES L BOOKWALTER, 0000
VALERIE L BORDER, 0000
RALPH J BORKOWSKI, 0000
THOMAS L BOSCO, 0000
RAYMOND P BOUCHARD, 0000
JAMES E BOUTTE, 0000
GARY M BOWMAN, 0000
JANSON D BOYLES, 0000
VICTOR J BRADEN, 0000
JOHN D BRADY, JR, 0000
ALAN D BRAITHWAITE, 0000
JAMES J BRAXTON, 0000
DANIEL W BRECKEL, 0000
MICHAEL A BRENNAN, 0000
DAVID J BRICKER, 0000
PHILLIP E BRONSDON, 0000
PETER J BROOKS, 0000
JEFFERY L BROWN, 0000
JOSEPH R BROWN, 0000
PAUL H BROWN, 0000
SCOTT E BROWN, 0000
DAVID W BRUNETT, 0000
SEAN M BRUNETTI, 0000
CARL E BRYANT, JR, 0000
MARK S BRYANT, 0000
DONNA A BUCELLA, 0000
ROBERT H BUEHLER, 0000
GEORGE G BUGG, JR, 0000
JAMES R BUGGY, 0000
HUMBERTO BUITRAGO, 0000
LEANNE P BURCH, 0000
CHARLES J BURNETT, 0000
CURTIS R BURNS, 0000
PATRICK W BURNS, 0000
GILBERT H BUSTER, 0000
PHILIP A BUTCH, 0000
DIANA M BUTLER, 0000
DARRELL L BUTTERS, 0000
CRAIG A BYRD, 0000
CHRISTOPHER P CALLAHAN, 0000
PATRICK E CAMPION, 0000
MARK N CAMPSEY, 0000
GAIL H CAPP, 0000
REGIS A CARDIFF, 0000
JOHN E CARDWELL, 0000
PHILLIP A CAREY, 0000
DOMINIC A CARIELLO, 0000
GARY E CARLBERG, 0000
MICHAEL J CARLSON, 0000
ROBERT D CARLSON, 0000
GREGORY J CARMAN, 0000
BRIAN M CARPENTER, 0000
KEVIN J CARR, 0000
JEFFREY B CARRA, 0000
AUBREY W CARTER, 0000
RANDAL S CARTER, 0000
EDWARD G CASAZZA, 0000
STEPHEN R CASE, 0000
MICHAEL A CASEY, 0000
MICHAEL E CASEY, 0000
SEAN M CASEY, 0000
ROBERT A CASIAS, 0000
GREGORY R CASTELLO, 0000
BILL O CASTILLO, 0000
ROBERT C CENTNER, 0000
LEROY R CERBASI, 0000
SCOTT E CHAMBERS, 0000
JAMES C CHANDLER, 0000
JOHN G CHAPMAN, 0000
CINDRA M CHASTAIN, 0000
BYRON L CHERRY, 0000
DAVID E CHESSER, 0000
HOWARD C CHILDRESS, 0000
RODERICK CHILDRESS, 0000
WESTLEY K CHIN, 0000
EDMUND Y H CHING, 0000
DARRY D CHINN, 0000
ROBERT B CHISHOLM, 0000
EDWARD K CHUNFAT, JR, 0000
BOBBY L CLAIBORNE, 0000
JOSEPH M CLARK, 0000
DAVID G CLARKSON, 0000
MAURICE O CLEMONS, 0000
MARK E COERS, 0000
THOMAS G COLE, 0000
BART D COLLINS, 0000
JOHN COMPARETTO, 0000
ABEL L CONCHA, 0000
DEBORAH A CONLEY, 0000
GONZALO CORDOVAMCFALINE, 0000
MARK A COSGROVE, 0000
CARLOS G COSTA, 0000
MARIO T COSTAGLIOLA, 0000
LEIGH A COULTER, 0000
MARJORIE K COURTNEY, 0000
ROBERT D COWEN, 0000
ROBERT J COY, 0000
JOHN L CRAFT, 0000
JOHN R CRAIG, 0000
LISA G CRAIG, 0000
BARRY P CREED, 0000
JOHN R CRESWELL, 0000
DON B CRONKHITE, 0000
ARTHUR P CROWDER, 0000
WILLIAM S CROWDER, 0000
GLENN A CROWTHER, 0000
DANIEL A CULVER, 0000
MARK A CUMMINGS, 0000
DAVID W CUNHA, 0000
MICHAEL J CURRIE, 0000
RODERICK L CUTRIGHT, 0000
CARY G CUYLER, 0000
CHARLES K DALGLEISH, 0000
JOHN G DALY, 0000
JOHN J DANIELS, 0000
RAND S DANIELSON, 0000
MARSHA M DAVIS, 0000
ROBERT L DAVIS, JR, 0000
RODNEY G DAVIS, 0000
ROBERT L DEAN, 0000
BARRY A DEFOOR, 0000
MIGDALIA DEJESUS, 0000
ROBERT F DELCAMPO, 0000
JOHN A DELCORE, 0000
ROBERTO DELEON, JR, 0000
DARLINE DELESTON, 0000
JEFFREY J DELFUOCO, 0000
ROLAND F DEMARCELLUS, 0000
KENNETH DEMERS, 0000
PAUL DEVINCENZO, 0000
DAWN L DEYOUNG, 0000
DAVID T DICE, 0000
STEVEN J DICKENSON, 0000
ROBERT E DICKSON, 0000
ROBERT J DIERKSMEIER, 0000
MICHAEL S O DIETRICH, 0000
KIMBERLY A DILLON, 0000
JOHN DINAPOLI, 0000
DONATO M DINELLO, 0000
SANDRA W DITTIG, 0000
CARROLL E DOBBS, 0000
CHERYL Y DOLES, 0000
EDWIN C DOMINGO, 0000
WILLIAM J DORAIS, 0000

ROBERT E DOUGLAS, 0000
EDWARD B DOWNEY, 0000
BYRON C DOWSE, JR, 0000
BRIAN T DRAKE, 0000
CHRISTINE A DREWS, 0000
WILLIAM C DRIGGERS, 0000
TILMAN DRURY II, 0000
SAMUEL W DUDKIEWICZ, 0000
STEVEN W DUFF, 0000
BETH G DUMBLIS, 0000
DENNIS J DUNN, 0000
LORI M DUPUIS, 0000
ANDREW C DURDEN III, 0000
DOUGLAS E DYER, 0000
CHRISTOPHER T EAKER, 0000
TERRY L EARNEST, 0000
GRACE E EDINBORO, 0000
RACHEL A EDNEY, 0000
ALBERT T EDWARDS, 0000
DWAYNE R EDWARDS, 0000
ELAINE A EDWARDS, 0000
JULES D EDWARDS III, 0000
EDWARD L ELDER, 0000
JAMES A ELLIOTT, JR, 0000
JEFFREY R ELLIOTT, 0000
JOHN D ELLIS, 0000
STEPHEN C ELLSWORTH, 0000
DAVID B ENYEART, 0000
THOMAS A EPPERSON, 0000
DAVID L SR ERNST, 0000
JAMES C ERNST, 0000
MILDRED A ERONDU, 0000
MICHAEL G EVENSON, 0000
DONALD L EVERETT, 0000
MICHAEL A EYRE, 0000
WALTER D EZZELL, JR, 0000
PETER J FAGAN, 0000
RICARDO A FALCON, 0000
JOSEPH P FALCONE, 0000
EDWARD T FARMER, 0000
THOMAS J FARRELL, 0000
RICHARD E FAY, 0000
LOUIS FAZEKAS, 0000
GREGORY E FEHLINGS, 0000
JOHN R FELLOWS, 0000
JORGE M FERNANDEZ, 0000
LARRY A FIELD, 0000
JEWELL E FIELDS, 0000
WILMA O FIORAVANTI, 0000
ROBERT A FODE, 0000
MARY J FORBES, 0000
ANTHONY S FORD, 0000
DOUGLAS A FORD, 0000
EUGENE L FORD III, 0000
MICHAEL A FORD, 0000
ANTHONY J FORMICA, 0000
ALVIN L FOSHEE, JR, 0000
DENIEUWE I L FOSTER, 0000
DANIEL A FOURNIE, 0000
EDWARD G FRIAR, 0000
DOUGLAS W FRISON, 0000
JOHN M FROST, 0000
FRANCES K GABLE, 0000
GERARD R GAGNON, 0000
CHARLES H GAILES, JR, 0000
KENNETH L GAINOUS, 0000
MARION F GALE, JR, 0000
JOHN J GALLAGHER III, 0000
TERESA A GALLAGHER, 0000
DAVID A GALLOWAY, 0000
JESUS M GALVEZORTIZ, 0000
GARY G GARMAN, 0000
GERALD E GATTIS, 0000
EARL J GEE, 0000
GAIL L GERDING, 0000
ALFREDO GERENA, 0000
BOGDAN B GIENIEWSKI, 0000
JOHN E GIFFORD, JR, 0000
JOHN B GILLIS, 0000
GLENN L GIRTMAN, 0000
WILLIAM L GLASGOW, 0000
JAMES D GLENN, 0000
ARTHUR D GLIKIN, 0000
DAVID E GLOVER, 0000
DOUGLAS T GNEISER, 0000
TIMOTHY G GOBLIRSCH, 0000
JANET L GOHMAN, 0000
BALDEMIRO GONZALEZ, 0000
KIPLING J GORE, 0000
MICHAEL L GOREHAM, 0000
JAMES R GORHAM, 0000
GEORGE S GORISHEK, 0000
SUSAN L GOUGH, 0000
JAMES E GOWEN, 0000
JAMES J GRANT, 0000
JAMES M GRAY, 0000
KENNETH F GRAY, 0000
MATTHEW C GRAYS, 0000
MARION W GREEN, JR, 0000
JUDY A GREENEBAKER, 0000
DAVID A GREENWOOD, 0000
SHARON D GRESHAM, 0000
SCOTTY D GRIGSBY, 0000
JOHN W GRIMES, 0000
ERIC B GRIMM, 0000
DENISE A GROSS, 0000
JERONIMO GUARENO, 0000
MICHAEL J GUTHRIE, 0000
JAY D HADEN, 0000
MICHAEL R HADLEY, 0000
MICHAEL J HALL, 0000
PATRICK M HAMILTON, 0000
JAMES A HAMPTON, 0000
JAY R HANCOCK, 0000
LAWRENCE E HANNAN, 0000
OGDEN HANSFORD, JR, 0000
TIMOTHY J HANYOK, 0000
LAWRENCE K HARADA, 0000
ROBERT G HARBS, 0000
THOMAS A HARDY, 0000
WILLIAM G HARDY, 0000
JOHN K HARMS, 0000
LYNN E HARRELSON, 0000
ROY C HARRINGTON, 0000
BRIAN C HARRIS, 0000
CHAUNCEY HARRIS, 0000
JANE I HARRIS, 0000
VERNON L HARRIS, 0000
ROBERT H H HARTER, 0000
RONALD G HARTMAN, 0000
JAMES A HAUN, 0000
RODNEY G HAYES, 0000
JAMES M HEALEY, JR, 0000
JEAN M HECIMOVICH, 0000
DOUGLASS S HECKMAN, 0000
MICHAEL J HEFTY, 0000
ROGER J HEGER, 0000
GARY F HERCHENROEDER, 0000
MARK T HERRICK, 0000
DEAN W HESS, 0000
WILLIAM J HESTWOOD, 0000
KEITH E HIBNER, 0000
JAMES C HILL, 0000
ELIZABETH H HINES, 0000
STEVEN B HIRSCHKOWITZ, 0000
ROBERT J HODGES III, 0000
ROBERT L HODGSON, 0000
DONNA S HOLBROOK, 0000
STEVEN P HOLLOWAY, 0000
CHRISTOPHER J HOLSHEK, 0000
COLUMBUS HOOD, 0000
KIM B HOOPER, 0000
JAMES E HOOVER, 0000
RANDELL K HOWARD, 0000
KIMBALL M HUBBERT, 0000
MICHAEL J HUDDLESTON, 0000
STEPHEN W HUNT, 0000
WILLIAM J HUNT, 0000
CHARLES S HUTT, 0000
DAMON L IGOU, 0000
JOHN V IMHOF, 0000
JEFFREY E IRELAND, 0000
RUTH A IRWIN, 0000
ORLANDO A IZQUIERDO, 0000
JANNETT N JACKSON, 0000
WILLIAM M JACOBS, JR, 0000
BRYAN J JAHNKE, 0000
JOHN F JAKUBOWSKI, 0000
GEORGE J JELICH, JR, 0000
KELLY S JENNINGS, 0000
BRUCE A JENSEN, 0000
VINCENT M JOHNS, 0000
DARREL L JOHNSON, 0000
DAVID L JOHNSON, 0000
PAUL E JOHNSON, 0000
RAYMOND E JOHNSON, 0000
RONALD D JOHNSON, 0000
TIMOTHY C JOHNSON, 0000
WAYNE JOHNSON, 0000
DAVID L JONES, 0000
WALTER L JONES, 0000
DEBORAH F JONESHARRIS, 0000
LOUIS H JORDAN, JR, 0000
WALTER A JUZUKONIS, 0000
ALAN R KALIN, 0000
THOMAS M KANE, 0000
RONALD M KAPRAL, 0000
JAMES KARAS, 0000
STEPHEN E KARSTENSEN, 0000
TIMOTHY W KEASLING, 0000
MARY D KEAST, 0000
MATTHEW J KEATING, 0000
JAMES E KEIGHLEY, 0000
WILLIAM K KEITH, 0000
JOHN B KELLER II, 0000
LAWRENCE J KELLY, 0000
PAUL M KELLY, 0000
SEAN M KELLY, 0000
TIMOTHY J KELLY, 0000
DAVID W KENLINE, 0000
GREGORY L KENNEDY, 0000
JAMES M KENNEDY, 0000
JOHN M KIESOV, 0000
JENIFER S KILCULLEN, 0000
MAE A KING, 0000
MARY A KING, 0000
CHRISTIAN P KLINEFELTER, 0000
CHRISTOPHER P KNEIB, 0000
JOSEPH L KNOTT, 0000
GERARD J KOEHLER, 0000
GREGORY J KOENDERS, 0000
JOY A KOESTER, 0000
RICHARD D KOETHE, 0000
SUSAN E KOLB, 0000
KENNETH A KOON, 0000
ALEXANDER K KOSE, 0000
JERRY E KOSIEROWSKI, 0000
RAYMOND P KRESS, JR, 0000
ROBERT P KROPIK, 0000
FONTAINE WILLIAM H LA, 0000
MARTIN A LAFFERTY, 0000
MARK S LAKE, 0000
DAVID N LANGLEY, 0000
JAMES H VI LATHAM, 0000
JOHN W LATHROP, 0000
DANIEL R LAVERTUE, 0000
ROBERT J LAWLESS, JR, 0000
WILLIAM LAWRENCE, 0000
CHRISTOPHER F LAWSON, 0000
JOHN M LAZARO, 0000
RICHARD B LEAP, 0000
DANIEL B LEATHERMAN, 0000
DAVID E LEBLANC, 0000
JOSEPH P LEBLANC, 0000
CHRISTINE M LEBLOND, 0000
RANDY C LECOMPTE, 0000
JOSEPH H LEDLOW, 0000
KAREN E LEDOUX, 0000
CHARLES R LEE, JR, 0000
CURTIS A LEE, 0000
RUSSELL G LEES, 0000
JOHN A LENK, 0000
KERRY M LEONARD, 0000
BRIAN K LEONHARD, 0000
FIRMIN D LEPORI, 0000
ALLEN W LEPPO, 0000
BRICE I LESLIE, 0000
WALTER T LEVENDOSKY, 0000
ALLEN K LEWIS, 0000
AUDREY J LEWIS, 0000
ELIZABETH A LIECHTI, 0000
GREGORY W LIMBERIS, 0000
RAY C LINDSEY, 0000
KENDALL LINSON, 0000
LAWRENCE A LIPSCOMB, JR, 0000
MARK T LISI, 0000
BERNARD P LISWELL, 0000
CHARLES M LITZELMAN, 0000
KEITH D LOCHNER, 0000
KATHLEEN A LOFTS, 0000
ARTHUR J LOGAN, 0000
BENJAMIN D LONEY, 0000
MICHAEL C SR LOQUASTO, 0000
BRADFORD N LOUISON, 0000
DAVID A LOWE, 0000
MICHAEL L LOY, 0000
PHILIP LUCI, JR, 0000
JEFFREY H LUECK, 0000
GREGORY A LUSK, 0000
DEWEY M LUTZOW, 0000
DWIGHT A LYDIC, 0000
ROBERT K LYTLE, 0000
TIMOTHY I MACGILLIS, 0000
KENNETH C MADDEN, 0000
PATRICIA A MADDOX, 0000
MICHAEL S MADIGAN, 0000
LARRY W MAHAR, 0000
MARIE M MAHONEY, 0000
STEVEN M MAHONEY, 0000
SHELLEY L MAHOOD, 0000
JOHN P MAIETTA, 0000
JIM E MALMGREN, 0000
PATRICIA A MANESSAVERY, 0000
MARLA A MANN, 0000
BRUNO M MANNARELLI, 0000
GLENN R MARCHI, 0000
LAURA L MARFUT, 0000
JEFFREY P MARLETTE, 0000
SCOTT A MARQUARDT, 0000
WILLIAM MARRERO, 0000
KENNETH L MARSH, JR, 0000
RANDAL G MARTIN, 0000
JORGE J MARTINEZ, 0000
SAMUEL W MASSEY, 0000
BURTON L MASTERS, 0000
DAVID V MATAKAS, 0000
FRANK T MATHESON, 0000
JAMES H MATHEWS, JR, 0000
MARK W MATHWIG, 0000
MARLON R MAYS, 0000
RICHARD L MCBRIDE, 0000
AMY S MCBURNIE, 0000
LAURIE E MCCABE, 0000
STEPHEN J MCCAHEY, 0000
KENNETH E MCCALLISTER, 0000
DENISE C MCCANN, 0000
EDWARD T MCCLOSKEY, 0000
VANN L MCCLOUD, 0000
ELBERT A MCCOLLUM, 0000
MICHAEL E MCCORMACK II, 0000
THOMAS J MCCORMICK, JR, 0000
WILLIAM M MCCORMICK, 0000
TERRY G MCCOY, 0000
KAREN L MCCURDY, 0000
MARGARET A MCDEVITT, 0000
JOHN J MCDOUGALL, 0000
MICHAEL D MCDOWELL, 0000
KYM B MCELHINNEY, 0000
MICHAEL A MCFADDEN, 0000
BILLY E MCFARLAND, JR, 0000
SCOTT A MCFARLANE, 0000
FRANCIS M MCGINN, 0000
JOHN K MCGREW, 0000
DAVID J MCGUIRE, 0000
WENDY A MCGUIRE, 0000
JOSEPH M MCINNIS, 0000
PATRICK J MCKEEVER, 0000
MICHAEL J MCKENNA, 0000
RICHARD L MCKINNEY, JR, 0000
JOHN L MCLEISH, 0000
KEVIN P MCLINN, 0000
KENNETH C MCNEILL, 0000
WARNE D MEAD, JR, 0000
DEBORAH L MEARS, 0000
RICHARD M MEDVED, 0000
JORGE MELENDEZVEGA, 0000
MARCOS R MENDEZ, 0000
JOSE M MENDOZA, 0000
DAVID B MERCIERI, 0000
JAMES L MESSER, 0000
BRYAN D MEYERS, 0000
HARVEY A MICHLITSCH, 0000
GARY E MILLER, 0000
MARY J MILLER, 0000
EDWIN MIRANDA, 0000
JEFFREY F MITCHELL, 0000
JOEL C MJOLSNESS, 0000
OWEN W MONCONDUIT, 0000
VINCENT J MONTERA, 0000
LAWRENCE K MONTGOMERY, JR, 0000
TIMOTHY E MONTGOMERY, 0000

