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# House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LINCOLN DAVIS of Tennessee).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*October 16, 2007.*

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

## SCHIP VETO

Mr. BLUMENAUER. Mr. Speaker, the vote to override President Bush's veto of SCHIP marks the culmination of the most disingenuous and deliberately misleading debate I have witnessed in my entire political career.

The partisan talking points from the Bush White House have been disputed not only by the independent experts, but by dozens of sensible Republicans like Senator GRASSLEY, Senator ROBERTS and Senator HATCH. The facts are simple: working families are having great difficulty providing their children with health insurance.

This is not a program about poor kids, most of whom are already eligible for State Medicaid programs. SCHIP provides health care to children of working families who make too much to receive welfare, but can't afford private insurance. Everyone I talk to back home agrees that this is a problem government needs to address and that children of struggling working families shouldn't pay the price for Republican politics.

The President and his Republican defenders say that SCHIP shouldn't go to families who earn $83,000 a year. Well, as Republican Senator GRASSLEY points out, this is why the bill doesn't authorize coverage at that income level.

The White House now opposes the bipartisan bill because it provides coverage for adults. Yet, over the last 6 years, the administration has cheerfully approved numerous waivers to allow States that have requested to extend coverage to some adults; for example, to pregnant women. This bill actually phases out adult coverage over 2 years, coverage the Bush White House used to think was a good idea, before they were against it.

We have heard complaints about the process, how Republicans were shut out of consideration of SCHIP reauthorization. Yet Commerce Committee Republicans wasted hour after hour demanding the bill be read line-by-line, aloud, instead of debating areas of concern and proposing their own amendments. Just because House Republicans chose to squander time with procedural games and stalling tactics is no justification for denying health care to 10 million children.

Nothing is more ludicrous than the argument that SCHIP is a step towards socialized medicine. We have heard them say it time after time. But SCHIP is a block grant program to the States where most SCHIP recipients receive their coverage by private, managed care plans, similar to the private Medicare Advantage plans the Republicans have been promoting for the last 5 years.

The argument that SCHIP is too costly rings hollow. After all, remember, there are 98 Republican opponents of SCHIP who voted for a more expensive unfunded Medicare prescription drug program, which the President happily signed into law.

Five years of SCHIP expansion would cost little more than a month of the Iraq war, and SCHIP is paid for, unlike the President's war that is all borrowed money. The President's opposition, if wrong headed, is at least consistent. His budget proposal for 2008 underfunded SCHIP. It would have cut coverage for 800,000 children currently in the program.

He drug his feet on SCHIP as Governor of Texas, and his home State still has the highest percentage of uninsured children in the country. Of course, his tendency to ignore inconvenient facts or make up his own is well documented.

What I find inexplicable is the decision of House Republicans to follow the President's leadership down this path of denial and deceit. This bill is about more than health care for 10 million children. It could mark a turning point in the future of politics and health care reform in America.

If Bush and his GOP supporters are allowed to kill this bipartisan compromised legislation without severe consequences, meaningful health care reform and progress will be delayed for years. We must lay the foundation for accountability at the ballot box, because the message will be clear.



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Progress would be possible only with a new visionary president and a Congress that will listen.

I still hold out hope that this Congress will listen to the support of 70 percent of the American public, the support of 16 Republican governors and the bipartisan support in the Senate, that will convince a sufficient number of House Republicans to overturn this cruel veto and provide 10 million children with needed health care.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 10 a.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God of peace and Lord of Light, be present in the midst of Congress this day. May the issues that are discussed in committee work and on the floor of this Chamber bring forth enlightened truth that will lead to defined laws and solid policies so to guide and protect Your people.

Since this work is undertaken for the good of this Nation, assure justice, engender hope, and bring this society into a greater union that will give You glory both 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 her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina 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 Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 36. Concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week.

## COMBAT TROOPS TAX RELIEF ACT

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Madam Speaker, last week, I introduced the Combat Troops Tax Relief Act. From Fort Huachuca in Arizona to Iraq and Afghanistan, members of our armed services make the defense of our great Nation their number one priority. With unflinching honor and dedication, our military families inspire us by sending their husbands and their wives and their sons and daughters off to war to protect our freedoms.

My bill calls on Congress to honor their patriotism and commitment to the military families with more than rhetoric. This bill would give them concrete tax relief. This Congress is setting new priorities, including policies impacting military families. This bill does more by cutting taxes for middle-class military families. It increases the standard tax deduction for our soldiers and protects military families' eligibility for the Earned Income Tax Credit and the Child Care Tax Credit.

Military families in southern Arizona and across the country deserve nothing less.

## SCHIP SHOULD BE ABOUT THE CHILDREN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, we need to reauthorize the State Children's Health Insurance Program so children from low-income families without health insurance can get it. That is why my Republican colleagues and I remain supportive of a program and funding that will do just that. Unfortunately, the current SCHIP bill would send precious health care dollars to cover adults, illegal aliens, some children from families that are not low income, and others that have private insurance.

Republicans remain committed to putting children first. We want to provide the funds necessary to cover eligible children and enroll the low-income children still not covered. President Ronald Reagan foresaw this diversion of funds. He once said, ''You know, we could say the Democrats spend their money like drunken sailors, but that would be unfair to drunken sailors. It would be unfair because the sailors are spending their own money.''

In conclusion, God bless our troops, and we will never forget September the 11th.

## HOUSE REPUBLICANS HAVE TWO CHIP PLANS BEFORE THEM—THEY HAVE TO DECIDE THIS WEEK

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

Mr. SIRES. Madam Speaker, this week, Republicans must decide if they're going to support a bipartisan bill that provides health care for 4 million more children or if they're going to back a Bush administration plan that will leave 800,000 more children uninsured.

Today, the Children's Health Insurance Program ensures that 6 million children have access to private health insurance.

Earlier this year, President Bush proposed increasing CHIP funding by $5 billion over the next 5 years. The nonpartisan Congressional Budget Office concluded that this plan will result in 800,000 children losing their health coverage.

The President's proposal is unacceptable to many of us. Our bipartisan compromise bill allows us not only to insure all the children currently in this program, but also allows us to cover an additional 4 million children who are already eligible but not enrolled in CHIP.

Madam Speaker, House Republicans have a decision to make. I hope they stand up for 10 million children to help us override the President's veto.

## SCHIP BILL

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, instead of the reauthorization of a successful plan, the majority party is trying to reinvent the government health care wheel by proposing a $35 billion expansion of the current SCHIP plan.

The current SCHIP plan has proven itself successful because it now provides approximately 6.6 million low-income children with government-funded health care services annually. By the way, only 13 percent of this money will actually go to children anyway.

If we allow the vetoed SCHIP bill to pass, the intent of the original SCHIP program, which is to provide health care insurance to children of low-income families who are unable to afford private coverage, will be lost.

This bill would allow families earning an annual income $83,000 a year to take advantage of a program designed to help low-income, uninsured children.

Voting against the SCHIP bill reflects a disagreement for the manner in which the health care coverage will be distributed and to whom. The SCHIP bill needs to be authorized, but can be and should be done in a fiscally responsible manner.

I will vote to sustain the President's veto for this bill because it will overlook the children it was first intended for.

## HEALTH CARE PRIORITIES

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

Mr. EMANUEL. Madam Speaker, this morning, The Washington Post reports that States across this country are forced to start preparing to cut hundreds of thousands of children off of children's health care because Republicans in this House and President Bush have put children's health care on the bottom of their priority list. Unfortunately, we've seen this movie before. When States faced shortfalls and health care for children was threatened earlier this year, States were forced to take steps that would have denied hundreds of thousands of children health care. And once again, the administration failed to lead, and only Democratic efforts to fund the State children's health care in the supplemental appropriations saved us from that catastrophe.

From day one, the administration has adopted a policy of benign neglect when it comes to children's health care. In fact, the President's current plan would cut 1 million children from health care.

Now Republicans in this House have a chance to change that policy. On Thursday, Republicans can join Democrats and Republicans and give 10 million children the care that they need for the future. In fact, I always find it amazing that Republicans will give $480 million to the war in Iraq, no questions asked, but when it comes to 10 million kids' health care, they have a lot of questions.

The choice is simple, 10 million children in States across the country are counting on the House Republicans to make the right choice for their future.

## RESTORE ACT WILL HAMPER EFFORTS OF INTELLIGENCE COMMUNITY

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Madam Speaker, our intelligence community and military officials should have every tool available to them as we continue to fight the global war on terror.

While we all agree that proper oversight is necessary, oversight does not equate to needless red tape, and it should never prohibit our men and women in uniform from doing their jobs, especially when it comes to rescuing American lives.

The article in yesterday's New York Post is a startling depiction of how the current system has failed our men and women. After a young American soldier was captured by al Qaeda insurgents last May, lawyers in Washington debated the legalities of electronic eavesdropping connected to his rescue for over 10 hours. That is completely unacceptable. Unfortunately, the RESTORE Act that the Democrat leadership is bringing to the floor this week will only continue to hamper the efforts of our intelligence community and place our men and women at risk.

I urge my Democratic colleagues to reconsider the RESTORE Act. We should focus our efforts on a bipartisan approach to our national security, not on legislating defeat. We should fight for the right to listen to al Qaeda and stop these plots.

## BUSH TRYING TO SHOW FISCAL DISCIPLINE WITH CHILDREN'S HEALTH BILL—RHETORIC VS. REALITY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, President Bush and congressional Republicans know they have a perception problem with the American people when it comes to being fiscally responsible.

The fact is, they inherited a record surplus from President Clinton back in 2001, and over the next 6 years they turned that surplus into record deficits. In fact, it's so bad that President Bush has the distinction of borrowing more money from foreign nations than all of his 42 predecessors combined. That is not a record to brag about. And so now the President and some Republicans are attempting to wipe away 6 years of fiscal mismanagement by opposing a bipartisan bill that would provide quality health care coverage to 10 million children.

The problem is, the bill that they are opposing is completely paid for. You see, when we took over the House in January, we restored pay-as-you-go rules so that we could finally tackle our Nation's deficit. The bipartisan children's health care bill would not add one cent to our Nation's deficit. And House Republicans need to realize that this bill is bipartisan for a reason.

## THE AMERICAN PEOPLE WANT TO COVER THE POOREST KIDS FIRST

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, let me just talk to my colleagues. A new Gallup Poll just came out yesterday, and it really shows what we on this side have been talking about.

The poll indicates that over 55 percent of Americans are worried that the expansion of the SCHIP program would create incentives for families to drop private health coverage and switch to the public program. This goes to the very core of what we've been saying.

I was here in 1997 when Republicans created the SCHIP program. The Democrat leadership is creating a future entitlement train wreck, and they would be wise to listen to the American people before tying the hands of our Federal Government with more spending.

The poll goes on further to state that over 52 percent of Americans believe that most benefits should go to families making 200 percent below the poverty line. This was the original intent of the law.

The American people are asking Congress to follow the original bipartisan plan for the SCHIP program. The American people want to cover the poorest kids first; we do, too. The Democrat leadership needs to understand they're not doing the American people a favor with this program.

## CHIP BILL AND BUSH'S VETO: FACT VS. REALITY ON THE LEGISLATION

(Mr. CARDOZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDOZA. Madam Speaker, many House Republicans have mistakenly bought into President Bush's false rhetoric about the CHIP program and its reauthorization. I would hope that they would listen to their Senate Republican colleagues who are willing to see past the White House rhetoric.

Republican Senator CORKER from Tennessee said, ''What will move our country towards socialized medicine is not this bill, which focuses on poor children, but the lack of action to allow people in need to have access to private affordable health care.''

Republican Senator ROBERTS of Kansas said, ''I'm not for excessive spending and I strongly oppose the federalization of health care. And if the administration's concerns about this bill were accurate, I would support a veto. But, bluntly, they are not.''

And Republican Senator HATCH from Utah thinks the President ''has been sold a bill of goods'' on this legislation.

Madam Speaker, the House Republicans should not buy into the administration's falsehoods. This week, we have an opportunity to ensure 10 million children have access to quality health insurance. They should join us in overriding the President's veto.

## IMMIGRATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, what I'm hearing from my constituents is they are still very concerned about our national security, about border security, about the security on their streets and in their communities. That's why I would like to raise one issue with the House this morning.

For the second time in the last several months, a mobile foreign consulate has traveled to Memphis, Tennessee, on the western edge of my district, to issue government IDs and passports, the latest courtesy of the Guatemalan Government.

Now, many illegal immigrants in this country are using these matricula consular cards to access American financial markets. And some American financial institutions are offering illegal immigrants credit cards and access to our financial services and financial markets based on the issuance of these cards. Only reason you need one, you're in the country illegally.

I've even had an industry representative tell me that they think they should be able to ''bank illegal immigrants.''

Madam Speaker, that's why I've introduced H.R. 1314, the Photo ID Security Act, to close this loophole that allows illegal immigrants access to these services.

I encourage all to join me in sponsorship of this bill.

□ 1015

## THE FIFTH DISTRICT OF CONNECTICUT SUPPORTS THE SCHIP PROGRAM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Madam Speaker, why is it that we have so many Republicans here in the House, a veto-proof majority in the Senate, a poll that came out showing that Republicans across this country support expansion of the SCHIP bill by a 2 to 1 margin. Why is that? Because the expansion of the SCHIP bill is not just morally responsible. It is fiscally responsible. We have to stop pretending that these kids that don't have health care insurance don't have health care. They do. But they get it in the least humane and most expensive way. We have a system of universal health care in this country. It just doesn't get care to these kids until they are so sick and so crippled by their illness that they show up at an emergency room and get the worst care and most expensive care that you can get in this system

I come from a morally responsible district, but I also come from a fiscally responsible district, Madam Speaker, and that is why they support expansion of the SCHIP program.

## HEALTH CARE CHOICE FOR FAMILIES

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, I am pleased that a report by AARP acknowledged consumer-directed health plans often provide more freedom of choice, lower premiums while giving consumers more control over their health care. This year I introduced H.R. 2639 to expand and improve coverage under these patient-centered plans. Public and private sector leaders must do more to empower patients with convenient, reliable information on cost and quality so consumers can purchase better care at a lower cost.

Recent reports contend that health care plans haven't done enough in this area. These criticisms underscore the need to quickly build on gains we have made in health care transparency. Secretary Leavitt has laid important ground work in this area.

H.R. 2639, coupled with better information for patients, will improve access, lower costs and improve quality of health care. I urge my colleagues to cosponsor this bill.

## RHETORIC VERSUS REALITY ON THE BIPARTISAN CHILDREN'S HEALTH BILL

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, House Republicans have now had 2 weeks to sift through the rhetoric and reality of the bipartisan children's health insurance bill that the President vetoed. When the President vetoed the bill, he said it was a step toward government-run health care. Surely, he can't believe that. If he understood the program, he would know that it is a Federal-State partnership to ensure that children have access to private health insurance.

The President also says that the bill attempts to expand the SCHIP program to upper middle class children who are not currently eligible. Again that is false. It does not expand the program. There are now about 12 million children who are eligible for SCHIP. Today we are reaching 6 million of those kids. Our legislation would allow us to reach an additional 4 million children who are already eligible for the program.

The President also says that our bill is too expensive. But he ignores the fact that it is fully paid for. And he is asking for $190 billion more to fund the occupation of Iraq. Even if the President does not make children his priority, let us do so by overriding his veto on Thursday. Republicans have had 2 weeks to realize that the President's reasons for vetoing this bill simply do not add up. So they should join us in overriding the veto.

## LIEUTENANT MICHAEL MURPHY WILL POSTHUMOUSLY BE AWARDED THE CONGRESSIONAL MEDAL OF HONOR

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, on October 22, the President will posthumously award our Nation's top military honor to the first Navy SEAL since the Vietnam War.

In June of 2005, Lieutenant Michael Murphy of Patchogue, New York, led a team of four SEALs on an intelligence-gathering mission in the mountains of Afghanistan when Taliban supporters revealed the team's position. A heavy firefight ensued, and the team, cut off from all reinforcements and outnumbered 50 to 1, fought valiantly to preserve each other's lives. Faced with certain death, Lieutenant Murphy deliberately exposed himself to enemy fire in order to gain a clear signal which would communicate with rescue forces. He risked his own life to save the lives of his men.

Madam Speaker, as the proud representative of both Naval Amphibious Base Little Creek and Dam Neck Fleet Combat Training Center, my heart goes out to the family of the first Navy SEAL to earn the Congressional Medal of Honor in the global war on terror.

Lieutenant Murphy was a true American hero and will live on as an inspiration for all who serve within the ranks of the most elite special operations forces in the world.

## REMARKS ON THE SCHIP VETO OVERRIDE

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Madam Speaker, I rise today in strong support of the SCHIP program and urge all of my colleagues to vote to override the President's veto of this bill.

While the number of uninsured adults has steadily climbed over the past 10 years, the number of uninsured children in our Nation has declined by nearly a third. This is a direct result of the SCHIP program which began in 1997 with the goal, and indeed the national commitment, of providing health insurance for children whose parents cannot afford private health coverage. I was proud to be a part of a Congress that was able to craft a responsible and critical reauthorization of the SCHIP program, one that would ensure that all eligible children can participate.

However, while Democrats and Republicans here in Congress were able to put politics aside for the sake of this critical program, the President chose not to do so. His veto means that thousands of children in Rhode Island and millions more across the country will be denied access to health insurance.

I urge all of my colleagues to vote to override the President's veto and show our support for a program that has been tremendously successful in supporting working families, strengthening our health care system, and keeping our children healthy.

## OVERREACTING TO AN OVER-EXAGGERATED THREAT OF TERRORISM

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, we all want to do what we should to fight

terrorism, but the Federal Government has to do many other things, too. The Wall Street Journal editorial said: ''We would like to suggest a new post-September 11 rule for Congress. Any bill with the words ''security'' in it should get double the public scrutiny and maybe four times the normal wait, lest all kinds of bad legislation become law under the phony guise of fighting terrorism.''

More significantly, Homeland Security Secretary Michael Chertoff testified in front of a congressional committee: ''We should not let an overexaggerated threat of terrorism drive us crazy, into bankruptcy, trying to defend against every conceivable threat.'' He went on to say: ''We do have limits, and we do have choices to make. We don't want to break the very systems we're trying to protect. We don't want to destroy our way of life trying to save it. We don't want to undercut our economy trying to protect our economy, and we don't want to destroy our civil liberties and our freedoms in order to make ourselves safer.''

## THE STORY OF TWO TENS IN IRAQ AND HERE IN THE UNITED STATES

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Madam Speaker, when we as a Nation talk about our priorities, it is often useful to use numbers to put things in perspective. So today let's think about the number 10. On Thursday, this House will have the opportunity to override a Presidential veto that would allow us to ensure 10 million children have access to quality health care so that they can see the doctor of their choice when they need to. We realize the importance of preventive care. Children shouldn't be forced to let a cold or earache linger until it reaches emergency proportions.

President Bush says our bipartisan compromise is too expensive. But while we are working to ensure 10 million children have access to health care, President Bush has no problem asking us to send $10 billion every month to Iraq.

Madam Speaker, this is a debate about priorities. House Republicans should join us in overriding the President's veto to send a message that children's health care is a priority of this House.

