

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, today I missed four recorded votes. If I had been present for rollcall vote 49, I would have voted "no." If I had been present for rollcall vote 50, I would have voted "no." If I had been present for rollcall vote 51, I would have voted "no." If I had been present for rollcall vote 52, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WAMP. Mr. speaker, due to a family commitment in Tennessee, I was not present for two votes today, Thursday, March 3, 2005. Had I been present, I would have voted "nay" on the Motion to Recommit H.R. 841—Continuity of Representation Act and "aye" on final passage of H.R. 841.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 25

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky (Mr. DAVIS) be removed as a cosponsor of H.R. 25.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 3, THE TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of March 7 to grant a rule which could limit the amendment process for floor consideration of H.R. 3, the Transportation Equity Act: A Legacy for Users. The Committee on Transportation and Infrastructure ordered the bill reported on March 2 and is expected to file its report with the House on Monday, March 7.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules up at H-312 of the Capitol by 1 p.m. next Tuesday, March 8. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure which will be available for their review March 4 on the Web sites of both the Committee on Rules and the Committee on Transportation and Infrastructure.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, for the purpose of informing us of the schedule of the week to come, I yield to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of these bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. We will likely consider additional legislation under suspension of the rules, as well as the Transportation Equity Act: A Legacy for Users.

And, finally, I would like to note for all the Members that we are making a change to the schedule that was sent to offices at the beginning of the year. We do not plan to have votes next Friday, March 11.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Let me say that I am pleased, and I know our side is and I am sure the gentleman's side is as well and I know the Governors and county officials throughout the country are pleased, to see that the transportation bill is on the floor. This was a bill, as the majority leader knows, that expired, I think, September 30, 2003, and we have done extensions since that time.

It is scheduled for 2 days on the calendar, as I understand, and we just heard the announcement of the Committee on Rules chairman that there may be limitations to amendments in the bill. In light of the fact that I know there are still some substantial questions, this bill was reported out on voice vote unanimously but with one of the most contentious issues, as I understand it, left unresolved in terms of donor/donee States.

Can the majority leader amplify, perhaps, on what the Committee on Rules chairman said in terms of whether we will have general debate on one day and amendments on the next, or does he think he will start considering amendments on the first day of consideration.

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

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me. The gentleman is correct in that we really want this bill to move as quickly as possible, get it through the other body, because contract letting is seasonal, particularly in the northern States and that contract letting needs

to be done. So we are working as hard as we can to get this bill done.

Since this bill is very similar to the reauthorization that was passed in the last Congress, I would expect that the Committee on Rules would develop a rule that was very similar to that one that was used when we considered this bill last Congress which, if I recall, there were 23 amendments allowed under the rule, a manager's amendment. So we have to see what the Committee on Rules is going to do and see how we can divide the work between Wednesday and Thursday.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his response. And I think the gentleman is correct. There were a substantial number of amendments. I would hope that those Members on either side of the aisle who have substantive amendments to offer, in light of the fact that we have been waiting on this bill for some time, would have ample opportunity on either side of the aisle, and I appreciate the leader's focus on that.

Mr. Speaker, lastly, if I can, can the majority leader tell us what his thoughts are in terms of scheduling, we have 2 weeks left before the Easter work period, with reference to either the supplemental appropriation and/or the budget?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me.

It is our anticipation, or I have been notified by the respective committees, that we will be considering the supplemental from the President and the budget that both committees expect to hold markups on those two bills next week, which would prepare us and give us plenty of time to have both of those bills on the floor the week prior to the Easter recess.

Mr. HOYER. So, Mr. Speaker, it would be his expectation that we would consider both those bills before the break?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. Mr. Speaker, I thank the majority leader for his answers.

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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.

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 diges-

tive 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,