DIANE B MOORE, 0000
JIM D MOORE, 0000
TERRY F MOORER, 0000
JAMES E MORRIS, JR, 0000
PAUL L MORSE, 0000
JOHN W MOSER III, 0000
JOHN MOULTON, 0000
KURT MUELLER, JR, 0000
BRUCE A MULKEY, 0000
JON D MULLINS, 0000
BRUCE A MURPHY, 0000
CLYDE E MURRAY, 0000
JOHN S MYERS, 0000
DEBORAH G NAGLE, 0000
NICHOLAS P NAVETTA, 0000
MICHAEL J NELSON, 0000
ROBERT P NELSON, JR, 0000
TRACY A NELSON, 0000
DANIEL R NEUFFER, 0000
KEVIN L NEUMANN, 0000
ALDEN C NEVA, 0000
KENNETH D NEWLIN, 0000
DAVID B NICKELS, 0000
RICARDO A NICOL, 0000
DEBORAH A NIGHTINGALE, 0000
JAMES R NORRIS, 0000
MARY R NORRIS, 0000
STEPHEN J NOVOTNY, 0000
JOHN M NUNN, 0000
ROBERT D OBRIEN, JR, 0000
THERESE M OBRIEN, 0000
JAMES E OHARE, 0000
STEVEN E OLSON, 0000
WILLIAM J ONEILL, 0000
MICHAEL ORE, 0000
TIMOTHY E ORR, 0000
DENNIS M OSTROWSKI, 0000
JOHN M OTTO, 0000
KEITH M OWENS, 0000
RONALD D J OWENS, 0000
BRIAN G PALMORE, 0000
MARK W PALZER, 0000
J THOMAS PARKER, 0000
ROBERT D PASQUALUCCI, 0000
DAVID A PASSWATERS III, 0000
STEVEN A PATARCITY, 0000
EVERETT S PAYNE, 0000
QUENTIN L PEACH, 0000
DWIGHT W PEARSON, 0000
CHARLES H PEDEN, JR, 0000
PATRICIA R PEDRETTI, 0000
ALBERT P PEHANICK, 0000
DAVID W PEMBERTON, 0000
STEPHEN B PENCE, 0000
KENDALL W PENN, 0000
STUART A PENNELS, 0000
LAYTON H M PENNINGTON, 0000
DANIEL G PEPPER, JR, 0000
GREGORY R PERCHATSCH, 0000
ROBERT G PEREZ, 0000
DOROTHY A PERKINS, 0000
RUSSELL E PERRY, 0000
DALE W PETERSON, 0000
CHARLES E PETRARCA, JR, 0000
GORDON W PETRIE, 0000
CHARLES W PHILLIPS, 0000
WILLIAM R PHILLIPS II, 0000
ROBERT E PHILPOTT, 0000
ROBERT A PIAZZA, 0000
LILLIAN C PITTS, 0000
MARK A PLANK, 0000
LINDA PLICHTA, 0000
JOHN E PLUNKETT, 0000
JOHN W POWELL, 0000
STERLING A POWELL, 0000
ALAN W PROFFITT, 0000
THOMAS J PURPLE, JR, 0000
DEE DEE L QUIGGLE, 0000
CARL T QUINN, 0000
JAMES B RABENOLD, 0000
SOPHIA RAFATJAH, 0000
STEVEN C RAMEY, 0000
WILLIAM RAMOS, 0000
MATTHEW A RANEY, 0000
JACKIE L REAVES, 0000
FRANK J REBHOLZ, 0000
FELIPE O REYES, 0000
GEORGE E REYNOLDS III, 0000
THOMAS M RHATICAN, 0000
JIMMY D RHOADES, 0000
JAMES R RICHARDSON, 0000
DAVID E RICKFORD, 0000
KEVIN R RIEDLER, 0000
MARCOS RIVERA, 0000
LEANN D ROBINSON, 0000
MICHAEL E ROBINSON, 0000
GALE E RODENBAUGH, 0000
MARIA J RODRIGUEZ, 0000
RICHARD S RODRIGUEZ, 0000
GOODRICH A ROGERS, 0000
MICHAEL H ROGERS, 0000
JOSEPH E ROONEY, 0000
NICHOLAS J ROPER, 0000
MICHAEL E ROREX, 0000
JOSE R ROSA, 0000
JUAN H ROSA, 0000
RAUL ROSADO, 0000
GAIL A ROSS, 0000
JAMES W ROSS, JR, 0000
GINA M ROSSI, 0000
STANFORD R ROUTT, 0000
GWENDOLYN H RUFF, 0000
ERMEA J RUSSELL, 0000
JACQUELINE L RUSSELL, 0000
PAUL T RUSSELL, 0000
MARK L RUTKOWSKI, 0000
BOBBY L SAILORS, 0000
NORMAN Y SAITO, 0000
CHRISTIAN B SALAMONE, 0000
RONALD M SALAZAR, 0000
DOUGLAS K SALLEE, 0000
ROBERT P SAMBORSKI, 0000
LEON J SANCHEZ, 0000
JORGE L SANTIAGO, 0000
DOUGLAS R SATTERFIELD, 0000
VINCENT J SAVA, 0000
JAYSON D SAWYER, 0000
MARSHALL SCHLICHTING, 0000
DAVID S SCHLIEPER, 0000
LAWRENCE A SCHMIDT, 0000
ROBERT F SCHMITT, 0000
ANDREW K F SCHOBER, 0000
TIMOTHY F SCHROTH, 0000
CHARLES H SCHULZE, 0000
MICHAEL SCHWED, 0000
ROBERT L SCOGGINS, JR, 0000
STEPHEN K SCOTT, 0000
PETER E SEAHOLM, 0000
GIRARD SEITTER, IV 0000
KAREN E SEMERARO, 0000
DEREK J SENTINELLA, 0000
DAWN M SERVON, 0000
VERNON A SEVIER, JR, 0000
KENNETH A SHANNON, 0000
RICHARD L SHEIDER, SR 0000
THOMAS L SHERBAKOFF, 0000
DOUGLAS R SHIPMAN, 0000
EARNEST G SHOWS, JR, 0000
CHARLES D SHULTS, 0000
ANTONIO C SHUMATE, 0000
CLIFFORD M SILSBY, 0000
JACK C SKEEN, 0000
DAVID H SKILTON, 0000
NEIL J SKOW, 0000
ROLAN W SMALL, 0000
ANDY O SMITH, 0000
CHARLES F SMITH, 0000
DENNIS V SMITH, 0000
GEORGE J SMITH, JR, 0000
JOEL A SMITH, 0000
JOHN B SMITH, 0000
JOHN J SMITH, 0000
KEITH A SMITH, 0000
KURT T SMITH, 0000
LARRY J SMITH, 0000
LAWRENCE B SMITH, 0000
MARK C SMITH, 0000
PAUL G SMITH, 0000
ROBERT SMITH, 0000
TONY G SMITH, 0000
CHRISTOPHER M SMRT, 0000
ROBERT G SOECHTING, 0000
TERRY R SOPHER, JR, 0000
MICHAEL D SOULE, 0000
KEITH M SOUSA, 0000
STEVEN P SPAAY, 0000
RALPH E SPARKS, 0000
TIMOTHY W SPRIGGS, 0000
RONALD B SPRINKLE, 0000
MICHAEL S STAEBLER, 0000
JOHN B STANFORD, 0000
LUTHER J STARR III, 0000
HARRIET L STATEN, 0000
THOMAS H STATON, 0000
PHILIP A STEMPLE, 0000
NANCY J STEVENS, 0000
KENNETH B STEVENSON, 0000
GEORGE L STIGLER, 0000
DOUGLAS R STILL, 0000
DENNIS W STINE, 0000
DEAN K STINSON III, 0000
JEROME F STOLINSKI, JR, 0000
BOB S STONE, 0000
MONTE R STOPPELLO, 0000
HARRY D STUDEBAKER, 0000
GEORGE D SUMMIT, 0000
JAMES M SURIANO, 0000
KATHLEEN J SWACINA, 0000
CHARLES W SWANSON, 0000
PETER SWIDERSKI, 0000
MARK D SWOPE, 0000
LORA J TAFT, 0000
JEFFREY W TALLEY, 0000
JAMES C TALLMAN, 0000
DOROTHY E TANEYHILL, 0000
DONALD B TATUM, 0000
STUART G TAYLOR, JR, 0000
DIANN C TERRY, 0000
JAMES M THATCHER, 0000
RONALD R THAXTON, 0000
JOSEPH THOMPSON, 0000
MICHAEL R TIMBERLAKE, 0000
GERALD P TIMONEY, JR, 0000
LATRICE J TOLLERSON, 0000
CHRISTOPHER G TORELLI, 0000
RAFAEL TORRES, 0000
MITCHELL E TORYANSKI, 0000
PETER R TOSI, 0000
STEPHEN A TOWN, 0000
MARK A TRACY, 0000
MICHAEL E TUCKER, 0000
PHILIP E TULLAR, 0000
PAUL G TUREVON, 0000
DENNIS L TURNAGE, 0000
ROGER ULLMAN, 0000
FRANCIS J VAHLE, JR, 0000
HUGH C VANROOSEN II, 0000
ANTHONY J VERGOPIA, 0000
HENRY F VILLARAMA, 0000
APRIL M VINSON, 0000
CATHY J VITTORIA, 0000
ROBERT F VORISEK, 0000
RICKY L WADDELL, 0000
STUART E WAHLERS, 0000
ROBERT D WALK, 0000
STEPHEN C WALKER, 0000
GERALD I WALTER, 0000
ROBERT L WALTER, JR, 0000
BRYAN W WAMPLER, 0000
RANDY H WARM, 0000
KIRK G WARNER, 0000
STEVEN D WARNER, 0000
FOY W WATSON, 0000
CHARLES H WEBB, 0000
ROY S WEBB, 0000
PAUL J WEGMAN, 0000
ROBERT L WEGNER, JR, 0000
JOSEPH K WEIHS, 0000
RONALD P WELCH, 0000
JIMMIE J WELLS, 0000
WILLIAM P WENZLER, 0000
ROBERT W WESLER, 0000
RUBEL D WEST, 0000
RONNIE J WESTMAN, 0000
SCOTT A WHITE, 0000
STEPHEN P WHITE, 0000
JOEL M WIERENGA, 0000
DANIEL J WIERICHS, 0000
DAVID B WILES, 0000
THOMAS P WILKINSON, 0000
FRANK R WILLIAMS, 0000
MARK S WILLIAMS, 0000
CURTIS B WILLIAMSON, 0000
FRANK M WILLIAMSON, 0000
ELIZABETH F WILSON, 0000
EMORY S WILSON, 0000
JEROME WILSON, 0000
SANDRA B WOOD, 0000
WILLIAM S WOOD, 0000
BRUCE D WOOLPERT, 0000
GERALD E WUETCHER, 0000
MARC W YATES, 0000
ROGER D YEARWOOD, 0000
DANIEL L YORK, 0000
JAMES V YOUNG, JR, 0000
JOHN B YOUNG III, 0000
MICHAEL L YOWELL, 0000
ANTHONY D ZABEK, 0000
CLAIRE M ZAJAC, 0000
JOHN P ZAVEZ, 0000
MONTI G ZIMMERMAN, 0000
EDWARD M ZOELLER, 0000
DONALD R ZOUFAL, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS S. HOFFMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HERBERT L. ALLEN, JR., 0000
DALE A. JACKMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LESLIE G. MACRAE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., 624:

To be major

OMAR BILLIGUE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CORBERT K. ELLISON, 0000
DAVID M. JONES, 0000
GISELLA Y. VELEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GRETCHEN M. ADAMS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be colonel

MICHAEL D. SHIRLEY, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

GERALD J. HUERTA, 0000
JEFFREY L. MOORE, 0000
ANTHONY T. WILSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

MICHAEL F. LAMB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEAN J CUTILLAR, 0000
AARON C HARJU, 0000
ANDREW L P HOUSEMAN, 0000
DONALD J MCKEEL, 0000
CATHERINE R S PLATT, 0000
ROBERT R PORCHIA, 0000
TRACY L RUSSELL, 0000
THOMAS J TOFFOLI, 0000
JOHN P VICKERYANTONIO, 0000
XIAOHUI XIONG, 0000
AN ZHU, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN P. DAVITO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD S. WAGNER, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

SAMUEL ADAMS, 0000
TIMOTHY E ALLEN, 0000
THOMAS B AYDT, 0000
GREGORY L BADGER, 0000
ROBERT C BANDY, 0000
BRADLEY W BUSCH, 0000
EDWARD K BYERS, 0000
JAMES N COLSTON, 0000
KENNETH T CREAMEANS, 0000
MICHAEL B DAVIES, 0000
STEVEN E FAULK, 0000
MARK R FEGLEY, 0000
ARTHUR C FULLER, 0000
JORGE F GARCIA, 0000
JEFFEREY L HAAS, 0000
ROGER D HEINKEN, 0000
JOSHUA J HENRY, 0000
ERIC P HIGGS, 0000
ROBERT B JOHNS, 0000
ROY G KIDDY, 0000
DANIEL J LOMBARDO, 0000
GARRICK J MILLER, 0000
GARY G MONTALVO, 0000
LARRY A MYERS, 0000
ALBERT D OUTCALT, 0000
CAMILLE G PARRA, 0000
NIRAV V PATEL, 0000
MATHEW D PHANEUF, 0000
JOHN P PIENKOWSKI, 0000
BRIAN K ROTTNEK, 0000
JERROD M SCHRECK, 0000
MATTHEW S SHIELDS, 0000
MELVIN R SMITH, 0000
ALLEN C SUMMERALL, 0000
CHRISTOPHER J TARSA, 0000
RANDY J VANROSSUM, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT S ABBOTT, 0000
THOMAS C ABEL, 0000
ROSS A ADELMAN, 0000
ROARKE L ANDERSON, 0000
DALE M ATKINSON, 0000
PAUL K AUGUSTINE, 0000
MARK T AYCOCK, 0000
ROBERT S BAKER, 0000
LUDOVIC M BAUDOINDAJOUX, 0000
MITCHELL A BAUMAN, 0000
MICHAEL F BELCHER, 0000
FRANCIS P BOTTORFF, 0000
BENJAMIN R BRADEN, 0000
GARETH F BRANDL, 0000
GREGG W BRINEGAR, 0000
GEORGE H BRISTOL, 0000
JOHN J BROADMEADOW, 0000
KIRK E BRUNO, 0000
ROBERT F CASTELLVI, 0000
PHILLIP C CHUDOBA, 0000
CHRISTOPHER M CLAYTON, 0000
VINCENT A COGLIANESE, 0000
ALBERT T CONORD, 0000
JONATHAN D COVINGTON, 0000
JOHN J CRANE, 0000
LEWIS A CRAPAROTTA, 0000
JAMES T CRAVENS, 0000
KEITH W DANEL, 0000
ROBERT R DANKO, 0000
ROBERT E DAVIS, 0000
DANIEL C DEAMON, 0000
ROBERT D DEFORGE, 0000
MARK J DESENS, 0000
PAUL B DUNAHOE, 0000
MARK W ERB, 0000
STEPHEN A FERRANDO, 0000
TIMOTHY W FITZGERALD, 0000
WILLIAM J FLANNERY, 0000
MICHAEL J FOLEY, 0000
MARK D FRANKLIN, 0000
PHILIP D GENTILE, 0000
ROBIN G GENTRY, 0000
KENYON M GILL III, 0000
DANIEL J GILLAN, 0000
THOMAS N GOBEN, 0000
RICKEY L GRABOWSKI, 0000
GARY S GRAHAM, 0000
STEVEN M GROZINSKI, 0000
BRUCE A HAINES, 0000
CHRISTIAN N HALIDAY, 0000
DAVID B HALL, 0000
DOUGLAS M HARDISON, 0000
DAVID S HEESACKER, 0000
DALE E HOUCK, 0000
KIRK W HYMES, 0000
MICHAEL C JORDAN, 0000
TODD G KEMPER, 0000
DAVID A LAPAN, 0000
ROBERT F LEARY, 0000
DAVID R LEPPELMEIER, 0000
RAYMOND F LHEUREUX, 0000
DONALD J LILES, 0000
JOHN D LLOYD, 0000
DAVID P LOBIK, 0000
CHRISTOPHER J LORIA, 0000
MICHAEL E LOUDY, 0000
STEPHEN D MARCHIORO, 0000
HENRY B MATHEWS II, 0000
JOHN L MAYER, 0000
BRYAN P MCCOY, 0000
SCOTT R MCGOWAN, 0000
WILLIAM P MCLAUGHLIN, 0000
RICHARD C MCMONAGLE, 0000
MICHAEL R MELILLO, 0000
JAMES B MILLER, 0000
THOMAS C MOORE, 0000
MICHAEL J MULLIGAN, 0000
CARL E MUNDY III, 0000
SCOTT C MYKLEBY, 0000
NICHOLAS F NANNA, 0000
NIEL E NELSON, 0000
DANIEL J ODONOHUE, 0000
MICHAEL J OEHL, 0000
MICHAEL A OHALLORAN, 0000
JOHN H OHEY, 0000
FREDERICK M PADILLA, 0000
BRIAN T PALMER, 0000
PETER PETRONZIO, 0000
MICHAEL N PEZNOLA, 0000
DANIEL A PINEDO, 0000
LAWRENCE J PLEIS III, 0000
ALAN M PRATT, 0000
CLARENCE V PREVATT IV, 0000
PETER M RAMEY, 0000
PETER C REDDY, 0000
RICHARD W REGAN, 0000
SHAWN M REINWALD, 0000
MARC F RICCIO, 0000
LAWRENCE R ROBERTS, 0000
GREGORY M RYAN, 0000
MICHAEL A SANTACROCE, 0000
RICHARD A SCHOTT, 0000
RICHARD M SELLECK, 0000
TIMOTHY V SHINDELAR, 0000
CAROLINE A SIMKINSMULLINS, 0000
FRANK H SIMONDS, JR, 0000
DEAN T SINIFF, 0000
PHILLIP J SKALNIAK, JR, 0000
JOHN R SNIDER, 0000
MICHAEL J TAYLOR, 0000
DOUGLAS P THOMAS, 0000
GARY L THOMAS, 0000
MARK J TOAL, 0000
JAMES D TURLIP, 0000
PATRICK J UETZ, JR, 0000
FLOYD J USRY, JR, 0000
CYNTHIA J VALENTIN, 0000
KEVIN S VEST, 0000
DOUGLAS J WADSWORTH, 0000
MARK E WAKEMAN, 0000
JAY D WALKER, 0000
DUFFY W WHITE, 0000
THOMAS M WILLIAMS, JR, 0000
DONALD G WOGAMAN, 0000
PETER D WOODMANSEE, 0000
GEORGE D ZAMKA, 0000
RONALD M ZICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JASON G ADKINSON, 0000
SETH D AINSPAC, 0000
MIGUEL A AMEIGEIRAS, 0000
JOHN R ANDERSON, 0000
MICHAEL S ANDERSON, 0000
DAVID N AREOLA, 0000
JON M AYTES, 0000
ROBERT A BAIRD, 0000
JOHN G BAKER, 0000
JAVIER J BALL, 0000
AHMAD BANDANI, 0000
STEPHEN G BANTA, 0000
JASON M BARRETT, 0000
SCOTT F BENEDICT, 0000
MICHAEL L BENNETT, 0000
INMAN R BESSENGER, 0000
WILLIE J BEST, 0000
CHRISTOPHER S BEY, 0000
JOHN W BICKNELL, JR, 0000
ELIZABETH S BIRCH, 0000
JAMES M BLACKBURN, 0000
JASON Q BOHM, 0000
BRANTLEY A BOND, 0000
LLOYD E BONZO II, 0000
BRADLEY R BORMAN, 0000
ROBERT V BOUCHER, 0000
JOHN R BOWEN, 0000
WILLIAM J BOWERS, 0000
CHAD M BREEDEN, 0000
MARK A BRENNAN, 0000
MARK T BRINKMAN, 0000
RICKY F BROWN, 0000
GLEN G BUTLER, 0000
PATRICK C BYRON, 0000
CHRISTIAN G CABANISS, 0000
JAMES C CALEY, 0000
JOHN R CALVERT, JR, 0000
MICHEL C CANCELLIER, 0000
JOHN H CANE, 0000
THOMAS CARNESI III, 0000
DONALD J CARRIER, 0000
MICHAEL L CARTER, 0000
DAVID P CASEY, 0000
BRIAN W CAVANAUGH, 0000
JOHN A CAVAZOS, 0000
JUSTICE M CHAMBERS III, 0000
CHRISTIAN P CHARLEVILLE, 0000
CLIFFORD D CHEN, 0000
JAMES D CHRISTMAS, 0000
VINCENT E CLARK, 0000
BENJAMIN R CLATTERBUCK, 0000
SHAWN J COAKLEY, 0000
PHILIP A COLBORN, 0000
RANDALL J COLSON, 0000
SHANE B CONRAD, 0000
MATTHEW W COON, 0000
MATTHEW H COOPER, 0000
ROBERT P COTE, 0000
ANDREW L CRABB, 0000
MATTHEW R CRABILL, 0000
MICHAEL S CUNINGHAM, 0000
KARON L CURRY, 0000
ROBERT D CURTIS, 0000
KEITH M CUTLER, 0000
MARC E CZAJA, 0000
PAUL E DAMPHOUSSE, 0000
ROBERT D DASCH, JR, 0000
SCOTT T DAVIDS, 0000
DONALD J DAVIS, 0000
JAMES D DAVIS, 0000
TODD S DESGROSSEILLIERS, 0000
EDWARD T DEWALD, 0000
THOMAS P DEWYEA, 0000
JEFFREY J DILL, 0000
KELLY G DOBSON, 0000
DAN E DOWSE, 0000
CHARLES M DUNNE, 0000
TERENCE J DUNNE, 0000
DEAN A EBERT, 0000
TODD S ECKLOFF, 0000
CHARLES E EHLERT, 0000
CHRISTOPHER H ELLIS, 0000
TODD J ENGE, 0000
BARRY L ENSTICE, 0000
DAVID J ESKELUND, 0000
KATHERINE J ESTES, 0000
ROBB P ETNYRE, 0000
FRED T FAGAN III, 0000
JOHN P FARNAM, 0000
DOUGLAS I FEIRING, 0000
ANTHONY A FERENCE, 0000
MATTHEW D FERINGA, 0000
GEOFFREY H FIELD, 0000
ROBERT A FIFER, 0000
JOHN S FITZPATRICK, 0000
JOSE R FLORES, 0000
MICHAEL D FLYNN, 0000
ALLEN S FORD, 0000
JAMES S FRAMPTON, 0000
TIMOTHY C FRANTZ, 0000
MICHAEL J GANN II, 0000
KARL J GANNON, 0000
MICHAEL GANTE, JR, 0000
PETER J GARFIELD, 0000
ERIC B GARRETTY, 0000
TYSON B GEISENDORFF, 0000
STEVEN G GERACOULIS, 0000
SEAN D GIBSON, 0000
GREGORY G GILLETTE, 0000
ROBERTO J GOMEZ, 0000
JEFFERY O GOODES, 0000
FLAY R GOODWIN, 0000
MICHAEL J GOUGH, 0000
JOHN M GRAHAM, 0000
VERNON L GRAHAM, 0000
THOMAS E GRATTAN III, 0000
CHRISTOPHER M GREER, 0000
DUDLEY R GRIGGS, 0000
FRANCIS A GRZYMKOWSKI, JR, 0000
GLENN R GUENTHER, 0000
ANDREW J GUNDERSON, 0000
JON M HACKETT, 0000
BRINLEY M HALL III, 0000
SCOTT R HALL, 0000
GREGORY J HANVILLE, 0000
MARK S HARRINGTON, 0000
WAYNE C HARRISON, 0000
KENT W HAYES, 0000
CASON N HEARD, 0000
GREGORY M HEINES, 0000
RYAN P HERITAGE, 0000