## TAXPAYER CHOICE ACT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, I am confident the only thing worse than having to pay taxes is figuring out how to fill out the forms to pay taxes. As Albert Einstein said: ''The hardest thing in the world to understand is the income tax.'' He was right. It is 16,485 pages. Our income tax is an outrage, an outrage long in need of reform and simplification.

Last week Republicans introduced an alternative to this outrage. The Taxpayer Choice Act does what it says. It gives taxpayers a choice between all the headaches of the current tax system or a highly simplified alternative tax. It simplifies the process for taxpayers and gives them what they deserve, a transparent, efficient, simple and fair Tax Code and completely eliminates AMT tax and makes permanent the capital gains and dividends tax cuts of 2001 and 2003.

Madam Speaker, it is long time that we pass fundamental tax reform and give taxpayers the choice, the Taxpayer Choice Act.

## RED TAPE DELAYS RESCUE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, homeland security and the safety of our men and women in uniform should be on the front of everyone's mind in Congress. Yet, we are here again this week discussing a Democrat bill that fails to provide our intelligence community the tools necessary to monitor terrorist activity. The Democrat RESTORE bill does nothing to streamline a process that is hampered by endless red tape and severely slows the reaction time between Washington and our battlefield commanders.

Intelligence opportunities sometimes exist for minutes, and we need the flexibility to monitor activity that can save lives. The article in the New York Post yesterday is a perfect example. The current law delayed a rescue mission by 10 hours. Our troops should never have to wait 10 hours for permission to rescue them.

I urge my Democrat colleagues to reconsider the RESTORE Act. We should focus our efforts on a bipartisan approach to our national security, not on legislating defeat.

## PROVIDING FOR CONSIDERATION OF H. RES. 734 EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

*Resolved,* That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days to revise and extend remarks on House Resolution 741.

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

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, House Resolution 741 provides for the consideration of House Resolution 734, expressing the sense of the House of Representatives regarding the withholding of information relating to rampant corruption in Iraq, corruption that is being used with taxpayer money from our country. The rule provides for 1 hour of general debate controlled by the Committee on Oversight and Government Reform.

Resolution 734 expresses the explicit sense of the House that the State Department, our State Department, has abused its classification authority by withholding from Congress and the American people information about the extent of corruption in the Maliki government. The resolution further condemns the State Department for retroactively classifying documents that had been widely distributed previously as unclassified and by directing State Department employees not to answer questions in an open forum.

□ 1030

Madam Speaker, we are in the fifth year of this war. We have lost over 3,700 of our best young men and women. By the time this war is over, many experts anticipate that the cost to the taxpayers will exceed $1 trillion. General Ricardo Sanchez, a retired commander, last week described the situation in Iraq as an absolute nightmare with no end in sight.

This war started on the basis of bogus information: the threat of weapons of mass destruction that did not exist. Hard questions that should have been asked weren't asked. The war continued for years, until November of 2006, with a Congress that was a rubber stamp for whatever it was that the executive agencies wanted. Those days are over.

The Committee on Oversight and Government Reform has been pursuing relentlessly article I powers of this Congress to accept its responsibility on behalf of the citizens of this country to ask questions and get answers; yet the State Department is refusing to allow relevant information to be disseminated to the members of that committee.

Madam Speaker, let me go through the history. On October 4, 2007, the Oversight and Government Reform Committee held a hearing regarding the extent of corruption within the Iraqi Government. David Walker, the Comptroller General of the United States, and Stuart Bowen, the Special Inspector General for Iraq Reconstruction, testified that entrenched corruption in the Iraqi Government is actually fueling the insurgency, undermining the chances of political reconciliation, which, incidentally, was the whole point of the surge strategy of General Petraeus, and that this corruption is, in fact, endangering our troops.

The former Commissioner of the Iraqi Commission on Public Integrity, Judge Radhi Hamza al-Radhi, testified that his own investigation documented at least $18 billion in money stolen by corrupt officials. He stated that Prime Minister Maliki personally intervened to prevent the investigation from continuing.

Each witness that day provided evidence suggesting that corruption within the Iraqi Government was tantamount to a second insurgency. Specifically, David Walker testified that widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency itself. Similarly, Mr. Bowen testified that corruption in Iraq stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and publicly aids insurgent groups reportedly funded by graft from oil smuggling or embezzlement.

Judge al-Radhi testified that corruption in Iraq today is rampant across the government, costing tens of billions of dollars, and has infected virtually every agency and ministry, including some of the most powerful in Iraq. He further stated that the Ministry of Oil is effectively financing terrorism.

Madam Speaker, after hearing this testimony, which can only be described as shocking, the Oversight Committee heard from Ambassador Lawrence Butler, Deputy Assistant Secretary of State. Members of the committee asked the obvious questions, very simple, very straightforward: A, whether the Government of Iraq currently has the political will or the capability to root out corruption within its government; B, whether the Maliki government is working hard to improve the corruption situation so that he can unite his country; C, whether Prime Minister Maliki obstructed any anticorruption investigations in Iraq to protect his political allies. Simple questions; no answers.

Ambassador Butler refused to answer any of these questions at the hearing because on September 25, 2007, 7 business days before this hearing, the State Department instructed officials not to answer questions in open setting that called for, basically, answers. In the jargon of the State Department, you couldn't answer a question that called for ''broad statements or assessments which judge or characterize the quality of Iraqi governance or the ability or determination of the Iraqi Government to deal with corruption, including allegations that investigations were thwarted or stifled for political reasons.''

It is astonishing; $1 trillion, over 3,700 lives, a war that has no end in sight, that was based on misinformation. Now, with billions of dollars gone missing, no one is disputing this is as a result of corruption, not just bad decisions. The State Department is directing the people who have answers to deny answers to Congress and to the American people.

Madam Speaker, the thrust of this resolution is very simple. It is whether Congress has the right and the will to demand that it get answers on behalf of the American people about this most catastrophic foreign policy blunder.

In addition to preventing officials from answering questions about the corruption in Iraq, the State Department retroactively classified two reports written by the Office of Accountability and Transparency, one of the two primary entities established by the State Department to lead U.S. anticorruption efforts. So we turned the Office of Transparency into the ''Office of Obscurity.''

These reports were initially marked ''sensitive but unclassified,'' and they suddenly, by fiat of the State Department, became ''confidential.'' The State Department also retroactively classified portions of a report that was released and distributed at that October 4 hearing by Comptroller Walker. It addressed the commitment of the Iraqi Government to enforce anticorruption laws.

As a member of the Oversight and Government Reform Committee, I and my colleagues witnessed firsthand the State Department's absolute, adamant, willful, and really intransigent refusal to testify about Iraqi corruption. That is why the committee believes so strongly in the support of this resolution.

The resolution states in very simple and plain language what every American, I think, believes they are entitled to. One, it is essential that Congress and the people of the United States know the extent of corruption in Iraq. Two, it was wrong, not right, but wrong, to reclassify documents that are embarrassing but do not meet the criteria for classification. Three, it is an abuse of the classification process to withhold from the American people broad assessments of the extent of corruption within the Iraqi Government. Four, the directive issued by the State Department on September 25, 2007, prohibiting its officials from discussing the state of Iraqi corruption should be, indeed must be, rescinded.

Madam Speaker, corruption within the Iraqi Government is unacceptable. It undermines the efforts of this country; it undermines the efforts of the honest people in Iraq to build a civil society. We have no recourse but to demand from the State Department that they tell us the facts and not withhold them because they are embarrassing and don't serve what has been a self-serving and misguided policy since its inception.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to begin by thanking my very good friend, a new member of the Rules Committee, the gentleman from Vermont (Mr. WELCH) for his statement that was very thoughtful. But it actually in many ways buttressed the argument that I was making in the Rules Committee yesterday, that Chairman WAXMAN countered, that this resolution is little more than an attempt to try and appease this sector of the House of Representatives that wants this immediate withdrawal from Iraq, represented by more than a couple of my colleagues who are here right now.

I rise, Madam Speaker, in strong opposition to both this rule and the underlying resolution. Once again the Democratic leadership has shut down the normal, open legislative process in order to bring their substantively flawed legislation to the floor, and once again they must resort to a complete distortion of facts in order to advance their agenda.

They have the formula down pretty well, Madam Speaker. First, you pick an issue that no one could possibly oppose. In this case they have bravely come forward and taken a stance against corruption. Well, it is very impressive. Obviously we are all opposed to corruption.

Next, they slap together a resolution that ostensibly advances this position, but, in reality, twists the facts such that the issue is actually abandoned for purely political potshots; then shut down regular order so that no dissenting voice can be heard.

Finally, when all due process and substantive deliberation has been thwarted, attack those who expose their sloppy work by calling them ''pro-corruption,'' or ''anti-poor children,'' or whatever dark and sinister trope we are exploiting this week.

This is a well-worn approach that has been, unfortunately, standard operating procedure in this 110th Congress. What makes it so troubling this time is that it came from a committee whose

chairman and ranking member have generally worked in a bipartisan way, despite the Democratic leadership's very heavy-handed approach on so many issues.

The ranking member, the gentleman from Virginia (Mr. DAVIS), has been very eager to work constructively with, Madam Speaker, our California colleague (Mr. WAXMAN) who chairs the committee. They have worked together on a number of issues. And it was the same way when our friend from Fairfax, Virginia (Mr. DAVIS) was the chairman of the then Committee on Government Reform and Oversight, now the Committee on Oversight and Government Reform, when Mr. DAVIS was the chairman and Mr. WAXMAN was the ranking member.

Mr. DAVIS has not shied away from taking a very, very honest and fair approach to oversight and speaking very frankly about the problems that are exposed. He has always concerned himself only with the facts, not the party affiliation of those who have come under scrutiny.

So why is it, Madam Speaker, why is it that the majority did not so much as share the text of this resolution with the minority before introducing it? Why did it not go through the regular committee process to vet the language? What exactly do they fear by allowing just a little bit of sunshine in their work?

Madam Speaker, when the Republicans on the Committee on Oversight and Government Reform finally got to have just a little peek at this resolution, what they found were half-truths, distortions and blatant omissions.

Our friend from Virginia (Mr. DAVIS) offered a substitute that would modify the resolution by adding the critical information that the majority had omitted and correcting what was mischaracterized. The majority shamelessly but predictably shut out the amendment, in an apparent attempt to suppress any effort to expose the glaring flaws to their resolution.

Madam Speaker, all we have asked is to have a debate based on facts rather than on phony narratives and biased misinformation. I have no doubt that their side will continue this charade of a debate and pretend that this resolution is simply about exposing corruption and those who try to cover it up.

Madam Speaker, they can have their charade, but this side is going to actually talk about facts today, something that we are proud to regularly do, and, unfortunately, doesn't emerge too often from the other side of the aisle.

We will start with the issue of corruption in the Iraqi Government. It is a huge problem. It is a huge problem, corruption in the Iraqi Government, Madam Speaker. We all recognize that. The Iraqis recognize that. Today in The Washington Post a representative from the State Department made it very clear that the issue of corruption within the Iraqi Government is a serious one. The entire world recognizes the fact that there is corruption within the Iraqi Government.

Through a number of U.S. departments and agencies, including the State Department, we are funding a wide range of programs to find, root out and prevent corruption; to build the capacity of the Iraqi Government to fight corruption within its own ranks, which is what our goal is, making sure we fight corruption. We want to strengthen the democratic institutions that must be strong, transparent and enduring, so that the rule of law can prevail, and those who break the law will, in fact, be brought to justice.

That is what our goal is, Madam Speaker, and that is something that I believe we could address in a bipartisan way if Mr. WAXMAN and Mr. DAVIS had, in fact, had the chance to come together. Mr. DAVIS very much wanted to, but apparently he was rebuffed.

This is the primary goal of our policy, ensuring that we take on and root out and eliminate corruption within the Iraqi Government. And our efforts would be highlighted in this resolution, if its authors had not systematically struck the positive comments made by the very experts quoted in their text.

□ 1045

For example, they quote Judge Radhi Hamza al-Radhi as saying, and I quote, Madam Speaker, ''Corruption in Iraq today is rampant and has infected virtually every agency and ministry.'' That is what is in the resolution, Madam Speaker. They unfortunately in this resolution cut out the rest of the quote.

Judge Radhi went on to tell the committee, and I quote, Madam Speaker, ''The Iraqi people would hope that you continue your support to them, otherwise they will be suppressed by the neighboring countries.'' He went on to say, ''I believe if you help the Iraqi people to be managed and governed by an honest government, I believe that the problem will be over.'' Now that's the full quote from Judge Radhi Hamza al-Radhi.

To this key point, the very people that came before the committee to testify on Iraq's corruption problem also highlighted our attempts to combat it; and they begged us, they begged us, Madam Speaker, not to abandon them. A number of other key quotes were cut short in the resolution resulting in a skewed view of testimony.

They suppressed testimony from the Inspector General for Iraq Reconstruction citing that the Iraq Government fully recognizes its corruption problem. They cut out the Comptroller General's testimony that this is an internal Iraqi problem which does not involve U.S. funds, and that the Iraqis face enormous challenges following decades of a dictatorship where, and I quote, ''corruption was woven into the very fabric of governing.''

It is all there in black and white in the alternative that Mr. DAVIS presented to us up in the Rules Committee.

Of course, that full litany of the facts will never come to a vote in this House because of a decision that the majority leadership has made. They would rather cherry-pick quotes and give a distorted account of the facts.

Madam Speaker, the resolution's second major premise, which also suffers from being disassociated with the facts, is that the State Department has tried to cover up Iraqi corruption and has withheld pertinent information from Congress. Again, the majority can continue their pseudo-debate if they would like; but, Madam Speaker, on this side of the aisle, we are just going to stick to the facts. And the fact is that a portion of an unfinished, unvetted document was inadvertently leaked. When the report was ultimately finalized, portions were deemed classified in the interest of protecting sources whose lives would be threatened for their anticorruption efforts and to protect private conversations stemming from diplomatic efforts.

We can accuse the State Department of sloppiness because of the leak; we can play Monday morning quarterback and say that they shouldn't have bothered to classify information no matter how sensitive after it was inadvertently leaked. But to accuse them of trying to cover up information is a blatant mischaracterization of the facts.

Furthermore, Chairman WAXMAN has declined to release the transcripts of interviews with State and Justice Departments officials on the very issues raised in this resolution. State has also offered classified briefings to answer any and all questions that can't be addressed in an open setting. Now, Madam Speaker, according to the State Department, Chairman WAXMAN has declined that offer. It would appear that the authors of this resolution may not actually be interested in gathering this information.

In fact, it is ironic that a resolution accusing government officials of withholding information would cherry-pick quotes from testimony and suppress an amendment that tells the whole story. And it is ironic that its authors make these accusations while refusing to release the transcripts of its own proceedings and deny the opportunity for a full classified briefing. If they were truly interested in combating corruption or the full disclosure of information, they would have gone through regular order that developed legislation within the context of a full debate that includes the facts in the situation.

I would ask them to take the issue of corruption more seriously, Madam Speaker. This is an issue that has plagued our own government. We have wrestled for years over ethics reform, and we still haven't got it right. We are trying right now to bring to the floor earmark reform. We have a discharge petition in the well and we have encouraged our colleagues to sign that to deal with what clearly has been a bipartisan issue. It is an issue that has been wrought with corruption in the

past. We are trying very hard to address that. Unfortunately, the majority leadership refuses to allow us to bring to the floor earmark reform that would simply bring us to the standard that we passed in the last Congress.

Now, Madam Speaker, as we look around the world at democracies old and new, we see that no one has been able to completely root out the problem of corruption. I have the great privilege to work with my colleague, David Price, and 18 other of our Members as part of the House Democracy Assistance Commission. Our commission works directly with legislatures in developing democracies all around the world, and corruption tops the list of challenges every single time.

In every one of the 12 member countries that we have within the House Democracy Assistance Commission, this problem of corruption comes to the forefront. Endemic corruption threatens the very survival of real democracy, and that is why we are tackling the problem across the globe; and, Madam Speaker, Iraq is no exception.

Unfortunately, rather than furthering our efforts, the Democratic majority would rather sit in the cheap seats taking shots at the Iraqi Government awash in righteous indignation over trumped-up charges of a coverup. I would call on them instead to offer a meaningful bill that addresses the very serious issue of corruption and take it up under regular order. I would call on them, Madam Speaker, to allow their work to stand before the rigors of scrutiny and deliberation.

Madam Speaker, I am quite confident that we could all come together to work on a universally supported issue of combating corruption. As I said, we have these great models of HENRY WAXMAN and TOM DAVIS who traditionally in a bipartisan way have worked together. I believe we could do that again. But, unfortunately, Mr. DAVIS was completely rebuffed when this resolution was introduced, as our colleague from Pasco, Washington (Mr. HASTINGS) said, in the Rules Committee last night, was introduced last Friday with no markup whatsoever, and then we brought it up last night in the Rules Committee.

Let's work to have a constructive, meaningful debate on this issue based on facts that actually attempt to do something grander than the political posturing that we are seeing with this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, before I yield to my friend from Massachusetts, I would like to just comment on a few of the observations and statements made by my friend from California.

First of all, I agree with him that Chairman WAXMAN and Ranking Member DAVIS have worked cooperatively and extremely well. And, in fact, there was an effort to maintain that tradition here when Chairman WAXMAN last Wednesday delivered a copy of the text of this resolution to the minority with specific heads-up that this resolution was going to be introduced on Friday and with the request that comments or edits be provided in a timely way so that the introduction could occur on that day.

The edits were not presented until Monday, just before the Rules Committee meeting. So the good news here is that that cooperative approach continued. Mr. WAXMAN, in his usual gentlemanly and collegial way, made apparent what his intentions were, provided the language and opportunity for response, and it was not forthcoming. So that's the story.

The gentleman from California will have an opportunity to respond on his own time, so I won't yield at this time.

Secondly, the premise that on a matter of enormous public importance where it is our lives, it is our money that is imperiled, that is being wasted, that Members of Congress could sacrifice their capacity to be a representative of the people that we represent by accepting a classified briefing on something that is profoundly public in nature is flat out rejected by the committee and by most Members of this Congress.

When we are asked to go get a private briefing up in the Intelligence SCIF with a requirement that we sign an oath that we can't reveal anything that we learned, it means that the State Department has succeeded in its goal of keeping secret information that should be made public. So that is not simply an option that makes any sense if we are going to move ahead.

Madam Speaker, at this time I yield 6 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I regret that the intransigence and stonewalling by the Bush administration of Congress' oversight responsibilities have made this legislation necessary.

H. Res. 734 rightfully expresses the sense of the House that the Department of State has abused its classification authority by withholding from Congress and the American people information about the extent of corruption in the Iraqi Government. This resolution criticizes the State Department for retroactively classifying public documents that have previously been widely distributed as unclassified.

It also calls upon the State Department to rescind its directive that orders officials not to answer questions in an open committee hearing that might characterize the situation of corruption in the Iraqi Government.

What is the background on this, Madam Speaker? On October 4, the Committee on Oversight and Government Reform held a hearing on corruption in Iraq. Mr. Stuart Bowen, the Special Inspector General for Iraq, and Mr. David Walker, the Comptroller General of the United States with the Government Accountability Office, testified that entrenched corruption in the Iraqi Government is fueling the insurgency, undermining the chances of political reconciliation and endangering our troops. Judge Radhi Hamza al-Radhi, the former head of Iraq's own Commission on Public Integrity, stated that his work documented $18 billion stolen by corrupt officials. He also testified that Prime Minister Maliki personally intervened to block further investigations and prosecutions of his relatives and political allies from going forward.

