

Transgender Organization, eloquently highlighted the global prevalence of these violations. I ask that his statement be included at this point in the CONGRESSIONAL RECORD.

STATEMENT BY MARTIN ORNELAS-QUINTERO, EXECUTIVE DIRECTOR, THE NATIONAL LATINA/O LESBIAN, GAY, BISEXUAL & TRANSGENDER ORGANIZATION (LLEGÓ)

Good morning. I want to thank Congressman Lantos and resolution co-sponsor Congressman Shays for their work, and also all the human rights organizations here today that stand together in support of this important resolution. My name is Martin Ornelas-Quintero, executive director of LLEGÓ, the National Latina/o Lesbian, Gay, Bisexual and Transgender organization. I would like to read an excerpt from a letter sent by LLEGÓ to the honorable Richard Maduro, president of Honduras in September of this year

In the city of San Pedro Sula, the lesbian, gay, bisexual, transgender and transsexual community is confronting persecution, harassment, mistreatment and humiliation because of this attempt to defend the human rights of other LGBT community members. Specifically, we wanted to bring attention to the case of La China.

La China, born as Ellyn Suarez—along with the LGBT community members, demands that the police of San Pedro Sula begin to conduct more exhaustive investigations into the deaths of members of the LGBT community so that these murders do not go unpunished, as they have in the past.

Ms. Suarez was a witness to the murder of David Yanez and has served as a witness for the state during the prosecution case. Under international scrutiny, Ellyn has maintained her composure and courage to confront representatives of the police force who, instead of protecting the citizens of San Pedro Sula, have violated their promise to protect the law and have become criminals themselves. We are aware that the Honduran government has measures at their disposal to protect witnesses in criminal cases. We in the international community want to make sure these measures are available for all inhabitants of Honduras with regard to their sexual orientation or gender identity.

We make a call to the community to support and bring attention to this case and the need for the Honduran government to protect all of its citizens. We are aware that in the case of La China Suarez, the police offered its protection for a limited time and have withdrawn it. Given the threatening conditions the LGBT community of San Pedro Sula lives in every day, we want to emphasize the necessity for this protection to continue until all the individuals related to the case are found and judged. Our greatest concern at the moment is the life of Ms. Suarez, and we would appreciate support and assistance in facilitating her protection" (Letter to Honorable Licenciado Ricardo Maduro, Presidente de la República, y la Honorable Aguas Ocaña Navarro, Primera Dama de Honduras, dated September 15, 2003).

Ms. Suarez, a Honduran transgender woman, witnessed the murder of another transgender woman by two police officers. After testifying against the men, Ms. Suarez was reluctantly given witness protection. Unfortunately, Ms. Suarez, who was unemployed at the time, had to find money not only for her own food and shelter needs, but had to feed and provide lodging for her "protectors." The two police officer, although accused and charged, "miraculously" slipped out of police custody. Also, "miraculously," witness protection services for Ms. Suarez were curtailed. Finding her life in danger, she fled—with the help of Amnesty Inter-

national and LLEGÓ—to Guatemala. There, the paramilitary tried to kill her. Again, with assistance from Amnesty and LLEGÓ, she fled to the Netherlands, where she today waits to be granted asylum. This is just one example of the dangers LGBT people face everyday all over the world. We cannot sit idly while our brothers and sisters are being harassed, tortured and murdered often for simply being who they are. This is why we applaud and wholeheartedly endorse the resolution introduced today by Congressman Tom Lantos and Congressman Christopher Shays."

#### RECOGNIZING CARL HOWARD FOR ACHIEVING THE RANK OF EAGLE SCOUT

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 25, 2003*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Carl Howard, 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 247, and in earning the most prestigious award of Eagle Scout.

Carl has been very active with his troop, participating in many scout activities. Over the ten years Carl has been involved with scouting, he has earned 40 merit badges, as well as the World Conservation Award, the Arrow of Light, and God and Country. He has held numerous leadership positions, serving as assistant patrol leader and den chief. Carl is also a Tom-Tom Beater in the Tribe of Mic-O-Say.

For his Eagle Scout project, Carl obtained the needed supplies and coordinated a group of scouts in painting the baseball dugouts at Waterwell Park in Kansas City, Missouri. The project was completed to repair damage from a flood.

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

#### FILING OF FY 2004 OMNIBUS APPROPRIATIONS ACT

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 25, 2003*

Mr. WOLF. Mr. Speaker, I wish the record to reflect my deep disappointment with the Justice Department and Attorney General John Ashcroft for supporting language in the FY 2004 omnibus appropriations bill reducing the amount of time background record checks for gun sales are maintained. As the son of a police officer, I believe this change could be detrimental to public safety and ultimately result in people dying.