JAMES B HIGGINS, JR, 0000
RICHARD K HILBERER, 0000
PATRICK A HILLMEYER, 0000
JONATHAN W HITESMAN, 0000
HUNTER H HOBSON, 0000
THOMAS W HOFER, 0000
DAVID P HOLAHAN, 0000
TODD A HOLMQUIST, 0000
MARK A HOUSE, 0000
JON M JACOBS, 0000
JAMES T JENKINS II, 0000
JEFFREY J JOHNSON, 0000
PATRICIA JOHNSON, 0000
FRANK E JOHNSTON, 0000
RONALD F JONES, 0000
STEVEN P KAEGEBEIN, 0000
DANIEL R KAISER, 0000
GARY F KEIM, 0000
JAMES R KENNEDY, 0000
CRAIG T KILLIAN, 0000
ANDREW N KILLION, 0000
GREGORY W KING, 0000
ERIC R KLEIS, 0000
JOSEPH J KLOCEK, JR, 0000
NICHOLAS L KNIGHT, 0000
JEFFREY S KOJAC, 0000
TIMOTHY A KOLB, 0000
ANDREW J KOSTIC, JR, 0000
ERIK B KRAFT, 0000
DAVID P KRAMER, 0000
DAVID A KREBS, 0000
DALE R KRUSE, 0000
RUDY R KUBE, 0000
THOMAS E KUHN, 0000
MARK C KUSTRA, 0000
ALBERT A LAGORE, JR, 0000
CRAIG P LAMBERT, 0000
GEORGE LAMPKIN, JR, 0000
DAVID W LANCASTER, 0000
JOHN R LANGFORD, 0000
DANIEL T LATHROP, 0000
MICHAEL E LATHROP, 0000
KEVIN J LEE, 0000
JAMES E LEIGHTY, 0000
RICHARD E LEINO, 0000
GERRY W LEONARD, JR, 0000
KENNETH M LEWTON, 0000
WILLIAM R LIEBLEIN, 0000
STEPHEN E LISZEWSKI, 0000
CHRISTOPHER L LOVEJOY, 0000
FRANK E LUGO, JR, 0000
ARTHUR R LYMAN IV, 0000
TODD W LYONS, 0000
WILLIAM J MACKEY, 0000
BRIAN L MAGNUSON, 0000
JOHN A MANNLE, 0000
JOHN M MANSON II, 0000
ANTHONY J MANUEL, 0000
GREGORY R MARTIN, 0000
JAMES D MARTIN, 0000
JOSEPH A MATOS III, 0000
CHRISTOPHER J MATTEI, 0000
DOUGLAS S MAYER, 0000
JAMES C MCARTHUR, 0000
BRENDAN B MCBREEN, 0000
KYLE B MCCARTHY, 0000
CHRISTINA D MCCLOSKEY, 0000
PAUL H MCCONNELL, 0000
MICHAEL C MCGHEE, 0000
BRANDON D MCGOWAN, 0000
FRANK N MCKENZIE, 0000
LAWRENCE S MCKNELLY, 0000
TIMOTHY J MCLAUGHLIN, 0000
ARCHIBALD M MCLELLAN, 0000
CHRISTOPHER A MCPHILLIPS, 0000
JOHN S MEADE, 0000
FLOYD M MEANS, JR, 0000
JOHN P MEE, 0000
MARK J MENOTTI, 0000
ANDRE L MERCIER, 0000
JOHN E MERNA, 0000
RANDALL H MESSER, 0000
RONI A MEYERHOFF, 0000
ANDREW R MILBURN, 0000
JEFFREY W MILLER, 0000
LAWRENCE F MILLER, 0000
DON A MILLS, SR, 0000
JAMES H MOORE, 0000
ANTONIO J MORABITO III, 0000
DAN E MORRIS, 0000
JAMES M MORRISROE, 0000
CHRISTOPHER W MORTON, 0000
JOHN A MULLIN, 0000
JAMES E MUNROE II, 0000
MARK A MURPHY, 0000
JOSEPH M MURRAY, 0000
CHRISTOPHER L NALER, 0000
LAWRENCE A NATHAN, 0000
CHAD R NELSON, 0000
KENNETH A NELSON, 0000
VAN Q NGUYEN, 0000
BRENT R NORQUIST, 0000
SEAN P ODOHERTY, 0000
DANIEL P OHORA, 0000
BRIAN P OKEEFE, 0000
DUANE A OPPERMAN, 0000
RENE A ORELLANA, 0000
DAVID M OWEN, 0000
CHRIS PAPPAS III, 0000
ROBERT Y PARK, 0000
TIMOTHY M PARKER, 0000
ARTHUR J PASAGIAN, 0000
RICHARD W PAULY, 0000
MYLES F PEMBER IV, 0000
JASON C PERDEW, 0000
AUSTIN L PETWAY, 0000
MICHAEL R PFISTER, 0000
RICHARD L PHILLIPS II, 0000
VON H PIGG, 0000
JAMES A POPIELEC, 0000
PAUL J PRATT, 0000
ROBERT F PREMO, 0000
LESTER B PRICE, 0000
THOMAS E PRIEST, 0000
TRAVIS M PROVOST, 0000
JEFFREY W PROWSE, 0000
NEAL F PUGLIESE, 0000
JOHN M REED, 0000
KEITH D REVENTLOW, 0000
DEREK G RICHARDSON, 0000
PAUL M RIEGERT, 0000
DONALD J RILEY, JR, 0000
MITCHELL D RIOS, 0000
STEPHEN C ROBERTS, 0000
MACON R ROBINSON, JR, 0000
MICHAEL D ROBINSON, 0000
DANIEL J RODMAN, 0000
ALEJANDRO RODRIGUEZ, 0000
BRENT A RONNING, 0000
DAVID W ROWE, 0000
RICHARD C RUSH, 0000
STANLEY K RUSSELL, 0000
KEITH E RUTKOWSKI, 0000
JONATHAN L SACHAR, 0000
ROBERT P SALASKO, 0000
DAVID L SANFORD, 0000
JOHN M SAPPENFIELD, 0000
CHAD L SBRAGIA, 0000
ALAN SCHACHMAN, JR, 0000
THOMAS A SCHELLIN, 0000
JOEL T SCHIRO, 0000
STEVEN J SCHMID, 0000
MARK G SCHRECKER, 0000
STEPHEN S SCHWARZ, 0000
ROBERT R SCOTT, 0000
DONALD A SCRIBNER, 0000
SUSAN B SEAMAN, 0000
WILLIAM H SEELY III, 0000
JOHN J SHARKEY, JR, 0000
DENNIS J SHERWOOD, 0000
STEVEN A SIMMONS, 0000
STEPHEN A SIMPSON, 0000
GREGG SKINNER, 0000
ROBERT B SOFGE, JR, 0000
JOHN C SPAHR, 0000
JOSEPH P SPATARO, 0000
OLIVER B SPENCER, 0000
NICHOLAS A SPIGNESI, 0000
CLAY A STACKHOUSE, 0000
SCOTT F STEBBINS, 0000
JAMES A STOCKS, 0000
JAY P STORMS, 0000
VICTOR S STOVER, 0000
MIKEL E STROUD, 0000
SCOTT D SUTTON, 0000
DOUGLAS K SWITZER, 0000
CHRISTOPHER D TAYLOR, 0000
MICHAEL D TENCATE, 0000
ANTHONY P TERLIZZI, JR, 0000
ADAM C THARP, 0000
GEOFFREY D THOME, 0000
DAVID C THOMPSON, 0000
MATTHEW E TOLLIVER, 0000
THAD R TRAPP, 0000
KARL R TRENKER, 0000
ALPHONSO TRIMBLE, 0000
MATTHEW G TROLLINGER, 0000
ROBERT M TROUTMAN, 0000
WILLIAM J TRUAX, JR, 0000
RICK A URIBE, 0000
JAY A VANDERWERFF, 0000
CHRISTIAN A VEERIS, 0000
MICHAEL R VILLANDRE, 0000
BRETT A WADSWORTH, 0000
THOMAS A WAGONER, JR, 0000
MARK M WALTER, 0000
PAUL J WARE, 0000
MICHAEL E WATKINS, 0000
JEFFREY G WEBB, 0000
RUDOLF WEBBERS, 0000
CLIFFORD J WEINSTEIN, 0000
ERIC S WEISSBERGER, 0000
FRANK E WENDLING, 0000
JAMES P WEST, 0000
SEAN D WESTER, 0000
CHARLES A WESTERN, 0000
BRIAN H WIKTOREK, 0000
GLENN S WILLIAMS, 0000
CURTIS L WILLIAMSON III, 0000
DONALD K WIMP, 0000
TIMOTHY E WINAND, 0000
MARK E WINN, 0000
JONATHAN A WOODCOCK, 0000
JOSEPH A WOODWARD, JR, 0000
JAMES B ZIENTEK, 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., 12203(A):

To be captain

VINCENT M. WEBER, 0000

THE FOLLOWING NAMED CADETS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be ensign

JOHN C ADAMS, 0000
MICHAEL S ADAMS, JR, 0000
RYAN F ADAMS, 0000
MATTHEW E ALEX, 0000
HILLARY A ALLEGRETTI, 0000
NICHOLAS M ANDERSON, 0000
KAREN E APPEL, 0000
MARC J ARMAS, 0000
HUNTER T ATHERTON, 0000
ELIZABETH G BAKER, 0000
MORGAN R BARBIERI, 0000
JIAH G BARNETT, 0000
SEAN H BARTONICEK, 0000
ADRIAN A C BEER, 0000
DANIEL BELL, 0000
ERIN M BIEMILLER, 0000
ORION R BLOOM, 0000
TIMOTHY E BOETTNER, 0000
JORDAN T BOGHOSIAN, 0000
SARA BOOTH, 0000
ELISABETH BOSMA, 0000
JOSHUA D BOYLE, 0000
ELIZABETH L BRAKER, 0000
BRITTANY G BREWSTER, 0000
MATTHEW P BRINKLEY, 0000
ANTONIO D BRINO, 0000
BRIAN J BRUNS, 0000
HOLLY J BUCHEIT, 0000
ALEXANDER G BUCHLER, 0000
BRIAN M BUSH II, 0000
JONATHAN M BYAR, 0000
NELSON W CABLE, 0000
ERIN L CADA, 0000
BRYAN S CANTFIL, 0000
MARLON C CHICHESTER, 0000
KELLY L CHMIELECKI, 0000
JOEL C COITO, 0000
CLAY R CROMER, 0000
MICHAEL D CROWE, 0000
LAWRENCE M CURRAN, 0000
ANDREW J CZARNIAK, 0000
AMALIA E DARATSOS, 0000
JOSHUA J DAUBENSPECK, 0000
STACEY R DAWSON, 0000
DAVID J DEPTULA, 0000
ANTHONY M DESTEFANO, 0000
JOSHUA M DI PIETRO, 0000
JAYME L DUBINSKY, 0000
BENJAMIN R DUNKERTON, 0000
MICHAEL E DURKTON, 0000
STEPHEN M ELLIOTT, 0000
DANIEL G EYER, 0000
MICHAEL S FAHEY, 0000
BOBBIE JEAN FELIX, 0000
MICHAEL P FELTOVIC, 0000
JOHN A FERREIRA, 0000
DANIEL F FLYNN, 0000
CATHERINE F GABINELLE, 0000
JEFFREY M GARVEY, 0000
PETER U GAVIN, 0000
GREGORY C GOLPHIN, 0000
ISAAC R GORDON, 0000
LUKE J GRANT, 0000
KARIMA A GREENAWAY, 0000
MICHAEL J GROFF, 0000
GINNY R GUSTAFSON, 0000
DANIEL R HACKETT, 0000
MEGHAN M HAGUE, 0000
GEORGE F HALL, 0000
NICHOLAS J HAMILTON, 0000
TIFFANY A HANSEN, 0000
JARED A HARLOW, 0000
AMY E HARMEL, 0000
ADRIAN P HARRIS, 0000
JONATHAN R HARRIS, 0000
RYAN D HAWN, 0000
RYAN P HENEBERY, 0000
MARY KATHLEEN O HERON, 0000
ELIZABETH M HETRICK, 0000
JOSIAH D HILL, 0000
JOHN W HOLDERMAN, 0000
GORDON A HOOD, 0000
TASHA R HOOD, 0000
WILLIAM J HOUDE, JR, 0000
CHRISTOPHER R F HOWARD, 0000
NATALIA M HOY, 0000
PETER C HSU, 0000
ZACHARY D HUFF, 0000
MELISSA J HUSKA, 0000
JESSE E HYLES, 0000
CHRISTOPHER A JASNOCH, 0000
JOSEPH K JOHNSON, 0000
LEE H JONES II, 0000
ALANNA G KALTSAS, 0000
JESSICA A KANE, 0000
PETER J KARDAS, 0000
MATTHEW V KEMPE, 0000
JEANNETTE M KILLEN, 0000
HELEN Y KIM, 0000
JASON M KLING, 0000
KELLY L KOCH, 0000
GEORGE C KOLUMBIC, 0000
SCOTT R KOSER, 0000
BRIAN A KUDRLE, 0000
JACOB M KYER, 0000
JEFFREY M LAMONT, 0000
PETER M LANG, JR, 0000
JONATHAN D K LEE, 0000
LINDSEY E LEFEBVRE, 0000
NICHOLAS D LEITER, 0000
REBECCA M LENBERG, 0000
JENNIFER N LOPEZ, 0000
GREG T LOVELESS, 0000
CRAIG G MACKENZIE, 0000
NATHAN P MACKENZIE, 0000
ANDREW P MADJESKA, 0000
FRANK A MARCHESKI, 0000
JUSTIN M MATEJKA, 0000
CHRISTOPHER N MCANDREW, 0000
TYLER J MCGILL, 0000
HEATHER M MEINEKE, 0000

HEIDI L MILLER, 0000
KEVIN L MILLER II, 0000
PAUL J MILLER, 0000
RYAN C MILLER, 0000
WILLIAM C MILLWARD, 0000
SARA P MONACO, 0000
BRIAN P MONAGHAN, 0000
JEREMY J MONTES, 0000
DARLA M MORA, 0000
EMILY L MORRISON, 0000
MATTHEW K A MOTHANDER, 0000
LANE M MUNROE, 0000
ELISABETH T MURTHA, 0000
SAMUEL L NELSON, 0000
DAVID T NEWCOMB, 0000
ELIZABETH J NEWTON, 0000
GERALD W NEWTON, 0000
BENJAMIN K OLOUGHLIN, 0000
ROLAND T I ORR II, 0000
THOMAS R OSBORN, JR, 0000
JEFFREY K PADILLA, 0000
AARON T PARKER, 0000
BRITTANY C PARKER, 0000
JENNIFER G PAULSON, 0000
KIRA M PETERSON, 0000
SARAH E PETRELLA, 0000
ERIN K PIGORS, 0000
HAROLD N I PIPER II, 0000
JOHN P POLEY, 0000
GREG H PONZI, 0000
RYAN B POPIEL, 0000
JOSEPH H PRIDE, 0000
JEDEDIAH A RASKIE, 0000
DAVID W RATNER, 0000
TRACEY L RICHARDS, 0000
CORY A RIESTERER, 0000
JOSEPH E RIZZO, 0000
NATHANIEL R ROSS, 0000
JUSTIN F RULE, 0000
AMANDA C RYAN, 0000
THOMAS A SANBORN, 0000
ERNEST A C SAPONARA, 0000
KATIE R SAVOIE, 0000
NATHANIEL P SELAVKA, 0000
JOSEPH R SEMKE, 0000
NICHOLAS C SENIUK, 0000
MATTHEW A SHAFFER, 0000
MATTHEW R SHAFFER, 0000
KRISTEN A SHALLOW, 0000
REBECCA B SHULTS, 0000
AMY C SIBERT, 0000
GREGORY S SICKELS, 0000
JUSTIN C SMITH, 0000
JESSICA A SNYDER, 0000
TRACY M SPEELHOFFER, 0000
GRAYSON C STALVEY, 0000
JASON R STANKO, 0000
BENJAMIN W STEVENSON, 0000
DAVID W STUTT, 0000
CONOR J SULLIVAN, 0000
RICHARD W SULLIVAN, JR, 0000
CHRISTOPHER E SVENCER, 0000
TRACEY L SWAYNOS, 0000
COLLEEN A SYMANSKY, 0000
RICHARD C SZOKA, 0000
NICOLE M TESONIERO, 0000
FELICIA S THOMAS, 0000
MICHAEL C THOMAS, 0000
JONATHAN T TILLMAN, 0000
CHRISTOPHER W TOMS, 0000
LAWRENCE E TORMEY, 0000
ANTHONY T TRAN, 0000
CHRISTINE M UNDERWOOD, 0000
STEVEN B VAN DERLASKE, 0000
KYRA N VAN ECHO, 0000
GREGORIO J VERA II, 0000
PAMELA R WADE, 0000
RYAN T WAITT, 0000
JOHN H WALTERS, 0000
MATTHEW E WARANIUS, 0000
BRYAN D WATTS, 0000
JORELL R WEBB, 0000
CHRISTOPHER C WEISER, 0000
SAMANTHA M WHITTEN, 0000
KIMBERLY M WILSON, 0000
DEWEY W WORKER, 0000
CHAD A YEAMANS, 0000
LILY A ZEPEDA, 0000
JOSHUA L ZIKE, 0000
MATTHEW S ZOLNIEREK, 0000
ANDREW H ZUCKERMAN, 0000

EXTENSIONS OF REMARKS

IN HONOR OF ETHEL PESIN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Ethel Pesin for her years of dedicated public service and commitment to improving the community. Ethel Pesin will be honored at her 90th birthday celebration in Jersey City, New Jersey.