Concern about endemic corruption in the Iraqi Government should be of great concern to every single Member of this House. It raises a fundamental question: Is the Iraq Government, under the leadership of Prime Minister Maliki, too corrupt to succeed?

It should definitely concern the White House and the State Department. So how did the Bush administration respond?

The State Department took the extraordinary step of retroactively classifying corruption reports by its own officials, and even portions of a GAO report already released by Mr. Walker.

State Department witnesses appearing before the committee refused to answer even the most basic questions about corruption in Iraq in open session.

So imagine my surprise when I opened this morning's Washington Post to find that the State Department told the press yesterday that official corruption in Iraq is ''real, endemic and pernicious,'' and remains a major challenge to building a functioning, stable democracy.

Now that wasn't in a classified setting; it was on a conference call with reporters. So it is okay to make such statements to the press but not to a congressional committee?

Madam Speaker, we are not talking about state secrets on how to carry out attacks against al Qaeda in Iraq. We are talking about corruption. Government corruption. There is no reason for stonewalling Congress, especially when the topic is discussed freely with reporters in a conference call.

Quite simply, Madam Speaker, the Bush administration has abused the classification system and demonstrated its contempt of congressional oversight and accountability. More than 3,800 of our troops have been killed in Iraq and more than 28,000 wounded. Let me repeat that. More than 3,800 of our troops have been killed in Iraq and more than 28,000 wounded.

What kind of an Iraqi Government are they fighting for? I think their families and their military comrades deserve to know. President Bush is asking Congress to give him another $150 billion for the war. I think Congress and the American people deserve to know the extent of corruption within the Iraqi Government and how that might affect our chances of success in Iraq.

Madam Speaker, the facts about corruption may be embarrassing for the Iraqi Government, but they do not meet the test for secret classification.

□ 1100

Every newspaper in America has written stories on corruption in Iraq. Classifying previously released public documents, silencing public officials so that Congress and the American people are unable to get a complete picture, the good and the bad, about corruption in Iraq serve no legitimate purpose.

Any Member, Madam Speaker, who stands up on the House floor and says they're against corruption in Iraq has to vote for this measure.

The fact is that our occupation of Iraq is, occupation of Iraq is now in its fifth year. For four of those years, when Republicans were in control of Congress, they did nothing and said nothing about corruption. They were silent, while hundreds of billions of dollars were funneled to a government who I wouldn't trust to tell me the correct time.

Madam Speaker, talk is cheap, and if you're against corruption, then you should vote for this resolution. The problem is that for too long in this Congress there have been some who have been apologists for bad behavior. They have looked the other way while they have known that corruption in the Iraqi Government has been an increasing problem, not a decreasing problem.

So I would say to my friends on the other side of the aisle that if, in fact, you want to change the behavior of the Iraqi Government, if you want to stop the silence and the inaction that characterized your control of this Congress when it came to the issue of corruption in Iraq, then you need to vote for this resolution. The administration's actions need to be denounced and rescinded.

I would urge my colleagues to stand up finally and belatedly and do the right thing and support H. Res. 734.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume, and I look forward to yielding to my friend from Worcester if he would like to engage in a colloquy with me on this issue.

Now, my friend has basically stood here basically buttressing the entire argument I made in my opening statement. Who is it that's a proponent of corruption? My friend has argued, Madam Speaker, that if you are opposed to corruption, you have no choice but to support this resolution.

Here's the thing that concerns me greatly, and I'd be happy to yield to my friend if he would like to challenge me on this at all. Here's the thing that troubles me greatly, Madam Speaker.

As we stand here at this moment, we regularly have Members of the other side of the aisle accusing this administration of not coming forward with all the facts. And what is it that this resolution does? This resolution actually ignores the facts, and I will go through again the quotes from Judge Radhi Hamza al-Radhi who, in fact, said time and time again that the issue of our support for the effort of rooting out corruption in Iraq is one that must continue, and unfortunately, all we're doing is pointing a finger of blame here.

I would say to my friend that, as we look at this issue, why not seize the opportunity that the State Department has offered to make sure that you can have a full classified briefing and then make the determination as to whether or not something should or should not be classified? That's the way it should be handled, rather than this broad brush, sweeping approach saying that if you, Madam Speaker, are somehow opposed to corruption you have no choice but to support this resolution.

Of course we support the effort to ensure that we don't have corruption, but to see this ploy trying to paint people in a corner with just a little bit of the facts is, I think, a great disservice to our quest to root out corruption. And I believe very strongly, Madam Speaker, that it is essential for us, on behalf of the American people and on behalf of the model that we are trying to provide that corruption is bad, to make sure that this resolution provides all of the facts as we move forward.

Mr. McGOVERN. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Madam Speaker, I thank the former chairman of the Rules Committee for yielding.

I would just say for 4 years this Congress and this administration has been indifferent to the corruption in Iraq, and as a result, we bear some responsibility for the mess that's there now, and this resolution says we need to change course.

Mr. DREIER. Reclaiming my time, and I'd like my friend to continue because I'll yield to him in a moment, but for him to claim over the last 4 years that this administration has been indifferent to the problem of corruption is an outrage because the problem of corruption is something that has existed for years.

This administration and this Congress have been dedicated to rooting out corruption in Iraq. We've worked in a bipartisan way on it, and it's very tragic and I think a disservice to those who want to address the issue of corruption that we somehow are told that we only accept this resolution, that does not engage in providing all of the facts, that we somehow are tolerant of or supportive of a policy of corruption.

I'm happy to further yield.

Mr. McGOVERN. I would say to the gentleman, if during the last 4 years that this Congress and this administration did anything to fight corruption in Iraq in a meaningful way as a statement, maybe it's part of a classified briefing we need to have.

Mr. DREIER. He's making the exact same argument here. He's making the exact same argument that nothing has been done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind Members that they must maintain proper order in yielding and reclaiming time.

Mr. DREIER. Madam Speaker, I would inquire of the Chair, did I correctly reclaim my time? Did I make a mistake here, I would inquire of the Chair.

The SPEAKER pro tempore. The Chair's admonition was to all Members.

Mr. DREIER. Madam Speaker, what I would like to do is to share with our colleagues some of the things that have been done over the past 4 years.

My friend mentions the fact that this administration has turned their back on the issue of corruption in Iraq. Let me just state, there has been technical training to build capacity, judicial reform. The National Endowment for Democracy has provided grants. There are international programs involved. The Iraq Reconstruction Rehabilitation Fund has increased the capacity of the Commission on Public Integrity by training, mentoring and providing equipment for the Commission on Public Integrity investigators, and aiding in corruption prevention programs, implementing financial management systems that remove some of the opaqueness that enables misuse of public funds to occur.

The U.S. prosecutors who advise and mentor the CCCI judges in all manner of serious cases, including anticorruption cases, have received support over the past 4 years, Madam Speaker. Judicial reforms have taken place, funded with $9 million through the Department of Justice in Iraq in fiscal 2006 on anticorruption activities, and this goes on and on.

I will include in the RECORD the items that have been done over the past 4 years by this administration to combat the issue of corruption in Iraq, including, as I said, grants from the National Endowment for Democracy, dealing with human rights issues, and a wide range of other entities and a litany of some of the items that have been done.

So it is a gross mischaracterization, Madam Speaker, to argue that the administration has turned their back on the issue of corruption in Iraq.

ANTI-CORRUPTION PROGRAMS IN IRAQ PROVIDED BY THE U.S. STATE DEPARTMENT

STATE/EMBASSY BAGHDAD SUPPORT FOR ANTI-CORRUPTION EFFORTS

Technical training: build capacity.
Judicial reform.
NED Grantees.
International Programs.

*Technical training: build capacity*

IRRF (Iraq Reconstruction and Rehabilitation Fund) has increased the capacity of the Commission on Public Integrity, CPI, by training, mentoring, and providing equipment for CPI investigators and aiding in corruption prevention programs (implementing financial management systems that remove

some of the opaqueness that enables misuse of public funds to occur).

INL funds DOJ Resident Legal Advisors—U.S. prosecutors who advise and mentor CCCI judges in all manner of serious cases, including anti-corruption cases.

*Judicial reforms*

IRRF funded $9 million through DOJ in Iraq in FY06 on anti-corruption activities.

Six advisors work with the Embassy's Office of Accountability and Transparency, OAT, to provide support to the CPI and other Iraqi anti-corruption entities.

*NED Grantees working on anti-corruption and transparency*

Iraqi Human Rights Watch Society is working to build and train a core group of activists on combating corruption.

Badlisy Cultural Center is working to raise awareness among youth about anti-corruption and transparency in Sulaimaniya province and to encourage cooperation between Iraqi NGOs in the North and their counterparts in the South.

To expand its democracy training program in Al-Muthan, Dhiqar, and Alqadisiya, the Rafidain Civic Education Institute will train six trainers to conduct 36 workshops targeting students and NGO activists to provide them with the skills to raise awareness of the need to combat corruption.

*International Programs*

On September 26, 2007, the State Department signed a $1,621,700 grant agreement with the Organization for Economic Cooperation and Development, OECD. The OECD has already started working with the Government of Iraq (GOI) to develop and implement a framework more conducive to investment and economic development.

WHAT HAS THE EMBASSY DONE RECENTLY?

Anti-corruption efforts are a part of everything we do in Iraq: a multiagency, multicountry approach, at the local, provincial, and national levels. From 2004 to 2006, we focused on building and heavily investing in anticorruption strategies and institutions. In 2007, we created OAT (the Office of Accountability and Transparency) to help coordinate those activities and identify gaps. We increased staff dedicated to anti-corruption activities (recruited qualified people and expanded our focus to include the BSA and IGs). We formed the Iraqi inter-agency anti-corruption team, a multi-agency, multicountry team.

PRTS: provincial success on budget/acquisition accountability processing.

Well over 50 USG employees work on some aspect of anti-corruption activities in Iraq.

EMBASSY RESPONSE TO CORRUPTION CONTROVERSY

The Embassy continues to work with the Iraqi Government to combat public corruption and improve transparency and accountability.

Support and training contracts are on hold pending clarity of succession at CPI.

The 11 Iraqi CPI investigators who went to the U.S. for training along with Radhi in mid-August have returned to Iraq and, according to Embassy reports, are eager and ready to investigate corruption, at great personal risk.

While corruption in Iraq is a serious problem and we are helping Iraqis combat it, this issue does not affect U.S. programs. There is a distinction between GOI activities and USG efforts in Iraq, and the USG has strict checks in place to help combat corruption.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I would inquire of the gentleman from California if he has any remaining speakers. I'm the last speaker on this side. So I reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

It is very, very unfortunate that we are here trying to tackle the issue of corruption in Iraq and we are failing to look at the facts. The distinguished former chairman of the Committee on Oversight and Government Reform, our friend from Fairfax, Virginia (Mr. DAVIS) has worked long and hard in a bipartisan way on the constitutionally mandated responsibility of legislative oversight of the executive branch. It's an issue which he takes very seriously.

He represents northern Virginia. He represents a lot of people who work in the executive branch, a lot of people who work in the legislative branch as well. He's an expert on these issues and he's been proud to work in past Congresses and in this Congress in a bipartisan way.

He's done that with my good friend and California colleague with whom we share representing the Los Angeles area (Mr. WAXMAN), the distinguished Chair of the Committee on Oversight and Government Reform. And traditionally, we've seen these two, while they've obviously had a different perspective on issues, we've seen their arguments propounded very, very thoughtfully on a regular basis, but they have been able to join on a wide range of issues.

And here we have Mr. DAVIS, who did have his staff last Wednesday get a copy of this resolution, but Madam Speaker, as you recall we had the funeral of our colleague Mrs. Davis, and we were not in on Thursday and on Friday we were not in session. And the members of the staff on the minority side were told on Wednesday that they were not to share this information, to wait until it was introduced on Friday.

Madam Speaker, it was introduced on Friday. We had not been in session for 2 days then, Thursday or Friday, and then all of a sudden this is brought up in the Rules Committee, no markup held whatsoever, no attempt to even get the briefing from the State Department. We've been told by the State Department that the chairman of the committee turned down the offer to have this briefing.

And so what can we conclude, Madam Speaker, other than the fact that there is gross politicization of this issue? Who is opposed to tackling the issue of corruption? I mean, it's motherhood and apple pie, and yet we somehow, because we want to get all the facts on the table, because we want to have an opportunity for a free-flowing debate, because we want the very respected ranking minority member to have a chance to have his substitute voted on in this House, we are somehow being told we are pro-corruption, we want to be part of a coverup. It is absolutely outrageous, Madam Speaker. It's a disservice to Democrats and Republicans of this institution to have this kind of treatment.

Madam Speaker, I have some closing remarks that I'd like to make, but we've just been joined by our very thoughtful colleague from Bridgeport, Connecticut, who is a hardworking member of the Committee on Oversight and Government Reform.

Madam Speaker, may I inquire of the Chair how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 6½ minutes remaining. The gentleman from Vermont has 12½ minutes remaining.

Mr. DREIER. And the gentleman from Vermont has no further speakers; is that correct, Madam Speaker?

Mr. WELCH of Vermont. That's correct.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 5 minutes to my friend from Bridgeport (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I appreciate the gentleman yielding.

Today, we're here to consider a resolution about corruption in Iraq. Mr. DAVIS attempted to present an alternative to the resolution, but it was blocked by my Democratic colleagues. The Democratic version provides a one-sided view about corruption in Iraq and Department of State efforts to counter corruption. The other version by Mr. DAVIS accepted the Democratic points but also presented the rest of the story. Whatever happened to compromise and bipartisanship?

It never ceases to amaze me what my colleagues on the other side of the aisle will do to get votes and keep the support of their base. We all know the Democratic base wants the United States to get out of Iraq; however, the Democrats have not been able to prevent President Bush from carrying out his new and winning strategy in Iraq, so they continue to try to find other means to undermine our efforts to stabilize Iraq.

For example, they've held hearings on Blackwater, the contractor accused of shooting into crowds of civilians. Although this oversight is justified and needed, my colleagues are using the results of this hearing as a tool to drive a wedge between the American people and the administration's efforts to stabilize Iraq.

Another example is the resolution condemning the Armenian genocide. The Democrats know full well, if this resolution passes the House, Turkey will take retaliatory steps against the United States. These steps could undermine our efforts in Iraq and our troop presence throughout the Middle East. In fact, Turkey has already begun the process and called their U.S. ambassador back to Turkey for consultation.

And now we have a resolution about corruption in Iraq. What a revelation! Yes, there is corruption in Middle Eastern countries. Yes, there has been corruption in Iraq. And yes, there continues to be corruption in a

postauthoritarian regime. The United States did not bring corruption to this country, nor will it end when we leave. Saddam Hussein and his bureaucratic henchmen were major contributors to that continued corruption. Just read the reports about the Oil-for-Food Program our committee conducted.

Is the Department of State remiss in their efforts to fight corruption in Iraq? They may well be. But countering long-standing corruption is not easy and will take some time. I believe we in the United States face some of the same problems.

I'm not asking for my Democratic colleagues to stop oversight ferreting out waste, fraud and abuse. What I am asking is for Democrats and Republicans to come together and work through the issue of Iraq and not use it as a wedge preventing the United States from assisting the Iraqis to establish a stable democratic regime that will not export terrorism.

Yes, there are those who believe Iraq is a lost cause. Senator REID and NANCY PELOSI both believe we should withdraw our troops right away. But there are others who understand the international security consequences of leaving Iraq precipitously and believe we should withdraw our presence in a safe and responsible manner.

Therefore, I ask those who truly understand the consequences of undermining our efforts in Iraq to understand what my Democratic colleagues are doing. Sadly they are trying to drive a wedge between the American public and the administration efforts to be successful in Iraq. Please understand that attempts to undermine our efforts in Iraq undermine our troops and U.S. interests all over the globe.

□ 1115

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time is remaining.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from California has 3½ minutes.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

I am happy to see the distinguished Chair of the Committee on Rules has joined us here on the floor, and I have to say, Madam Speaker, that I am going to encourage our colleagues to defeat the previous question on this rule. Why? Because this resolution is all about tackling the issue of corruption.

One of the things that we tragically learned is there has been corruption not only in Iraq, and we all, including the State Department, recognize there has been serious corruption in Iraq. But there has been corruption right in this body as well. It has been widely heralded; it is bipartisan. We have had problems on both sides of the aisle.

We want to take on this issue of corruption. And there was a promise made last fall that we would in fact see a great new day when it came to the issue of earmark reform. I was very proud, Madam Speaker, that last October we were able to pass legislation that provided full transparency, disclosure, and accountability on all earmarks, appropriations, authorization, and tax bills.

Now, we were told that that measure that passed last year, Madam Speaker, was in fact a sham. And, Madam Speaker, I have to tell you that we have passed earmark reform in this Congress, but unfortunately it doesn't go nearly as far as the bill that we passed in the 109th did on the issue of transparency, accountability, and disclosure. Why? The disclosure we have today only deals with the issue of appropriations. It does not, as we did in the last Congress, have full transparency, disclosure, and accountability on authorization and tax bills. Meaning, Madam Speaker, that the structure that we have now, unfortunately, creates the potential for corruption right here in this body.

That is why, since we have in this resolution an attempt to take on the issue of corruption in Iraq, the vote on the previous question that we are going to be offering to defeat the previous question to make in order the resolution, that we have as a discharge petition that our Republican leader (Mr. BOEHNER) has offered in the well of the House. We hope colleagues will sign because that hasn't come forward. But what we are trying to do with the defeat of the previous question is to make in order that measure so that we can take on the issue of corruption in this institution.

So, Madam Speaker, I urge my colleagues to vote ''no'' on the previous question so that we are able to make in order that measure.

I ask unanimous consent to include in the RECORD just prior to the vote on the previous question the text of the amendment and extraneous material.

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

There was no objection.

Mr. DREIER. With that, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, our Chair has arrived and has requested 30 seconds. Notwithstanding my previous statement that I was the last speaker, I am inquiring if my friend from California has any objection.

Mr. DREIER. Madam Speaker, I am always very, very thrilled to have a chance to hear from the distinguished Chair of our Rules Committee, and I would like to reclaim the balance of my time if I might.

The SPEAKER pro tempore. Without objection, the gentleman from California reclaims his time.

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I simply want to say that I did hear my colleague say how concerned we all were about corruption and how much we really wanted to do about it. Unfortunately, for the past 3 years nothing on your side was done about it. It was never looked into, despite the fact that our side brought it up numerous times, trying to get bills to the floor and trying to discuss what was going on in Iraq in terms of the loss of taxpayer money. I regret that that has not been acknowledged. This is the first time that we have literally brought up the actual corruption in the Iraq Government.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume to respond to the very distinguished Chair of the Committee on Rules and say that the issue of corruption is one which we have taken on both in Iraq and in this Congress with great enthusiasm. And I would say to my friend that if she believes that somehow this nonbinding resolution, which does absolutely nothing, is going to somehow allow us to tackle the issue of corruption in Iraq with greater enthusiasm, that is preposterous, absolutely preposterous, Madam Speaker.

What we need to do is we need to have a fair, free-flowing debate that allows us to bring all of the facts forward. And that is what we have been attempting to do here; and, unfortunately, it just is not happening. Why? Because as my friend from Connecticut, a very thoughtful Member (Mr. SHAYS) has said, we are observing political posturing here, and I think it is a very sad day.

Let's take on the issue of corruption in this institution by defeating the previous question so we can bring forward real meaningful earmark reform, something that the new majority promised but not only has failed to deliver on but failed completely in getting us to even the standard we had in the last Congress. So vote ''no'' on the previous question and ''no'' on the rule.

With that, I yield back the balance of my time.

Mr. WELCH of Vermont. The distinguished Chair has requested an additional 30 seconds, and I would yield 30 seconds to my colleague.

Ms. SLAUGHTER. I simply want to say that the purpose of this resolution is to call attention to the fact that the State Department of the United States of America has refused to respond to subpoenas from a congressional committee. And if we are going to have a free flow of discussion on Iraq and corruption, as my colleague suggested, then we need to have the State Department give us the documents that we need to be able to do so. That is the purpose for this resolution, and I urge a ''yes'' vote on all sides from everyone who really wants this full discussion.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. WELCH of Vermont. I yield 30 seconds to the gentleman from California.

Mr. DREIER. Madam Speaker, in this 30 seconds what I am going to say is we witnessed something that is virtually unprecedented here. The manager of the rule made it clear that he was the

last speaker and there was no one else. Now, I recognized the first time that I was enthused about hearing from the distinguished Chair of the Committee on Rules. And I exhausted the time allotted to us for our debate on the minority's side, and this is what we have gotten, a repetition of the same thing.

The issue of corruption, Madam Speaker, is something that we all want to take on; we want to take on with all of the facts before us. Our colleagues need to get the classified briefing and this information. I am going to continue to urge a ''no'' vote on the previous question and the rule.

Mr. WELCH of Vermont. Madam Speaker, I thank the distinguished Chair for joining us. I thank my friend from California for cooperating in this debate and giving his usual vigorous presentation of his side's point of view. I want to address a couple of things that came up.

One, my friend from California said basically that this is a resolution attempting to appease the Out of Iraq Caucus. And he used the word ''appease.''

It is not about that. But I will confess that I am a person who is strongly opposed to this war, believe it was the wrong decision, it was based on false information, and it is the single most terrible foreign policy blunder that our country has embarked upon. But this resolution has nothing to do with that profound question.

What this is about is not who favors corruption. Nobody favors corruption. But it is about who tolerates secrecy. If we tolerate secrecy while we criticize corruption, don't we, in fact, condone the corruption to which we avert our eyes?

How will we talk about the facts? How can we talk about the facts which my distinguished colleague from California says he wants to talk about when the State Department denies us the facts?

If we are going to root out corruption in Iraq, don't we have to destroy the wall of self-serving State Department secrecy here in our own government?

It has been said on the other side that corruption is everywhere. Human nature. No argument there. But if corruption exists elsewhere and it is their money and their future, that is one thing. If corruption exists in Iraq with our hundreds of billions of taxpayer dollars and our soldiers and their lives, then it is our problem. And we not only have a right, we have a responsibility, Madam Speaker, to do every single thing we can to get to the bottom of it and to stop it.

It was also said that in Iraq it is just another government with some corruption. We owe it not just to our own citizens, our own soldiers; we owe it to our allies and our friends in Iraq to do everything we can to help those good people who are there standing up to fight corruption back here. They need our help.

Let me just tell you some of the testimony that Judge Radhi presented to us about the incredible peril that folks in Iraq are subjected to when they try to fight for an honest government. Judge Radhi held that position for 3 years, until he finally resigned amid repeated death threats to himself, his family, and his staff.

He testified in our committee that 31 of his employees had been killed, not injured, killed, as well as at least 12 of their family members. Judge Radhi's home was attacked by rockets, by a sniper's bullet barely missing him as he stood outside his office. He testified about how one staff member was gunned down with a 7-month pregnant wife. He testified about how the father of a security chief was kidnapped and then literally found hung on a meat hook. He testified about how another staff member's father was killed; and when his dead body was found, a power drill had been used to drill his body with holes.

These are officials who are fighting corruption in Iraq, and they are being gunned down, they are being assassinated, they are being tortured; and we are supposed to be standing idly by.

When we ask questions of the State Department what is going on and they take a document that yesterday was unclassified and today make it classified, that is not acceptable. The State Department anticorruption efforts have been a mess. And basically what the State Department is doing is just enough so that they can claim they are trying to do something about corruption; but basically it is status quo, as it has been since the day this war began.

We have to make a decision as Members of Congress that is very simple: we are real, we are serious, or we aren't. And it is about tolerating secrecy, depriving us and the American people of information that we are entitled to, that we must have in order to do our job; or it is turning a blind eye to those folks in Iraq who are standing up on our side and finding their bodies of loved ones drilled with holes and hung on meat hooks. It is not acceptable. The American people know it is not acceptable.

We may have an administration that disregarded the vote of the American people in November when they said they wanted a new direction in Iraq. We may have an administration that disregarded the recommendations of an eminent bipartisan group in the Iraq Study Commission. And we may have an administration that has dismissed and disregarded votes in this House and the Senate, making it clear that we want a new direction even as we struggle to find what that is. But we cannot, any of us on either side of the aisle, accept being an enfeebled Congress that isn't entitled to get the information that our Congress needs to do its job. It is that simple.

And that is what this resolution is about. That is what the Oversight and Government Reform Committee is about. That is what Chairman WAXMAN is standing up to assert and defend, and that is our constitutional responsibility. Not just prerogative, but constitutional responsibility to do what is required to defend our Constitution, to protect our soldiers, to stand up for our taxpayers, and to restore democratic tradition in this country.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 741 OFFERED BY MR. DREIER OF CALIFORNIA

Strike all after the resolved clause and insert the following:

That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the

Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELCH of Vermont. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

## PROVIDING FOR CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 742

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Boucher of Virginia or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI) or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2102 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1130

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 742 provides for consideration of H.R. 2102, the Free Flow of Information Act, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

I rise to speak today on one of the most critical issues that faces our democracy, the freedom of the press and the sacred historic protection afforded to journalists allowing them not to reveal their sources.

Understanding this, in 1799, one of our Founding Fathers, Thomas Jefferson, said, ''Our citizens may be deceived for a while, and have been deceived; but as long as the presses can be protected, we may trust to them for light.''

Madam Speaker, with the birth of this new Nation came a government that was designed to be open and transparent to its people and held accountable for its actions. America's Founding Fathers established and implemented a system of checks and balances to ensure that one branch of government could not unilaterally impose its will on the others, aggressively overstep its authority, or greedily infringe upon the rights of its citizens.

Beyond the checks and balances of government is an often overlooked, but equally important, element of our system: the freedom of the press. Embodied in the first amendment, this right grants active citizens and vocal journalists the power to expose corruption and misbehavior committed by those elected and appointed to office. They serve as protectors of our democracy and work to make up for our system's failings where they exist.

Ensuring the free flow of information and providing protection for whistleblowers is vital to a free society. The Watergate scandal epitomized the value of the free press and, with it, the need to protect the relationship between journalists and their confidential sources.

For a moment, I would like my colleagues to consider a reality in which journalists could routinely be forced to reveal the names of their informants, and where sources could undoubtedly become reluctant to share important information that is unknown to the public.

Think of the scandals that journalists have revealed just in the last few years: The Central Intelligence Agency's clandestine prisons across Eastern Europe; Jack Abramoff's trading expensive troops for political favor from lawmakers; our veterans returning home from Iraq and Afghanistan to dilapidated, unsafe, unsanitary facilities at Walter Reed Medical Center. Make no mistake, confidential sources made these reports possible.

And I would be remiss if I did not ask my colleagues, would we rather be unaware of these incidents because shield laws don't exist and our reporters are too afraid of prosecution when doing their jobs?

The past 6 years have produced one disturbing reminder after another that the legitimacy of our government and the integrity of our democracy are dependent on the ability of journalists to protect their sources. From uncovering the horrifying incidents of detainee abuse at Abu Ghraib to revealing the administration's covert domestic spying program, the press managed to expose illegal actions by the executive branch when Congress refused to do so.

The public has long valued this relationship as critical to the functioning of an open and free media. Unfortunately, the court record has been more mixed.

In December of 1972, the Supreme Court ruled that the journalist-source relationship is not protected under the Constitution. That ruling has allowed journalists to be forced to testify before grand juries about their sources. In response, individual States across the country enacted their own journalist shield laws to guarantee that a member of the press can continue to maintain their anonymous sources without fear of prosecution.

In fact, 49 States and the District of Columbia all provide some form of shield law. But there is still no Federal statute providing uniformity. Now, recent Federal court cases are, again,

challenging the critically important relationship between journalists and their sources, arguing that State interests supersede those of a free press.

And according to The Washington Post, in recent years, more than 40 reporters have been questioned about their sources, notes and stories in civil and criminal cases.

The Free Flow of Information Act before us today would, for the first time on the Federal level, explicitly protect journalists and their sources from the kind of vengeful legal actions that threaten to keep all those necessary whistles unblown.

Unless Congress passes a comprehensive shield law that will guarantee the rights of journalists to speak with anonymous sources and ensure their confidentiality, the freedom of the press will be undermined along with the public good it has the power to defend. Any such bill must, of course, take into account the legitimate needs of our government, and this bill does that.

Madam Speaker, should we in any way compromise the freedom of the press, we will deny our citizens their right to be informed about their government and retreat from the true nature of the political system that made our government unique. Our forefathers saw fit to enshrine this belief in the very first sentences of our Bill of Rights, and this Congress must continue to guarantee those rights.

And today, Madam Speaker, as we debate extending these protections to the press, we must pause to remind the press of their obligation to the public.

I regret to say that, for much of the recent past, some of the press, which was intended to be the watchdog of our government, quickly transformed into nothing more than a mouthpiece, exemplified in its coverage and lack of questions on the Iraq war.

Madam Speaker, we saw time and time again the tough questions expected by the American people before and after the invasion in Iraq replaced with nothing more than patriotic propaganda and White House talking points.

Embedded journalists were fed information and painted rosy scenarios of our invasion and occupation. Those who were skeptical and challenged this spoon-fed information were discredited and sometimes even fired for so much as questioning the actions of the war and this government.

Thomas Jefferson said, again, and I quote, ''The press is impotent when it abandons itself to falsehood.''

With all the wonderful protections of the first amendment of the Constitution of the United States, the press must not only be vigilant, but it must be courageous.

And we all remember that it is the prime directive of the press to inform the people. It is their duty to ask the tough questions when the American people are unable to do so. It is their responsibility to shine light on government actions, secret or mundane, and to hold it accountable.

And let me finish by asking this simple question. Will the press pay as much attention to Blackwater as they did to Whitewater? I certainly hope so.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank the distinguished Chair of the Rules Committee (Ms. SLAUGHTER) for the time, and I yield myself such time as I may consume.

One of the Founding Fathers of the Nation, whose likeness is above your chair, Madam Speaker, George Mason, said that ''the freedom of the press is a great bulwark of liberty.''

It does act as a bulwark of liberty by often checking governmental power. In order to gather and publish news stories, journalists often find it necessary to protect their sources. So if a journalist is forced to reveal his or her sources through legal proceedings, that has a chilling effect on other sources. And such a chilling effect ultimately may harm the public interest.

Under current law, Madam Speaker, courts have the power to force testimony from individuals unless they can cite a specific ground, such as the lawyer-client or the physician-patient privilege. It is in the public interest to have such privileges, and I think it should be possible to provide journalists, that's what this legislation is trying to do, and their sources with some reasonable protections, because currently there is no privilege for journalists to refuse to appear and testify in legal proceedings.

As the distinguished Chair of the Rules Committee stated, 49 States and the District of Columbia have various statutes or follow judicial decisions that have the effect of protecting reporters from being compelled to testify or disclose their sources. The underlying legislation would set a national standard similar to those that are in effect in the various States.

In determining whether to require testimony by a member of the news media, it is appropriate to strike a balance between the public's interest in the free dissemination of information and the public's interest in effective law enforcement and the fair administration of justice.

So the underlying legislation attempts to strike this balance by providing a privilege to journalists that prevents them from being forced to testify or disclose sources in legal proceedings. But, however, the privilege is not absolute. It contains exceptions where it is necessary to reveal a source to prevent an act of terrorism or other significant and specified harm to national security or imminent death or significant bodily harm.

I think it's appropriate, and I want to emphasize my gratitude to Representative PENCE for his hard work and dedication on this important issue. He has been not only studying it, but working on this critical issue, really, a critical issue related to our freedom for years, and so as I thank him, I urge Members to support the legislation that he's been working on so diligently for so long.

The rule we are debating now, Madam Speaker, only allows for a manager's amendment, which, as you know, is an amendment for the majority to make final changes in a bill. So the rule is essentially a closed rule. Only one other amendment was submitted to the Rules Committee, but the majority decided, on a party-line vote, to exclude the amendment and not make possible the debate of that amendment on the floor.

I understand that the authors of the bill feel that that amendment, which was submitted by the distinguished ranking member of the Judiciary Committee (Mr. SMITH), the authors of the bill believe that that amendment would go counter, would be counter to much of the essence of the bill. But, in my view, that doesn't mean that we should preclude or prevent consideration of the amendment.

□ 1145

Even Mr. PENCE, the author and champion of the underlying legislation, who opposes the Smith amendment, testified at the Rules Committee that the amendment should definitely have an opportunity to be considered by the House.

The amendment includes many of the concerns that the Justice Department has had throughout the long period of time with parts of the underlying legislation. It is a serious amendment, and it certainly deserves to be debated on the floor.

So I think it is unfortunate, and as we bring this important legislation once again, it is an example of bringing important legislation to the floor excluding, making impossible, serious debate of ideas that differ by Members of this House. So that's unfortunate, and that is why I oppose the rule that is bringing forth this important legislation. I certainly support the underlying legislation, but I think that it is unfortunate that we once again have an overly restrictive process for bringing forth this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the distinguished Chair and the good work of my friend from Florida.

Madam Speaker, I rise today in support of Resolution 742, the rule providing for the consideration of H.R. 2102, the Free Flow of Information Act.

This important legislation protects the public's right to know while at the same time honoring the public interest in having reporters testify in certain circumstances. While news organizations prefer to have their sources on the record whenever that is possible,

we all know there are times when sources will simply not come forward without the promise of confidentiality, and that's in the public interest to get the information those sources have. Consider groundbreaking stories such as conditions at Walter Reed, Abu Ghraib, the Enron scandal, steroid abuse in the Major Leagues would not have been known to the public or the Congress without confidential sources. And over the past few years, more than 40 reporters and media organizations have been subpoenaed or questioned about their confidential sources, their notes, and their work product in criminal and civil cases in Federal court.

The need for this legislation was underscored when on August 13 a Federal judge ordered five more reporters from major news organizations to reveal their confidential sources in the privacy lawsuit filed by Dr. Steven Hatfill against the Federal Government.

If sources, including public and private sector whistleblowers, are uncertain whether reporters have adequate protection, they won't come forward in the public dialogue and important issues will diminish.

The shield is qualified, as it must be. If the information possessed by the journalist is necessary to prevent an act of terrorism, imminent death or significant bodily injury, or harm to national security, disclosure can be compelled.

While 49 States and the District of Columbia recognize a reporter's privilege through statute or common law, no uniform Federal standard exists to govern when testimony can be sought from reporters. Journalists should be the last resort, not the first stop, for civil litigants and prosecutors attempting to obtain the identity of confidential sources.

I urge my colleagues to vote ''yes'' on H. Res. 742 and ''yes'' on the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege at this time to yield 3 minutes to a great leader in this House, our colleague from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of the Free Flow of Information Act.

This media shield legislation is important because ''off the record'' confidential sources are needed to help journalists get to the truth, and I don't want reporters thrown in jail for doing their jobs.

Our history is full of examples of confidential sources exposing corruption, fraud, and misconduct. For example, the Watergate scandal was blown wide open by Deep Throat, a confidential source we now know to be Mark Felt, the number two person at the FBI. Confidential sources also exposed the cooked books at Enron and the unacceptable treatment of soldiers recovering at Walter Reed.

Whistleblowers, with inside knowledge of corruption, might be discouraged from talking to reporters if they fear their identities might be disclosed and their jobs placed at risk. That's why protecting the public's right to know is needed for a healthy democracy. That is also why a majority of the States already have media shield laws on the books and why we need this law on the Federal level.

The media shield privilege under this bill is not absolute. Exceptions are carved out where it is necessary to reveal a source in order to prevent imminent death or bodily harm, terrorist attacks, or other specific threats to national security. The bill also includes the language I drafted, which provides an exception for civil defamation claims. This language, found in section 2(C) of the bill, is modeled after language found in various State media shield laws such as those in Tennessee and Oklahoma dealing with this issue.

Finally, I want to thank my colleagues, especially Mr. PENCE and Mr. BOUCHER, for their impressive bipartisan leadership and hard work on this important bill. It was my honor to work closely with them on the drafting of this legislation during the Judiciary Committee process.

Madam Speaker, the bottom line is that a free and independent press is critical to ensure government accountability. I urge my colleagues to protect the public's right to know and vote ''yes'' on H.R. 2102.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my privilege to yield 8 minutes to someone who has been working long and hard on this important issue and deserves much commendation, my dear friend Mr. PENCE of Indiana.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, 3 years ago this month, I read a newspaper editorial decrying a growing trend of cases where reporters were being subpoenaed and threatened with jail time to reveal confidential sources. The article also lamented how Republicans in Congress would never support such a statute to shield reporters in those cases.

The next day I asked my congressional staff two questions: First, I asked, what's a Federal media shield statute? And next I asked, tell me what I will never do. And it was in that moment of challenge and inquiry that the Free Flow of Information Act was born.

Shortly thereafter I partnered with the gentleman from Virginia, Congressman RICK BOUCHER, the lead sponsor of this legislation today. And the legislation that we will bring to the floor of the House of Representatives this afternoon is a direct result of a bipartisan partnership that has been a singular personal and professional pleasure for me. It is indeed humbling for me to work with Mr. BOUCHER, Chairman CONYERS, and colleagues on both sides of the aisle to truly put a stitch in what I believe is a tear in the fabric of the Bill of Rights.

When the Free Flow of Information Act passed out of the Judiciary Committee on August 1, 2007, Mr. Speaker, I was informed that in the past 30-odd years approximately 100 Federal media shield statutes had been introduced in Congress. But the Free Flow of Information Act is the first of those to be passed out of the committee, and it will be the first Federal media shield bill to ever be considered by the House. It is arguable, in fact, that the Free Flow of Information Act is the first Federal legislation regarding the freedom of the press since the words ''Congress shall make no law abridging the freedom of speech or of the press'' were added to the Constitution. As such, and I say humbly, passage of this legislation today would be both momentous and historic.

So what's a conservative like me doing passing a bill that helps reporters? I have been asked that question many times.

It would be Colonel Robert McCormick, the grandson of the founder of the Chicago Tribune, who once said: ''The newspaper is an institution developed by modern civilization to present the news of the day and to furnish that check upon government which no Constitution has ever been able to provide.''

As a conservative who believes in limited government, I believe the only check on government power in real-time is a free and independent press. The Free Flow of Information Act is not about protecting reporters. It is about protecting the public's right to know.

Thomas Jefferson warned that ''our liberty cannot be guarded but by the freedom of the press, nor that limited without danger of losing it.'' Today, the Congress has the opportunity to heed President Jefferson's words and take this important step towards strengthening our first amendment, a free and independent press.

Not long ago a reporter's assurance of confidentiality was unquestionable. That assurance led to sources who provided information to journalists who brought forward news of great consequence to the Nation, like Watergate, where government corruption and misdeeds were brought to light by the dogged persistence of Woodward and Bernstein.

However, the press cannot currently make the same assurance of confidentiality to sources today, and we face a real danger that there may never be another Deep Throat. In recent years, reporters like Judith Miller have been jailed, James Taricani placed on house arrest, Mark Fainaru-Wada and Lance Williams threatened with jail. The protections provided by the Free Flow of

Information Act, I submit, are necessary so that members of the media can bring forward information to the public without fear of retribution or prosecution and, more importantly, so that sources will continue to come forward.

Compelling reporters to testify, and in particular compelling them to reveal the identity of confidential sources, is a detriment to the public interest. Without the promise of confidentiality, many important conduits of information about our government will be shut down. The dissemination of information by the media to the public on matters ranging from the operation of our government to events in our local communities is invaluable to the operation of democracy. Without the free flow of information from sources to reporters, the public will be ill prepared to make informed choices.

Which is not to say the press is always without fault, as the chairman of the Rules Committee said just moments ago, or always gets the story right. In fact, President James Madison wrote: ''To the press alone checkered as it is with abuses, the world is indebted for all the triumphs that have been gained by reason and humanity over error and oppression.''

As a conservative, I believe that concentrations of power should be subject to great scrutiny. Integrity in government is not a Democrat or Republican issue, and corruption cannot be laid at the feet of one party. But when scandal hits either party, any branch of government, or any institution, our society is wounded.

The longer I serve in Congress, the more firmly I believe in the wisdom of our Founders, especially as it pertains to the accountability that comes in a free and independent press.

And it is important to note this legislation is not a radical step. Thirty-two States and the District of Columbia have various statutes to protect reporters from being compelled to testify and disclose confidential sources. And the Free Flow of Information Act, I would say to all of my colleagues, has been carefully drafted after reviewing internal Department of Justice guidelines, State shield laws, and gathering input from many talented members on the Judiciary Committee and throughout the Congress. It puts forward only a qualified privilege for journalists to protect sources and strikes an appropriate balance between the public's need for information and the fair administration of justice.

In most instances under our legislation, a reporter will be able to use the shield provided in the bill to refrain from testifying or providing documents. But testimony or documents can be forced under certain circumstances if all reasonable alternatives have been exhausted and the document or testimony is critical to criminal prosecutions. A reporter may also be asked to reveal the identity of a confidential source in very specific and exceptional cases. And the manager's amendment we will consider today will add even additional exceptions.

Lastly, Mr. Speaker, let my say how humbling it is for me to have played a small role in moving this legislation forward. From my youth I have enjoyed a fascination with freedom and with the American Constitution. I learned early on that freedom's work is never finished, that it falls on each generation of Americans to preserve, protect, and defend our freedom as those who have bequeathed it to us did in their time.

The banner of the Indianapolis Star, the newspaper of record in my home State, quotes a verse from the Bible that reads: ''Where the spirit of the Lord is, there is freedom.'' As I opened my Bible this morning for devotions, it was that verse that just happened to be in my daily readings.

□ 1200

It reminded me that when we do freedom's work, like putting this stitch in a tear in the fabric of the Bill of Rights, His work has truly become our own.

I ask all of my colleagues in both parties to join us today in freedom's unfinished work. Say ''yes'' to a free and independent press. Vote ''yes'' on the Free Flow of Information Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of the Committee of Jurisdiction includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the new Rules Committee majority specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I would like to direct all Members to a letter that House Parliamentarian JOHN SULLIVAN recently sent to the distinguished Chair of the Rules Committee, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes.

In his letter to the distinguished chairman, the Parliamentarian states that the Democratic earmark rule ''does not comprehensively apply to all legislative propositions at all stages of the legislative process.''

I will insert this letter from the House Parliamentarian, JOHN SULLIVAN, into the RECORD.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
*Washington, DC, October 2, 2007.*

Hon. LOUISE MCINTOSH SLAUGHTER,
*Committee on Rules, House of Representatives, Washington, DC.*

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The. question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as

confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
*Parliamentarian.*

This amendment, Mr. Speaker, will restore the accountability and the enforceability of the earmark rule to where it was at the end of the 109th Congress, to provide Members with an opportunity to bring the question of earmarks before the House for a vote.

I urge my colleagues to close this loophole by opposing the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I think this is a momentous day for the House. We have before us today a resolution that has been approved by both sides of the aisle, worked on with great consideration as concerns the Constitution. We are very happy to present it today. We think its importance is certainly easily explained and necessary.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 742 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution ..... [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Mr. WATT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3678

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Internet Tax Freedom Act Amendments Act of 2007''.*

***SEC. 2. MORATORIUM.***

*The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) in section 1101(a) by striking ''2007'' and inserting ''2011'', and*

*(2) in section 1104(a)(2)(A) by striking ''2007'' and inserting ''2011''.*

***SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.***

*Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:*

*''(c) APPLICATION OF DEFINITION.—*

*''(1) IN GENERAL.—Effective as of November 1, 2003—*

*''(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and*

*''(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).*

*''(2) EXCEPTIONS.—Paragraph (1) shall not apply until November 1, 2007, to a tax on Internet access that is—*

*''(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or*

*''(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.*

*''(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5)*

*made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to November 1, 2007, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).''.*

***SEC. 4. DEFINITIONS.***

*Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) in paragraph (1) by striking ''services'',*

*(2) by amending paragraph (5) to read as follows:*

*''(5) INTERNET ACCESS.—The term 'Internet access'—*

*''(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;*

*''(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—*

*''(i) to provide such service; or*

*''(ii) to otherwise enable users to access content, information or other services offered over the Internet;*

*''(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and*

*''(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).'',*

*(3) by amending paragraph (9) to read as follows:*

*''(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).'', and*

*(4) in paragraph (10) by adding at the end the following:*

*''(C) SPECIFIC EXCEPTION.—*

*''(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—*

*''(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);*

*''(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);*

*''(III) is imposed on a broad range of business activity; and*

*''(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.*

*''(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).*

*''(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.''.*

***SEC. 5. CONFORMING AMENDMENTS.***

*(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—*

*(1) by striking ''telecommunications services'' each place it appears and inserting ''telecommunications'', and*

*(2) in subsection (b)(2)—*

*(A) in the heading by striking ''SERVICES'',*

*(B) by striking ''such services'' and inserting ''such telecommunications'', and*

*(C) by inserting before the period at the end the following: ''or to otherwise enable users to access content, information or other services offered over the Internet''.*

*(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.*

***SEC. 6. EFFECTIVE DATE.***

*This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WATT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3678 is an excellent example of what can occur when we work together on both sides of the aisle to deal with highly complex issues, and I am evidently not alone in this observation.

This bipartisan legislation is supported by industry groups such as the Don't Tax Our Web Coalition, government organizations such as the National Governors Association, the Federal Tax Administration, the National Conference of Mayors and the National Conference of State Legislatures, and supported by a wide range of labor and union groups.

In sum, H.R. 3678 temporarily bans State and local taxes on Internet access, while minimizing the effect on State and local government ability to raise needed revenue and treat businesses fairly. The bill is pro-consumer, pro-innovation and pro-technology. It amends the Internet Tax Freedom Act in four key respects.

First, it extends the moratorium on State and local taxes on Internet access for 4 years until November 1, 2011. The 4-year time frame will allow Congress to make any adjustments to the moratorium, if necessary, in light of development in the States or in technology, as Congress has done each time it has extended the original moratorium in 2001, in 2004, and in this bill. It will also allow sufficient time for business planning, while ensuring that everyone continues to have the benefit of access to the Internet tax free.

Second, the bill extends for 4 years the grandfather provisions to preserve the legality of taxes imposed prior to the 1998 act, consistent with passed extensions. The bill also phases out new grandfathers that some States claim were created in the 2004 extension, while allowing States that issued public rulings before July 1, 2007, that are inconsistent with the foregoing rules to be held harmless until November 1, 2007.

Third, the bill clarifies the treatment of gross receipts taxes which certain States have enacted in recent years in lieu of or as a supplement to general corporate income taxes. Like the general corporate income tax, these gross receipt taxes apply to nearly all large businesses, not just to Internet access providers. The bill clarifies that this form of general business tax is treated in the same fashion as a corporate income tax and is not covered by the moratorium as long as it is broadly imposed on businesses and is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

Finally, in response to a number of concerns regarding the definition of Internet access in the current law, the bill clarifies the term to mean a service that enables a user to connect to the Internet. This new definition will not only prevent all tax-exempt content bundling but will also include closely related Internet communication services, such as e-mail and instant messaging. In addition, the bill amends the definition of ''telecommunications'' to include unregulated, nonutility telecommunications, such as cable service.

I want to particularly thank Judiciary Committee Chairman CONYERS, Ranking Member SMITH, as well as Subcommittee Chairperson SÁNCHEZ and Ranking Member CANNON for their cooperative efforts in helping us get to this point in the process.

H.R. 3678 is a good, strong bill that provides much-needed clarity to the communications and Internet industries, and strikes the right balance in addressing the needs of States and local governments, while helping keep Internet access affordable.

I urge my colleagues on both sides of the aisle to join me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I could use my time today to discuss the bill before us because it does some good things, as the gentleman from North Carolina has

pointed out. For example, it clarifies a definition of ''Internet access'' to ensure that States do not tax Internet access, including the acquisition of transmission capabilities. But instead, Mr. Speaker, I'm going to talk more about what this bill does not do.

This bill does not permanently ban taxes on Internet access and e-commerce. Only by making the ban on Internet access taxes permanent can we give businesses the certainty they need to spend billions of dollars to construct, maintain and update the broadband Internet infrastructure throughout the country. And only by extending the moratorium permanently can we continue to keep the cost of Internet access down so that low-income individuals, those who are most sensitive to cost, can continue to use the great informational tool that is called ''the Internet.''

More than 240 Members have cosponsored bills H.R. 743 and H.R. 1077, which provide for a permanent extension of the Internet Tax Freedom Act. This support is broad and bipartisan. A permanent extension is also consistent with the past actions of the House, which passed a permanent ban in 2003.

Hundreds of companies and groups, including AOL, Apple, Americans for Tax Reform, AT&T, Comcast, eBay, Electronics Industry Alliance, Level 3 Communications, the National Association of Manufacturers, the National Cable and Telecommunications Association, the National Taxpayers Union, Sprint/Nextel, Time Warner Communications, T-Mobile, U.S. Chamber of Commerce, U.S. Telecom Association, U.S. Internet Industry Association, Verizon, Yahoo, the Business Software Alliance, and the Hispanic Technology & Telecommunications Partnership, among many, many others, have called for a permanent ban on Internet access taxes; but this bill contains no such provision.

At the markup of this bill at the Judiciary Committee, Mr. GOODLATTE, the gentleman from Virginia, offered an amendment to extend the moratorium permanently. Even though 21 members of the committee, a majority, cosponsored H.R. 743, the Permanent Internet Tax Freedom Act of 2007, five of the six Democratic cosponsors reversed themselves and voted against the permanent extension.

□ 1215

Mr. Speaker, to paraphrase a one-time Presidential candidate, I guess they must have been for permanence before they were against it.

After the Democrats defeated that amendment, Mr. GOODLATTE offered the next best thing, an 8-year extension of the moratorium. The 8-year amendment subsequently failed on a more or less straight party-line vote as did a similar amendment to extend the moratorium for 6 years. If we are going to have a healthy economy in America, if we are going to continue to create jobs, if we are going to continue to enjoy a high standard of living, if we are going to continue to increase productivity, we have to do everything we can to encourage and help the high-tech industry.

To that end, I, along with Republican Leader BOEHNER, Republican Whip BLUNT, Mr. GOODLATTE and Mr. CANNON, sent a letter to the majority leader on Friday urging him to bring this bill to the floor under a rule that allowed for a vote on permanence. By denying the 242 Members who cosponsored a permanent ban on Internet taxes, Republicans and Democrats alike, the opportunity to vote for permanence, the Democratic leadership has shown that they oppose a permanent Internet tax moratorium that would help high-tech companies and that they want to leave the door open for taxing the Internet in the future.

I hope the American people and high-tech employers are watching today.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN) who is the Chair of the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, but has been an invaluable participant in the discussions that have led to this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of H.R. 3678.

Mr. Speaker, the Internet is one of the main drivers of the United States economy. But we are quickly losing our edge over our global competitors on the Internet. Over the past year, the United States slipped from 12th to 17th in broadband adoption, and average broadband speed in the United States is only 1.9 megabits per second. Now, compare that to 61 megabits per second in Japan. France and Canada also enjoy broadband speeds well beyond ours.

We made a commitment in the Innovation Agenda to reverse this trend and bring affordable broadband access to all Americans. H.R. 3678 furthers that commitment in three very important ways: first and foremost it prevents the moratorium from expiring on November 1. Expiration would be a disaster, leading to hastily imposed taxes that breed confusion and litigation. Even if we fix the problem later, the damage will already have been done. Second, the bill codifies an agreed-upon definition of Internet access that clarifies what services are and are not taxable. Finally, the bill removes ambiguity that some States have tried to exploit to tax the Internet backbone. Eliminating that ambiguity is absolutely essential. We must remove obstacles to investment in the basic infrastructure of the Internet.

As my colleagues and constituents know, I strongly favor a permanent Internet tax moratorium. That is why I'm a cosponsor of my friend ANNA ESHOO'S bill that would have made the moratorium permanent. That's why I voted for the amendment offered by Mr. GOODLATTE in committee to make the moratorium permanent.

But we must take stock of a few basic facts. First, no permanent moratorium will make it through the Senate. Second, the Senate has yet to even vote a bill out of committee. And, third, it is October 16. The moratorium expires in 2 weeks.

Given the state of affairs, I think it is crucial that we act now. We need to send a clear message to our colleagues in the Senate that the hour is late and the time for dithering is long since past. Therefore, I urge my colleagues to join me in supporting this bill.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 16 minutes. The gentleman from North Carolina has 13 minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia (Mr. GOODLATTE) who is a senior member of the Judiciary Committee, ranking member of the Agriculture Committee, chairman of the high-tech working caucus and co-chairman of the Congressional Internet Caucus, as well, in the House.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for his leadership on this overall issue and on what could have been, had the Congress been allowed to work its will. But, Mr. Speaker, it is a sad day when a majority of those, in fact, I think almost everybody, who come down here to speak on this issue are going to say, I also supported a permanent ban on access taxes to the Internet, and that is why it is sad that we are not able to bring this legislation forward under a rule under general order.

This is inappropriate to take the product of a committee when in the process, a majority of the members of that committee had cosponsored the alternative, a significant majority of the House had cosponsored the alternative of a permanent ban on taxes on the Internet, that if such a vote were brought here on the floor of the House I don't think there is any doubt on the part of anybody here that it would pass overwhelmingly.

In fact, that is exactly what has happened every other time this legislation has been brought to the floor of the House. We have voted for a permanent ban on access taxes on the Internet. That is the appropriate thing to do if we want to see the Internet continue to grow and to continue to reach out to more and more Americans, where instead we find ourselves falling further and further behind more and more other countries in terms of the numbers of Americans and the percentage of Americans who have high-speed broadband access to the Internet.

One of the reasons for that is that there needs to be greater investment in this technology to roll it out, to bring it to more people's homes, to make it

more affordable. As long as the potential for taxes on the Internet remains strong, as long as the potential for consumers to see on their Internet access bills the same kind of charges that they see today on their telephone bills and on their cable bills, where tax after tax after tax adds up to, in some instances, 20 percent, 30 percent, 40 percent of the cost of getting access to some of these technologies, obviously impacting lower income people. But, no, we weren't given the opportunity to do that. We weren't given the opportunity to have, on the floor of this House, what the vast majority of the Members of the House have indicated they want to have.

Sure, the time is running out. This bill should have been brought up months ago so that we would have adequate opportunity to work with the Senate on this legislation. In fact, every indication is that the Senate would agree to an extension greater than the 4 years provided in this legislation. But, no, instead of leaving the House with the same position we did the last time this came before the Congress in the 108th Congress when we passed a permanent extension, instead of having a strong vote showing that kind of support, we are back-pedaling. We are retrenching. We are coming forward with a much weaker position and not going in the right direction if we truly intend to see the kind of investment that needs to be made in making sure that families of all income levels have access to the Internet.

The Internet Tax Fairness Act of 1998 created the moratorium on Internet access taxes and discriminatory taxes on e-commerce. Seeing that the growth of the Internet was an important thing, we have maintained that moratorium on taxes, but also seeing at the same time the percentage of American families who are able to access high-speed Internet services, broadband services, declined, or not grow as fast as a host of other countries in many parts of the world, is a very discouraging thing.

That is why there has been a continued impetus for a permanent ban. The ban has been temporarily extended, but it will expire in just 2 weeks. This legislation that is before the House today will pass and will get that extension. But we will not be doing the things that we need to be doing to make sure that the Internet remains permanently free of access taxes and has that kind of encouragement to consumers and to investors to know that those investments will not be curtailed by a loss of interest in the growth of uptake of the Internet access by those who would like to impose taxes on it.

State and local governments have shown a great appetite for doing that. In fact, some had done it even before we put the original ban in place, and they have been grandfathered in under the legislation that moved forward. The proposal that we had would have phased out that grandfathering after 4 years. In fact, after the permanent ban was defeated in the committee, I offered an amendment that would have extended it for 8 years, but only a 4-year extension of the grandfather clauses, so that those States that were dependent upon these taxes could phase them out over 4 years and we would then have a longer period of time for which investors would see an opportunity to see greater investment opportunities in the rollout of high-speed broadband services to more Americans.

That actually passed in the committee the first time by a vote of 20–18. Then without any explanation for why a member would change their vote, nonetheless, a vote was changed and that was then defeated, and we wound up with what we have on the floor with us today.

The Congress, the will of this House, is clear. Over 240 bipartisan Members have cosponsored legislation to make the ban permanent. At every turn, the Democratic majority has worked unusually hard to suppress the clear will of the actual majority of Members of the House, including nearly 100 Members on their side of the aisle who have cosponsored legislation to make a permanent ban of Internet access charges.

Despite the clear will of the House, and despite the requests that the gentleman from Texas (Mr. SMITH), our ranking member, referred to a letter requesting that this be brought up under regular order, the leadership of the House refused to bring a permanent extension to the floor. No Members were allowed to offer amendments on the floor. Why? Because clearly if anyone had been allowed to offer an amendment to make the ban permanent, it would have passed by an overwhelming margin. It would have supplanted the legislation that we are having here on the floor today.

So no subcommittee markup was held on this legislation. The House Judiciary Committee resorted to rare procedural maneuvers to reverse the vote to double the length of the tax moratorium which I offered, and party politics have trumped good policy in bringing this legislation to the floor.

Our Nation's low-income families and the technology sector deserve better, and they are big losers today. The permanent ban and the rationale for it is important for people to understand. The temporary fix before us does little to bridge the digital divide, the divide between those who can easily afford high-speed Internet access service and those who cannot. It is estimated that only 11 percent of U.S. households with incomes less than $30,000 a year have high-speed Internet service, as opposed to 61 percent of households with incomes over $100,000. Why is that? Well, in part, it is because there has not been sufficient buildout of Internet access in communities where there are lower incomes, and in part it is because of the concern that once this ban expires, this moratorium expires, significant taxes will be imposed that will discourage lower-income families from maintaining their service on the Internet or from acquiring it in the first place.

A permanent ban would guarantee that the price of Internet access will not be raised due to excessive taxation, and a permanent ban would create certainty for broadband providers and those who have to make the multibillion dollar capital investment to make sure that the United States not only catches up, but retakes its place as the world leader in technology, not just in developing the technology, but making sure that American businesses, large and small, and American families, rich and poor, have access to this technology.

It is a shame that we are not having an opportunity to cast that vote today, which is the clear will of the majority of this House.

Mr. WATT. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Texas.

Mr. Speaker, 9 years ago, this House passed this ban on Internet taxes. It has been in place for 9 years. During that time, we have seen tremendous growth, economic growth, come from the Internet and also tremendous opportunity for people to access information that before they could not access over that 9 years.

During this time, e-mail, which once cost everyone something, now costs most people nothing. Instant messages now exist which are generally entirely free. There are all kinds of Web sites that allow people to access information for free that prior to the evolution and growth of the Internet they would have to pay to get that information. Now you have a number of municipalities and organizations looking at free WiFi, meaning that is even free access to the Internet.

In the face of all of this, all of these market pressures lowering the cost of people accessing this information and adding to the economic growth that comes from the Internet, the last thing that government should be doing is imposing their cost on it, their cost meaning ''taxes.''

Mr. Speaker, I stand today to support this legislation, although I firmly believe, as the previous speakers have said, that this ban should have been made permanent.

□ 1230

I don't think we are going to learn anything in the next 4 years that we didn't learn in the last 9 years, that the Internet is a tremendous engine for economic growth and an opportunity for information transfer available to people of all demographics all across the country. We do not want to retard its growth. We do not want to slow its growth by imposing taxes from government. We haven't done it in the next 9 years, and this bill make sure we don't

do it for the next 4 years. I hope we don't ever do it.

Mr. WATT. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who is the original sponsor of H.R. 743, which would make the Internet tax moratorium permanent. We appreciate her leadership in writing such a bill, and we appreciate her support.

Mr. WATT. Mr. Speaker, I yield the gentlewoman from California 2 minutes.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I thank the ranking member of the House Judiciary Committee and the gentleman from North Carolina for yielding me time.

Mr. Speaker, I want to talk about and address what we accomplished at the beginning of this year in the 110th Congress. At that time in January, we came together on a bipartisan basis and a bicameral basis, with Mr. GOODLATTE as well as, I think, the Father of the Internet tax moratorium effort, Senator RON WYDEN. What we did was to launch an effort that would be bipartisan and that would capture the position that the House of Representatives has always taken, and that is that there would be a permanent moratorium on access taxes on the Internet.

Now, what do ''access taxes'' mean? The term is thrown around. I really think that there are some that don't even understand what that means. Just think of the following: Every time you walk into a public library, how would you like to have to pay an access fee? Well, it's the same thing that would apply to the Internet. Every time you click on, you would be taxed.

Mr. Speaker, I think there are hundreds of reasons why we stand in opposition to that. I think it's why when I was in the minority, I was always an original lead on the legislation, and now, as the majority, I am the lead on this bill. It is why we have attracted over 240 cosponsors to the legislation. It is not what the House Judiciary, unfortunately, passed out.

I don't think it is good public policy. Why do I say that? I don't say that simply because I feel like coming to the floor to say it. This is about commerce in our country. We want to broaden broadband in our country. I think that a permanent ban really speaks to that, a permanent moratorium. I also think that it demonstrates our commitment to the entire Internet community, that access to the Internet will remain tax free.

We also want to ensure that e-commerce will remain free of discriminatory taxes. Instead, the legislation is before us today on a suspension and I can't offer an amendment, because if I was able to offer an amendment, it would be permanent. We all know that. So I am very disappointed with what the Judiciary Committee came out with. I think that the best public policy is a permanent moratorium. I think it would serve the best interest of the people of our country, not just the Internet community, but all the people of our country. I also understand that some unions have a problem with permanence. Of all groups, they should be, in my view, protecting their workers who earn less and not have to pay an access fee.

So I regret that the House position today has really been diminished, because I don't think this is the fullness of what we can do. I think we can do much better. I really don't know the reason for a 4-year moratorium, why we have fallen back to that position. But I want to make very clear that very few bills have attracted 240-plus bipartisan cosponsors. I think that is the most eloquent statement about making the moratorium permanent.

Mr. Speaker, I appreciate the time that the gentleman has yielded to me, as well as Mr. WATTS for seeking to give me more time. I hope that in the not-too-distant future that ''permanent'' will be the full position of the House of Representatives, the Congress of the United States, and that we put this behind us so that the country can move forward with a public policy that is going to serve everyone so much better than what is at hand.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for her comments, and I yield back the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume to close the debate and to address some of the issues that have been raised. I hope my colleagues will stay around, since they want to know the rationale for the 4-year extension versus the permanent extension, and listen to the rationale, because there is both ''practical rationale'' and there is ''substantive rationale.''

Let me deal with the practical reasons first. This moratorium that currently exists will expire the last day of this month if we do not act. The Senate has not done anything yet, and in many ways has made it clear that a permanent moratorium would be ''dead on arrival'' in the Senate. If the Senate is not going to act on a permanent moratorium, for the House to pass a permanent moratorium, send it to the Senate, have the Senate reject that permanent moratorium, runs the risk that time will run out before the month's end and the moratorium will run out before the month's end.

Mr. Speaker, I have heard the argument that we ought to make this permanent because this is stifling innovation. That strikes me as being like the argument that we ought to not tax anything because people are going to quit making money because there are taxes on the money that they make. I don't know anybody who, over all these years of threats that people have said to me people are going to quit making money if you don't quit taxing their money, I don't know anybody who has fallen prey to that kind of shortsighted attitude. I don't know anybody in the technology industry or in the innovation industry who has fallen prey to this notion that we are going to stop innovating just because there is a temporary moratorium on Internet access taxation as opposed to a permanent moratorium.

The last time I checked, the definition of ''politics'' was that politics is the art of compromise. We are doing what is necessary to move a bill. We can stand here and rail against the idea of a good bill on the idea that we want a perfect bill, or we can pass this bill, which I presume all these people who are railing against it not being permanent are planning to vote against the temporary extension when we get to a vote on it.

Mr. Speaker, I have heard this referred to as partisan politics. This is not partisan politics. We heard two Democrats get up and say they support a permanent moratorium. You have heard a number of Republicans say they support a permanent moratorium. There are people who don't support a permanent moratorium. A bunch of them are over there on the Senate side, and they have already made it clear if we deliver a bill over there, it's not coming back over here. So this is not partisan politics; it is practical politics. Understand the difference between partisan politics and practical politics.

Now, I have told you the political reasons why this is a temporary moratorium. Let me tell you the substantive reasons that this is a temporary moratorium. I just want to go back and read what I said in my opening statement. Every time we have extended this moratorium, we have revised this moratorium. The last time we did it, we had left out a whole bunch of people in the telecommunications world who thought that they should have been included in the definition of the moratorium. If we had made it permanent, perhaps we would have just left it as faulty, not corrected it. The fact that this is not a permanent moratorium doesn't mean that we can't go back 2 years from now, 4 years from now, 1 year from now, next month, and do something different.

Mr. Speaker, this is really not the end of the world that this is a temporary moratorium. This is the beginning of the world. We changed the moratorium in 2001, in 2004, and we will probably change it again, because every time we think we know the outer limits of the Internet, somebody comes along with something else that they can do on the Internet.

If we made this permanent, as if we had all the answers about what the moratorium, what the Internet's capacity is going to be, presumably that would be the end of the discussion, because we would have made this permanent, gone on to other issues, and not

been thinking about revisiting this and addressing whatever shortcomings we might have 4 years from now, as opposed to sometime in infinity out in the future.

Mr. Speaker, I, for one, am not on the permanent moratorium bill. I stand here with integrity telling you that I think it would be a serious mistake to make this a permanent moratorium on Internet taxation, because we don't have a clue standing here today what the capacity of the Internet is. Four years from now everything in life may be being done on the Internet. We might have a virtual world out there and then we may not be able to tax anything under the moratorium. So we need to continue to look at this on a regular, systematic basis.

This is not a cavalier decision that we have made. It is a practical, substantive, smart decision that we have made. I would request that my colleagues get off of this kind of ''letting the perfect be the enemy of the good'' notion, support this bill, and let's move on and extend this moratorium for 4 additional years. It is a good bill.

Mr. CHABOT. Mr. Speaker, I rise in support of H.R. 3678, the Internet Tax Freedom Act Amendments Act.

The Internet has changed the way we communicate, learn, and do business—all for the better. Since the Internet tax moratorium was first adopted, tremendous investment, growth and innovation in the scope and use of the Internet has occurred. By preventing unnecessary taxation of the Internet, Congress has fostered growth in productivity, spurred innovation, and widened public access to information.

This expansion is impressive. However, there is still more that Congress can do to ensure equal Internet access among all Americans. Permanently prohibiting unnecessary taxes, such as an Internet access, is the best course of action for accomplishing this goal.

Mr. Speaker, the surest way to stifle achievement, progress, and growth is to involve the Government. I urge my colleagues to use H.R. 3678 and its four year extension to work together to permanently extend the moratorium in order to foster the innovation and the free market that have been the formula for economic growth and prosperity.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3678, the ''Internet Tax Freedom Act Amendments Act of 2007.'' I support this bill because it extends the moratorium imposed by Congress in the Internet Tax Freedom Act, ITFA, for 4 years, extends the grandfather protections for my home State of Texas and eight other States for 4 years for Internet access taxes levied before October 1998, and provides a new definition for Internet access that will narrow what generally constitutes Internet access.

The Internet Tax Freedom Act, ITFA, was enacted on October 21, 1998, as Title XI of Division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act. The ITFA placed a 3 year moratorium on the ability of State and local governments to: (1) impose new taxes on Internet access; or (2) impose any multiple or discriminatory taxes on electronic commerce. The Act also grandfathered the State and local access taxes that were ''generally imposed and actually enforced prior to October 1, 1998[.]''

This initial Internet tax moratorium expired on October 21, 2001. The Internet Tax Nondiscrimination Act was then enacted on November 28, 2001. It provided for a 2 year extension of the prior moratorium through November 1, 2003. The moratorium was then extended for an additional 4 years, through November 1, 2007, by the Internet Tax Nondiscrimination Act of 2003, Pub. L. No. 108–435 (2004). Taxes on Internet access that were in place before October 1, 1998, were protected by a grandfather clause.

Mr. Speaker, I oppose making the Internet Tax Freedom Act, ITFA, permanent because it would have several significant adverse effects on the ability of State and local governments, including my home State of Texas, to raise the revenue necessary to fund programs necessary to protect the health and safety, and promote the general welfare, of their citizens.

First, under the current, extremely broad definition of ''Internet access'' in the ITFA virtually all goods and services delivered over the Internet would be exempt from State and local taxation. Keeping this definition in a permanent ITFA could prevent States and localities from extending their conventional sales taxes to online music, movies, games, television programming, and similar products.

Many sellers of such content, even if they do not truly provide an end-user with a connection to the Internet, arguably are selling ''Internet access'' as defined in ITFA: ''a service that enables users to access content, information, electronic mail, or other services offered over the Internet.'' For example, the ''Rhapsody'' service sold by RealNetworks, Inc. streams an unlimited amount of music on demand to a subscriber for a fixed monthly fee. RealNetworks literally is providing ''a service that enables users to access content . . . over the Internet.'' Accordingly, the company could take the position that the Rhapsody service is tax-exempt ''Internet access'' under ITFA's definition and refuse to charge tax on it.

Also, the definition of ''Internet access'' includes ''access to proprietary content, information, and other services as part of a package of services offered to consumers.'' Nothing in this definition places any limits on the type or quantity of such ''content, information, and other services.'' Thus, any Internet access provider could achieve tax-exempt status for such content and services by ''bundling'' them with ''Internet access'' as conventionally understood and selling the package for a single, combined price.

Under this definition of ''internet access,'' States and localities would lose the hundreds of millions of dollars in annual revenue from their sales taxation of conventional cable TV service and the hard-media versions of music, movies, software, and computer games sold in stores. As is illustrated by the rapid growth of Apple Computer's iTunes music service, the majority of such ''digital content'' is likely to be distributed over the Internet eventually. The same is likely with respect to the majority of television programming, which in some parts of the country is already being distributed via so-called ''Internet Protocol TV'', IPTV. A permanent ITFA with a definition that seems to encompass all online content and services and that places no limits on what a telecommunications or cable TV company bundles with tax-exempt Internet access is likely to lead to a serious long-term drain on sales tax revenues.

Second, eliminating ITFA's grandfather clause could have far-reaching, unintended consequences by invalidating a wide array of state and local taxes currently paid by companies providing Internet access, such as sales taxes levied on their equipment purchases. ITFA defines a ''tax on Internet access'' as ''a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access.'' Because of the inclusion in the definition of taxes on Internet access providers, State and local officials have long been concerned that Internet access providers could take the position that a wide variety of taxes to which all types of businesses are subject constitute indirect taxes on Internet access services and are therefore banned by ITFA.

Acknowledging the legitimacy of such concerns, language was added to ITFA in 2004 expressly ''carving-out'' from the definition of a ''tax on Internet access'' four categories of taxes imposed on Internet access providers—taxes on ''net income, capital stock, net worth, or property value.'' However, this list by no means covers all of the type of taxes Internet access providers may have to pay. For example, it does not include sales taxes on computer servers purchased by such companies or state unemployment compensation taxes.

The very limited coverage of the tax carve-out language added to ITFA in 2004 did not overly-concern State and local officials, because virtually all of the significant taxes on Internet access providers potentially at risk had been enacted prior to 1998. Accordingly, ITFA's general grandfather clause served as a back-stop to the explicit protection added in 2004. With the grandfather clause eliminated, however, all State and local taxes on Internet access providers other than the four types carved-out in the 2004 provision could be at risk.

It is not at all clear that States could convince a court that any taxes except for the four types explicitly named are still legal when applied to an Internet access provider. If anything, the fact that some taxes on Internet access providers were explicitly preserved might create an inference on the part of a court that Congress intended to ban all other taxes on providers.

Third, if ITFA's grandfather clause were repealed, State and local governments in Texas and eight other States would lose existing revenues from currently protected taxes on Internet access services. The State of Texas alone stands to lose more than $50 million in annual revenue. The other eight States—Hawaii, New Hampshire, New Mexico, North Dakota, Ohio, South Dakota, Texas, Washington, and Wisconsin—and some of their local governments—would lose collectively between $30 million and $70 million in annual revenue flowing from previously-grandfathered taxes on Internet access services.

Revenue losses of this magnitude are sufficient to trigger the provisions of the Unfunded Mandates Reform Act of 1995, which classifies Federal preemptions of State and local taxing powers as an unfunded mandate. Most of the taxes directly affected by repeal of the grandfather clause are conventional State and local sales taxes that apply to a wide array of goods and services in addition to Internet access.

In and of itself, the direct impact of repeal of the grandfather clause on revenue in the affected States is not significant. In combination with the other impacts discussed above, however, State finances would be adversely affected. Due to balanced-budget requirements, Texas and the eight other States and their affected local governments would either have to reduce state services or increase other taxes to compensate for the lost revenue.

For all these reasons, I oppose making the Internet Tax Moratorium Act permanent. I strongly support H.R. 3678, which extends the moratorium for four years and retains the protections for Texas and other States that were grandfathered in the original legislation and I urge my colleagues to join me in voting for this wise and beneficial legislation.

Mr. SHAYS. Mr. Speaker, I urge support for H.R. 3678, the Internet Tax Freedom Act Amendments Act, which extends the current moratorium to November 2011. I would be inclined to support further extending the moratorium if legislation is brought to the House floor for my consideration, and in the past have voted to permanently bar taxation.

The purpose of the moratorium is to prevent the thousands of overlapping tax jurisdictions across our Nation from laying claim to a piece of the Internet. Some have argued that States will lose revenue if they are not allowed to tax the Internet, but this is a false assumption.

The fact is the Internet economy is generating tremendous tax revenue for State and local governments. Extending this moratorium will help sustain our Nation's economic growth. At the same time, making Internet access more affordable will help reduce what is commonly known as "the digital divide."

Mr. WATT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 3678, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on H. Res. 741, by the yeas and nays;

adoption of H. Res. 741, if ordered;

ordering the previous question on H. Res. 742, by the yeas and nays;

adoption of H. Res. 742, if ordered;

motion to suspend the rules on H.R. 3678, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## PROVIDING FOR CONSIDERATION OF H. RES. 734, EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 741, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 12, as follows:

[Roll No. 964]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Carson
Cubin
Holden
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1311

Mr. COBLE changed his vote from "yea" to "nay."

Mr. MEEKS of New York, Ms. WATSON, Mr. SNYDER, Ms. CORRINE BROWN of Florida and Mr. LARSON of Connecticut changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 11, as follows:

[Roll No. 965]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1321

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 2102, FREE FLOW OF INFORMATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 742, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 196, not voting 11, as follows:

[Roll No. 966]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan

Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Carson
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1331

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 15, as follows:

[Roll No. 967]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Carney
Carson
Cubin
Diaz-Balart, M.
Gilchrest
Honda
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1339

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3678, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WATT) that the House suspend the rules and pass the bill, H.R. 3678, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 25, as follows:

[Roll No. 968]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boren
Boswell
Boucher
Boustany

Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Eshoo
Turner

NOT VOTING—25

Alexander
Boozman
Carson
Cubin
Davis (AL)
Emanuel
Gonzalez
Gordon
Hastings (FL)
Heller
Hirono
Inslee
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Rehberg
Ros-Lehtinen
Sires
Sullivan
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1346

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER. Mr. Speaker, on rollcall No. 968, I mistakenly voted "nay." I intended to vote "yea."

Mr. REHBERG. Mr. Speaker, on rollcall No. 968, I was unavoidably detained in a meeting with Governor Blanco and Mayor Nagin discussing Hurricane Katrina Relief. Had I been present, I would have voted "yea."

Mr. ALEXANDER. Mr. Speaker, on rollcall No. 968, I was unavoidably detained in a meeting with Governor Blanco and Mayor Nagin discussing Hurricane Katrina Relief. Had I been present, I would have voted "yea."

Mr. HELLER of Nevada. Mr. Speaker, on rollcall No. 968, had I been present, I would have voted "yea."

Mr. BOOZMAN. Mr. Speaker, on rollcall No. 968, H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I was not present due to an emergency situation. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately today, October 16, 2007, I was unable to cast my votes on ordering the previous question on H. Res. 741, H. Res. 741; ordering the previous question on H. Res. 742, H. Res 742; and on suspending the rules and passing H.R. 3678 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 964 on ordering the previous question on H. Res. 741, providing for the consideration of H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have voted "nay."

Had I been present for rollcall No. 965 on passing H. Res. 741, providing for the consideration of H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have voted "nay."

Had I been present for rollcall No. 966 on ordering the previous question on H. Res. 742, providing for the consideration of H.R. 2102, the Free Flow of Information Act, I would have voted "nay."

Had I been present for rollcall No. 967 on passing H. Res. 742, providing for the consideration of H.R. 2102, the Free Flow of Information Act, I would have voted "nay."

Had I been present for rollcall No. 968 on suspending the rules and passing H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I would have voted "yea."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 106.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to House Resolution 106.

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

There was no objection.

## EXPRESSING THE SENSE OF THE HOUSE REGARDING WITHHOLDING OF INFORMATION RELATING TO CORRUPTION IN IRAQ

Mr. WAXMAN. Mr. Speaker, pursuant to H. Res. 741, I call up the resolution (H. Res. 734) expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 734

Whereas Stuart Bowen, the Special Inspector General for Iraq Reconstruction, testified before the Committee on Oversight and Government Reform on October 4, 2007, that the "rising tide of corruption in Iraq" is "a second insurgency" that "stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services,

reduces confidence in public institutions, and potentially aids insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement'';

Whereas David Walker, the Comptroller General of the United States, testified at the hearing that ''widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency'';

Whereas Judge Radhi Hamza al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity, testified at the hearing that ''corruption in Iraq today is rampant across the government, costing tens of billions of dollars, and has infected virtually every agency and ministry, including some of the most powerful officials in Iraq'', that ''the Ministry of Oil [is] effectively financing terrorism'', and that Prime Minister Nouri al-Maliki ''has protected some of his relatives that were involved in corruption'';

Whereas the Independent Commission on the Security Forces of Iraq, chaired by General James L. Jones, U.S.M.C. (Ret.), reported on September 6, 2007, that ''sectarianism and corruption are pervasive in the MOI [Ministry of Interior] and cripple the ministry's ability to accomplish its mission to provide internal security of Iraqi citizens'' and that ''the National Police should be disbanded and reorganized'';

Whereas on September 25, 2007, the State Department instructed officials not to answer questions in an open setting that ask for ''Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons'';

Whereas Members of the Committee on Oversight and Government Reform asked Ambassador Lawrence Butler, Deputy Assistant Secretary of State for Near Eastern Affairs, at the hearing whether ''the Government of Iraq currently has the political will or the capability to root out corruption within its Government'', whether ''the Maliki Government is working hard to improve the corruption situation so that he can unite his country'', and whether Prime Minister Maliki ''obstructed any anticorruption investigations in Iraq to protect his political allies'';

Whereas Ambassador Butler refused to answer these questions at the hearing because ''questions which go to the broad nature of our bilateral relationship with Iraq are best answered in a classified setting'', although he did answer questions at the hearing that portrayed the Iraqi Government in a positive light;

Whereas the State Department retroactively classified portions of the report titled ''Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk'', which was released at the hearing by Comptroller General Walker and which addressed the commitment of the Iraqi government to enforce anticorruption laws;

Whereas the State Department also retroactively classified two reports on corruption in Iraq prepared by the Office of Accountability and Transparency in the United States Embassy in Iraq;

Whereas the United States has spent over $450,000,000,000 on the war in Iraq and the President is seeking over $150,000,000,000 more; and

Whereas more than 3,800 members of the United States Armed Forces have been killed in Iraq and more than 28,000 have been wounded: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) as Congress considers the President's request for over $150,000,000,000 more for the war in Iraq, it is essential that Congress and the people of the United States know the extent of corruption in the Iraqi government and whether corruption is fueling the insurgency and endangering members of the United States Armed Forces;

(2) it was wrong to retroactively classify portions of the report titled ''Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk'', which was released by the Comptroller General of the United States at the hearing of the Committee on Oversight and Government Reform on October 4, 2007, and other statements that are embarrassing but do not meet the criteria for classification;

(3) it is an abuse of the classification process to withhold from Congress and the people of the United States broad assessments of the extent of corruption in the Iraqi Government; and

(4) the directive that prohibits Federal Government officials from providing Congress and the people of the United States with ''broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons'' should be rescinded.

The SPEAKER pro tempore. Pursuant to House Resolution 741, the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Today we mark an ominous anniversary. It was 5 years ago today that President Bush signed the congressional authorization to use military force in Iraq. As we have learned since, that authorization was based on fatally flawed information. Congress and the American people were told that we needed to go to war against Saddam Hussein because he had weapons of mass destruction. But there were no nuclear bombs or biological weapons.

Now, 5 years later, more than 3,800 U.S. servicemembers have been killed, more than 28,000 have been injured, and the U.S. taxpayers have spent more than $450 billion; and Iraq is in shambles.

Today we are considering a different resolution. The purpose of today's resolution is simple: to end the abuse of the classification process and to demand the truth about corruption in Iraq.

We must stop the pattern of dissembling and the misuse of classified information. President Bush is now asking taxpayers for an additional $150 billion to support the war and to support Iraqi Prime Minister Nouri al-Maliki. But . . . is not being honest about the level of corruption in the Maliki government.

Just as it did 5 years ago, the Bush administration is hiding the truth while seeking hundreds of billions of dollars and placing our troops in danger. We cannot allow this to happen.

Mr. ISSA. Mr. Speaker, I ask that his words be taken down for disparagement of the Bush administration.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1400

Mr. WAXMAN. I gather that the offensive word is that ''he'' is not being honest, and what I intended to say is that the Bush administration is not being honest. I think that removes the objection that would lie against a personal disparagement, so I would seek to make that clarification and ask unanimous consent to withdraw that spoken word.

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

Mr. ISSA. Mr. Speaker, I have no objection as long as the admonishment of the Chair would be that, in fact, there is a caution as to disparaging or appearing to disparage the office or the person of the President or the Vice President under our rules.

The SPEAKER pro tempore. The Chair can affirm that with respect to the person, as a response to a parliamentary inquiry.

Mr. ISSA. I thank the gentleman, and that is an acceptable UC.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, the Bush administration is hiding the truth while seeking hundreds of billions of dollars and placing our troops in danger, and we cannot allow this to happen.

We need answers to some very important questions: How corrupt is the Maliki government? Are top officials in Iraq stealing billions of dollars to fund insurgents who are attacking and killing our troops? Is corruption undermining the chances for political reconciliation?

Secretary of State Rice says she will answer these questions only on one condition: every Member of Congress who hears the answers has to keep the answers secret. Well, that's an outrageous abuse of the classification system.

Earlier this month, the former head of the Iraqi Commission on Public Integrity, Judge Radhi, testified before the Oversight Committee. He told us that corrupt Iraqi officials had stolen a staggering $18 billion and used part of that money to fund terrorists. He told us that when he tried to track down who was responsible, well, 31 of his investigators were brutally assassinated, and his own family living in the Green Zone was targeted twice with rocket attacks. And he gave us copies of secret orders that Prime Minister Maliki personally issued to protect his allies, including his own cousin, from corruption investigations and prosecutions.

Judge Radhi, Special Inspector General Stuart Bowen and Comptroller General David Walker all told us that

corruption is so entrenched in Iraq that it is jeopardizing our troops and our mission. But when we asked the State Department for unclassified documents about the extent of corruption in the Maliki government, Secretary Rice retroactively classified them. And when we asked the embassy officials when they knew about corruption, she ordered them not to respond.

Secretary Rice has made public statements praising the anticorruption efforts of the Maliki government, and he, himself, she praised; and she even praised the corrupt Interior Ministry. But when we asked embassy officials in Iraq whether her public statements were accurate, they said they were not allowed to respond unless we agreed to keep their answers secret.

Mr. Speaker, 5 years ago, abusive classified information got us into this war. It's time for these abuses to end, and that's why we ask all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to speak on H. Res. 734, a resolution about corruption in Iraq.

Corruption, the theft of public resources for private gain, saps the life out of everything it touches. The fact that official corruption has long undermined government effectiveness and public confidence in Iraq and throughout the Middle East should come as no news to anyone. But no one believes rampant corruption is inevitable or tolerable in Iraq. Republicans don't support corruption, Democrats don't support corruption, so the pace and reach of our efforts to help the Iraqis prevent, deter, investigate and punish corruption in their struggling democracy should be one thing, perhaps the only thing, about our policy in Iraq that we can agree on.

But we were never given the chance to agree. The language of this resolution has never been considered by any committee. Why not? Just last week, four House Committee chairmen wrote to the Secretary of State asking for her cooperation in ''finding solutions'' to corruption in Iraq. So those committees apparently have an interest in the issues raised by the resolution. But none of them ever considered this language. Why not? Because this resolution is just the latest find in the frantic search for proxy antiwar votes that the leadership has staged to feed an increasingly restive left wing of their party. Unable to prevail directly, they ignore regular order and nibble around the edges with symbols, surrogates, and sense of Congress resolutions.

In this political environment, it almost doesn't matter how we vote since the resolution means so little and accomplishes even less. But, fairly or not, as has been voiced by several Members on the other side, a ''no'' vote would be portrayed as ''pro-corruption.'' That's unfortunate, and it didn't have to be that way.

Both the committee majority and the State Department have gone out of their way to politicize the discussion of corruption in Iraq. This resolution cherry-picks statements from our hearing testimony and tries to pick a fight with the Secretary of State over access to certain information. I offered a substitute to try to bring some balance and perspective to this resolution, but it was rejected by the majority in the Rules Committee. I will talk more about that substitute later.

For its part, the State Department's process for answering our inquiries about anticorruption assistance to Iraq has been sluggish and poorly thought out. When requested documents failed to show up, we didn't demand a committee vote on subpoenas the chairman decided to send to the Department. It's a separation of powers issue. The committee has a right to timely and meaningful access to information about executive branch programs and operations. The Department then classified information already, irretrievably, in the public domain. As a result of that decision, they felt compelled to limit open discussion on what everybody already knows about corruption in Iraq.

Had the State Department witness at our hearing said to the committee what Ambassador Satterfield said in today's Washington Post, broadly speaking about the Iraqi Government's political will to fight corruption, we might not have needed to consider this resolution at all.

Nevertheless, this is obviously not a resolution I'd bring to the floor to assert our constitutional rights. Both the process and the product tend to trivialize a serious and pernicious problem by reducing it to the terms of a spat over what State Department employees can say in an open forum and classification of a few sentences and two reports. It's a transparent attempt to draw the Secretary of State into a highly visible, but completely avoidable, conflict with the Oversight Committee.

What is the House being asked to ''resolve'' in this resolution? That we should know ''the extent of corruption in Iraq''? That it was wrong to ''retroactively classify'' two draft State Department reports that had never been reviewed for sensitive information before? That it's an abuse of the classification process to ''withhold'' broad, unverified assessments of a foreign government by low-level State Department employees? And that a ''directive'' limiting discussion of potentially sensitive matters to a closed setting should be rescinded? Let me take them one by one.

The phrase ''the extent of corruption in Iraq'' is used several times. In truth, it's code for the unspoken conclusion that if we only knew the real level of corruption, we would all conclude Iraq could never stand on its own. But contrary to what this resolution implies, it's no secret there is widespread corruption in Iraq. We concede that. It's sadly well documented, from the scandalous Oil-for-Food Program in the 1990s to present-day diversion of oil revenues. Corruption is a critical concern to the United States Government, to the Iraqi Government, and to the Iraqi people.

No amount of handwringing or feigned indignation can avoid the hard truth that the United States did not bring corruption to Iraq, and it won't stop when we leave. And no spreadsheet or corruption clock will ever give us the real-time cost of bribes and the real-time cost of graft there.

Focusing on the extent of corruption rather than the extent of anticorruption efforts betrays a desire to publicize corruption, not help fix it.

On the classification question, in all honesty, I have my doubts whether the State Department's reports should have been classified. A sloppy process in Baghdad leaked them; they're on the Internet right now. It's probably counterproductive to put that genie back in the bottle. The Department simply should have said, ''The reports got out. Our mistake. But they represent only the collected anecdotes and flavor added by the authors and were not official policy statements of the United States.'' That could have avoided the whole fight over classification, but they didn't do it.

On the question of ''withholding'' information, there is a difference, and in my judgment an important difference, between hiding information and simply exercising appropriate caution and good management in deciding who makes official statements about U.S. relations with another sovereign state and where those statements are made.

More determined to be aggrieved than informed, the committee refused repeated efforts and offers to question witnesses in a setting that could permit us to discuss sensitive and classified information.

If anything constructive comes out of passage of this resolution, I hope it's to refocus and reenergize State Department anticorruption efforts in Iraq. They need it. That might not be the goal of all those that are voting for this resolution, but it's my goal in voting for it, and it's the only positive outcome that I can see.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY), the chairman of the subcommittee dealing with international relations of the Oversight Committee.

Mr. TIERNEY. Mr. Speaker, the fundamental issue before us on this resolution is whether or not this institution, the Congress, is going to absolutely carry out its oversight responsibilities and demand that the executive branch provide to us materials we need to make reasonable determinations as to whether or not there is an extent of corruption in Iraq with respect to what is going on there, but also whether or

not our State Department and other agencies are doing all they should do to build up the capacity of the Iraqi Government to be able to combat corruption.

In December 2006, and again in July of 2007, the United States Embassy in Iraq produced two reports that weighed on those issues, corruption in the Iraqi Government, and would have shown us some capacity of whether or not the United States was doing enough about it. They were marked ''sensitive but unclassified.'' And they were widely distributed within the United States Government and they were even posted on the Internet.

In September, the Oversight Committee requested copies of those two documents. But rather than provide them in their unclassified form, the State Department decided to retroactively classify them, in essence, keeping them from public view or from public debate.

The State Department classified these documents only after the committee requested that they be produced. And they gave this task to an official who told the committee he had never in his life been requested to review for classification before.

Incredibly, the State Department then retroactively also classified key portions of a Government Accountability Office report that was issued to the Oversight Committee at a public hearing on October 4. Now, David Walker, the Comptroller General, testified in open session that this Government Accountability Office report addressed corruption in Iraq and the failure of the United States agencies to properly support capacity-building efforts in Iraqi ministries. This is not about just deciding how much corruption there was in playing that. It's about deciding whether or not there had been sufficient capacity-building efforts in Iraq ministries to prevent corruption.

Mr. Walker issued the report, copies were handed out to the press, and it was posted on the Internet. But after the hearing, the State Department classified those portions of the report that addressed Iraq's commitment or a lack of commitment to fighting corruption. And yesterday, the State Department claimed in a letter to Congress that they classified the Government Accountability Office report prior to official publication, but, in fact, when we checked with the Government Accountability Office, they said that was not true. The State Department reviewed this report before it was released. They confirmed that it contained no classified information. It was not until after the report was released at the public hearing that the State Department retroactively classified it.

Secretary Rice may not want the public to know what the Government Accountability Office found when it investigated whether the Maliki government is committed to fighting corruption, or they may not want the public to know whether or not the government is actually working hard enough to build the necessary capacity to stop and check corruption in Iraq. But it's a gross abuse of the administration's powers to retroactively classify these findings and the findings of the State Department's own embassy officials and to do it retroactively.

Classification cannot be allowed to happen primarily because people think they're going to be embarrassed, whatever government may be embarrassed. Congress has to exercise its prerogative here and do the proper oversight for the protection of our troops and of the public's interests.

Testimony was that some $18 billion in corruption was occurring in Iraq, and that was without going into the oil ministry, where significant further corruption was believed to happen. Testimony was that monies from that corruption were going to fund militias, who in turn were placing their focus on targeting United States troops.

It is imperative that this Congress investigate whether or not, through review of these documents and other sources, we are making enough efforts to build the capacity in Iraq to make sure that that corruption stops and that our troops, our men and women in service, are not being targeted through corruption.

Mr. Speaker, this is an important matter. This is the prerogative of this House. This should not be about partisan politics or protecting the home team. This should be about making sure that we protect our troops and the public interest.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would be happy to yield 4 minutes to the gentleman from Indiana, the former chairman of the committee (Mr. BURTON).

Mr. BURTON of Indiana. Thank you, Mr. DAVIS, for yielding the time.

You know, I get such a kick out of my colleagues on the other side of the aisle, in particular the chairman of the committee. He was my ranking Democrat for 6 years. And during those 6 years we investigated the illegalities of the Clinton administration that took place, and he blocked and defended the administration, as I would expect him to do because he is a Democrat, every single time. But the thing that interests me is he's talking about corruption in our State Department. We sent out over 1,000 subpoenas, and he and his side tried to stop us at every turn in the road to get to the bottom of corruption during the Clinton years. We had over 100 people in the administration and associated with the administration either take the fifth amendment or flee the country. We have pictures of them up on the wall, people that would not testify, that had memory loss. We said there was an epidemic of memory loss at the White House. People were leaving the country. People were taking the fifth amendment. They wouldn't give us any information. They blocked us time after time after time for 4 years.

And so today, here they are on the floor talking about corruption and being blocked by the State Department when they are the authors of this process. They're the ones who did it for 4 straight years to protect Bill Clinton and his administration when there was no question about corruption in that administration.

We sent five criminal referrals to the Justice Department during the time I was chairman, and they and their colleagues in the Justice Department, the head of the Justice Department blocked us at every step of the way, every turn in the road. And here they are today complaining about our State Department, during a time of war, trying to deal with the problems over there, and they're alleging a cover-up, blockage and everything else. You know, there is nothing so righteous as a lady of the evening who is reformed. And so I just want to say to my colleagues tonight that this is another example of you coming to this floor complaining about the administration blocking you when you did it for 4 straight years. You did it every day, you did it every night, and now you're complaining because we're trying to do something about the war in Iraq and we're stopping you from getting some information that you think is absolutely essential. Where were you when we were investigating Clinton? Why didn't you want that stuff to come out?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to please direct their remarks through the Chair.

Mr. BURTON of Indiana. I will direct this to you, Mr. Speaker.

For 4 years, they did exactly what they're accusing this administration of doing, and they did it in spades. When people wouldn't testify, they stuck up for them. When people took the fifth amendment, they stuck up for them.

□ 1415

When people from the administration came down here to testify and couldn't remember anything, they helped block the testimony coming before the committee. So today, they are complaining about the very things that they did for four straight years and during a time of war.

Mr. WAXMAN, I just want to say to you one more time I appreciate your reformation. I appreciate your changing. I am happy you are seeing the light. But I don't know why you didn't do it when I was chairman.

Mr. WAXMAN. Mr. Speaker, I want to point out that Mr. BURTON, who was chairman of our committee, issued thousands of subpoenas. He received millions of pages of documents. He had hundreds of hours of depositions. He conducted an investigation that has been widely regarded as irresponsible and reckless.

Mr. Speaker, I now yield 3 minutes to the gentleman from Maryland to speak on this resolution.

Mr. CUMMINGS. Thank you very much, Chairman WAXMAN, for yielding.

