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PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

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WASHINGTON, MONDAY, MAY 2, 2005

No. 55

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, May 9, 2005, at 2 p.m.

## House of Representatives

MONDAY, MAY 2, 2005

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MURPHY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
May 2, 2005.

I hereby appoint the Honorable TIM MURPHY 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:

Lord God, when the American people visit Capitol Hill, You often stir within them a deeper sentiment of patriotism. Foreign visitors too are impressed with our history and the activities of a free society. Today we pray for all of our visitors.

May Your strong hand guide and protect them in their travels. We commend to You, Lord, all of those who accompany or assist our visitors while they are here. Bless the guides, staffers, and the Capitol Police in their daily work. Create among them bonds of friendliness and unity which will foster lasting impressions of our Nation's respect for the dignity of every person and the mutual respect which guides strong character and leads to a beloved community.

Lord, You teach all of us that patriotism is a love for everything that has to do with our Nation's land, its history, traditions, writings, natural features, as well as lasting memorials. For growth in patriotism extends also to the work of all of our compatriots and all the benefits their contributions make to establish this Nation we love.

To You be all honor and thanks 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. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore 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.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 382. An act to amend title 18, United States Code, to strengthen prohibitions

against animal fighting, and for other purposes.

S. 976. An act striking the Specific Privatization Criteria in ORBIT for Intelsat Separated Entities (New Skies) and Immarsat and Other Technical Corrections

The message also announced that pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader appoints the following individual to the United States Commission on International Religious Freedom:

Most Reverend Ricardo Ramirez, C.S.B. of New Mexico, for a term of two years (May 15, 2005-May 14, 2007).

The message also announced that pursuant to S. Con. Res. 130 (106th Congress) the Chair on behalf of the President pro tempore appoints the following individual to the Task Force on Slave Laborers.

Curtis H. Sykes of Arkansas and notes the Senator from Arkansas (Mr. LINCOLN) will serve as the designee of the Democratic Leader.

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H2741

CONGRESS OF THE UNITED STATES,  
Washington, DC, April 29, 2005.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives, The Capitol,  
Washington, DC.

DEAR MR. SPEAKER: I have been nominated by President Bush and confirmed by the United States Senate for the position of United States Trade Representative. Therefore, I have submitted my resignation as a Member of the U.S. House of Representatives, effective 12 noon, April 29, 2005. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

Mr. Speaker, it has been a high honor to represent the Second Congressional District of Ohio for the past twelve years, and to serve with the distinguished men and women of the House of Representatives. I look forward to working with the Members of the House and serving the Nation in my new position.

Sincerely,

ROB PORTMAN,  
Representative.

CONGRESS OF THE UNITED STATES,  
Washington, DC, April 29, 2005.

Hon. ROBERT TAFT,  
Governor, State of Ohio,  
Columbus, Ohio.

DEAR GOVERNOR TAFT: I have been nominated by President Bush and confirmed by the United States Senate for the position of United States Trade Representative. Therefore, I hereby resign as a Member of the U.S. House of Representatives, effective 12 noon, April 29, 2005.

It has been a honor to represent the Second Congressional District of Ohio for the past twelve years, and an honor to work with you and the Ohio delegation. I look forward to working with you and serving Ohio and the Nation in my new position.

Sincerely,

ROB PORTMAN,  
Representative.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Ohio (Mr. PORTMAN), the whole number of the House is adjusted to 434.

#### APPOINTMENT AS HISTORIAN OF THE UNITED STATES HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to clause 7 of rule II and the order of the House of January 4, 2005, the Chair announces that on Thursday, April 28, 2005, the Speaker appointed Dr. Robert V. Remeni as Historian of the United States House of Representatives.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
U. S. HOUSE OF REPRESENTATIVES,  
Washington, DC, April 29, 2005.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives, Washington,  
DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2005 at 11:38 a.m.:

That the Senate agreed to without amendment H. Con. Res. 41.

That the Senate agreed to conference report H. Con. Res. 95.

That the Senate agreed to without amendment H. J. Res. 19.

That the Senate agreed to without amendment H. J. Res. 20.

With best wishes, I am,  
Sincerely,

JEFF TRANDAHL,  
Clerk.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 382. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary and in addition to the Committee on Agriculture 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.

S. 976. An act striking the Specific Privatization Criteria in ORBIT for Intelsat Separated Entities (New Skies) and Inmarsat and Other Technical Corrections; to the Committee on Energy and Commerce.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m., Tuesday, May 3, 2005, for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 3, 2005, at 12:30 p.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1750. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting Evaluation and report on Tricare Program effectiveness for FY 2005, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

1751. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2004 Performance Report to Congress required by the Medical Device User Fee and Modernization Act (MDUFMA); to the Committee on Energy and Commerce.

1752. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Supporting Democracy and Human Rights: The U.S. Record 2004-2005," pursuant to Public Law 107-228, section 665; to the Committee on International Relations.

1753. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fifth Annual Report to Congress on the Inter-American Convention Against Corruption; to the Committee on International Relations.

1754. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's Federal Employee Antidiscrimination Retaliation Act of 2002 (No FEAR Act) Report for FY 2004; to the Committee on Government Reform.

1755. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's annual report for FY 2004, summarizing data and analysis of complaints filed for the past five fiscal years and how the Department is working to fulfill the requirements of the Act, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Government Reform.

1756. A letter from the Assistant Secretary for Human Resources and Administration, Department of Veterans Affairs, transmitting an annual report regarding discrimination and whistleblower cases, pursuant to Public Law 107-174, section 203; to the Committee on Government Reform.

1757. A letter from the Chairman, Federal Housing Finance Board, transmitting a copy of the Board's No Fear Act Report for FY 2004, pursuant to Public Law 107-174; to the Committee on Government Reform.

1758. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-01; Introduction — received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1759. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Improvements in Contracting for Architect-Engineer Services [FAC 2005-01; FAR Case 2004-001; Item I] (RIN: 9000-AK15) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1760. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Increased Justification and Approval Threshold for DoD, NASA, and Coast Guard [FAC 2005-01; FAR Case 2004-037; Item II] (RIN: 9000-AK12) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1761. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items, Test Program [FAC 2005-01; FAR Case 2004-034; Item III] (RIN: 9000-AK11) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1762. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Addition of Landscaping and Pest Control Services to the Small Business Competitiveness Demonstration Program [FAC 2005-01; FAR Case 2004-036; Item IV] (RIN: 9000-AK14) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1763. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition