



October 2004

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Gillmor Washington Update

As your Representative in Congress, I am proud to represent Ohio's Fifth Congressional District here in Washington, DC.

In order to keep the citizens of the Fifth District better informed and up to date on my activities in Washington, DC and back home in Ohio, I have published the October edition of my monthly newsletter. It is my goal to provide you with the information you need to stay informed on the issues important to Ohio. In this edition of my Monthly Update, I have focused on the important events that have taken place in the month of September and inform you of upcoming October events in the Fifth District. I hope that you will find this information beneficial. Please contact me should you have any questions or comments.

Marriage Amendment Update: House Votes on Definition of Marriage

In September, the United States House of Representatives addressed the important issue of a federal amendment to the U.S. Constitution defining marriage as between a man and a woman.

I have heard from thousands of constituents who agree with the definition of marriage as a union between a man and a woman and want to see the sanctity of this trusted institution protected from attack by activist judges. My vote for the amendment clearly shows my agreement with the overwhelming majority of our district.

In 1996 I supported the Defense of Marriage Act which allowed all states, territories, possessions, and Indian tribes to refuse to recognize an act of any other jurisdiction that designated a relationship between individuals of the same sex as a marriage. This measure passed the House by a margin of 342-67, the Senate by a margin of 85-14, and was signed into law by former President Bill Clinton on September 21, 1996.



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In July, the U.S. Senate examined S.J.RES.40, a Constitutional Amendment to declare that marriage in the United States shall consist of only the union of a man and a woman. According to Senate rules, 60 Senators must vote for cloture to place a time limit on consideration of a matter and thereby overcome a filibuster. The Marriage Amendment considered in the Senate failed to achieve cloture by a vote of 48 to 50.

The amendment process is purposely rigorous and while the federal marriage amendment received 55 percent of the vote in the United States House, it failed to receive the requisite two-thirds vote for passage. My hope is that Congress and the President continue to examine means to protect the future welfare of the state of marriage as we did with the Defense of Marriage Act in 1996.

Congress Works to End Frivolous Lawsuits

In September, the House once again addressed the issue of frivolous lawsuits which are destroying the U.S. court system and putting Americans out of work. Frivolous lawsuits affect all Americans with an average cost per person of over \$800 in 2002. As a lawyer, I respect the power of the legal system and the threat of litigation when warranted. Yet, when litigation, or the threat of litigation, is used in an abusive way and beyond the boundaries of civility, it hurts all Americans and the system as a whole.

America's small businesses are the driving force of our economy. As our largest employer and the catalyst for growth, their importance is well recognized. Yet, small businesses rank the cost and availability of liability insurance as their second highest priority, behind health insurance, an area also greatly affected by frivolous lawsuits.

With tort costs raising over 13 percent in 2002, the need for reform is great. The House passed a bill which would require any party making a frivolous claim to pay attorneys' fees and compensatory costs and prevent attorneys from "forum shopping". In addition, the House passed a bill



which would require that personal injury cases be brought only 1) where the plaintiff resides; 2) where the plaintiff was allegedly injured; 3) or where the defendant's principal place of business is located.

In addition, with over ninety-six percent of the vote, the House passed reforms removing the liability on donors of surplus firefighting equipment to volunteer fire departments. And finally, the House passed reforms which remove liability from volunteer pilot organizations. Volunteer pilot organizations consist of aviators who provide life-saving

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medical flights free of charge. The fear of lawsuits and increased liability insurance kept many of these organizations from their life-saving duties.

Legislative initiatives to dissuade frivolous lawsuits are not intended to halt decent Americans and honest attorneys from filing claims when there are genuine injuries. However, some attorneys today are overzealous and quick to try cases without merit knowing that fruitful settlements often sit at the end of the rainbow. The legal profession is polluted not by a fatal flaw in its design but rather by the actions of a few dishonorable litigators. The work of the House of Representatives to reduce frivolous lawsuits and the ever present threat of being sued is important to all Americans. The threat of a frivolous lawsuit is damaging, costly, and potentially deadly. I hope the work of Congress continues towards ending this harmful practice.

House Votes to Protect the Pledge of Allegiance

In September, the House overwhelmingly voted on legislation to restrain the power of a few overzealous federal judges in interpreting the words “under God” in the Pledge of Allegiance. As an original cosponsor of the Pledge Protection Act, I was proud to see its passage through the United States House of Representatives.

The Pledge Protection Act precludes federal district courts, appellate courts, and the Supreme Court from hearing cases involving the Pledge of Allegiance. Under this legislation, the power to interpret the words “under God” would be reserved for state courts within the state boundaries. If the Pledge Protection Act passes the Senate and is signed into law by the President, no longer will federal judges in California tell the people of Ohio what they can and cannot say. Instead, decisions on the Pledge by one state will only apply there, and have no effect in any other jurisdiction.

The words “under God” have defined our nation and our values for centuries and the references to religion are intertwined with our historical record. The document which set our nation on its path to greatness, the Declaration of Independence, maintains, “We hold these truths to be self-evident, that all men are created equal, that they are *endowed by their Creator* with certain unalienable Rights...” In addition, just three days before the First Amendment was sent to the states for ratification, Congress authorized the appointment of chaplains for both the U.S. House and Senate. Today, these chaplains open each day of legislative session with a prayer and the reciting of the Pledge of Allegiance.



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The power to remedy abuses by federal judges and restrain the appellate jurisdiction of the Supreme Court lies solely in the discretion of the United States Congress. As such, legislation which gives courts the jurisdiction to interpret the Pledge of Allegiance is an exercise of the checks and balances and within the scope of Congress.

The Pledge Protection Act reserves the power to review the words "under God" to our own state courts. It is an important precedent and one which I hope the federal courts regard with the full support of the U.S. House of Representatives. This measure will now be addressed by the U.S. Senate. I only hope that my colleagues across the Capitol believe as strongly in the power of the Pledge as do we in the House.

Protecting your Health: Prescription Drug Importation and Medical Malpractice Insurance Update

As Congress prepares to wrap-up its work for the year, two important health-related issues remain outstanding. The first, primarily affecting the pocket books of senior citizens throughout northwest Ohio and the country, involves the importation of lower-priced prescription drugs. H.R. 1, the new Medicare Reform measure enacted into law last December, addressed the importation of prescription drugs for not only Medicare-eligible individuals, but for all Americans.



Congressman Gillmor speaks with local doctors at a roundtable discussion in Grand Rapids.

While H.R. 1 allows for prescription drug imports from Canada, importation cannot be implemented unless the Secretary of the U.S. Department of Health and Human Services (HHS) certifies to Congress that such imports do not threaten the health and safety of the American public, and do in fact provide cost savings. Of note, Secretary Tommy Thompson must report back to Congress by this December.

I look forward to reviewing his findings and will continue to monitor this process closely. In the meantime, H.R. 1 directs the HHS Secretary to publish regulations that grant waivers for an individual to import up to a 90-day supply of a prescription drug from a licensed Canadian pharmacy for personal use in the U.S.

In addition to drug importation, medical malpractice continues to be of

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great concern to Ohio physicians, consumers, legislators, and others. Malpractice insurance and professional liability costs are spiraling out-of-control. A number of recent reports nationally indicate that many doctors are departing states that have high liability costs. Some are leaving the profession altogether. If we truly are to have health care reform, containing liability must be a cornerstone of it.

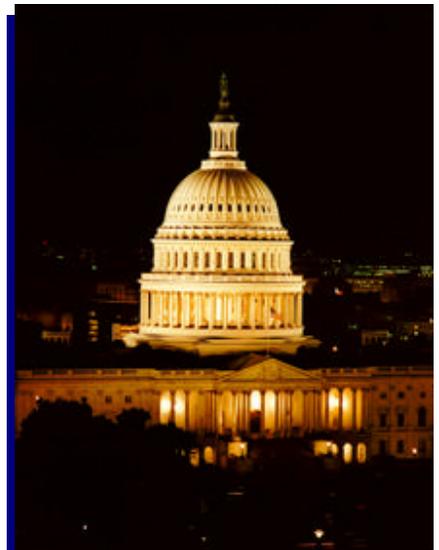
In a step to help resolve the malpractice situation, I joined my colleagues in the House last May to approve H.R. 4280, the Health Act of 2004. If enacted into law, this measure would improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on our health care delivery system. However, unfortunately, the Senate has yet to consider this proposal. Should the Senate decide to not act before the end of the year, I expect that this issue will again re-surface during the 109th Congress.

Protecting the Homeland: Implementing the 9/11 Commission Recommendations

On September 29, 2004 the House Financial Services Committee unanimously passed an important portion of the package of 9/11 Commission Recommendations (H.R. 10) put forward by the Speaker of the House. This important legislation contains several anti-terror finance and anti-money laundering provisions to strengthen the hand of law enforcement in dealing with the highly motivated and adaptive efforts of terrorists to hide their financing structures.

H.R. 10 includes language that would require the Treasury Department to develop a national money laundering strategy; grant the Securities and Exchange Commission emergency authority to respond to extraordinary market disturbances; and boost the authority of the Financial Crimes Enforcement Network, the U.S. Government's financial intelligence unit. To ensure that the government's efforts against terrorist financing are matched throughout the world, this legislation would also direct the Secretary of the Treasury to establish an international terrorist finance coordinating council.

In addition to the terrorist financing provisions, H.R. 10 creates a new National Intelligence Director (NID) to act as principal advisor to the President, the National Security Council, and the Homeland Security Council for foreign and domestic intelligence matters relating to national security.



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The legislation goes on to change current law so that federal officials can monitor and track “lone wolf” terrorists, operating independently from any known foreign terrorist organization such as the “shoe-bomber” Richard Reed. H.R. 10 makes it a crime for an individual to intentionally pull a terrorist hoax or fake the death of a U.S. soldier while also clarifying current law to stipulate that those who provide material support- such as currency, lodging, training, etc.- to terrorists or terrorist organizations will be prosecuted and imprisoned.

This legislation also enhances airline security by training all federal law enforcement officers with in-flight counterterrorism procedures, enhances border security by doubling the current number of border patrol officers and tripling the number of immigration enforcement agents, and improves security identification by making it more difficult for terrorists to falsify identification. H.R. 10 would require all drivers’ licenses and birth certificates to bear a set of standard characteristics thereby cutting down on forgeries.

Finally, H.R. 10 goes a long way toward improving our current funding pipeline for our nation’s first responders by expediting the transfer of resources from federal sources to local authorities where they are most needed while also making it easier for firefighters, policemen, and Emergency Medical Technicians (EMTs) to help those in need across state lines without fear of being sued.

I look forward to the full House of Representatives consideration of this measure in the near future as we uphold our obligation to provide security to our country at a time of heightened insecurity.

Focus on the Fifth: \$500,000 Grant to American Ag Fuels, LLC in Defiance

In September, the U.S. Department of Agriculture’s Office of Rural Development approved a \$500,000 grant for American Ag Fuels, LLC in Defiance, Ohio. Funds will be allocated from the Renewable Energy Systems



and Energy Efficiency Improvements program.

These funds, made available by Congress, will be used by American Ag Fuels in developing more efficient energy operations through improvements such as the implementation of renewable energy systems. Specifically, these monies will allow American Ag Fuels to manufacture biodiesel through the addition of pre-treatment equipment to allow for the use of additional feedstocks beyond the usual soybean oil.

Throughout my years representing the Fifth District, I have consistently supported the use of renewable energies such as biodiesel, ethanol, and biomass in order to further benefit our already agricultural rich region

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as well as promote human health and the environment.