Mrs. Pesin's involvement in a variety of civic and community endeavors throughout the years has earned her great respect and appreciation. Her willingness to volunteer her time helping those in need and her genuine concern for the improvement and preservation of local landmarks has made a significant impact on Jersey City and the surrounding area. Working with the Hudson County Citizens Committee, Mrs. Pesin was instrumental in helping to save the Boulevard and the Hudson County Courthouse from being demolished. Some of her past volunteer efforts include participating in ''Meals on Wheels'' and offering piano performances at the Academy House, a center for the mentally ill.

Throughout the years, Mrs. Pesin's greatest passion has been devoted to the establishment and conservation of Liberty State Park (LSP). As a founding board of trustees member of the Friends of LSP, she has worked tirelessly to oppose commercialization and maintain and improve the beautification of the urban waterfront. In the past, she served on the LSP Public Advisory Commission and is currently a member of the LSP Interdisciplinary Planning Committee.

The daughter of Latvian immigrants, Mrs. Pesin was raised in Jersey City. She graduated from Syracuse University in 1935 with a degree in music and taught at Snyder Junior High School and Lincoln High School before teaching private lessons for seven years. She later served one term as president of the Jersey City State College Community Orchestra. Many in Jersey City also know Mrs. Pesin from the popular clothing store she and her husband, Morris, owned for 28 years. Mrs. Pesin and her husband were married for 54 years and she is the proud mother of two children, Sam and Judy.

Today, I ask my colleagues to join me in honoring Ethel Pesin for her unwavering commitment to improving the natural and historic beauty of her city and her dedication to helping those in need throughout the community. Mrs. Pesin's warmth, compassion, love for family and friends, and enthusiasm for life has touched all who know her.

HONORING WILLIAM STAPKA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to extend my warmest congratulations to Mr. William Stapka of Chicago on the occasion of his 75 birthday.

Mr. Stapka has been an outstanding resident of the Norwood Park community for the past 45 years. Working at O'Hare for the City of Chicago's Aviation Department as well as in the precincts of Chicago, Mr. Stapka has been an ever present fixture of our community. His contributions to public service deserve our recognition and gratitude.

Born in Poland, Mr. Stapka understands the struggles facing immigrants in America. Like those who achieved success through hard work and a determined spirit, Mr. Stapka provided a pleasant and prosperous life for his family. After 33 years of working for the City of Chicago, Mr. Stapka retired as a chief operating engineer at O'Hare Airport.

Throughout his life, Mr. Stapka has demonstrated his firm commitment to public service, particularly through his contributions to Chicago's political system since 1960. He is an active member of Committeeman Tom Lyons and Alderman Pat Levar's 45th Ward Democratic Organization. He served as campaign treasurer for the beloved late Congressman Roman Pucinski, in his races for both the Chicago City Council and the U.S. House of Representatives. His loyalty to the Pucinski family continues to this day through his service as treasurer for Judge Aurelia Pucinski.

Taking an active role in all aspects of his life, Mr. Stapka is also a member of the Immaculate Conception Church and serves as a member of the Holy Name Society within this parish. Still young at heart, Mr. Stapka also volunteers as a referee for local men's college soccer teams.

Along with his late wife, Marcela, he raised three children: Susan, Andrew and Tom. Mr. Stapka is now the proud grandfather of three wonderful grandchildren: Nicole, Rebecca, and Randy.

Mr. Speaker, I rise today in honor of the 75th birthday of William Stapka. He is a man who has stood tall in the face of great challenges and difficulties, built an impeccable reputation, and after 75 years, he still maintains a youthful spirit. On behalf of the people of the northwest side of Chicago, I thank Mr. Stapka for all he has given to those around him, and wish him continued happiness in the future.

REMEMBERING SHIRLEY CHISHOLM (1924–2005), MEMBER OF CONGRESS 1968–1982

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Ms. MCCOLLUM. Mr. Speaker, this week, America mourns the lost of a steadfast heroine. The first African American woman elected to Congress and the first person of color to run for president of the United States, Shirley Chisholm broke barriers and set standards. She represented the people of Brooklyn, New York but she carried with her the hopes and highest ideals of our entire nation.

As a former educator, Shirley Chisholm fought relentlessly in Congress to improve public education, particularly early childhood education. As one of the founders of the Congressional Black Caucus and the National Organization for Women, she hired an all-women staff during her first term in Congress. She was indeed resolute in her fight for equality, women's rights and civil rights.

Ms. Chisholm was known and respected across the political spectrum for her uncompromising integrity. She was unflinching in the face of great odds and unfailing in her willingness to fight for what she believed was right. In her words, she was 'unbought and unbossed.'

In 1972, Shirley Chisholm made history by declaring her bid for president. Although she did not win the Democratic nomination, she broke barriers for African Americans and women, thus helping to open the door of opportunity for those who followed her. She is a woman of great courage and a strong role model for young women around the world.

A trailblazer and triumphant spirit, Shirley Chisholm was truly a woman of the people. Her legacy will always be remembered.

FREEDOM FOR DIOSDADO GONZÁLEZ MARRERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Diosdado González Marrero, a political prisoner in totalitarian Cuba.

Mr. González Marrero is a pro-democracy activist who is striving to create a Cuban society that recognizes human rights, freedom, and democracy. He has been a peaceful supporter in the cause of bringing liberty to an island shackled by a tyrant's brutal machinery of repression. Unfortunately, the dictator forcefully represses those who bravely support freedom instead of the despotic regime.

In 1999, Mr. González Marrero was locked in the totalitarian gulag for six months during

the Ibero-American Summit held in Havana in November 1999. Despite being confined in the horrors of the gulag, Mr. González bravely continued his peaceful activities to bring liberty and freedom to Cuba.

Unfortunately, Mr. González Marrero was arrested again in March 2003, as part of the repulsive island wide crackdown against peaceful pro-democracy activists. In a sham trial, he was sentenced to 20 years in the totalitarian gulag.

The family of Mr. González Marrero has reported that he was being held in solitary confinement in a punishment cell where he is deprived of any sunlight, adequate ventilation or drinking water, and subjected to temperatures of 30 to 32 degrees centigrade. According to Amnesty International, Mr. González Marrero is suffering from high blood pressure and inadequate medical attention to his failing health.

Let me be very clear, Mr. González Marrero is languishing in the depraved dungeons of the tyrant's gulag because he desires freedom for the people of Cuba. His demand for the rights of man to be given back to the citizens of Cuba is the only reason that he is locked in the abhorrent filth of Castro's prisons.

Mr. Speaker, as we gather to celebrate the results of our democracy and to commence the first session of the 109th Congress, it remains repulsive that, only 90 miles from our shore, brave souls like Mr. González Marrero are locked in dungeons because they too believe in the freedoms we hold sacred to our way of life. My Colleagues, let us remember those who suffer under the nightmare that is the Castro regime. Let us demand the immediate release of Diosdado González Marrero and every prisoner of conscience languishing in the dungeons of totalitarian despots.

INTRODUCTION OF THE MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EHLERS. Mr. Speaker, I rise today to introduce H.R. 250, "The Manufacturing Technology Competitiveness Act." I introduced this legislation in the 108th Congress, and it was passed by the House. I am re-introducing it in this Congress in the precise form passed last year. I am doing this because the global competitiveness of U.S. manufacturing remains a pressing issue.

This bill will help address long-term problems facing our nation's manufacturers by coordinating existing federal manufacturing programs, creating a new program to revive manufacturing innovation through collaborative research and development, and broadening and strengthening manufacturing extension.

Although manufacturing has experienced tremendous technological gains over the last few years, international competition has exacted a terrible toll on our nation's manufacturers. In particular, our small- and medium-sized firms are under tremendous pressure to become more efficient, to modernize, and to cut their prices. There is no evidence that these pressures are likely to go away.

In my conversations with manufacturers, I learned of their deep concern that the decline of manufacturing in the U.S. is undermining our ability to innovate. Innovation is the key to the development of new industries, without which our economy could stagnate. Governments of our global competitors are eagerly supporting investments in manufacturing R&D because they know that it is the foundation for sustained economic development.

If we are to continue to be the world technological leader, we need to rise to this new global challenge by supporting our manufacturers. The Manufacturing Technology Competitiveness Act, which received broad support in the House in the 108th Congress, will accomplish that by:

Creating an Interagency Committee that will coordinate the existing federal manufacturing research and development activities to ensure that they work as effectively and harmoniously as possible;

Creating a new collaborative research and development program for manufacturing technology;

Reauthorizing the critical programs at the National Institute of Standards and Technology (NIST), a federal research laboratory dedicated to ensuring U.S. leadership in technology-based standards and industries;

Creating a fellowship program at NIST to develop U.S. manufacturing research expertise; and

Reauthorizing and creating a new grant program within the Manufacturing Extension Partnership (MEP) program so that the MEP Centers can extend their expertise to a range of problems beyond their current scope of activities.

Mr. Speaker, globalization is in full swing. It is incumbent upon this Congress to provide a coherent federal response to the changes that are underway in manufacturing, and to support the technological innovation that is fundamental to retaining our manufacturing strength. This bill provides a mechanism for that crucial response and I look forward to working with my colleagues on this issue in the 109th Congress.

IN HONOR OF REVEREND THOMAS C. BLESSIN, S.J.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Reverend Thomas C. Blessin, S.J., for his 55 years of service to the Society of Jesus and the people of his community. Father Blessin will be receiving the 2004 Reverend James F. Fox, S.J. Award at the Loyola School of New York's Annual Alumni Dinner on January 7, 2005.

Throughout the years, Father Blessin provided a strong spiritual foundation for the members of his community. Born, raised, and ordained in Staten Island, he later moved to New Jersey where he spent decades ministering to the community and attending to the spiritual needs of congregants at various churches, missions, and spiritual retreats.

In addition to his work with churches around the area, Father Blessin served for 9 years as the assistant headmaster at Loyola High School and an additional 2 years as the school chaplain. For 25 years, he was a chaplain and active member of the New Jersey National Guard. He later worked at St. Peter's College where he offered mass and assisted with student services. Currently, he is retired and living in the Jesuit residence at St. Peter's College in Jersey City.

Today, I ask my colleagues to join me in honoring the Reverend Thomas C. Blessin, S.J., for his outstanding spiritual leadership and years of faithful service to the people of New Jersey. His dedicated work throughout the decades has helped to enrich the lives of so many throughout our community.

REMEMBERING MONSIGNOR McDERMOTT

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to mourn the loss of a beloved leader of the Chicago Archdiocese, Monsignor Ignatius D. McDermott, who passed away on December 31.

Monsignor McDermott, known affectionately as Father Mac, was born on Chicago's South Side on July 31, 1909. He was ordained in 1936 after studying at Quigley Preparatory Seminary and Mundelein's St. Mary of the Lake Seminary.

Demonstrating a lifelong commitment to helping those most in need, Monsignor McDermott often walked the streets of Chicago's poorest neighborhoods in order to comfort the homeless and help recovering drug addicts and alcoholics return to sobriety, happiness and meaningful lives.

In 1946, Monsignor McDermott was appointed assistant director to the Chicago Archdiocese's Catholic Charities. Advancing his commitment to helping individuals with substance abuse problems, he founded Catholic Charities' Addiction Consultation and Education Services and the Central States Institute of Addiction.

After nearly four decades of service, Monsignor McDermott cofounded the Haymarket Center in 1975. Named for its location near Haymarket Square in Chicago, the detoxification center offers residential and outpatient services. As a direct result of Monsignor McDermott's compassion and dedication, the center has continued to expand over the years and now serves over 14,006 people each year.

Mr. Speaker, I join with the people of Chicago in recognizing the life of Monsignor McDermott. Together we honor his service and lifelong dedication to community service as well as the lasting impact he has had on the countless individuals he touched and whose spirits he lifted throughout his distinguished career. His many contributions leave an indelible mark on our community that will always be remembered.

EXPRESSING CONDOLENCES AND SUPPORT FOR ASSISTANCE TO VICTIMS OF EARTHQUAKE AND TSUNAMIS THAT OCCURRED ON DECEMBER 26, 2004, IN SOUTH AND SOUTHEAST ASIA

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Res. 12, expressing support to the victims of the tragic earthquake and tsunami that occurred on December 26, 2004. I offer my deepest condolences to the people of Indonesia, Thailand, Sri Lanka, and India, along with all of the children and families across South Asia and Eastern Africa, in the wake of this devastating event.

The toll taken by this tragic earthquake and tsunami is staggering: More than 150,000 dead, thousands still missing, and 5 million lacking basic survival necessities like clean water, food and shelter, and healthcare. The world endured the largest earthquake since 1900 and the tsunami that followed took the lives of children, their parents, tourists and entire families. This is a region ill-prepared for such a colossal and devastating natural occurrence. It is a human tragedy of epic proportions.

In response, the world community has embarked on a massive humanitarian relief effort unparalleled in the history of disaster relief. To date, the United States and other donors have pledged an estimated $2 billion in emergency and reconstruction assistance.

As the wealthiest nation in the world, the United States must lead the effort to provide humanitarian assistance. A once belated and undervalued response by the United States must now be erased with aggressive and generous action. I call on Congress to swiftly authorize and appropriate the $350 million pledged by the President so it can be delivered promptly to those who need it immediately.

I also call on the President to ensure that the money he pledged to provide humanitarian relief in the wake of this disaster does not come at the expense of existing international aid programs assisting millions of people across the globe. These programs, for example, help AIDS orphans, victims of drought, war refugees and the families in Iraq and Afghanistan that are rebuilding their homes and communities. Our assistance in these areas must remain a priority.

The tragic loss of human life and destruction from the earthquake and tsunami unite the United States and the entire international community in solidarity and support. My thoughts and prayers go out to the victims of this terrible tragedy and I pledge my continued support and help for their families and the hundreds of relief workers who have come to their aid.

CLARIFICATION OF CONGRESSIONAL INTENT REGARDING 22 U.S.C. 7207(b)(1)

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to address a question about the Congressional intent of the phrase ''payment of cash in advance'' as it appears in 22 U.S.C. 7207(b)(1) as passed by the U.S. House of Representatives on October 11, 2000, as passed by the U.S. Senate on October 18, 2000, and as signed into law by President Clinton on October 28, 2000.

As the principal negotiator and author of the language in question, I can state, without any ambiguity, that the Congressional intent behind the phrase ''payment of cash in advance'' is the following: that all legal sales of agricultural commodities or products to the Cuban Government or any person in Cuba, must be paid in full in advance of the shipment of the goods.

I sincerely hope that regulations will be issued to reflect the congressional intent of this phrase.

INTRODUCTION OF H.R. 242, THE SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT ACT OF 2005

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EHLERS. Mr. Speaker, today I rise to introduce ''The Surface Transportation Research and Development Act of 2005.'' This legislation is actually a reintroduction of the bill that passed the Science Committee last Congress. After the bill passed the Science Committee, I worked with my colleagues on the Transportation and Infrastructure Committee to have many of the provisions included in the House version of the reauthorization of the Transportation Equity Act for the 21st Century—better known as TEA–21. Unfortunately, the House and Senate were not able to reach consensus on a final transportation bill.

As we prepare to complete the reauthorization early in this Congress, my legislation still provides the needed emphasis on transportation research and development that will ensure our whole transportation system can meet the tremendous challenges of today and especially for the future. Considering that we won't have the ability to simply build more roads to address these challenges, especially in urban areas, we must look at new ways to improve the overall system, to make it safer and more efficient, and to ensure that the system meets future needs. Good research, properly done, will more than pay for itself in longer-lasting roads, better bridges, faster traffic flow, and fewer accidents.

In the last Congress, as chairman of the House Science Subcommittee on Environment, Technology and Standards, which shares jurisdiction over surface transportation research with the Transportation and Infrastructure Committee, I held hearings to hear from experts on the state of the Federal Government's current surface transportation research program. In addition, we heard from a wide array of interests on how to improve and reform the research program, and the levels at which research should be funded. Based on this input, I introduced the Surface Transportation Research and Development Act last Congress.

This legislation I am introducing today is identical to the bill that passed the Science Committee last Congress. It has three overarching goals: to increase stakeholder input to ensure that the people who must implement and use the research agree that it is applicable to everyday challenges; to create the highest quality research through increased competition and peer-review of all projects; and to ensure greater accountability so that our research supports the goals of our surface transportation system.

More specifically, the bill:

Creates and funds an important research program run by the National Academy of Sciences to address short to medium-term research needs. Research will focus on reducing congestion, renewing existing roads and bridges while minimizing impact to the public, improving safety by reducing crashes, and developing tools for getting more out of our existing highway capacity and assessing future needs. All projects funded by this program will be competitively awarded and peer-reviewed;

Provides needed funds to implement a public-private cooperative environmental research program, with the goal of developing the knowledge, tools, and performance measures that will help us better understand and manage the linkage between the environment and the transportation system;

Calls on the U.S. Department of Transportation to take the lead in carrying out fundamental, long-term research to achieve breakthroughs in transportation research;

Increases funding for University Transportation Centers and ensures greater competition among universities which seek to become transportation research centers;

Reforms and increases the responsiveness of the Bureau of Transportation Statistics to the needs of the transportation community; and

Provides States with additional resources to better train and educate the transportation workforce.

This legislation will significantly, yet prudently, increase funding for transportation research starting at $500 million a year in fiscal year 2006 for Federal research programs and gradually rising to $850 million a year by 2010. When Congress increased funding for overall transportation programs by upwards of 40 percent in TEA–21, funding for transportation research remained relatively flat. I believe that lack of investment in research has hurt our ability to meet new challenges. My approach ensures that our transportation research is well planned, peer reviewed, properly funded and evaluated and will go a long way to help solve the many challenges facing our Nation's transportation system.

I look forward to again working with my colleagues on the Science and Transportation and Infrastructure Committees, the U.S. Department of Transportation, state transportation departments, and all other interested stakeholders as we try to finish the job begun last Congress.

HONORING MR. WILLIAM WUNSCH

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. MUSGRAVE. Mr. Speaker, this previous year, the community of Ft. Morgan, CO, lost a veteran and a long time local farmer when William Wunsch passed away at the age of 86.

He was born February 18, 1918, to Fred and Katherine Wunsch, who lived in the German Corner of Fort Morgan after emigrating from the Volga region of Russia.

Mr. Wunsch was drafted into the U.S. Army in February 1942. He served bravely during World War II as a tank sergeant in the 7th Armored Division, and fought in the Battle of the Bulge. Because of his heritage and his ability to speak and read German, he provided a valuable service by working with the Counter Intelligence Corps before returning Colorado.

After leaving the Army, Bill married Violet Eckhardt on December 15, 1946. Together they started a farm south of Fort Morgan where he stayed until he retired in 1997. Sadly, Violet was killed in a car accident in 1970. On May 1, 1971, he married Lydia Lehr Schwartz and they worked together on the farm. William was named to the "High Ten" several times for having the greatest average sugar beet tonnage for the Sheds District of the local sugar factory. Frequently he was interviewed by the local paper about his accomplishments in farming and about his heritage as a Volga German immigrant.

As a member of the Christ Congregational Church, William actively worked in his church as a deacon, secretary, Sunday school superintendent, and a Sunday school teacher. Mr. Wunsch also remained active in the community as president of the Beet Growers Association, the Daily Lateral Irrigation Company, and a charter member of the Caring Ministries.

Mr. Speaker, we lose more of our precious veterans everyday. These heros have left their homes to defend our nation, and then returned home to be valued members of their communities, showing their children and grandchildren how to live meaningful lives of service. I want to take this brief moment to honor William Wunsch for the sacrifices that he made. May God bless his family, may God bless our precious veterans, and may God bless America.

MOURNING THE LOSS OF CONGRESSWOMAN SHIRLEY CHISHOLM

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. WEINER. Mr. Speaker, I rise today to mourn the loss of a legend. Congresswoman Shirley Chisholm was a trailblazer whose story represents the best of America, and the essence of the New York experience.

She was the first of four girls born to two immigrants—one Barbadian, the other Guyanese—who instilled in her a lifelong devotion to the value of a good education. She graduated cum laude from Brooklyn College, and went onto earn a master's degree at Columbia.

During the 1950s, she directed a day care center in Brooklyn, and worked as an educational consultant for New York City. Her work in the community launched her political career, and she was elected to the New York State Assembly in 1964.

In 1968, she was elected to Congress as the first African-American woman to serve in the House of Representatives. She went on to become a founding member of both the National Organization for Women, the National Women's Political Caucus and the Congressional Black Caucus. And as always, she devoted her energies to education, promoting programs like Title IX and early childhood education.

She served seven terms in Congress, in midst of it all becoming the first African-American, of either gender, to run a large-scale campaign to become the presidential candidate of one of the major political parties.

A proud and independent voice, Shirley Chisholm was a New York original. She will be sorely missed.

IN RECOGNITION OF COMMANDER DANIEL J. HURLEY FOR HIS 29 YEARS OF SERVICE TO THE EL CERRITO POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor the career accomplishments of Commander Daniel J. Hurley during his service to the El Cerrito Police Department.

Commander Hurley represents very high professional standards of law enforcement and service to his community, and he will be missed after his retirement.

In the Department, which he joined in 1975, he held positions of increasing responsibility, advancing to the rank of Sergeant in 1980, and to the rank of Police Commander in 2000.

He also held a wide range of positions, from administration to field operations, that required both technical and managerial expertise.

In a characteristic quest for excellence, Commander Hurley continued on with his higher education while he was working for the Department, and he earned a Bachelor's Degree.

Commander Hurley's life work, like the work of law enforcement officers in all our communities, is the source of stability and safety we all count on and enjoy in our daily lives.

My purpose in speaking today is to give due recognition to the quiet, knowledgeable, and reliable work Commander Hurley has consistently performed in his twenty-nine years with the El Cerrito Police Department.

I thank him for his essential contributions to the quality of life in El Cerrito and the Tenth Congressional District, and I wish him a well-deserved retirement with his wife Deborah and their children Danielle, Erin, and Ryan in the desirable community he has worked well and hard to shape.

HONORING LEO E. FUHR, DISTRICT DIRECTOR FARM SERVICE AGENCY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Leo E. Fuhr, District Director of the United States Department of Agriculture Farm Service Agency. Leo retired on December 29, 2004 after many years of distinguished service to our district, state, and ration.

Leo Fuhr first joined the United States Department of Agriculture in August of 1974. His first assignment was just north of here in Keosauqua, Iowa. After leaving Keosaqua, he moved on to Warrensburg, Missouri and our state has been fortunate to have his services ever since. After completing his tenure in Warrensburg, Leo served in Maryville, St. Joseph, Trenton, and then Brookfield. In March of 1986, Leo became District Director and remained in that position until his retirement on December 29. As a farmer myself, I can tell you that his lifelong dedication to agriculture will be missed by all.

I also want to recognize his wonderful family, especially his wife Jeanette, their daughter Brenda, who recently graduated from Truman State University, and their son Brian who is currently serving our nation with the U.S. Army in Iraq. Leo himself is no stranger to military service; from September 1966 until August 1999 Leo served in the National Guard, retiring with the rank of Lieutenant Colonel.

Mr. Speaker, I proudly ask you to join me in commending Leo E. Fuhr. Mr. Fuhr truly exemplifies the qualities of dedication and service to northwest Missouri, and I am honored to call him one of my constituents. Congratulations on a job well done.

HONORING DISTRICT OF COLUMBIA SERVICEMEN AND WOMEN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Ms. NORTON. Mr. Speaker, we honor all who serve our country in the military. However, the men and women of the District of Columbia who volunteer for military service are entitled to special honors. D.C. residents who serve today are the most recent in a long line of citizens of the District who have fought and died for our country, although they did not have the same democratic rights as their fellow citizens and fellow soldiers.

I ask the House of Representatives to honor the residents of the District of Columbia who have served in every war since the Revolutionary War of 1775, by recognizing three young men today who served in the Iraqi War, Marcus Gray, Emory Kosh, and Isaac Lewis. We also honor members of the military from the District, including the D.C. National Guard, who have served or are serving in Afghanistan and throughout the world, especially those who have lost their lives.

Specialists Gray, Kosh and Lewis were members of the U.S. Army Reserves, 299th Engineer Company and part of the first wave of soldiers who entered Iraq in March 2003.

The three graduates of Ballou, Eastern, and Dunbar High Schools in the District were working or in college when they were called to serve. They spent nearly a year in Iraq exposed to great danger. Two of the three may be redeployed this year.

Just as these three soldiers stepped forward without hesitation to go overseas in time of war, they step forward now to speak for the cause of democracy at home. These three men welcome the enthusiasm of many Iraqis as they prepare to elect voting representatives to their national legislature on January 30. All three know that the coming elections in Iraq and the successful elections held in Afghanistan in October were made possible by the service and sacrifices of the members of their company, and other coalition troops, the great majority of whom were American citizen soldiers, and members of today's volunteer military.

Today these three young men ask that their hometown be afforded the same voting representation that their service will help bring to Iraq. They do not expect to have the same voting representation tomorrow that they will see in Iraq on January 30th. However, the people of the nation's capital could get a vote as the 109th Congress convenes on January 4th for its new session. By rule of the House, the Congress could put the District on the path to full voting rights.

During the 103rd Congress, the District of Columbia had a vote on most House business by rule of the House and by vote of the House, as affirmed by the federal courts. With the change of controlling parties in the 104th Congress, this vote was withdrawn. Our country and most democracies would find the withdrawal of voting rights intolerable anywhere in the world. Eliminating a vote fairly won is also unacceptable here. As we are reminded time and again, all countries must meet the same standard—Iraq, Afghanistan and the United States, as well.

Specialists Gray, Kosh, and Lewis and their families are tax paying citizens of the United States and of the capital of our nation, but they have given more than most of us. They are soldiers who have gone to war for our country. I ask the House to honor their service and to heed their call for voting representation in this House. I also ask unanimous consent to place in the record their own words petitioning their government for voting representation.

A PROCLAMATION HONORING MR. WILLIAM GOTSCHALL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. NEY. Mr. Speaker:

Whereas, Mr. William Gotschall has served his community and state as the Governor's Regional Representative for Economic Development in Region 10 of East Central Ohio; and

Whereas, Mr. Gotschall provided his services as Columbiana County Commissioner, during which time he received the Ohio Department of Transportation Outstanding Local Leader Award; and

Whereas, Mr. Gotschall's service to the people of Ohio and Columbiana County earned him the Outstanding Citizen Award from the Calcutta Chamber in St. Clair Township, Columbiana County, the Honorary Citizen Award for Byesville, Guernsey County, and a key to the village of Byesville, Ohio. He should be commended for the help that he provided to the residents of Columbiana County and the surrounding area.

Therefore, I join with the entire 18th Congressional District of Ohio in celebration of Mr. William Gotschall's service to East Central Ohio.

HONORING THE LIFE OF A.J. RICHARD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the life of A.J. Richard, a vital member of the New York community. Throughout his life as a successful businessman, dedicated family man, concerned citizen and creative innovator, A.J. Richard defied the odds in keeping his family business running and growing when other community competitors were closing their doors. Today his legacy lives on in the type of business he left behind: it is owned and operated by family; it is as much a part of the community as it is a service to the community; and it places customers ahead of profits. A.J.'s business is a reflection of a certain value system, a value system we rarely see in today's largely faceless corporate culture. That value system is about community, family, work ethic, optimism and integrity. While A.J. has passed, his business and that special value system live on. We are all thankful for this legacy he leaves with us.

In his honor, I would like to share the following obituary of A.J. Richard as it appeared in the N.Y. Times on January 5, 2004:

''A.J. Richard, whose contagious enthusiasm for new gadgets transformed P.C. Richard & Son from a hardware store into a major retailer of consumer appliances and electronics, died on Dec. 28 in West Islip, N.Y. He was 95 and lived in Bay Shore and Port St. Lucie, Fla.

The cause was pneumonia, said Alan Meschkow, the company's advertising director.

Although Mr. Richard's father, Peter Christiaan, started the business, it was A.J. who in 1924, at the age of 15, insisted on selling newfangled electric irons alongside the store's kerosene lamps and plumbing supplies.

''It's beautiful, look—it's chrome, it's polished, it fits your hand,'' went Mr. Richard's sales pitch, Mr. Meschkow said. ''And look at the tip, the point—you can go right in between the buttons.'' He asked his first buyer to pay 50 cents a week toward the total cost of $4.9.5, and other customers soon followed.

Over the next six decades, including several years he spent living above his store in Ozone Park, Mr. Richard sold New Yorkers all kinds of new electric devices, from toaster in the 1920's to the Walkman in the 1980's.

His methods were often ingenious. In the early 1930's, when people seemed content to scrub clothes on washboards, he sent salesmen door to door offering families $5 to try out washing machines. In the 1950's, he let people watch Friday-night boxing matches on a television displayed in the store's window, and some inevitably bought their own 10–inch black-and-white set, which cost nearly $400. In the 1980's, the company offered cooking classes to demonstrate microwave ovens.

P.C. Richard & Son now reports annual sales of roughly $1 billion, making it the country's largest family-owned and operated seller of appliances and consumer electronics. Based in Farmingdale, N.Y., it has grown to 49 stores in New York and New Jersey, even as competing regional chains like Crazy Eddie and Newmark & Lewis have closed. Many people can whistle its five-note advertising jingle, ''At P.C. Richard.''

Much of the advertising still carries pictures of A.J. and his two sons: Gary, son the company's chief executive, and Peter, who is executive vice president. A grandson, Gregg Richard, recently became president, and a granddaughter, Bonni Richard, is head of human resources.

Alfred Joseph Richard was born in Brooklyn on Oct. 11, 1909, the same year his father, a handyman who emigrated from Amsterdam, opened the family's first store in the Bensonhurst neighborhood of Brooklyn.

''I waited on customers when I was 7,'' he told The New York Times in a 1995 interview. ''I was a 100 percent hardware man by the age of 9.''

He was also a tinkerer, and he started the store's service department after learning to repair radios as a teenager. He took over the company in 1947.

His wife, the former Vicky Himmelman, died in 1997. He is survived by his sons, Gary and Peter, both of Long Island; eight grandchildren; and 18 great-grandchildren.''

HONORING DARRYL WORLEY OF SAVANNAH, TENNESSEE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. BLACKBURN. Mr. Speaker, country music mega-star Darryl Worley ''Has Not Forgotten'' his community or his country in his rise to the top of his profession.

By practicing what he preaches in his Gold Record #1 hit Have You Forgotten, he has spent many days each year traveling to the Middle East and entertaining and encouraging our troops.

He has also never forgotten his friends and neighbors. He sponsors and performs at the ''Darryl Worley River Run'' each year in his home county, which raises hundreds of thousands of dollars for local charities, this year expanding to benefit St. Jude Children's Hospital in Memphis.

And he has not forgotten his family. This year he presented the Hardin Medical Center with a check for $40,000 in memory of his grandfather who suffered from cancer. In his honor the recently renovated hospital named a new wing the ''Darryl Worley Outpatient Chemotherapy Clinic.''

Darryl Worley is a great American, and a true hometown hero to Savannah, Tennessee, and today we honor his commitment to our great nation.

HONORING LANCE CORPORAL BRIAN P. PARRELLO

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a New Jersey citizen who served with dignity and honor as a soldier in Iraq. I join his family, friends and members of his community in mourning this great loss.

On Saturday, January 1, LCpl. Brian P. Parrello, 19, of West Milford, NJ, was killed in Al Anbar Province, Iraq as a result of hostile fire. Lance Corporal Parrello was assigned to Small Craft Company, Headquarters Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC. Parrello was attached to a Marine Swift Boat unit that patrolled the Tigris and Euphrates rivers.

A resident of West Milford, New Jersey, Parrello attended West Milford High School where he was a member of both the football and hockey teams. Following high school, he was so deeply affected by the attack on the World Trade Center and Pentagon that he proudly enlisted in the U.S. Marine Corps. His teachers, coaches and peers have called him a real leader and a role model, someone who always gave 150 percent, a person who led by example and with a big heart.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their Nation called them to duty to preserve freedom and the security of our neighbors, they answered without hesitation.

Mr. Speaker, it is my sincere privilege to recognize the life of a proud soldier and heroic representative of the State of New Jersey. LCpl Brian P. Parrello was an honorable defender of liberty and he deserves our gratitude and respect.

We remember those who have fallen not only as soldiers, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

ARTICLE HONORING CORPORAL KEVIN JOHN ''JACK'' DEMPSEY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. SHAYS. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the following statement by Jennifer Dempsey. Jennifer's brother Jack died bravely serving our nation in Iraq on November 13, 2004.

CORPORAL KEVIN JOHN ''JACK'' DEMPSEY DECEMBER 9, 1980—NOVEMBER 13, 2004—A SON, A BROTHER, A FRIEND

I would just like to say a few words about my brother, Jack. As a young child, Jack was always on the move. From a very young age he was involved in team sports. His nickname was Tiger because of his fearless personality. He excelled in every sport he played because of his natural ability and drive to be the best. As a son and brother he was loving and protective. He has a great love for animals. Our mom took us to every zoo and animal park she could find. Even as a Marine, he showed that love. There was a stray dog at Camp LeJeune that Jack used to feed and take care of.

Jack is loved by many people. He had a great smile and an even greater laugh. He was a sweet kid who always wanted to do something great with his life. My brother was a wonderful man who accomplished many great things. He excelled in the Marines and felt he was truly part of a brotherhood. My mother and I are incredibly proud that he was able to do this for himself and his country. We love him dearly and this loss is tremendous to us. But we are extremely proud of the man he became. He was a sweet soul with the courage of a tiger. My brother Jack made the ultimate sacrifice to protect all of us. Honor him well.

40TH ANNIVERSARY OF PADRON CIGARS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, 2004 marked the 40th anniversary of the founding of Padron Cigars and I rise to honor and congratulate them on this wonderful achievement.

Padron Cigars was founded on September 8, 1964 by the Padron brothers—Jose Orlando and Rodolfo. Throughout the last 40 years, the Padron family has worked to grow their business and continue providing new products to their loyal customers throughout the world.

Of course, the success of Padron Cigars did not come without significant challenges over the years. In fact, their factory in Nicaragua was destroyed as a result of civil war.

Through endless commitment and leadership, Padron Cigars was able to survive and grow, despite the serious challenges they faced.

Today, Padron Cigars continues their commitment to quality through their consistent approach to the lengthy process of manufacturing cigars. In fact, they claim: ''Our primary mission is the exceptional quality of our product, not the quantity produced.''

Headquartered in Miami, Florida, Padron Cigars is clearly an industry leader that has epitomized the success of small family businesses throughout America. The success story of Padron Cigars is nothing short of the American Dream and I ask my colleagues to join me in congratulating the Padron family on this anniversary.

LEGISLATION ON EXCHANGE OF LAND FOR A SCHOOL ON ST. JOHN

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Ms. CHRISTENSEN. Mr. Speaker, I rise today to introduce legislation to address a long held concern of my constituents on the island of St. John, Virgin Islands; the need for the National Park Service and the government of the Virgin Islands to agree on an exchange of land so that residents of St. John can build a school to accommodate students from K–12.

Mr. Speaker, my constituents in the Virgin Islands have been wrestling with this issue for several years now. Since the 1970's, enrollment in public schools on St. John has grown considerably and the local government has no more land on which to expand either of the two current St. John public schools.

Just last month a 7-year-old boy by the name of Javon Alfred was struck and killed by a delivery truck, as he was on his way home from the only public school on St. John. The Julius Sprauve School, where Javon was a second grade student, is located in an urban area with significant vehicular traffic. With the significant increases in population that St. John has witnessed in recent years, the location of the Sprauve School is not the most suitable at the present time.

Mr. Speaker, St. John is an island only 28 square miles in size, two thirds which comprises the Virgin Islands National Park. Without an exchange of land between the National Park Service and the government of the Virgin Islands, there is no place to build a school on St. John. While the residents of St. John have benefited from a boom in tourism on that island, they have had to give up many long held traditions, including the right to fish in local waters. The exchange of land for a school on St. John is a matter that is long overdue. It is high time that this issue be resolved. The residents and students of St. John deserve nothing less.

I urge my colleagues to support passage of this bill.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BACA. Mr. Speaker, I respectfully request that the attached letter, requesting excuse from the floor on January 6, 2005, be published in the CONGRESSIONAL RECORD. I have also submitted the letter to Leader PELOSI's Office.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 6, 2005.

Hon. NANCY PELOSI,
Democratic Leader,
Washington, DC.

DEAR LEADER PELOSI: I respectfully request to be excused from the floor, today, on legislative business.

Were I able to be present on the floor today, I would vote to ensure that the electoral will of the people is respected in every state. If there is any perceived electoral irregularity, those who have been aggrieved must be afforded the opportunity to have their concerns redressed, in the appropriate manner and forum, as expeditiously as possible.

The hallmark of our Democracy—lasting and cherished for over two centuries—is that we respect and abide by Constitutional principles. The right of franchise, purchased with the blood and toil of our civil rights leaders, must not be idly relinquished. We must fight to make all voices heard in that noble and great enterprise that is America.

Thank you for your consideration of this matter.

Sincerely,

JOE BACA,
Congressman.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BARROW. Mr. Speaker, on rollcall No. 3, I was unable to cast my vote on January 3, 2005. The pager provided to me by House Administration, to notify me of votes, was defective. Consequently, I did not receive the announcement that the vote was taking place in time to cast my vote on the House Floor. Had I been present, I would have voted "nay."

ABUSES IN PEDIATRIC HIV DRUG TRIALS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. RANGEL. Mr. Speaker, a November 30, 2004 report by the BBC shed light on a disturbing issue regarding an often-overlooked population. The report detailed what it argued was the excessive, and potentially illegal, use of experimental drugs on HIV positive orphans and foster children under the supervision of New York City's Administration of Children's Services.

The report argues that these children, the majority of whom come from minority backgrounds, were forced to take experimental HIV medications, which caused painful and debilitating side effects. It further alleges that the drugs were given without the consent of the children's relatives or guardians. Those guardians who became aware of the drug regime were forced to consent, or risk losing the children to child welfare authorities.

Standards for the administration of drug trials on children should be followed at all times. The fact that these children are wards of the state does not preclude accepted standards and regulations from being followed.

The accusations in the BBC report are indeed troubling, and necessitate a fuller examination by governmental authorities. As such, I find it appropriate for the Congress to look into the excessive use of experimental drug therapies on children, especially the most vulnerable. It is my hope that such an examination would commence as soon as possible after the start of the 109th Congress.

The greatest blessing afforded to a nation is the health and well being of its children. We must ensure that these blessing extend to all children, especially those without homes and families of their own. On this point I know my colleagues are in agreement, so I am confident that action will be taken on this important issue.

[From the BBC NEWS, Nov. 30, 2005]

NEW YORK'S HIV EXPERIMENT

(BY JAMIE DORAN)

HIV positive children and their loved ones have few rights if they choose to battle with social work authorities in New York City.

Jacklyn Hoerger's job was to treat children with HIV at a New York children's home.

But nobody had told her that the drugs she was administering were experimental and highly toxic.

''We were told that if they were vomiting, if they lost their ability to walk, if they were having diarrhea, if they were dying, then all of this was because of their HIV infection.''

In fact it was the drugs that were making the children ill and the children had been enrolled on the secret trials without their relatives' or guardians' knowledge.

As Jacklyn would later discover, those who tried to take the children off the drugs risked losing them into care.

The BBC asked the Alliance for Human Research Protection about their view on the drug trials.

Spokesperson Vera Sherav said: ''They tested these highly experimental drugs. Why didn't they provide the children with the current best treatment? That's the question we have.

''Why did they expose them to risk and pain, when they were helpless?

''Would they have done those experiments with their own children? I doubt it.''

POWER AND AUTHORITY

When I first heard the story of the ''guinea pig kids'', I instinctively refused to believe that it could be happening in any civilised country, particularly the United States, where the propensity for legal action normally ensures a high level of protection.

But that, as I was to discover, was central to the choice of location and subjects, because to be free in New York City, you need money.

Over 23,000 of the city's children are either in foster care or independent homes run mostly by religious organisations on behalf of the local authorities and almost 99% are black or hispanic.

Some of these kids come from ''crack'' mothers and have been infected with the HIV virus. For over a decade, this became the target group for experimentation involving cocktails of toxic drugs.

Central to this story is the city's child welfare department, the Administration for Children's Services (ACS).

The ACS, as it is known, was granted far-reaching powers in the 1990s by then-Republican Mayor Rudi Giuliani, after a particularly horrific child killing.

Within the shortest of periods, literally thousands of children were being rounded up and placed in foster care.

''They're essentially out of control,'' said family lawyer David Lansner. ''I've had many ACS case workers tell me: 'We're ACS, we can do whatever we want' and they usually get away with it.''

Having taken children into care, the ACS was now, effectively, their parent and could do just about anything it wished with them.

'SERIOUS SIDE-EFFECTS'

One of the homes to which HIV positive children were taken was the Incarnation Children's Center, a large, expensively refurbished red-bricked building set back from the sidewalk in a busy Harlem street.

