

terror suspects, arguing that such practices violated the law, verged on torture and could ultimately expose senior officials to prosecution, a newly disclosed document shows.

The lawyer, Alberto J. Mora, a political appointee who retired Dec. 31 after more than four years as general counsel of the Navy, was one of many dissenters inside the Pentagon. Senior uniformed lawyers in all the military services also objected sharply to the interrogation policy, according to internal documents declassified last year.

But Mr. Mora's campaign against what he viewed as an official policy of cruel treatment, detailed in a memorandum he wrote in July 2004 and recounted in an article in the Feb. 27 issue of *The New Yorker* magazine, made public yesterday, underscored again how contrary views were often brushed aside in administration debates on the subject.

"Even if one wanted to authorize the U.S. military to conduct coercive interrogations, as was the case in Guantanamo, how could one do so without profoundly altering its core values and character?" Mr. Mora asked the Pentagon's chief lawyer, William J. Haynes II, according to the memorandum.

A Pentagon spokeswoman, Lt. Col. Tracy O'Grady-Walsh, declined to comment late yesterday on specific assertions in Mr. Mora's memorandum. "Detainee operations and interrogation policies have been scrutinized under a microscope, from all different angles," she said. "It was found that it was not a Department of Defense policy to encourage or condone torture."

In interviews, current and former Defense Department officials said that part of what was striking about Mr. Mora's forceful role in the internal debates was how out of character it seemed: a loyal Republican, he was known as a supporter of President Bush, Defense Secretary Donald H. Rumsfeld and the fight against terrorism.

"He's an extremely well-spoken, almost elegant guy," the former director of the Naval Criminal Investigative Service, David L. Brandt, who first came to Mr. Mora with concerns about the interrogation methods, said in an interview last week. "He's not a door-kicker."

Mr. Mora is also known for generally avoiding public attention. Reached by telephone yesterday, he declined to comment further on his memorandum.

Mr. Mora prepared the 22-page memorandum for a Defense Department review of interrogation operations that was conducted by Vice Adm. Albert T. Church III, after the scandal involving treatment of prisoners at the Abu Ghraib prison in Iraq.

The document focused on Mr. Mora's, successful opposition to the coercive techniques that Mr. Rumsfeld approved for interrogators at Guantánamo Bay on Dec. 2, 2002, and Mr. Mora's subsequent, failed effort to influence the legal discussions that led to new methods approved by Mr. Rumsfeld the following April.

Mr. Mora took up the issue after Mr. Brandt came to him on Dec. 17, 2002, to relay the concerns of Navy criminal agents at Guantánamo that some detainees there were being subjected to "physical abuse and degrading treatment" by interrogators.

Acting with the support of Gordon R. England, who was then secretary of the Navy and is now Mr. Rumsfeld's deputy, Mr. Mora took his concerns to Mr. Haynes, the Defense Department's general counsel.

"In my view, some of the authorized interrogation techniques could rise to the level of torture, although the intent surely had not been to do so," Mr. Mora wrote.

After trying to rally other senior officials to his position, Mr. Mora met again with Mr. Haynes on Jan. 10, 2003. He argued his case even more forcefully, raising the possibility that senior officials could be prosecuted for authorizing abusive conduct, and asking: "Had we jettisoned our human rights policies?"

Still, Mr. Mora wrote, it was only when he warned Mr. Haynes on Jan. 15 that he was planning to issue a formal memorandum on his opposition to the methods—delivering a draft to Mr. Haynes's office—that Mr. Rumsfeld suddenly retracted the techniques.

In a break from standard practice, former Pentagon lawyers said, the final draft of the report on interrogation techniques was not circulated to most of the lawyers, including Mr. Mora, who had contributed to it. Several of them said they learned that a final version had been issued only after the Abu Ghraib scandal broke.

BYRNE JUSTICE ASSISTANCE  
GRANT PROGRAM

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2006

Mr. TERRY. Mr. Speaker, I rise today to highlight the importance of the Byrne Justice Assistance Grant program.

The White House again proposed eliminating this critical asset in the war on drugs. That would be a tremendous mistake. Congress must protect this funding to address the clear and present danger of meth in our communities.

In my home state of Nebraska, 60 percent of prison inmates are serving time for meth-related crimes. State social services programs are overwhelmed by the rising number of children coming from meth homes. The number of babies born addicted to meth is an unspeakable tragedy.

Each day, our dedicated law enforcement officers put their lives on the line to rescue families and communities from the scourge of meth. Anything less than full funding of Byrne-JAG would break faith with those who risk their lives to keep meth off our streets and away from our children.

In Nebraska, Byrne task forces were responsible for 5,500 drug arrests last year. Nationwide, Byrne task forces seized 5,600 meth labs, 55,000 weapons, and massive quantities of narcotics, including 2.7 million grams of meth.