This grant will improve the effectiveness of renewable energy resources in Defiance and serve many Northwestern Ohio markets. I was glad to see this investment in the Fifth District by the federal government and proud of the work of American Ag Fuels towards a cleaner America.

Adoption Tax Relief Act Passes House

In September, the U.S. House of Representatives passed the Adoption Tax Relief Guarantee Act to provide up to a \$10,390 tax credit to families with adopted children. I was proud to cosponsor this measure with 203 of my colleagues, and was thankful to see its passage.

Continuing to relieve the tax burdens of the American family remains one of the primary goals of this Congress. Without this measure, families which adopt children would lose \$1.2 billion in assistance by 2014 while others may choose not to adopt at all.

The tax relief passed by Congress in 2001 provided a \$10,000 credit for adoption expenses in addition to other adoption incentives. However, because of a Senate budget rule, these incentives

expire in 2010. The Adoption Tax Relief Guarantee Act preserves the tax credit as indexed up to \$10,390 for qualified adoption expenses. In the case of a special needs adoption, the full credit can be claimed, regardless of actual expense. Without this legislation, the credit will fall back to \$6,000 for special needs adoptions with no credit for other adoptions. Lastly, the current law provides a credit for families with combined incomes up to \$150,000. If not extended, the income gaps for adoption credit eligibility will fall to \$75,000.

Currently, there are more than 1.6 million adopted children under the age of 18 in America, comprising 2.5 percent of all children. Adoption costs range from \$2,500 to more than \$40,000 depending on the nature of the adoption.

By providing further tax relief to those who adopt, we have once again made an investment in the American family. As we continue to encourage mothers unable to care for their unborn child to give birth and allow their child to be adopted, it is equally important to make the process easier for the families who choose to adopt. With more than 532,000 children in



Congressman Gillmor speaks with students from Anthony Wayne High School on the steps of the U.S. Capitol Building

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publicly funded care, any incentive to adopting in America is a welcomed and blessed effort.

Service Academy Nomination Process



Congressman Gillmor meets with cadets he has nominated and are enrolled at the United States Military Academy at West Point

One of my most important responsibilities as your Congressman is to nominate young men and women from the Fifth District for admission to our nation's service academies. Admission to one of the service academies is a two-tiered process. First, the candidate must meet the minimum standards for admission set by the academy itself. These standards include, among others, medical and scholastic qualifications. The second tier is the nomination process.

An individual must achieve both - meet the admissions requirements of the academy, as well as receive a nomination from their Congressperson, Senator, or the Vice President- in order to gain admission to the academy. Once materials are returned to the Tiffin office, I will send confirmation of what was received as well as a list of those items still needed to complete the file. The deadline for applying for nomination to a service academy is **October 15**. Please contact my Tiffin office with any additional questions on the nomination process.

Congressman Gillmor's October Casework Onsite Schedule

One of my goals as Congressman is to make sure that casework services are readily available to all my constituents. Unfortunately, the size of our sixteen county district makes travel to my Defiance, Tiffin, or Norwalk offices prohibitive for many. In order to ensure that my staff is accessible to all my constituents, I have scheduled casework onsites in Defiance and Paulding Counties as follows:

Thursday, October 14, 2004

10:30 a.m. – 11:30 a.m.

Farmer Township Hall
9985 State Route 249

FARMER

Thursday, October 14, 2004

1:00 p.m. – 2:00 p.m.

Payne Village Hall
131 North Main Street

PAYNE



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If you are in the area, I encourage you to stop by and my staff will be happy to assist you with any problems you are having with the federal government.

Contact Me

If you have any suggestions on topics you would like to see addressed in my monthly updates, require any additional information, or would like to inform me of your views on matters concerning the federal government, please contact me anytime in Washington, DC or in any of my Ohio offices.

If you wish to forward your questions or concerns via U.S. mail, please address your correspondence to one of my Ohio offices as mail sent to the Longworth House Office Building in Washington is subject to a lengthy screening process and may not reach my office in a timely manner.