It is owned by the Catholic church and when we attempted to talk to officials at Incarnation we were referred to an equally expensive Manhattan public relations company, which then refused to comment on activities within the home.

Hardly surprising, when we already knew that highly controversial and secretive drug experiments had been conducted on orphans and foster children as young as three months old.

We asked Dr. David Rasnick, visiting scholar at the University of Berkeley, for his opinion on some of the experiments.

He said: ''We're talking about serious, serious side-effects. These children are going to be absolutely miserable. They're going to have cramps, diarrhea and their joints are going to swell up. They're, going to roll around the ground and you can't touch them.''

He went on to describe some of the drugs—supplied by major drug manufacturers including Glaxo SmithKline—as ''lethal''.

When approached by the BBC, Glaxo SmithKline said such trials must have stringent standards and be conducted strictly in accordance with local regulations.

BATTLE OF WILLS

At Incarnation, if a child refused to take the medicines offered, he or she was force-fed through a peg-tube inserted into the stomach.

Critics of the trials say children should have been volunteered to test drugs by their parents.

When Jacklyn Hoerger later fostered two children from the home where she used to work with a view to adopting them, she discovered just how powerful the ACS was.

''It was a Saturday morning and they had come a few times unannounced,'' she said. ''So when I opened the door I invited them in and they said that this wasn't a happy visit. At that point they told me that they were taking the children away. I was in shock.''

Jacklyn, a trained paediatric nurse, had taken the fatal step of taking the children off the drugs, which had resulted in an immediate boost to their health and happiness.

As a result she was branded a child abuser in court. She has not been allowed to see the children since.

In the film Guinea Pig Kids, we follow Jacklyn's story and that of other parents or guardians who fear for the lives of their loved ones.

We talk to a child who spent years on drugs programmes which made them and their friends ill, and we discover that Incarnation is not an isolated case. The experiments continue to be carried out on the poor children of New York City.

TRIBUTE TO MS. THELMA STINSON, PRINCIPAL OF LILLIE C. EVANS ELEMENTARY SCHOOL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay this tribute to Ms. Thelma Stinson, Principal of Lillie C. Evans Elementary School located in Miami's Liberty City area of my district. This honor is richly deserved, for Ms. Stinson has truly made a huge contribution to our community and a huge difference in the lives of hundreds of youngsters.

Upon the leadership of Ms. Stinson, Lillie C. Evans Elementary School proudly rose from an F-graded school in 2001–2002 to an A-graded school in 2003–2004. She took the helm of this school in 1999, and through personal touch and professional acumen defined by a no-nonsense approach, Ms. Stinson was able to put together a marvelous staff and a well-motivated support system composed of paraprofessionals, parents and community leaders. At the same time, however, I am cognizant of the countless hours of meeting and lesson planning that have exacted nothing but the noblest of her efforts.

I want to applaud Ms. Stinson for having proven to us that, regardless of background or

socio-economic class, every child can learn and can succeed, given dedicated teachers, able and supportive administrators, and a manageable class-size that affords teachers the opportunity to devote more time to diagnose each student's individual learning needs and problems and, thereby, enable them to teach each child accordingly.

I believe strongly in solid classroom management . . . if the class is not under control, the teacher cannot teach,'' was her honest answer when asked recently about her secret of success.

Above all, however, I am particularly pleased that Ms. Stinson seized the challenge of putting an inner-city school in my district in the highest ranking of achievement in the Miami-Dade County Public Schools, the fourth largest school system in the nation. While teaching and learning continue within the halls of Lillie C. Evans Elementary School under the auspices of its dedicated and highly motivated faculty, Ms. Stinson has reached out to the community by ensuring that the parents are also schooled in the basic skills of reading, math and the sciences through regular sessions at night. Simply put, Ms. Stinson has literally bridged the gap between her school and her students' homes, making parental involvement an essential part of the teaching and learning process.

In spite of the odds, Ms. Stinson has truly demonstrated to all those called upon by public service that excellence and achievement are never beyond the reach of those willing to make the sacrifice and dare the impossible on behalf of tomorrow's leaders. This recognition truly honors her leadership and defines the nobility of her profession as an educator. I extend to her my heartfelt gratitude for a job superbly done and wish her all the best in her future endeavors.

RECOGNIZING BRETT AGEE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brett Agee of Liberty, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Brett has been very active with his troop, participating in many scout activities. Over the years that Brett has been involved with scouting, he has held numerous leadership positions, serving as Assistant Patrol Leader, Patrol Leader on two occasions, Librarian, Quartermaster, Chaplain Aide, Senior Patrol Leader, Troop Guide, and Instructor. Brett has earned 31 merit badges, the 12 Month Camper Award, the 100 Nights Camper Award, and the religious award: Ad Altare Dei. Brett is an Ordeal Member of the Order of the Arrow and a Firebuilder in the Tribe of Mic-O-Say. His Tribal Name is Swift White Tail Buck Standing in Clover.

For his Eagle Scout project, Brett led a group of Boy Scouts that built room dividers for use at the Earnest Shepherd Youth Center in Liberty.

Mr. Speaker, I ask you to join me in commending Brett Agee for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING KYLER PAUL MARES

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. MUSGRAVE. Mr. Speaker, today I rise to honor the memory of Kyler Paul Mares. He was born on December 27, 1995 to Greg and Verna Mares of Brush, Colorado.

The Mares had three children before Kyler was born: Jessica in 1989, Krista in 1991, and Gregory in 1994. Later, his parents would come to realize that Kyler was truly, ''Heaven's Very Special Child.''

Soon after Kyler's birth, his parents were told he needed to be tested to determine if his small head size was normal. It was determined to be abnormal and after more tests it was evident that Kyler had Cerebral Palsy.

As Kyler got older and bigger his parents were told he had an extreme case of Cerebral Palsy. It was difficult for his family as they came to realize that he would never communicate or be able to walk like a normal child. As he grew, they saw him endure many needles, many surgeries, and multiple broken bones.

But through all of this pain, Kyler was a happy baby; he never fussed and gave big smiles to his mommy, daddy, sisters and brothers.

Kyler's parents surrounded him with love and care and rose to the enormous challenges of raising a child with severe disabilities, and three other children.

His parents both worked full time to make ends meet and to provide health insurance for their family. His mother worked nights because they had no one to care for Kyler during the day. His parents never chose to put him in an institution even though it would have been much easier on them financially.

On the evening of September 1, 2004 Kyler's precious life ended. He was loved and adored by his family and they were told after his death and autopsy he should have only lived one day, instead he lived 8 and a half years.

They cherish those years and know that Kyler enriched their lives in so many ways. In God's infinite wisdom, he chose this special child for the Mares family.

They would be the first to say that they would not trade the experience for anything and they cherish every moment they had with Kyler. He was blessed to be born into this family and they were blessed to have him for 8½ years.

Sometimes things in life would not be chosen by us, but God who always knows best gives us a beautiful gift that would have been passed over. Kyler Paul Mares was a beautiful gift from God and he will forever live in the hearts of his family and friends.

We remember Kyler today and acknowledge that all children are precious and that scripture reveals to us that Jesus said, ''If you've done it to the least of these, you've done it unto me.''

Kyler was truly one of ''the least of these.'' He will never be forgotten.

RECOGNIZING PATRICK NOVAK FOR BEING HONORED WITH THE CONGRESSIONAL AWARD GOLD MEDAL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Patrick Novak of Carbondale, Illinois, for receiving the Congressional Gold Medal.

The Congressional Award Program, established in 1979, recognizes initiative, achievement and service in young people. It began as a bipartisan effort in both the United States Senate and the House of Representatives. The program recognizes community service, achievement, and personal development. The Award builds confidence and self-esteem in countless young people as they grow into productive citizens in all walks of life. The program is considered America's award for the youth of our country.

The Congressional Award Gold Medal has been presented to Patrick for his service to others. He earned the Gold Medal while serving active duty in the United States Air Force. While stationed at Kadena Air Force Base, Japan, Patrick volunteered with the 18th Services Squadron. His work in the squadron as an ''Ambassador'' allowed Patrick to raise funds for Okinawa's Misata Children's Home. I applaud his hard work and dedication.

Mr. Speaker, I ask my colleagues to join me in recognizing the contributions of Patrick Novak who has received the Congressional Award Gold Medal. The outstanding work done by this dedicated young man has been truly influential in not only his community but to the people of Okinawa, Japan and I congratulate him as he is recognized among the Nation's most outstanding young people.

RECOGNIZING JUMBO'S RESTAURANT IN MIAMI, FLORIDA ON ITS 50TH ANNIVERSARY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise proudly to pay this tribute to Jumbo's Restaurant, a legendary business establishment in Miami's Liberty City community. On Saturday, January 8, 2005, it will celebrate its Golden Anniversary.

This place is more than just a restaurant located along the corridor of Seventh Avenue by 75th St. in Miami. It has been and continues to be the ''gathering place'' where both celebrities and ordinary folks come and congregate—and partake of the sumptuous meals that this storied establishment serves its faithful clientele. Since its inception 50 years ago, Jumbo's Restaurant has provided the magnificent backdrop of the struggles and triumphs of an inner-city trying to rise from the ashes of

near despondency on one hand and the elusive promise of prosperity on the other, as envisioned by its original owner, Mr. Isadore Flam, who bought it five decades ago.

Amidst the riots, white flight and economic turmoil, its management, cooks and waiters have continued to serve mouth-watering breaded fried shrimp, fried chicken and other familiar Afrocentric and Caribbean menus. The ambiance has virtually remained the same after all those years of socio-economic upturn and downturn. Current owner, 59-year-old Robert ''Bobby'' Flam, is gutsy enough to hold the line and continues to work hard to keep up the tradition that is uniquely Jumbo's.

To talk about Jumbo's really is to talk about the struggles of Miami's Black community as it faced the challenges of the civil rights era of segregation and disenfranchisement. Its story is as graphic as downright nostalgic, for it defined the character of a people in search of its identity as the promise of equality of opportunity and equal treatment under the law flickered—only to stumble and rise yet again amidst the changing of the times. Even to this very day, it is at Jumbo's that normal folk would forge a community of interest where the dignity of our fellow human beings was animatedly discussed.

Indeed, I am fascinated by the longevity of Jumbo's Restaurant because it tells our story of dogged determination. As we internalize the meaning of its Golden Anniversary this Saturday, we should be enthralled by its perseverance for it is symbolic of our own character of resilience and optimism. This establishment has certainly made us proud, and I want to express the utmost appreciation of a grateful people. Its presence among us evokes yet one more genuine measure of the Flam family's enduring legacy to a community that became the beneficiary of their love and caring.

RECOGNIZING JONATHAN KLAMM FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GRAVES. Mr. Speaker, I, proudly pause to recognize Jonathan Klamm of Liberty, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many Scout activities. Over the years that Jonathan has been involved with Scouting, he has held numerous leadership positions, serving as Patrol Leader on five occasions, Quartermaster on four occasions, Den Chief, Troop Guide, and Instructor. Jonathan has earned 32 merit badges, the 12 Month Camper Award, the 100 Nights Camper Award, the World Conservation Award, the BSA 50 Miler, and the Religious Award: the Ad Altare Dei. He is an Ordeal Member of the Order of the Arrow, and a Firebuilder in the Tribe of Mic-O-Say. His Tribal Name is Curious Golden Squirrel, and his blood brother is Cameron Brenton.

Jonathan's Eagle Scout Project consisted of leading a group of Scouts and Scouters to make improvements at the Earnest Shepherd Youth Center in Liberty.

In addition to these outstanding achievements, I am also proud to recognize Jonathan's work towards my election to the 109th meeting of this most honorable Congress.

Mr. Speaker, I ask you to join me in commending Jonathan Klamm for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING STUART VANMEVEREN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor one the greatest men of jurisprudence in Colorado, Stuart ''Stu'' VanMeveren, who is stepping down from 32 years as District Attorney for the State's Eight Judicial District.

I have known Stu for many years. Since we have both been very active in the Republican Party, we have come to know each other quite well. I know we think alike on the issues of our time. We reside in neighboring communities located to the north of Denver. Stu's residence in Fort Collins is within my congressional district.

Stu is one of the most capable, effective, popular, and respected elected district attorneys in our State and the Nation. He was first elected district attorney in the Eight Judicial District of Colorado in 1972. Since then he has been re-elected to seven consecutive 4-year terms of office. His eighth term of office concludes on January 11, 2005, because an amendment to the Colorado Constitution has imposed term limits on elected state and local officials.

Stu's peers have recognized his abilities and effectiveness by electing him to local, State, and national office. His local bar association of more than 350 attorneys has elected Stu as their president. His fellow elected district attorneys have twice elected him President of the Colorado District Attorneys Council.

In 1999 Stu was clearly recognized nationally when he was elected President of the National District Attorneys Association. The National District Attorneys Association is the voice of America's prosecutors and has a membership of more than 8,000 attorneys. Stu has served on the board of directors of that organization, a group of the leading prosecutors from each state in our nation, since 1977. Stu has been elected or appointed to many other local, State, and national committees and organizations.

Stu is a very innovative prosecutor. Shortly after he was first elected district attorney in 1972, he formed one of the first full time victim/witness units contained within a prosecutors office. He was also instrumental in forming a very effective youth mentoring program, Larimer County Partners, 25 years ago.

More recently, in 1999, he took the initiative in creating the first Juvenile Drug Court in Colorado and one of the first in the Nation. A successful adult Drug Court followed this and, with his help, Colorado State University has the only Campus Drug Court in the country. Stu has the innate ability to make effective modifications, realign priorities, and adjust limited resources as the issues involving his office and the criminal justice system change.

Representative Bob Schaffer, my predecessor here in Congress, recently remarked, ''As holder of an elected post, Stu's dedication to the Republican principles of public safety and individual liberty have been effectively communicated and represented in a way that has consistently earned him overwhelming bipartisan support each time his name has appeared on a ballot and he is a tireless public servant whose commitment to justice is exemplary.''

Stu is a man of high character and integrity. He is a modest man with a very high degree of common sense. He is highly respected throughout his community and the state of Colorado.

It is for these reasons and many more Stu deserves the very highest praise and deep appreciation not only from me and the residents of Colorado, but also from this esteemed body.

EXPRESSING CONDOLENCES AND SUPPORT FOR ASSISTANCE TO VICTIMS OF EARTHQUAKE AND TSUNAMIS THAT OCCURRED ON DECEMBER 26, 2004, IN SOUTH AND SOUTHEAST ASIA

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. DELAURO. Mr. Speaker, I rise with the heaviest of hearts. For the past week, our thoughts and prayers have been with the victims and survivors of the tsunami in the Indian Ocean. From Malaysia to East Africa, the death toll has climbed to a staggering 150,000, with tens of thousands still missing. At least 5 million people are displaced from their homes and many face the risk of diseases such as cholera, typhoid, hepatitis, E. coli, and salmonella in the very near term. It is a natural disaster of Biblical proportions.

As such, the community of nations is coming together to assist the recovery efforts. Governments from around the world have already offered more than $2 billion in aid to countries hit by the disaster. Private citizens are also doing their part—since the tsunami struck, donations from Americans have poured in to relief organizations, with more to come. Just yesterday, President Bush announced that former Presidents Bush and Clinton would head an effort to encourage more American citizens and businesses to donate to non-government and international organizations working to provide immediate relief and to help with long-term reconstruction in the affected areas.

Our participation tells the world that we understand the gravity of this situation—as Americans and as humanitarians alike. With destruction so complete—so terrifyingly final—in many of these areas, our leadership shows them that we understand, the nature of our role in this relief effort—and that our commitment will be long-term. Just as the nations of the world came to our side after the tragedy of September 11, so, too, is it our moral duty

to help these nations in their time of desperate need.

And so today, overwhelmed with emotion regarding the disaster, we extend our helping hand and express our deepest sympathies to the people of these nations, who have lost more than words can ever say. They are in our thoughts and prayers.

CONGRATULATING BARRY ADAMS ON HIS RETIREMENT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. STEARNS. Mr. Speaker, I rise today to congratulate and offer my best wishes to a person who truly exemplified a true civil servant. After 38 years in government service, Barry Adams, a good friend and constituent of mine, retired on December 16, 2004.

Straight out of high school, Barry began his career at the Naval Aviation depot in Jacksonville as an equipment cleaner helper. Barely a year later, he answered his Nation's call and served in the Army in both Korea and Panama. After his military service, Barry returned to the depot and over the years became a stalwart advocate for the depot's mission and its employees.

Very few people worked as hard or represented their fellow civil servants as well as Barry Adams. I have had the honor of working with Barry over the years on issues affecting the employees of NAVAIR Depot in Jacksonville, Florida, with many of them living in my Congressional district. As President of the Jacksonville Naval Air Station Association, Barry ably represented his fellow employees before Congress and the Executive Branch, consistently fighting for better pay, additional workload for the depot, and better personnel policies. He fought hard to ensure that the Depot did not fall prey to the BRAC process. He understood the value of what the Depot and its employees had to offer our forces.

No matter what subject matter was discussed, Barry made sure that the ultimate reason behind his advocacy was the Depot's mission to serve the warfighter. He made sure that Members of Congress understood that the employees at NAVAIR Depot were dedicated to serving the needs of the Fleet and other services and that each and every person was proud to be a part of that mission.

NAVAIR Depot is losing a dedicated advocate, however, Barry's efforts have paid dividends and the employees and the Navy should be thankful for his service. I wish Barry the best in his retirement.

TRIBUTE TO THE HONORABLE CAROLYN H. WILLIAMS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the Honorable Carolyn H. Williams, Judge of Probate for the Kalamazoo County 9th Circuit Court, who is approaching the end of a long and distinguished career of public service. A dedicated and committed individual, Judge Williams has served the communities and families of Southwest Michigan for the last 18 years. Through her leadership and enthusiasm to her profession, Judge Williams has helped to make our corner of Michigan an even better and safer place to live and grow.

Judge Williams has long been known for her ability to motivate and inspire young people who for some reason or another end in her court. Her evenhandedness and dedication to fairness have followed her throughout her career. No matter how difficult a case may be, Judge Williams always presents a voice of calm and this ability shines through to the individuals before her.

Judge Williams has been involved in many facets of our local and state community. Over the years she has served as Co-Chair of Kalamazoo Healthy Futures Initiative, President of Michigan Probate Judges Association, Chair of Kalamazoo Children and Family Consortium, and Greater Kalamazoo United Way Board of Directors. She has also received many accolades including, YWCA Woman of Achievement, Kalamazoo Rotary Red Rose Citation, and Glass Ceiling Award of Greater Kalamazoo Network.

Our community is forever in her debt. There is no question that Judge William's passion for the law and betterment of society will be greatly missed. Her contributions to the improvement to our way of life have been immense. I wish Judge Williams and her family all the best in retirement. Although she is leaving the Court, there is no doubt that her life's work of helping and assisting children and families will continue.

On a personal note, I have known Judge Williams and her family for many years. There's never been a time that I haven't been impressed with her style and grace as she has looked to follow the law in making our community a better place. Her legal peers know, they have to be prepared as they enter her courtroom. She is deeply respected by all.

EXPRESSING CONDOLENCES AND SUPPORT FOR ASSISTANCE TO VICTIMS OF EARTHQUAKE AND TSUNAMIS THAT OCCURRED ON DECEMBER 26, 2004, IN SOUTH AND SOUTHEAST ASIA

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. LEE. Mr. Speaker, I rise to join my colleagues and all Americans to express my deepest sympathy for the victims and the displaced families affected by the earthquake and resulting tsunami in southern Asia on December 26, 2004.

While the tidal wave wreaked a path of destruction that was felt from Indonesia all the way to eastern Africa, the devastation rippled all the way around the world, including my district in San Francisco's East Bay area. As one of the most ethnically diverse districts in the nation, hundreds of my constituents have family and friends in affected regions of India, Sri Lanka, Thailand, and Indonesia. My thoughts and prayers go out to them, also.

Mr. Speaker, to date, it is estimated that over 140,000 children, women, and men perished in this terrible natural disaster. I am heartened by the outpouring of international aid in the wake of the disaster—including the $350 million pledged by President Bush on behalf of the American people. We must do everything in our power to ensure that emergency aid and supplies to the estimated 3 to 5 million displaced survivors reach all those in need. But in the coming months, when reports of the tragic disaster begin to recede from the headlines of the world's newspapers, we must make sure that development aid to the region continues to support the reconstruction effort.

Our efforts today will ensure that the generation of children who lost a parent or guardian or were left orphaned will grow up in a world where it is important to help your neighbor. It is important to care.

IN HONOR OF RODNEY GILSEN KENNEDY-MINOTT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Rodney Gilsen Kennedy-Minott, who passed away December 15th at the age of 76. Rodney's lifelong dedication to academia, activism and public service will forever remind us of the importance of courage and dedication, even in trying times.

Born in Portland, Oregon, Rodney moved to Massachusetts in his teenage years. Though college bound, the lure of military service led him to enlist after high school, serving in the US Army occupation force in Japan. After his time in the service, he set out to finish his education at Stanford University, eventually earning his B.A., M.A. and Ph.D. In 1965, he moved back to his native Portland, where he taught as an Associate Professor and worked as a staffer for former Congresswoman Edith Green. Two years later, he moved to California State University at Hayward where he became the Associate Dean of Instruction, a Professor of History and Head of the Humanities Department.

Rodney's keen interest in politics led him to early support for President Jimmy Carter's campaign in 1974. He was later lauded as an impressive character for standing up to the Army Corps of Engineers and Federal bureaucracy on behalf of the campaign and became quite close to the President.

Rodney went on to serve as the Ambassador to Sweden from 1977 to 1980, judged "the most effective and successful US Ambassador to Sweden in more than twenty years" by Nobel Prize winners Gunnar and Alva Myrdal. In 1993, he was selected by the US Navy to implement an interdisciplinary curriculum to educate naval officers at the Naval Postgraduate School about environmental issues. Rodney also developed a program to train naval officers to be diplomatic staff at US embassies.

Throughout his life, Rodney remained an active member of the community. He was a past board member of the West Coast Region of the Institute of International Education and the University of San Francisco's Pacific Basin Studies Program, an Associate Fellow of the

Institute for the Study of Diplomacy at Georgetown University, a member of the World Affairs Council Monterey, the Monterey Bay Chapter of the Organization of American Historians, the International Institute of Strategic Studies, and the American Foreign Service Association.

Mr. Speaker, I wish to remember Rodney for his honorable career and his contribution to our society. Rodney consistently went above and beyond the roles bestowed upon him, and has left a legacy of leadership and activism. Our thoughts go out to his three children, Katharine, Rodney Jr., and Polly. While he will be sorely missed, his life will continue to inspire those he touched.

ON RENEWING PUBLIC TRUST IN AMERICAN ELECTIONS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. SABO. Mr. Speaker, the right to vote is the most fundamental of American democratic values. However, for the second Presidential election in a row, there were disturbing reports in 2004 of voter intimidation, disenfranchisement, machine error, and fraud. If we truly value the right to vote, we must do more to restore public trust in the integrity of our election process.

We must eliminate cumbersome pre-registration requirements. The State of Minnesota has allowed same-day voter registration since 1974, and is a national leader in voter participation. In 2004, 77.7 percent of eligible Minnesotans voted; 20.6 percent (581,904) of those voters registered on Election Day.

Clearly, same day voter registration has greatly contributed to consistently high voter turnout in Minnesota. I believe this law has also encouraged new voters, especially young people, to turn out in higher numbers.

Unfortunately, many states have pre-registration requirements of up to 30 days. It is unknown how many Americans have been prevented from exercising their Constitutional right to vote because of these cumbersome requirements.

As in the 108th Congress, I will soon introduce simple, straightforward legislation to ensure that every eligible citizen may register and vote in federal elections on Election Day. I hope my colleagues will join me in advancing this legislation.

We must also require a voter-verified paper record of every vote cast. Despite clear warning signs that electronic voting machines are unreliable, no action was taken by the last Congress on legislation to require a paper trail for all ballots. Public trust in the integrity of our ballots is crucial to restoring confidence in the entire system. We must take action on these issues during the 109th Congress.

The free and fair election of our nation's leaders is the hallmark of our democracy, and it is an international symbol of freedom to which other nations aspire. We must promote participation and establish voting safeguards so that future elections in our great country are above reproach. There is much work to do.

INTRODUCTION OF H.R. 24, THE ''PRESERVATION AND RESTORATION OF ORPHAN WORKS FOR USE IN SCHOLARSHIP AND EDUCATION (PRO USE) ACT OF 2005''

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BERMAN. Mr. Speaker, on January 4, I joined the distinguished gentleman from Michigan, Representative JOHN CONYERS, and the distinguished gentlelady from California, Ms. LOFGREN, in introducing H.R. 24, the ''Preservation and Restoration of Orphan Works for Use in Scholarship and Education (PRO USE) Act of 2005.'' The PRO USE Act will benefit libraries, archives, schools and other users of copyrighted works. It will do so by facilitating the preservation, use, and dissemination of orphaned works.

Though a technical amendment, Title I of the PRO USE Act makes a important change in the Copyright Act. The Sonny Bono Copyright Term Extension Act (SBCTEA) enacted section 108(h) of the Copyright Act to ensure that copyright term extension would not adversely impact the preservation, scholarly, and research work of libraries, archives, and nonprofit educational institutions. Section 108(h) permits such entities to reproduce, distribute, display and perform copyrighted works during the extended copyright term if the work is not subject to commercial exploitation and is not available at a reasonable price.

Unfortunately, due to a drafting oversight, the SBCTEA did not amend section 108(i). As a result, section 108(h) cannot fully achieve its intended objective. Section 108(i) in effect renders 108(h) partially meaningless by excluding musical, pictorial, graphic and sculptural works, as well as motion pictures and other audiovisual works, from the scope of 108(h). In other words, section 108(i) prevents archives from preserving and performing an orphan film in its last 20 years of copyright term.

The PRO USE Act will correct this oversight, and thus enable libraries and archives to reproduce, distribute, perform, and display all orphan works in the course of their preservation, scholarly, and research activities.

Title II of the PRO USE Act will also facilitate the preservation of, and scholarship related to, orphaned motion pictures.

Title II reauthorizes the National Film Preservation Board (NFPB) and the National Film Preservation Foundation (NFPF) for 10 years. The NFPF is an independent, nonprofit organization established in 1996 with bipartisan congressional support to help save America's film heritage. The NFPF is the charitable affiliate of the NFPB of the Library of Congress, which was also established in 1996.

This legislation also increases the authorized appropriations for the NFPF from $530,000 in fiscal year 2005 and 2006 up to $1,000,000 in fiscal years 2007 through 2915. It authorizes additional appropriations not to exceed $1,000,000 for cooperative film preservation and access initiatives by the NFPF for each of the fiscal years 2006 through 2015. All authorized appropriations are only to be made available to match private contributions to the NFPF.

The excellent work and strong track record of the NFPB and NFPF justify both the reauthorization and increased authorization of appropriations provided by this bill. Working with archives and others in the film preservation community, the NFPF supports activities that save films for future generations, improve film access for education and exhibition, and increase public commitment to preserving film as a cultural resource, art form, and historical record. In essence, its mission is to save America's "orphan films"—newsreels, silent films, documentaries, avant-garde works, and other independent films that are not preserved by commercial interests.

Since its inception, the NFPF has done great work in furtherance of this goal. Working with more than 80 organizations, it has helped preserve approximately 600 films and collections. Through its preservation efforts, the NFPF has made it possible for organizations in 34 States and the District of Columbia to use these films in education and research. Many of the films preserved provide unique windows into American history and culture. For instance, films preserved through NFPF efforts include social dramas from Thomas Edison's studio, the earliest "talkie" of an American president, and home movies clandestinely shot by Japanese Americans in World War 11 detention camps.

With authorization for the NFPB and NFPF having expired on September 30, 2003, congressional reauthorization is long overdue. Reauthorization not only provides these organizations with important recognition, but is also critical to their ability to attract the private donations that provide a great majority of their funds. Failure to reauthorize will hamper the critical work of the NFPB and NFPF.

Over 50 percent of the films made before 1950 have disintegrated, and only 10 percent of the movies produced in the United States before 1929 still exist. We must act to stem further losses of this rich cultural heritage. No art form is more uniquely American than film, but unfortunately, few art forms are more susceptible to degradation through passage of time and poor preservation.

I hope that all parties interested in preservation and expansion of the public domain, whether for research, education, or further commercial exploitation, join Representative CONYERS, Representative LOFGREN, and myself in pressing for passage of the PRO–USE Act. This bill will provide real, tangible help to those interested in preserving orphaned works and enhancing the public domain. The failure of the 108th Congress to pass the same legislation shows it will not be easy to pass. Thus, we need all champions of the public domain to devote their efforts to the passage of this legislation. While working to pass this targeted legislation may not seem as intellectually stimulating as debating radical copyright revisions or arguing novel legal theories before the courts, it will provide real, tangible benefits.

THANKING THE GOVERNMENT AND PEOPLE OF EQUATORIAL GUINEA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BURTON of Indiana. Mr. Speaker, We have all seen the horrific images, and read the news reports about the tsunami that devastated South and Southeast Asia; and they

speak volumes about the great burden this natural disaster has placed on the people of at least eleven nations. During this difficult period, I know that all Americans stand in support of the nations and people affected by this unfortunate series of events, and stand united in our determination to assist these people in rebuilding their shattered lives. President Bush has pledged the support of the United States government, and our federal agencies and military personnel are doing everything possible to be of the utmost assistance, and fulfill that pledge. Likewise the American people are responding with overwhelming charity and generosity.

Indeed, this horrible catastrophe has created a virtual global army of compassion, and I rise today to recognize and applaud the leadership and generosity of a small portion of that army, namely the country of Equatorial Guinea, for their generous donation of $200,000 toward the Tsunami Relief Efforts.

The government of Equatorial Guinea has faced many challenges in restoring order to a country that has been ravaged and neglected for decades. While the country still faces many struggles, such as rebuilding the country's schools, hospitals and infrastructure, Equatorial Guinea is the first African country to make a financial donation to the Tsunami relief effort.

I am pleased to see President Teodoro Obiang Nguema's humanitarian spirit which has served the people of Equatorial Guinea so well, has spilled over to aid the many thousands in need in Southeastern Asia. I fervently hope that Equatorial Guinea's neighboring countries will soon follow the example set by President Nguema and offer any assistance possible to those who have been affected so greatly by this tragedy.

HONORING MR. EDWARD FAUTH, JR.

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. REYNOLDS. Mr. Speaker. It is with great pleasure that I rise to pay tribute to Mr. Edward Fauth, Jr., of Corfu, New York, for his fifty years of active service as a volunteer firefighter.

For the past fifty years, Edward Fauth, Jr., has served the Corfu community as a member of the Corfu Rescue Hook & Ladder Company. During that time with the company, he has played a vital role in community safety, holding a number of different positions including Chief, Assistant Chief, Second Assistant Chief, Trustee and Vice President.

Anytime a citizen volunteers his or her time for the betterment of the community, it is commendable. For one man to have given fifty years as a volunteer firefighter is nothing short of remarkable. His commitment to his fellow citizens and dedication to his community truly exemplify the ideals of public service. Through his dedication, Edward has made a considerable and lasting contribution to our community, and for that he deserves our deepest gratitude.

Mr. Speaker, I ask that this Congress join me in honoring Mr. Edward Fauth, Jr., of Corfu, New York, and thank him for his fifty years of active service as a volunteer firefighter.

HONORING CONGRESSWOMAN SHIRLEY CHISHOLM

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. CUMMINGS. Mr. Speaker, "Just wait, there may be some fireworks." These words were spoken by Ms. Shirley Chisholm after she was elected the first black woman to serve in Congress. And, Mr. Speaker, there were fireworks.

As a founding member, Shirley Chisholm made the Congressional Black Caucus the "Conscience of the Congress." Throughout her career, she was an advocate for the unemployed, for low-wage workers, for women, children, and people of color. The daughter of a laborer and a domestic worker, Shirley Chisholm won awards for her debating skills at Brooklyn College and went on to receive her masters in education at Columbia University. When she came to the House in 1968, she became a teacher to us all.

And Mr. Speaker, there were fireworks. Shirley Chisholm carried the double burden of being black and being a woman. She was no stranger to resistance, but when Shirley wanted something done for her constituency or for her country, nothing could stand in her way. She called herself "unbossed and unbought," and she was. From the moment she entered the Congress, she worked to make it a more fair and equal body. She said, "Our representative democracy is not working, because the Congress that is supposed to represent the voters does not respond to their needs. I believe the chief reason for this is that it is ruled by a small group of old men." Shirley did not rest until she got the committee assignments she wanted and the respect she deserved. Mr. Speaker, there were fireworks.

Shirley Chisholm made history, twice: as the first black woman in Congress, and then as the first African American to run for President in 1972. She said, "I am an historical person at this point, and I'm very much aware of it." When asked of her legacy, Shirley said, "I'd like them to say that Shirley Chisholm had guts." Mr. Speaker, we will say that and we will say more. Shirley Chisholm had spunk and spitfire, she had commitment and courage, she had wit and wisdom—she was an inspiration to us all.

As we move forward into this new Congress, let us learn from our great teacher Shirley Chisholm. Let us remember her courage to be independent, to speak her mind, and to fight for the under-represented in this country. Let us remember that she cared not what the Congress was, but what it could and should be. Let us remember her sense of historical purpose and find our own. Mr. Speaker, in the name of justice, equality, and fairness—in the memory of Shirley Chisholm—let there be fireworks.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SHERMAN. Mr. Speaker, I rise to remember my colleague and friend, BOB MATSUI. Both California and America have lost a respected leader and more importantly, a good man who was committed to his constituents, his family and his nation.

BOB was a dedicated public servant who worked tirelessly on the behalf of his constituents. He always fought for America's children, to create economic justice, and to protect Social Security. His work, accomplishments, and life are an inspiration to all Americans.

I have been honored to serve with and know BOB. Even in a partisan. and closely divided Congress, BOB always brought civility and intellect to policy debates. He was an example for all who seek to advance the best public policy.

I know that his colleagues and his constituents will not soon forget BOB—his untimely passing leaves an emptiness in everyone who knew and loved him.

Mr. Speaker, I hope you will join with me in sending our sincerest condolences to his family. I hope that his wife, Doris, and his family can find peace in this difficult time.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to celebrate the life and the contributions of my good friend and colleague, the Congressman from California, BOB MATSUI, who passed away last Saturday.

During his 26 years of service here in Congress, Mr. MATSUI was a great leader in the House of Representatives, introducing legislation on issues such as welfare reform, health care, tax issues and the environment. His thorough knowledge of the Social Security system made him a strong advocate against proposed reforms that would negatively impact America's elderly population.

Mr. Speaker, I know I speak for many of my colleagues when I say I will miss the Congressman from California deeply. When I started here over 16 years ago, Mr. MATSUI was already well established, and I was one of the many beneficiaries of his knowledge and experience.

In many ways Mr. MATSUI brings to mind the late Martin Luther King. In the same way that the Reverend King was able to rise above the challenges facing him in his fight for civil rights for African-Americans, Mr. MATSUI, who began

his life in a Japanese internment camp during World War II, never retreated into bitterness and instead remained an inspiration and a strong positive force throughout his career, representing not just the Asian American community but his constituency and our country, with honor and pride.

Mr. MATSUI dedicated his life to serving our country. Due to his contributions, the lives of our great country's children, our elderly, and our oppressed have been made better. For that, we are supremely thankful.

Mr. Speaker, I would ask my colleagues to remember our departed friend not with sadness, but with joy in their hearts that we had the opportunity to be associated with such a strong, inspiring, devoted man.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the memory of Congressman ROBERT MATSUI. BOB MATSUI was one of those elected officials who earned the right to be called a "statesman." He was a force for compassion, competence and integrity—as well as a wonderful human being whom I was honored to call my friend. I extend my heartfelt sympathies to his loving wife and family.

Mr. Speaker, BOB MATSUI embodied America's promise, demonstrating how a citizen of humble beginnings could rise to the heights of American governance. BOB also reminded us of our country's sins. During the Second World War, BOB's family was interned in the Tule Lake internment camp. This time of curtailed liberties and rampant xenophobia is one of the darker moments of American history.

Mr. Speaker, internment left an indelible mark on BOB MATSUI's family. BOB's mother contracted German measles at Tule Lake, and as a result, BOB's sister was born blind.

The experience also deeply affected BOB, inspiring him to use his platform in Congress to reclaim the dignity of those wrongly interned. BOB worked tirelessly to enact the Japanese American Redress Act, in which the government formally apologized for internment and offered compensation.

Mr. Speaker, James Baldwin once said, "I love America more than any other country in the world, and, exactly for this reason, I insist on the right to criticize her perpetually." BOB MATSUI loved America in just this spirit. When John F. Kennedy told Americans to ask what they could do for their country, BOB pledged to become a public servant. He served diligently for 26 years.

Mr. Speaker, we will miss BOB's leadership as the new Congress wades through the murky waters of Social Security policy. Our Democratic House Leader, Congresswoman NANCY PELOSI, was quite accurate when she noted that "America's seniors have lost their best friend in the Congress." I would add only that so have this nation's children and all of us who seek balanced, progressive solutions to the challenges at the center of people's lives.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the life of an admirable citizen, respectable public servant and a generous, kind man. Congressman ROBERT MATSUI served the people of California and his nation in the House of Representatives for 26 years.

BOB gave our country and Congress years of his knowledge and dedication to fighting for civil rights after beginning his life in 1942 in a detention camp for Japanese-Americans. He embraced his heritage as well as the hardships Asian Americans faced and channeled it to positive change to make our nation formally apologized for the interment of Japanese Americans and provide financial compensation to the survivors.

BOB was a true inspiration: as a Member, he was a vital member of the Democratic Party and worked to make his Party stronger but never let his dedicated ties refrain him from working with his Republican colleagues; as an American, he listened to President Kennedy to give to his country a life of service and commitment to making life better for all Americans; and as an Asian American, he served as a role model to young Asian Americans that the impossible is never that far away and that they too can become active in government to serve the American people.

Mr. Speaker, BOB MATSUI's loss will leave a large void to this chamber. Our prayers and thoughts are with his wife Doris and his son Brian.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. DELAURO. Mr. Speaker, I rise with great sadness as we honor our dear friend and colleague, Congressman BOB MATSUI, who passed away this New Year's Day. I always say that it is a privilege to serve in this body. But for 25 years, it was this institution that was privileged—privileged to call BOB MATSUI one of its Members. He was a compassionate man dedicated to his constituents and family, and resolute in his ideals.

Each of us knows the adroit knowledge of Congress BOB possessed—from his grasp of tax and trade law intricacies, to his drive for basic social justice, to his tireless opposition to those who would weaken Social Security's guarantee. He was not only smart—he was also principled, and he used both to the fullest throughout his illustrious quarter-century in public life.

I know he would have relished the forthcoming debate to fundamentally reform Social Security, to which he surely would have brought the same passion and intelligence he took to his efforts to help his party over the years. As was the case with all things he put his mind to, win or lose, whatever the battle—whether it was welfare reform, Social Security or his chairmanship of the Democratic Congressional Campaign Committee—the level of discourse was elevated when BOB MATSUI added his voice to the debate. At a time when the tenor of politics in our country has become so abrasive, what BOB MATSUI offered was a precious commodity indeed.

On a personal note, I always felt a close bond to BOB, as we were both children of immigrant parents—his from Japan, mine from Italy. He spoke of how spending the first 5 years of his life in a Japanese internment camp haunted him for the rest of his life. But the experience unquestionably gave him a lifelong commitment to civil rights and social justice. It gave him a genuine empathy for people that one could trace from his friendships to his work on issues like trade, welfare and retirement security.

He was, in the truest sense of the word, a patriot—someone for whom America meant the promise of a better life for one's family and community. As such, BOB MATSUI will be sorely missed, but his legacy will live on for generations. My thoughts and prayers are with him and his family.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. TANNER. Mr. Speaker, today I rise in memory of our colleague, BOB MATSUI, as we honor his life and his long service to this Congress and to our Nation.

I had the pleasure of serving alongside BOB on the Ways and Means Committee since 1996 and knew him to be a statesman of enormous ability and integrity, a man of kind and gentle nature, a rare individual with whom one could disagree without finding him to be disagreeable. These are the most important qualities a public servant in this House of Representatives could possess. BOB made an immeasurable contribution to the House. His keen intellect and ability to craft bipartisan legislation will be missed by me and the entire Congress.

Our thoughts and prayers are with BOB's family at this difficult time. His passing is truly a great loss for our Nation.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. ANDREWS. Mr. Speaker, on January 1, 2005 the United States Congress lost one of its finest Members with the passing of BOB MATSUI. Recently re-elected to his 14th term by an overwhelming margin, BOB was an outstanding leader, beloved by his colleagues in Congress and his constituents alike.

