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ADJOURNMENT TO MONDAY, MARCH 7, 2005, AND HOUR OF MEETING ON TUESDAY, MARCH 8, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, March 7, 2005; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, March 8, 2005, for morning hour debate.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF ADDITIONAL MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 USC 1024(a), 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 Joint Economic Committee, in addition to Mr. SAXTON of New Jersey, appointed January 20, 2005:

Mr. RYAN of Wisconsin;
Mr. ENGLISH of Pennsylvania;
Mr. PAUL of Texas;
Mr. BRADY of Texas;
Mr. MCCOTTER of Michigan;
Mrs. MALONEY of New York;
Mr. HINCHEY of New York;
Ms. LORETTA SANCHEZ of California; and
Mr. CUMMINGS of Maryland.

SPECIAL ORDERS

The SPEAKER pro tempore. 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 gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INCAPACITATED PERSON'S LEGAL PROTECTION ACT

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

Mr. WELDON of Florida. Mr. Speaker, soon I will be introducing legislation to give incapacitated individuals their explicit due process rights of habeas corpus when a court orders their death by removal of nutrition, hydration and medical treatment. The Incapacitated Person's Legal Protection Act gives incapacitated persons the same rights of due process available to death row inmates.

The Act will open up an avenue of legal relief currently not clearly available to disabled and incapacitated individuals who are unable to speak for themselves. These individuals can become the subject of a court order affecting their death, such as the case of Terri Schiavo. Terri is a Florida woman who, at age 27, suffered a heart attack and experienced brain damage due to lack of oxygen. While in the hospital, tubes were inserted in her digestive system to provide nutrition and hydration and continue to keep her alive.

Ten years after Terri's unfortunate condition occurred, her husband moved to have the feeding tubes removed intending to end her life. This occurred after Terri received nearly $1.5 million in jury awards and legal settlements. Fortunately for Terri, her parents intervened against the desire of Terri's husband and have stayed her death through legal maneuvering until last week.

On Friday, February 25, Judge George Greer issued an order to remove the nutrition and hydration of Terri on Friday, March 18 at 1 p.m. This order will initiate the starvation death of Terri. To my knowledge, it is unprecedented in law.

All through the Schiavo trial, Terri's parents and husband have been afforded counsel, yet Terri has never been afforded independent counsel, in a matter that will result in her life or death. Terri has had no voice of her own in these legal proceedings, something so fundamental to every adult American, even convicted murderers.

The case of Terri Schiavo deserves a second look by an objective court. For example, despite the court's pronouncement that she is in a persistent vegetative state, evidence exists to the contrary.

Terri is not in a coma as I would define it, and I am a physician. She is not on a respirator or other 24-hour-a-day medical equipment. Terri is responsive to stimuli, such as voices, touch and the presence of people. She can move her head and establish eye contact. Terri can smile, demonstrate facial expressions and cry. She can arch her back and move away or towards voices and people. Terri makes sounds and attempts to vocalize as a way of communication.

As a physician who has cared for people in comas and who were considered in a persistent vegetative state, I have some experience in determining the degree of incapacitation of disabled individuals, and it is a travesty to countenance the notion of putting her to death somehow because she is not able to speak.

Terri and similar incapacitated people should be afforded the same constitutional protection of due process as death row inmates whose lives hang in the balance in judicial proceedings. Because in cases like these, mistakes are not subject to correction, Terri and people similarly situated must have access to de novo review of their case and representation, just like any death row inmate gets.

The Incapacitated Person's Legal Protection Act, which I am going to introduce soon, explicitly recognizes in Federal law the due process protection of habeas corpus appeal for incapacitated individuals who are the subject of a court order to effect their death by removal of nutrition, hydration or medical treatment. It does not apply to circumstances where advanced medical directives are in effect. The Act simply provides a final avenue for review of the case to ensure that a incapacitated person's constitutional rights of due process are maintained and that justice is done.

Now, we know that lawyers are going to file habeas corpus claims about this case, and that is not a surprise and nothing prohibits them from doing so. The Incapacitated Person's Legal Protection Act is needed because the state of the law on this topic needs to be clarified.

These cases are typically reserved for criminal cases. In civil cases like Terri's, the decision to even consider a habeas appeal is at the court's discretion. The Constitution in the 14th Amendment, however, gives Congress the express authority to protect the life of any person by directing the judiciary with respect to the guarantee of due process and equal protection under the law. That is what the Incapacitated Person's Legal Protection Act does. It tells the courts that the due process and equal protection rights of incapacitated persons are explicitly authorized under Federal habeas corpus statutes.

DEMOCRACY IN THE MUSLIM WORLD

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

Mr. SCHIFF. Mr. Speaker, the terrorists who attacked this country on September 11 emerged from part of the world where oppression of popular will often finds its outlet in Jihadi extremism and hatred of the West, especially the United States.

Throughout much of the Muslim world, brittle, autocratic regimes jealously guard wealth and political power, while the vast majority of the citizens languish in poverty. Despite the Arab

world's vast oil wealth and its rich cultural and intellectual history, the region has languished, in large part, because its leaders refused to enact the liberalizations necessary to unleash the power of hundreds of millions of people.

After the 9/11 attacks, the President and other senior administration officials vowed to ''drain the swamp'' that birthed al Qaeda and other radical Islamists. Now, after two wars, thousands of casualties and hundreds of billions of dollars, the people of the Arab and greater Muslim world are beginning to drain the swamp on their own.

Last fall, the people of Afghanistan, who only 3 years ago were suffering under the medieval yoke of the Taliban, voted in large numbers in that country's first presidential election, and later this year, they will return to the polls to select a new parliament.

In early January, the Palestinian people took concrete steps to end the Arafat era's corruption and embrace of terrorism and elected Mahmoud Abbas as their new president.

Later that month, in an inspiring acts of collective courage, millions of Iraqis defied a vicious insurgency to cast ballots for a new national assembly that will draft a constitution for a permanent Iraqi government.

In the past two weeks, we have seen the people of Lebanon respond to the savage car bombing that claimed the life of former prime minister Rafiq Hariri by peacefully calling for the restoration of Lebanese sovereignty. Lebanon's ''cedar revolution'' has already invited comparisons with Ukraine's ''orange revolution'' that swept Viktor Yuschenko into power last December.

Today, Saudi Arabians voted in the second of three regional rounds of municipal elections, the kingdom's first, and last Sunday President Mubarak of Egypt proposed a change to the Egyptian constitution that will provide for direct contested elections of president, and he urged its quick adoption so that this fall's election would be held under the new system.

Individually these developments vary in significance. The Saudi elections, for example, are open only to men, and the Egyptian reforms could end up being an effort to fend off rather than promote democracy. Collectively, however, these stirrings of democracy could be the long-awaited beginning of a seismic shift in the politics of the Muslim world. If so, our national security will be enhanced.

For too long, American foreign policy in the Middle East rested on a Faustian bargain with the ruling elites. Even as the Middle Eastern regimes presided over populations who detested them, successive American administrations provided material and political support. As long as the rulers guaranteed the continued flow of reasonably priced oil, we were willing to ignore the turmoil bubbling beneath them.

To some extent, this policy was fueled by American policy makers' belief that Arab and Islamic societies were somehow incompatible with democracy. It was also the product of a genuine fear of what democracy in the Arab world would mean for American influence in the region. The Iranian revolution of 1979 was seen as a harbinger of what could happen throughout the region if American allied regimes loosened their grip.

After 9/11 and the explosive growth of Islamic radicalism throughout the Muslim world, we have come belatedly to the realization that the best antidote for terrorism is democracy. Much of the hatred towards the United States in the Arab world is a direct consequence of our support for despotic regimes.

The administration and Congress need to continue to push our friends in the region to do more to ensure that the tentative steps that we have seen do lead to a new birth of freedom in the Muslim world.

I am particularly concerned about Egypt and its 73 million people. Egypt is the intellectual, political and cultural heart of the Arab world. It is a long-standing American ally that has played a crucial role in the search for peace between Israel and its Arab neighbors. But even as President Mubarak and the Egyptian government have shown great leadership in the quest for peace, they have dragged their heels when it comes to the political and economic reform that is crucial if Egypt is to remain a regional leader.

Recently the Egyptian government arrested Ayman Nour, the leader of a small pro-democracy party in the Egyptian parliament. Nour's arrest is widely seen as politically motivated and precipitated a decision by Secretary Rice to cancel a planned trip to Cairo this week.

I have introduced a resolution calling on Egypt to release Nour and embrace the reforms just announced by President Mubarak. As an important ally, we must not stand idly by and watch Egypt take steps that threaten not only democracy, but our own security.

Throughout the 20th Century, America fought to expand the reach of liberty and democracy, first against Nazism and fascism, and then against Soviet communism. Now with the dawn of the 21st Century, we are again faced with both the fundamental challenge to our core values and the opportunity to bring those values to millions of people. Mr. Speaker, we can and must both meet the challenge and seize the opportunity.

THREAT TO UNITED STATES STILL VERY REAL

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

Mr. FOSSELLA. Mr. Speaker, the threat to the United States is still very real. Just yesterday it became public that one of the terrorists responsible for the Madrid train bombings had sketches of New York City's Grand Central Station on his computer.

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A few days ago it was reported that Osama bin Laden was caught urging some of his associates to take the threat to the United States once again. Clearly the threat to our country is real, and it is essential that we have a comprehensive strategy for distributing our homeland security grant funding to confront it.

That is why today I am introducing the Responsible Funding For First Responders Act of 2005. The bill reforms the current formula used to distribute homeland security grant money.

Yesterday, our newly confirmed Homeland Security Secretary said, ''I think we owe the American people a more focused and priorities driven'' funding formula. This bill aims to achieve just that.

Over the past few years, we have gone a long way in fighting terrorism. Last year, Congress passed a meaningful intelligence reform which implements many of the 9/11 Commission's recommendations. However there was one recommendation that we did not address adequately.

The 9/11 Commission explicitly stated ''homeland security assistance should be based strictly on assessment of risks and vulnerabilities.'' This bill would put that recommendation, which I think is common sense to most Americans, into effect.

In introducing the bill, I wish to start the debate anew and begin working towards a meaningful first responders funding reform. Since September 11 homeland security funds have been distributed under a formula that requires a minimum of .75 percent to go to each State, and then the remainder is distributed on what we call a per capita basis.

The block grant formula, where most of the funding has originated, does not consider threat at all. This means that almost 40 percent of the money is distributed equally to each State as a result of that minimum, about $1.5 billion. Congress needs to do better.

This year the President's budget once again distributes all the funds based on threat. His fiscal year 2006 budget request which distributes a little over $1 billion in State homeland security grants is based upon risks, threats, vulnerabilities, and unmet essential capabilities.

Let me say what this bill is not. This bill is not designed to pit one area of the country against another. It is designed, I think again speaking to the common sense and conventional wisdom of the American people, to identify where the vulnerabilities are, identify where the threats exist, identify where the risks are and send the money to those areas accordingly.

Why New York City in particular, for example, I think is still a target, let us look what happened after the first