When the FY 2004 Commerce-Justice-State (CJS) appropriations bill was debated in full committee this summer, several amendments dealing with firearms and firearms purchases were offered "en bloc" and adopted. One of the amendments in the package called for the immediate destruction of gun sale background check records. I did not support this package

of amendments since neither the Justice Department nor Attorney General Ashcroft, the nation's chief law enforcement officer, would—or could—tell me if these provisions would impact the ability of law enforcement to stop criminals, or worse, terrorists. As chairman of the CJS subcommittee, I repeatedly asked for a formal position from the Justice Department about how the proposed amendments would affect law enforcement efforts but never got an answer.

As House and Senate negotiators met to discuss the final version of the FY 2004 CJS bill—now folded into the omnibus spending bill—the provision calling for the "immediate" destruction of the background records was dropped. Now, at the eleventh hour of wrapping up the FY 2004 appropriations process, the Justice Department is actively supporting a "compromise" that would reduce the time background records are held from the current law standard of up to 90 days to 24 hours. This extreme change comes despite the fact that there is still no explanation or detail about what impact such a change would have on protecting mothers and fathers, daughters and sons, from criminals and terrorists.

It is irresponsible to tack such a provision into a year-end spending bill without knowing and understanding the full impacts. According to the FBI, in 2002 more than 3,500 guns were sold and then later had to be retrieved because information came in after the sale was allowed to proceed which would have prohibited the sale. I repeat: 3,500 guns on the street which shouldn't have been there. It is chilling to think what would happen if a 24-hour system were in place.

Moreover, any proposal for such a drastic change should be fully aired before the Congress and interested parties. It should be noted that the International Association of Chiefs of Police continues to stand by its September 2001 letter to the FBI stating that the 90-day records retention period should not be shortened.

Under current law, licensed dealers generally are not to transfer firearms to an individual until the search determines that the transfer will not violate applicable federal or state law. Persons prohibited by federal law from receiving a firearm include convicted felons, fugitives, unlawful drug users, and aliens illegally or unlawfully in the United States. If the background check is not completed within three business days, the dealer is not prohibited from transferring the firearm. Current law regarding retention of gun purchase checks says that information on sales that have been allowed to proceed can be kept for up to 90 days in the FBI's National Instant Criminal Background Check System (NICS) audit log, after which the records must be destroyed.

The audit log contains information related to each background check requested by a licensed firearms dealer, including the NICS response (e.g., proceed or denied) and the history of all activity related to the transaction. According to the NICS regulations, information on allowed firearms sales is used only for purposes related to ensuring the proper operation of the system or conducting audits of the use of the system.

I submit for the RECORD a Washington Post article from November 18 with the headline, "FBI Curbed in Tracking Gun Buyers," which reports on a "new FBI background-check system that notifies counterterrorism agents when

suspects on its terrorist watch list attempt to buy guns, but regulations prohibit those officials from obtaining details if the transaction occurs." The article states that 13 alleged terrorists have been allowed to buy guns.

A follow-up Post article from November 22 reports that the Justice Department has ordered the FBI to increase scrutiny of suspected terrorists who attempt to buy guns, but gives the FBI only three days to run additional checks on prospective gun buyers listed on the Violent Gang and Terrorist Organizations File."

We are fighting a war on terrorism—and as chairman of the CJS subcommittee I have offered unwavering support to the Justice Department and the nation's federal law enforcement 4 activities—yet terrorist manuals recovered by law enforcement contain guidance on how easy it is to buy guns in the United States. Even the Justice Department's website contains the al Qaeda training manual which includes the following: "The confrontation that we are calling for with the apostate regimes does not know Socratic debates . . . , Platonic ideals . . . , nor Aristotelian diplomacy. But it knows the dialogue of bullets, the ideals of assassination, bombing, and destruction, and the diplomacy of the cannon and machine-guns."

It continues with "Second Issue: The importance of establishing a tactical plan for the assassination operation that consists of the operational factors themselves (members, weapons, hiding places . . . ) and factors of the operation (time, place). In this example, we shall explain in detail the part related to the security plan. The part related to operational tactics will be explained in the lesson on special operational tactics."

That's how the terrorists train and that scenario is one about which I have long been concerned. In September 1998 I saw the need to address the growing threat of terrorism in the world and authored legislation which created the National Commission on Terrorism chaired by Ambassador Paul Bremer. That was less than a month after two U.S. embassies in East Africa were bombed by terrorists linked to Osama bin Laden. I had raised with our colleagues then the concern that Sudan was harboring bin Laden. Quite frankly I have been frustrated in my attempts to get Congress and administrations past and present to be proactive in combating the terrorist threat.

Now comes this firearms regulation change which I believe could play into terrorists' hands. Obtaining weapons is a critical part of their plan. It is abundantly clear that we need to change some of our laws, but not in ways that make it easier for terrorists to buy weapons in the United States.