As the third ranking Democrat on the powerful House Ways and Means Committee, and the Ranking Member on the Social Security Subcommittee, BOB served as an outspoken champion for the preservation of our social security system. In addition, BOB was a member of the Executive Board for the Congressional Asian Pacific American Caucus (CAPAC), one of the most active caucuses in Congress. The trust and respect that his colleagues had for him was demonstrated last Congress, when he was elected as Chairman of the Democratic Congressional Campaign Committee.

As we convene to begin the 109th Congress, it is important that we all pause to remember the noble work that Congressman MATSUI had accomplished during his 26 years in these halls. I would ask that all of my colleagues also keep his loved ones in their thoughts, including his beloved wife Doris; his son, Brian; his daughter-in-law, Amy; and his granddaughter Anna. BOB MATSUI was a great man, as well as an outstanding leader, and his service to our great Nation will never be forgotten.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. KIND. Mr. Speaker, every now and then you encounter someone in public service who is a public servant in every sense of the word, who transcends petty partisan politics, who brings a depth of character and a depth of knowledge to surpassed by no person, someone who loves his country, works hard for the people he represents but loves his family even more. That person was BOB MATSUI who we lost over the weekend.

BOB was someone I grew to know and love. My first contact with BOB was a campaign check he sent to me in my first run for Congress in 1996. I had never met him before then but he must of saw something in me that motivated him to help me out a little during my first campaign when a lot of other people didn't think I could win.

And when I came to Congress, I quickly got to know BOB and appreciate him. He was someone who made everyone feel special. He would solicit your opinions on the issue before us, even though his depth on the issues like tax policy, trade, social security and medicare, surpassed anything anyone else had. He cared for this institution and the process of democracy and he exuded boundless optimism about the future of our great country even though his first few months as a citizen of this country was spent in an internment camp in California shortly after the Japanese attacked Pearl Harbor. He later led the effort in Congress to right that gross injustice by having our government apologize for that action.

In short, BOB MATSUI was someone I respected, looked up to and tried to emulate here in Congress. You can't replace a BOB MATSUI; he was rare and never fully appreciated to the extent he deserved. But we all can learn from BOB MATSUI and take his legacy of compassion, justice and fairness and make it our legacy to the next generation.

To his wife Doris, son, Brian, daughter-in-law, Amy, and granddaughter, Anna, may you surround yourself with family, friends and loved-ones during this difficult time and find comfort and understanding. Perhaps one day Anna will be old enough to read these testimonials to her grandfather and better appreciate how special he truly was. Please know that BOB was loved by many and will be missed by all.

May God bless him and keep in his company.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. WATERS. Mr. Speaker, I rise today to pay my respects to one of the giants of the House of Representatives, Congressman BOB MATSUI. Mr. Speaker, I can not tell you how shocked and saddened I was when I heard the news of Congressman's MATSUI's passing. The constituents of the 5th Congressional District of California, the Democratic Party and our nation have suffered an enormous loss.

I had the honor and privilege of serving with Congressman MATSUI since I was elected to Congress in 1990. I was always impressed with BOB'S knowledge, dedication and concern about the issues that he held close: healthcare for those who need it—especially for children, tax policy, fiscal responsibility and trade; as well as the issues that were important to his District: flood control, transportation, housing, and environmental preservation. His knowledge and passion on these and many other issues will be missed dearly.

Even on the rare occasion when we differed on an issue, such as trade, Congressman MATSUI presented his positions fairly and without rancor. He approached issues with an open mind and demonstrated a great ability to reach across the aisle. He had opponents, but no enemies.

Congressman MATSUI served the people of Sacramento for 26 years. While BOB MATSUI was a valued member of the Democratic Party, he never forgot that his primary responsibility was to all of the people of California's 5th Congressional District, regardless of party affiliation. BOB always did what he thought was best for his constituents and for the country. He worked tirelessly for them in Congress and they have lost a valuable advocate.

BOB MATSUI had the respect and confidence of his peers. Time and again, Democrats elected him to leadership posts and he used these positions to be a capable and articulate spokesman for the Democratic Party. There is perhaps no other issue in which Congressman MATSUI proved to be more valuable—or will be missed more—than Social Security. His knowledge was second to none and as Congress debates the future of this vital program, we will miss his wise counsel about the importance of preserving Social Security as we know it for future generations.

Congressman MATSUI's experiences as a Japanese-American who was detained in an internment camp during World War II gave him a special sensitivity to the importance of preserving civil rights and civil liberties. His legislative work securing relief for those who were wrongfully held during World War II was a historic achievement and a fitting tribute to this great and good man.

Over the past several days, we have heard dozens of tributes honoring Congressman MATSUI. The words that were most often used in these accolades to describe BOB MATSUI were "integrity," "dignity" and "ability." For those that knew him, these words were only part of what made BOB MATSUI a terrific person, a dear friend and valuable Member of Congress.

Mr. Speaker, it is amazing to think that public service was not BOB MATSUI's first passion; architecture was. We are tremendously fortunate that Congressman MATSUI happened to read the biography of Clarence Darrow, which he always credited for inspiring him to enter law and eventually politics. California and, indeed the nation, has benefited from Congressman MATSUI's service and we thank him and his family for sharing him with us.

Congressman MATSUI will be sorely missed. My prayers are with his wife Doris, his son, Brian, his daughter-in-law, Amy and granddaughter Anna, and his many friends and family. God bless you, Congressman MATSUI. We will never forget you.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mrs. MALONEY. BOB MATSUI was a dear friend. His long and distinguished public service on behalf of the people of California and all Americans was a tremendous benefit to his State and our Nation.

As a Member of Congress, he was a respected leader, an effective lawmaker, and a tireless leader of his party. With a major debate on Social Security looming, we will sorely

miss his unparalleled expertise and foresight on that issue.

Most of all—in that fight and in many to come—we will miss his compassion and his dedication to serving the most needy among us.

Throughout his career, BOB MATSUI was a champion of the vulnerable, leading the fight for civil rights. He said that he was inspired to go to law school by Clarence Darrow and to go into politics by John F. Kennedy. And he never stopped advancing those ideals.

Imprisoned as a young child in the Japanese-American internment camps of World War II, he authored the landmark bill that provided restitution to Japanese Americans held in those camps and, more important, tendered an official apology on behalf of the government.

Never one to shirk the tough jobs, he worked over decades on the thankless but essential task of improving flood protection for the Sacramento region, and recently reached an historic agreement on that critical issue.

BOB MATSUI was a thoughtful and prescient legislator. An early advocate of free trade, in the early 90s, he provided critical assistance to President Clinton in getting NAFTA through the House—despite opposition from labor groups that traditionally support Democrats. In 2000, he played a key role in obtaining permanent normalized trade relations with China, again at Clinton's behest. And he was a strong backer of giving the President fast track trade authority. At the same time, he was increasingly concerned over how little was being done to help Americans who had lost jobs.

Even those who fought the hardest with BOB over policy issues admired his intelligence and dedication and enjoyed his humor and warmth. He was a truly kind person and we will all miss his friendship.

My thoughts and prayers are with BOB MATSUI's family.

May he rest in peace.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of H. Res. 11 expressing profound sorrow on the occasion of the death of the Honorable ROBERT T. MATSUI.

I am saddened by the loss of a great man and wonderful colleague in BOB MATSUI. He was a person dedicated to others, not just in his remarkable public service, but also in his warm and embracing character. His passing is a loss to the people of his district, California, and all Americans who benefited from his wisdom in Congress for the past 26 years.

Most of all, my heart goes out to his family. His wife, Doris, his son, Brian, his daughter-in-law, Amy, and, of course, his granddaughter, Anna, were the most important things in the world to him, and I only hope that their grief can be tempered by the knowledge of his constant and unwavering love for them.

While it will be difficult for Californians, and all of BOB's colleagues in Washington to accept this tragic loss, I think we owe it to him to remember all of the positive things that BOB stood for. He was the first Japanese-American elected to the Sacramento City Council and one of the first Japanese-Americans to serve in the U.S. Congress.

These are remarkable feats for any American, but are simply astounding coming from BOB MATSUI, who was forced into an internment camp, along with his family, when he was only six months old.

But BOB would never hold a grudge against the country that had done him and so many other Japanese-Americans wrong. He was too great a man, and he had too big a heart. He continued to strive for what was right for decades, using his energy to improve those systems that so many Americans rely on. He was as committed to Social Security and protecting older Americans as he was to upholding the ideals and principles of the Democratic Party, creating a strong future for the next generations.

BOB MATSUI was a terrific mentor and a terrific friend to me. While our time together was cut too short, he provided an excellent role model of how to stay true to your beliefs even in the face of adversity. Today I join all Californians and Americans in mourning Congressman ROBERT MATSUI. Serving with him in this body will always be one of the great honors of my career.

Daily Digest

HIGHLIGHTS

The House and Senate met in joint session to count electoral votes.

Senate

Chamber Action

Routine Proceedings, pages S35–S76

Measures Submitted: Two resolutions were submitted, as follows: S. Res. 5–6. **Page S66**

Measures Passed:

Majority Party Committee Appointments: Senate agreed to S. Res. 5, making majority party appointments to certain Senate committees for the 109th Congress. **Pages S39–40**

Minority Party Committee Appointments: Senate agreed to S. Res. 6, making minority party appointments to certain Senate committees for the 109th Congress. **Page S40**

Tsunami Relief Contribution Tax Deductibility: Senate passed H.R. 241, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami. **Pages S39, S56–57**

Adjournment Resolution: Senate agreed to H. Con. Res. 2, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S68**

Objection to Presidential Electoral Vote Certificate From Ohio: By 1 yea to 74 nays (Vote No. 1), the objection to the Presidential electoral votecertificate from the State of Ohio was not sustained. **Pages S41–56**

Messages from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the agreement on Mutual Fisheries Relations of May 31, 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; which was referred to the Committees on Foreign Relations; andCommerce, Science, and Transportation. (PM–1) **Page S62**

Nominations Received: Senate received the following nominations:

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S68–76**

Messages From the House: **Pages S62–63**

Executive Communications: **Pages S63–66**

Executive Reports of Committees: **Page S66**

Statements on Introduced Bills/Resolutions: **Pages S66–67**

Additional Statements: **Pages S60–62**

Authority for Committees to Meet: **Pages S67–68**

Record Votes: One record vote was taken today. (Total—1) **Page S56**

Adjournment: Senate convened at 9:30 a.m., and, in accordance with the provisions of H. Con. Res. 2, adjourned at 5:20 p.m., until 3 p.m., on January 20, 2005. **Page S68**

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the nomination of Mike Johanns, of Nebraska, to be Secretary of Agriculture.

Prior to this action, committee concluded hearings on the nomination of Mr. Johanns, after the nominee, who was introduced by Senators Hagel and Nelson (NE), testified and answered questions in his own behalf.

TSUNAMI RELIEF EFFORTS/IRAQ

Committee on Armed Services: on Wednesday, January 5, Committee met in closed session to receive a briefing on U.S. Government tsunami relief efforts in the Indian Ocean region, on the situation in Iraq and Afghanistan, and on other significant military issues around the world from Peter W. Rodman, Assistant Secretary of Defense for International Security Affairs; Admiral Thomas B. Fargo, USN, Commander, U.S. Pacific Command; Lieutenant General James T. Conway, USMC, Director for Operations, J3, and Major General Ronald L. Burgess, Jr., USA, Director for Intelligence, J2, both of The Joint Staff; Evans J. R. Revere, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; and Ronald L. Schlicher, Deputy Assistant Secretary of State for Iraq.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nomination of Carlos M. Gutierrez, of Michigan, to be Secretary of Commerce.

Prior to this action, on Wednesday, January 5, Committee concluded a hearing on the nomination of Mr. Gutierrez, after the nominee, who was introduced by Senators Levin and Stabenow, testified and answered questions in his own behalf.

NOMINATION

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the nomination of Margaret Spellings, of Texas, to be Secretary of Education.

Prior to this action, committee concluded hearings on the nomination of Ms. Spellings, after the nominee, who was introduced by Senator Cornyn, testified and answered questions in her own behalf.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Alberto R. Gonzales, of Texas, to be Attorney General of the United States, after the nominee, who was introduced by Senators Cornyn and Salazar, testified and answered questions in his own behalf. Testimony was also received from Admiral John D. Hutson, USN (Ret.), Franklin Pierce Law Center, Concord, New Hampshire; Harold Hongju Koh, Yale Law School, New Haven, Connecticut; and Douglas A. Johnson, Center of Victims of Torture, Minneapolis, Minnesota.

House of Representatives

Chamber Action

Measures Introduced: 73 public bills, H.R. 19, 44, 50, 58, 91, 101–107, 130, 153–154, 163, 173, 189, 226–228, 232, 238–289; 2 private bills, H.R. 290–291; and; 20 resolutions, H.J. Res. 9, 14–18; H. Con. Res. 7–8, 10–13, and H. Res. 19, 32–38 were introduced. **Pages H135–138**

Additional Cosponsors:

Reports Filed: No reports were filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker Pro Tempore for today. **Page H81**

Committee Elections: The House agreed to H. Res. 32, electing the following Members of the Majority to serve on standing committees of the House of Representatives: Committee on Agriculture: Representative Goodlatte, Chairman. Committee on Appropriations: Representative Lewis (CA), Chairman; Representatives Young (FL), Regula, Rogers (KY), Wolf, Kolbe, Walsh, Taylor (NC), Hobson, Istook, Bonilla, Knollenberg, Kingston, Frelinghuysen, Wicker, Cunningham, Tiahrt, Wamp, Latham, Northup, Aderholt, Emerson, Granger, Peterson (PA), Goode, Doolittle, LaHood, Sweeney, Sherwood, Weldon (FL), Simpson, Culberson, Kirk, Crenshaw, Rehberg, Carter, and Alexander. Committee on Armed Services: Representative Hunter, Chairman. Committee on Budget: Representative Nussle, Chairman. Committee on Education and the Workforce: Representative Boehner, Chairman. Committee on Energy and Commerce: Representative Barton, Chairman; Representatives Hall, Bilirakis, Upton, Stearns, Gillmor, Deal, Whitfield, Cubin, Shimkus, Wilson (NM), Pickering, Fossella, Blunt, Buyer, Radanovich, Bass, Pitts, Bono, Walden, Terry, Ferguson, Mike Rogers (MI), Otter, Myrick, Sullivan, Murphy, Burgess, and Blackburn. Committee on Financial Services: Representative Oxley, Chairman. Committee on Government Reform: Representative Tom Davis (VA), Chairman. Committee on Homeland Security: Representative Cox, Chairman. Committee on House Administration: Representative Ney, Chairman. Committee on International Relations: Representative Hyde, Chairman. Committee

on the Judiciary: Representative Sensenbrenner, Chairman. Committee on Resources: Representative Pombo, Chairman. Committee on Rules: Representative Gingrey. Committee on Science: Representative Boehlert, Chairman. Committee on Small Business: Representative Manzullo, Chairman. Committee on Transportation and Infrastructure: Representative Young (AL), Chairman. Committee on Veteran's Affairs: Representative Buyer, Chairman. Committee on Ways and Means: Representative Thomas, Chairman; Representatives Shaw, Johnson (CT), Herger, McCrery, Camp, Ramstad, Nussle, Johnson (TX), Portman, English, Hayworth, Weller, Hulshof, Lewis (KY), Foley, Brady, Reynolds, Ryan (WI), Cantor, Linder, Hart, Beauprez, and Chocola.

Pages H81–82

Committee Elections: The House agreed to H. Res. 33, electing the following Members of the Minority to serve on standing committees of the House of Representatives: Committee on Agriculture: Representative Peterson (MN). Committee on Appropriations: Representative Obey. Committee on Armed Services: Representative Skelton. Committee on the Budget: Representative Spratt. Committee on Education and the Workforce: Representative George Miller of California. Committee on Energy and Commerce: Representative Dingell. Committee on Financial Services: Representative Frank (MA). Committee on Government Reform: Representative Waxman. Committee on Homeland Security: Representative Thompson (MS). Committee on International Relations: Representative Lantos. Committee on the Judiciary: Representative Conyers. Committee on Resources: Representative Rahall. Committee on Rules: Representative Slaughter. Committee on Science: Representative Gordon. Committee on Small Business: Representative Velazquez. Committee on Transportation and Infrastructure: Representative Oberstar. Committee on Veterans' Affairs: Representative Evans. Committee on Ways and Means: Representative Rangel. **Page H83**

Electoral College Vote Tellers: Pursuant to S. Con. Res. 1, to provide for the counting on January 6, 2005, of the electoral votes for President and Vice President of the United States, and the order of the House of January 4, 2005, the Chair announced the Speaker's appointment of Representatives Ney of Ohio and Larson of Connecticut as tellers on the part of the House to count electoral votes. **Page H83**

Permanent Select Committee on Intelligence Appointment: The Chair announced the Speaker's appointment of Representative Harman to the Permanent Select Committee on Intelligence. **Page H83**

Accelerating income tax benefits for charitable cash contributions for relief of the Indian Ocean tsunami: The House agreed to H.R. 241, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami. **Pages H83–84**

Recess: The House recessed at 11:21 a.m. and reconvened at 12:55 p.m. **Page H84**

Administration of the Oath of Office: Representative-elect Shadegg presented himself in the well of the House and was administered the oath of office by the Speaker. **Page H84**

Joint Session: The Joint Session was called to order at 1:05 p.m. and dissolved at 1:22 p.m. for consideration of the objection to the electoral votes for Ohio. Following consideration, the joint session resumed at 5:08 p.m. and dissolved at 5:18 p.m. **Page H84**

Declaration of the Election of President and Vice President: Pursuant to the provisions of S. Con. Res. 1, and the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, the two Houses of Congress met in joint session with Vice President Cheney as the presiding officer to count the electoral votes. The following votes were cast for George W. Bush of Texas, 286; John F. Kerry of Massachusetts, 251; and John Edwards, 1. The following votes were cast for Vice President: Dick Cheney of Wyoming, 286; and John Edwards, 252.

Page H129

During the joint session, a Representative objected to the certification of electoral votes from Ohio. The objection, having been signed by a Senator, was received and the joint meeting was dissolved for the purpose of considering the objection in each House.

Pages H85–86

The objection was not agreed to in the House by a yea and nay vote of 31 yeas to 267 nays, Roll No. 7. Subsequently notification was received in the House that the Senate disposed of the objection by a vote of 1 aye to 74 nays. Upon resumption of the joint session, the Vice President announced that the original certification submitted by the State of Ohio would stand as regular in form and authentic.

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Administration of Oath of Office: Representative-elect Norwood presented himself in the well of the House and was administered the Oath of Office by the Speaker. **Page H127**

Funeral of the late Honorable Robert T. Matsui: The Chair announced the Speaker's appointment of the following members of the House to the Committee to attend the funeral of the late Honorable Robert T. Matsui: Representatives Stark, Pelosi, George Miller (CA), Waxman, Lewis (CA), Thomas, Dreier, Hunter, Lantos, Berman, Gallegly, Herger,

Cox, Rohrabacher, Cunningham, Doolittle, Waters, Becerra, Calvert, Eshoo, Filner, McKeon, Pombo, Roybal-Allard, Royce, Woolsey, Farr, Lofgren, Radanovich, Millender-McDonald, Sherman, Loretta Sanchez (CA), Tauscher, Capps, Bono, Lee, Gary Miller (CA) Napolitano, Thompson (CA), Baca, Harman, Davis (CA), Honda, Issa, Schiff, Solis, Watson, Cardoza, Nunes, Linda Sánchez (CA), Lungren, Costa, Rangel, Oberstar, Markey, Kildee, Levin, Pomeroy, Jackson-Lee (TX), Hinojosa, Kucinich, Holt, and McCollum. **Page H129**

Presidential Message: Read a message from the President wherein he transmitted notification of the extension of the Mutual Fisheries Agreement between the United States and the Russian Federation—referred to the Committee on Resources and ordered printed (House Doc. 109–5). **Page H130**

Senate Message: Messages received from the Senate today appear on page H129–130.

Quorum Calls—Votes: 1 yea and nay vote developed during the proceedings today and appear on pages H127. There were no quorum calls.

Adjournment: The House met at 11 a.m. and at 5:42 p.m. pursuant to the provisions of H. Con. Res. 2, it stands adjourned until 10 a.m. on Thursday, January 20.

Committee Meetings

No Committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 20, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

3 p.m., Thursday, January 20

Senate Chamber

Program for Thursday: Senate expects to consider certain executive business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, January 20

House Chamber

Program for Thursday: Inauguration of the President of the United States.

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