The results of Byrne task forces are real, they are quantifiable, they are defensible, and they demonstrate the power of using federal dollars to leverage state and local investment in public safety.

RECOGNIZING KORY BENJAMIN  
ROTH FOR ACHIEVING THE RANK  
OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kory Benjamin Roth, a very spe-

cial young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Kory has been very active with his troop, participating in many scout activities. Over the many years Kory has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Kory Benjamin Roth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE 50TH AN-  
NIVERSARY OF THE OLD  
SAYBROOK REPUBLICAN WOM-  
EN'S CLUB

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2006

Mr. SIMMONS. Mr. Speaker, I rise today to recognize the Old Saybrook, Connecticut Republican Women's Club in celebration of their 50th anniversary this month. The Old Saybrook Republican Women's Club's primary function has always been to support local and State Republican candidates and they have the distinction of being the oldest continuous Republican Women's Club in Connecticut.

But while their energy and enthusiasm for Republican candidates is as welcome as it has been effective, there is far more to the group than a political agenda.

For example, in conjunction with the Town Committee, the Club participates in the Washington Intern Program by sponsoring high school students and the group also gives awards to high school honor students. Clearly, the members of the organization are dedicated to helping engage young people intellectually and in matters of civic activism. Surely, part of our job as public servants should be to encourage young people to become involved in the political process.

Mr. Speaker, our communities do not operate by means of government alone. The Old Saybrook Republican Women's Club exemplifies a group of "citizens in action". Our quality of life is greatly influenced by individuals who join hands to set and accomplish goals that make our communities better places in which to live, work and raise a family. For half a century the members of the Old Saybrook Republican Women's Club have dedicated themselves to both party and public service.

I congratulate them on their dedication and commitment to the Grand Old Party and to their community.

IN RECOGNITION OF OUTSTANDING EFFORTS ON MEDICARE PART D AWARDED TO ONONDAGA COUNTY DEPARTMENT OF AGING & YOUTH, NEW YORK

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 9, 2006*

Mr. WALSH. Mr. Speaker, I rise today in recognition of the Certificate of Appreciation presented to the Syracuse partnership, headed by the Onondaga County Department of Aging, from the Centers of Medicare and Medicaid Services in acknowledgment of the key role they played in establishing and maintaining this highly effective coalition.

The Onondaga County Office for the Aging is the federally designated Area Agency on Aging for Syracuse and Onondaga County. The agency plans, develops and coordinates programs and services for approximately 83,000 county residents age 60 and older.

The Onondaga County Office for the Aging was one of the most active and successful in the region. Their strong commitment to Part D outreach and enrollment, their creativity, perseverance and hard work could serve as a model for the rest of the region. They emphasized targeted outreach and always stressed the positives of the Part D program. They recognized the importance of working with local, State and Federal agencies and elected officials and actively sought out those partnerships. The level of success that they achieved would not have been possible without their excellent planning and organization.

It is my honor to recognize and congratulate the Onondaga County Office of the Aging for their tireless work in assisting seniors through the Medicare Part D enrollment process. I wish them continued success on the care that they provide to seniors.

HONORING THE LIFE OF LANCE CORPORAL ROBERT G. POSIVIO III

**HON. GIL GUTKNECHT**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 9, 2006*

Mr. GUTKNECHT. Mr. Speaker, I rise today to recognize the life of LCpl Robert G. Posivio III, who died a hero in a roadside bomb attack on May 23, 2006, while protecting his country and fighting for freedom in the al Anbar province of Iraq. As a devoted son, brother, and Marine, Lance Corporal Posivio will be missed by many.

Lance Corporal Posivio was born on October 4, 1983, in Mankato, MN, to Robert M. Posivio, Jr. and Patricia A. Posivio. He enlisted in the United States Marines while attending Martin County West Senior High School in Sherburn, MN, where he graduated in 2002.

Lance Corporal Posivio was assigned to the 1st Battalion, 1st Marine Regiment, 1st Marine Division, based at Camp Pendleton, CA. He is preceded in death by his grandmother, Ardis Posivio; his uncle, Don Wood; his brother, Daniel L. Posivio; and other relatives.

Lance Corporal Posivio was on his third tour of duty in Iraq and was scheduled to be honorably discharged on July 28. He returned to combat on April 30 after suffering injuries in a mortar attack on April 13 in which two members of his unit were killed. Lance Corporal Posivio told his family that if he died, he wanted the following quote placed on his tombstone: "Freedom comes at a price that the free will never know." We owe Lance Corporal Posivio and all the brave men and women serving in our Armed Forces a great debt of gratitude. We ask them to defend our Nation; we need to let them know they are not forgotten.