We all remember the terror of 9/11. Our nation and the world changed forever on that day when 3,000 died, including 30 from my congressional district. We all remember the terror that gripped the Washington area a year later when snipers killed 14 and wounded six others, including a young child. Shouldn't we be doing everything we can to assist law enforcement officers in rooting out terrorists, rather than tying their hands?

HONORING LTC ROBERT D. COULDRY FOR HIS 36 YEARS OF SERVICE TO THE 139TH AIRLIFT WING

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 25, 2003*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize LTC Robert D. Couldry of the 139th Airlift Wing stationed at Rosecrans Memorial Airport, St. Joseph, Missouri. Lieutenant Colonel Couldry has exemplified the finest qualities of leadership and service and is being honored for his 36-year commitment to the Missouri Air National Guard and to the citizens of Missouri.

Lieutenant Colonel Couldry enlisted in the Missouri Air National Guard in 1967 and was commissioned in 1979. His dedication to service became evident early on in his career. Lieutenant Colonel Couldry's contributions to the 139th Aerial Port Squadron have spanned over 25 years, where he led the formation of the Aerial Port Standardization and Evaluation Quality Control program.

In his position as the 139th Airlift Wing Inspector General officer, Lieutenant Colonel Couldry developed the first 139th Airlift Wing Inspector General Program and associated Wing Inspector General Operating Instructions. His diverse background and knowledge helped make this program successful and improved operation through staff education.

In addition to his service in the Missouri Air National Guard, Lieutenant Colonel Couldry also served his state as the superintendent of schools for Mid-Buchanan School District.

Mr. Speaker, I proudly ask you to join me in commending the career of LTC Robert D. Couldry, who exemplifies the qualities of dedication and service to Northwest Missouri and the United States of America.

### INTRODUCTION OF H.R. 3541, THE IMPLEMENTS OF TORTURE EXPORT CONTROL ACT OF 2004

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 25, 2003*

Mr. LANTOS. Mr. Speaker, last Thursday I introduced the Implements of Torture Export Control Act of 2004, a bill to make it impossible for those who torture people abroad to misuse U.S. produced equipment for that purpose. This measure is similar to an amendment that was adopted on a bipartisan basis in the Committee on International Relations in the 107th Congress as part of legislation to reform the U.S. export control system.

Mr. Speaker, I introduced H.R. 3541 out of concern that the U.S. and other Western nations are exporting crime control and torture equipment to human rights abuses around the world. This bill would write into law a standard that should be an axiom of U.S. human rights foreign policy: the United States, while it seeks to improve respect for the basic human rights of person throughout the world, ought not to

sell to torturers implements that make it easier for them to inflict pain and suffering on their helpless victims.

Mr. Speaker, in the right hands, crime control equipment can protect the innocent. In the wrong hands, it is used on the innocent. Amnesty International reports that governments that regularly use torture against detained persons frequently use crime control equipment from the U.S. and other Western suppliers as ready-made implements of torture. Existing export regulations require general licenses for the export of many types of crime control equipment, leaving whole categories of criminal equipment free to be exported without any specific review. It is true that most of this equipment, including electroshock discharge weapons, can be purchased domestically by private U.S. citizens for "self-defense" purposes. However, private U.S. citizens—as well as U.S. law enforcement officials—can be reliably prosecuted for any abuse of these implements as torture tools. Exports of these same items, however, to countries that use torture as part of official or condoned practice should be regulated because they may have unreliable or nonexistent systems of judicial accountability for torture abuse.

No U.S. exporter should ever want to sell its products to governments, or government-supported groups, that will use the labor of American workers to torture their citizens. But U.S. exporters do not have the resources to know the totality of the practices of their prospective customers. It is up to the U.S. Government to ensure that American products do not go to abusive governments.

Mr. Speaker, H.R. 3541 would do a number of things:

It would require that the Secretary of Commerce create a list of crime control and detection instruments and equipment especially susceptible to abuse as implements of torture.

It would require that an individual export license of all such items unless the export is to a major ally, and requires that applications are reviewed by human rights experts in the U.S. government.

It would prohibit export of all such items to any country if the government of such country has engaged in acts of torture until the Secretary of State has determined stopped such acts for the previous twelve months. To allow legitimate trade, however, such items could be exported to a particular end-user if the Secretary of State has determined that such end user has not engaged in acts of torture.

Perhaps most importantly, the bill completely prohibits the export of certain equipment that is particularly susceptible to abuse as equipment of torture, such as electroshock stun belts, leg irons and other restraints that have sharp or serrated edges, batons or clubs fitted with spikes and other items that are similarly susceptible to misuse.

Mr. Speaker, in 1979, the Congress recognized that crime control equipment required special review, but current law needs updating and reform. I urge all my colleagues to support this common-sense addition to the Export Administration Act, and ensure that American crime control products are not abused instead to torture the innocent.