Mr. Speaker, I offer my condolences to Lance Corporal Posivio's parents, Robert, Jr. and Patti; his sister, Sarah Peltier, and her husband, Colin; his grandparents, Robert F. Posivio and Eugene and Evelyn McDonald; and the many other friends and family who loved him and miss him. In this time of sorrow, may our thoughts and prayers comfort them, and may his memory bring them peace.

PERSONAL EXPLANATION

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 9, 2006*

Mr. PENCE. Mr. Speaker, I was detained the evening of June 6, 2006 and wish to clarify any confusion as to how I intended to vote, most notably on rollcall 225, the motion to table the appeal of the ruling of the Chair. Had I been present, I would have voted in the following manner: Rollcall 223, King Amendment to H.R. 5441—"aye"; rollcall 224, Kingston Amendment to H.R. 5441—"aye"; rollcall 225, motion to table the appeal of the ruling of the chair—"aye"; rollcall 226, on passage of H.R. 5441—"aye."

INTRODUCTION OF "NO SPECIAL TAX SUBSIDIES FOR GAS GUZZLERS ACT"

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 9, 2006*

Mr. MARKEY. Mr. Speaker, today I am joined by Reps. ANNA ESHOO, RAUL GRIJALVA, BARBARA LEE, PETE STARK, JIM OBERSTAR, BERNIE SANDERS, SAM FARR, LOIS CAPPS, JIM MCGOVERN, BETTY MCCOLLUM, BILL DELAHUNT, JAY INSLEE, JOHN OLVER and JIM MORAN in introducing a bill entitled, "No Special Tax Subsidies for Gas Guzzlers Act." With our budget deficit running at near record levels the federal tax incentives, it seems odd that we would find it fiscally responsible to provide incentives to purchase automobiles which are especially inefficient. In fact, this runs directly contrary to other public policy initiatives, such as the fuel economy standards and the gas guzzler tax, which were adopted to try to keep the fleet of cars on the road from using more gasoline than is necessary. Now that we have troops in the Middle East, these odd, counter-

productive incentives can also be viewed as directly undermining our need to break the national addiction to imported oil.

This legislation corrects two incentives which are out-of-step with the times—the SUV Tax Loophole and the Gas Guzzler Tax loophole.

Some estimate suggest that if we reform either of these perverse incentives so that SUVs receive the same tax treatment as they would if they were classified as passenger vehicles, the savings would be at least \$1 billion over 10 years.

The federal tax code affects the purchase of heavy-duty SUVs through preferential tax treatment of depreciation for motor vehicles and passenger cars. Recently, the Congressional Research Service reviewed this situation and concluded that for a hypothetical purchase made in 2005, a businessman would realize a much higher after tax return on investment by purchasing an SUV instead of a similarly priced passenger car—\$3,000 higher in the example given. "In this treatment lies the most important tax subsidy for the purchase of these SUVs for business use." ("Tax Preferences for Sport Utility Vehicles," Guenther, Gary, Congressional Research Service, (RL32173), April 4, 2006, p. 5.) The report notes that "there is no question that current depreciation rules favor the purchase of heavy-duty SUVs over lighter SUVs or passenger cars of comparable value. Supporting evidence can be found in the greater tax benefit to business taxpayers from buying an SUV exempt from the depreciation caps on luxury passenger cars than from buying a vehicle subject to those caps. This added benefit stems from the accelerated depreciation for heavy-duty SUVs available under IRC section 179." Ibid, p. 11.

The Report goes on to note that when Congress moved in 2004 to reduce the expensing allowance for SUVs from \$100,000 to \$25,000, it may have thought it was significantly reducing the tax tilt to SUVs, but in fact "it did little to curtail the tax preference for buying these vehicles under current depreciation rules." Ibid, p. 13.

The legislation we are introducing today will eliminate the tax tilt so that a businessman is not led to buy the heavier vehicle by virtue of a perverse tax incentive. There may be other reasons to buy the larger vehicle, but a tax preference should not be one of them.

Cars which consume excessive quantities of gas are subject to a 'gas guzzler' tax which is intended to encourage automakers to produce and develop more fuel efficient vehicles. This tax has been highly effective. During the model year (MY) 2003, fewer than 100,000 (or 1.3%) of cars purchased were gas guzzlers. However, the tax is only subject to passenger vehicles, which means that SUV's escape the gas guzzler tax entirely!

This bill would incorporate SUV's into the gas guzzler tax schedule that applies to other passenger vehicles.

The gas guzzler tax originated with the Energy Tax Act of 1978 (P.L. 95-618), and the IRS issued the first regulations to implement it in 1980. It applies to domestic sales of automobiles by manufacturers and importers, who are required to pay the tax. IRC section 4064(b) defines an automobile as any "four-