Mr. Speaker, I rise in support of H. Res. 734, a resolution expressing our dismay at the withholding of information relating to Iraqi corruption, which I have cosponsored.

By all accounts, Iraq was a corrupt state at the time of the U.S. invasion. Unfortunately, it remains so today. The nonpartisan group, Transparency International, finds that the Iraqi Government is the world's third most corrupt country more than 4 years after Saddam Hussein was ousted.

In an October 4 hearing of the Oversight and Government Reform Committee, we listened to the heart-wrenching testimony of Judge al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity. During his tenure, the judge uncovered up to $18 billion in funds that were lost as a result of corruption. Rather than receive the accolades for his efforts, however, Judge Radhi faced severe retaliation instead. He told us of the horrible atrocities that he and his family and that of his staff suffered at the hands of those who aimed to stifle his investigations.

In total, 31 people from his office and 12 of their family members were killed. Many endured unspeakable torture, their bodies hung from meat hooks. Judge Radhi's own home was struck by rockets. Harassment eventually reached the point that he was forced to flee his own country. This is not the sort of environment that leads to the free and democratic Iraqi society that President Bush is so fond of invoking.

We cannot achieve a victory in Iraq as long as we allow corruption to continue unchecked. Unfortunately, officials of the U.S. Department of State do not appear to agree. Following our hearing, the Department retroactively classified reports and portions of reports that detailed problems with Iraqi corruption. These actions represent a blatant attempt to manipulate the classification process to stave off bad publicity.

Mr. Speaker, this is a very sad reality indeed. I find it ironic that our own government is engaging in obstructive practices in an attempt to cover up the truth about corruption in Iraq. I urge all of my colleagues to join us in sending a very strong message to the administration that these practices will not be tolerated by voting in favor of H. Res. 734.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me just say that I appreciate what the chairman of the committee has done in holding the hearings and the investigations. I think this is something the American people should know. There is no question about that. But there are particular concerns that go to the particular content of the resolution. The chairman and I have discussed this.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Thank you, Mr. Ranking Member.

Mr. Speaker, the chairman of this committee cannot have it both ways. And the Speaker of the House cannot have it both ways. In their blind hatred for this administration and the President, they would have you believe on Tuesday of last week that you must believe the Ministry of Interior in Iraq and you must believe that the veterans, now serving for Blackwater, murdered in cold blood 17 Iraqis who were unarmed, defenseless, simply for the sport of it. On Tuesday, that is what Erik Prince had to deal with on the orders of Speaker PELOSI and dealt out by Chairman WAXMAN.

That was Tuesday. By Thursday, we were looking at what we see here today, that the administration was covering up so much corruption, particularly the corruption of the Ministry of Interior. Mr. Speaker, I am going to vote for this resolution not because it is flawless. It has its understandable flaws. But I am going to vote for it because in the whereases it says, whereas, the independent commission on security forces of Iraq chaired by General James L. Jones (Retired) reported on September 6, 2007 that ''sectarianism and corruption are pervasive in the Ministry of Interior and cripple the ministry's ability to accomplish its mission.''

It goes on and on to make the point I am making, just as the majority has already made, Mr. Speaker, and that is that in order to believe that combat veterans, special forces veterans, Green Berets and special forces SEALS now out of the military and out of harm's way in Iraq working for Blackwater, in order to believe that they murdered in cold blood defenseless civilians at an intersection just for sport just after a bomb went off, you would have had to believe the Minister of Interior. And Mr. WAXMAN would have had the committee believe that on Tuesday. But by Thursday, of course, we have the cover-up of such rampant corruption. Yet in the very, very resolution, we have an independent commission headed by a distinguished former general say, in no uncertain terms, there is rampant and widespread corruption. That has not been taken back by the administration.

Mr. Speaker, what I would say is Mr. WAXMAN and the Speaker of the House, NANCY PELOSI, cannot have it both ways. They cannot go after our troops in harm's way, our contractors serving in those capacities similar, most of them, if not all of them veterans, they cannot denounce every aspect of this war, how we got there and when we go there and then say, but this group is so corrupt we must leave.

The previous speaker, Mr. Speaker, went out of his way to say the third from the bottom in corruption is Iraq, never mentioning that Burma was below that. Burma managed to be one of the two at the very bottom. Mr. Speaker, would the majority have us pull out our representation and support in Burma and leave to those who are already the victims of corruption an even more corrupt government? Or would they, given that this administration in their view is not doing enough, say, We should do more, we should engage, we should spend the money insisting on transparency and reform?

Mr. Speaker, I am voting for this resolution because, in fact, I believe the majority and the minority should agree that there is corruption, corruption so widespread in Iraq for the Minister of Interior to frame men and women in harm's way in order to get them out of the way. I do not want this body and this Congress to be a party to framing Americans who are putting their lives on the line as patriots in Iraq.

I ask that people support it on both sides, not because Mr. WAXMAN isn't trying to have it both ways, but because, in fact, there is corruption in Iraq, and hopefully, at some point, he will begin to believe loyal Americans over those very corrupt entities that he denounces in other parts of his resolution.

Mr. WAXMAN. Mr. Speaker, I don't understand the argument the gentleman made. But I like his conclusion. So we welcome his support for our resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), a very esteemed member of our committee.

Mr. KUCINICH. Mr. Speaker, I rise in support of the resolution. One must put this debate in perspective. The administration certainly helped to create the war. Iraq didn't have weapons of mass destruction, but Iraq did have one thing that is very valuable, and that is oil. The administration helped create the war. They created the Coalition Provisional Authority, and they helped to create the Maliki government. Now they are withholding information and classifying previously unclassified information. Again, no WMDs in Iraq, but oil.

I maintain that has all been about oil. The administration looks the other way on corruption, putting great pressure on the Maliki government at this very moment to privatize 20 to $30 trillion worth of Iraqi oil assets. Now, they can classify all they want over at the White House. But this is still about oil. It can't classify nearly 3,800 deaths of our soldiers. They can't classify 1 million deaths of innocent Iraqis. They can't classify that the war will cost up to $2 trillion. They can't classify that they are borrowing money from China to fight a war against Iraq. This war has been based on lies. We agree we should all abide by the rules of the House. We should also abide by the United States Constitution. That is why I support this bill. It is also why I support accountability, and I support impeachment.

Mr. TOM DAVIS of Virginia. I would like to inquire as to how much time I have.

The SPEAKER pro tempore (Mr. SCHIFF). The gentleman from Virginia

has 16 minutes remaining. The gentleman from California has 16½ minutes remaining.

Mr. TOM DAVIS of Virginia. I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. LYNCH), a member of our committee.

Mr. LYNCH. Mr. Speaker, I want to thank the gentleman from California for yielding.

Mr. Speaker, I think it is important that the American people understand what exactly is going on here. This is not about the Clinton administration. It is not about Blackwater.

I just want to touch on a few facts here. Number one, $450 billion has already been committed by this President and his administration toward the war in Iraq. Recently, the President has come back to us with a request for an additional $150 billion also to be spent in Iraq on, among other things, schools, roads, bridges, power plants, water treatment facilities, not in the United States, but in Iraq.

Now, Congress, our responsibility here, we have the power of the purse. The power of the purse is not simply the power to open the purse, but it also includes the duty and the obligation to inspect appropriations and to inquire whether or not this country, this government, who has had the benefit of, if the bill goes through, it will be $600 billion, we have the duty to inquire whether that government is corrupt.

We received several reports, one from the Special Inspector General for Iraq Reconstruction, Mr. Stuart Bowen, who indicates there is widespread corruption. There is a commission headed by General James Jones, United States Marine Corps, indicating there is widespread corruption in Iraq among the government, and again by Comptroller General David Walker, who indicated, again, there is widespread corruption in Iraq.

We have requested, in response to these reports, testimony and documents from the State Department. They have said ''no.'' They have said, no, they would not testify; they would not give us documents. Chairman WAXMAN had to join with the committee and we issued four subpoenas. They were joined in by my respected colleague from Virginia (Mr. DAVIS) who agreed that he would support the subpoenas, as well. However, they did not give us all the documents. The witnesses came forward, but refused to testify as to the level of corruption in Iraq. They have denied Congress the access to the information we need.

There's a strong irony here; it is inescapable to me. The State Department has retroactively classified two reports by its own officials regarding Iraqi corruption. Do you know, it is ironic, the name of the office inside the U.S. Embassy that wrote those reports? It is the Office of Accountability and Transparency. They have refused to give us information. They are the ones who are supposed to be teaching the Iraqi Government how to be more transparent, how to be more accountable to their own government.

What about the other report the State Department classified, basically has hidden from the American people? Who issued that one? The Government Accountability Office. The statement retroactively classified that one, too. If this were not so serious, it would be laughable. These offices were set up with the express mission of calling the government to account, not only the Government of Iraq but also the Government of the United States. This effort to classify this information has been done for the express purpose of saving the Maliki government from embarrassment because of the allegations of corruption regarding their officials.

So here we are supposed to be exporting democracy, but what we are doing here now is covering up for a corrupt government at the expense of the American people. And the irony runs deep. The Bush administration says we are in Iraq to spread democracy and the rule of law; but, instead, it appears that we are, indeed, complicit with the corruption that is going on in the Maliki government.

I question how it makes America look not only to Iraqis but to our own citizens. I believe it does render us complicit. It harms our core mission. It does not win the hearts and minds of the Iraqis. It loses them. America must lead by action and by example, not by suppressing public discussing of corruption in government.

□ 1430

Mr. TOM DAVIS of Virginia. Just to put it in perspective, the report was, I think, something like 60 pages. It was called back for five sentences.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HUNTER), the former chairman of the Armed Services Committee, now the ranking member.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this resolution. Let me just speak to the point that is made by the resolution that talks about the need to disclose in open session facts which would deal with corruption, and I am quoting, ''including allegations that investigations were thwarted, stifled for political reasons, and that that classification should be rescinded.''

I have looked at Mr. Butler's testimony to the committee. I have read it. I have got it in front of me. He talks a great deal, acknowledging that there is corruption in the Iraqi Government, as there is in practically every government in the Middle East, to some degree. He talks about that.

Mr. Speaker, he also said that he would be happy to talk about details concerning any political moves to avert investigations into corruption. He would be happy to talk about those details in a classified session. So he gave that opportunity, as I understand it, to the committee, and the committee didn't take him up on it.

I would just say, Mr. Speaker, that sources and methods are important. If there was a secret conversation that went on in the Iraqi Government and that secret conversation was listened to by somebody who then relayed that to the U.S. Government, or U.S. officials, laying that out for the public without going into classified session would not be good for American intelligence operations. This committee could have gone into classified session and had all the details that they needed.

Mr. Speaker, I rise in opposition to this particular resolution.

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

Mr. HUNTER. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I can understand what the gentleman is saying about sources and methods, and we understand that under some circumstances talking about it in public session might be harmful. But we asked the representative from the State Department questions, such as whether the Government of Iraq currently has the political will or the capability to root out corruption within its government. We were told he couldn't answer that in a public session. That is the problem that we are complaining about in this resolution.

Mr. HUNTER. Mr. Speaker, what I have in front of me is the actual testimony of Mr. Butler, who says this: ''The Department of State has devoted considerable effort and resources helping courageous Iraqis establish mechanisms and procedures to investigate and prosecute corruption.'' He says, ''It's fair to say we probably do not have a program in the ministerial capacity development area that does not seek to build an environment in which corruption is less prevalent.'' He goes on to talk about what has been done. So he does engage you on this issue of corruption.

I think you could have gone to a classified session, as was invited by Mr. Butler, you could have gone to a classified session, he invited you to do that, and he would give you the details on that particular conversation. Incidentally, the particular conversation that you're talking about is the one that is manifested in your resolution. It's not this statement that you have just given me. It's the one that is in your resolution. You could have had him do that in private.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. TOM DAVIS of Virginia. Let me say that who speaks for the State Department at certain times and how nuanced the statement is going to be is very important in diplomatic jargon in terms of what its meaning is. I think

that was one of the difficulties they had at that time.

Mr. HUNTER. I thank the gentleman for his time.

Mr. WAXMAN. Mr. Speaker, I just want to point out that we asked Mr. Butler from the State Department questions such as whether the Maliki government is working hard to improve the corruption situation so that he can unite his country. We were told he could not answer that question unless we went into closed session, which would mean that if he answered it in closed session, it would be a national security violation for any of us to report his response. That was what was so offensive. They did not want to even discuss a broad kind of questions which go to the nature of our bilateral relations with Iraq how they are doing and what our efforts are doing and whether we are succeeding in stopping the corruption in Iraq, which is jeopardizing our mission and endangering our troops.

I would like to now yield 3 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, last week Lieutenant General Ricardo Sanchez, who led our forces in Iraq when the vast majority of the American public had yet to turn against the war, emphatically agreed with those of us who criticized the invasion and occupation from the start. In calling the situation a ''nightmare,'' Lieutenant General Sanchez referred to the ''unfortunate display of incompetent strategic leadership.''

But from what I have seen from my seat on the Oversight and Government Reform Committee, with all due respect to the Lieutenant General, he is wrong. The administration isn't failing to implement the strategic leadership needed to bring peace to the region and protect our young men and women risking their lives in Iraq; they are refusing.

David Walker, U.S. Comptroller General, said that widespread corruption is robbing Iraq of the resources to develop the government and is funding the very insurgency we are fighting. Rather than working to end or mend this catastrophe, the State Department has instructed its officials not to cooperate. Instead of using the ''Stabilizing and Rebuilding Iraq'' report to rectify the problem, they classified it retroactively, giving the impression that honest information is seen by this administration as politically embarrassing rather than constructive.

Mr. Speaker, regardless of how they see it, they owe it to the American people not to ignore factors that endanger our soldiers, jeopardize Iraqi stability, and squander upwards of $18 billion due to corruption. In today's terms, that is 2½ years of health care for 4 million children through SCHIP. But this isn't merely a case of ignoring crucial information. Our government is actually covering up the rampant corruption, which Inspector General Bowen has referred to as ''a second insurgency.''

With article I of the Constitution, our Nation's Founders protected us against this abuse by calling for a representative government with all legislative powers vested in the hands of a Congress. By defying that mandate, the Bush administration is defying the American people. So I call on the President to return to those Constitutional principles by dropping the veil of secrecy and restoring the open, honest government envisioned by the Framers, demanded by the people, and depended upon by our soldiers.

Mr. Speaker, saying ''supporting the troops'' is one thing, but following through with actions is something entirely different. That means admitting our deficiencies so that we can correct them. For the 3,820 warriors we lost in Iraq, and for the more than 165,000 serving there today on the ground, I urge my colleagues to support H. Res. 734, and call on the administration to level with us and support our troops abroad.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, let me just add that official diplomatic statements, even under oath in congressional testimony, critical of foreign governments, have consequences. Criticizing foreign governments through official statements of our government, when you are trying to get them to comply with other things, have consequences. Criticizing specific ministries, which were some of the questions asked, have consequences within a fragile political framework of the Iraqi current coalitions, and, for one reason or another, the State Department felt that, at least in an open forum, they felt constrained to make appropriate statements.

However, I think it is clear from the amount of testimony and the volume of testimony and the substance of the testimony that we have heard that there has been corruption in Iraq for a long time. It continues, it will probably continue after we leave, and it is something that this Congress and the American people need to know about, and we can address it here on the House floor.

This resolution was introduced dealing with corruption in Iraq and the State Department's attempts to cover up the extent of the corruption, or, I should say, the alleged attempts. This quotes various witnesses that have appeared before our committee over the last several years to discuss the affairs of Iraq.

Along with the chairman, I participated in those hearings, too, and I listened to what the witnesses had to say, and I share his concern about the extent of corruption in Iraq, and I hope every Member does. But I am concerned about the way that the statements are being portrayed, the statements by the panels of expert witnesses who appeared before our committee, because in this resolution, it only paints half the picture.

I offered to work with the chairman to come up with a resolution that in my judgment paints a more complete picture of the extent of corruption in Iraq, but the offer wasn't accepted. I then, in good faith, filed an amendment with the Rules Committee that accepted basically the resolution that was presented by the chairman but added some additional whereas and resolved clauses that I thought provided a more accurate, bipartisan perspective on the extent of corruption in Iraq.

For example, the chairman's resolution quotes Stuart Bowen, the Special Inspector General for Iraqi Reconstruction, as stating before the committee on October 4 that the ''rising tide of corruption in Iraq stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aides insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement.''

I concur with the chairman's concerns about this particular statement by Mr. Bowen and included the same statement in the amendments that we proposed. But I also added an additional quote made by Mr. Bowen at the hearing that says, ''Iraq has a history of corruption'' and ''the United States did not bring corruption to Iraq, and it will not be gone whenever we leave.''

He said that, but apparently that proposed addition didn't fit the theme of what the majority is trying to do this week.

Additionally, the chairman's resolution quotes David Walker, the well-respected Comptroller General of the United States, as stating before our committee that ''widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency.''

I concur with the chairman's concerns about that statement made by Mr. Walker, something we want the world to know, Congress should be aware of. I included the same statement in the amendments that I proposed. But I also added an additional quote by General Walker at the hearing that says, ''none of us should underestimate the challenges of establishing strong and transparent government institutions in the wake of a dictatorship where corruption was woven into the very fabric of governing. And none of us should underestimate the challenge of rooting out corruption in a combat zone, even one where violence is diminishing as we have seen over the past 6 months.''

Apparently this proposed addition also failed to fit the majority's tidy little box for discussion this week.

Another example, the resolution highlights the fact that the State Department instructed officials not to answer certain questions. My amendment included the same language as the chairman's but added an additional whereas to acknowledge the fact that the State Department counsel, concerned about the specific assessments regarding the government's capacities

of Iraq Ministries and Ministers made in an open setting, and that these statements could affect the United States' bilateral relationship with the Government of Iraq and could put in danger the lives of Americans, of our allies, repeatedly offered to make United States Government officials and employees available to respond to questions regarding potentially sensitive or classified information, including foreign government information, in an appropriate secure setting where we wouldn't be endangering lives.

But that truthful statement went too far as well to include in this resolution.

The resolution also states that the State Department retroactively classified two reports on corruption in Iraq prepared by the Office of Accountability and Transparency in the United States Embassy in Iraq. I included the same whereas clause, but simply added an additional whereas, to explain that the original leaked report was an internal, unpublished, unedited and unapproved draft report on corruption in Iraq that, as described by one U.S. Embassy Baghdad employee has been embellished with anecdotes for flavor. The report had not been properly reviewed and vetted for classification purposes before.

The majority was not interested in including that explanation for why the State Department chose to classify the report.

Finally, my amendment would have included all but one of the chairman's resolved clauses and then added a handful of additional clauses to paint a more accurate picture of the extent and cause of corruption in Iraq.

For example, I proposed to add a resolved clause that stated it is not an abuse of the classification process to protect from unauthorized disclosure information contained in draft internal, unedited, unpublished and unapproved reports that reasonably may be expected to cause harm to the national defense or foreign relations of the United States.

Like all the previously discussed additions I proposed, apparently this assessment went too far, which leads me to the unfortunate conclusion that the resolution we are considering today is not a substantive resolution intended to achieve a bipartisan consensus on the important issue of corruption in Iraq, which we all agree on. It is intended to politicize and is a political measure, put forth by the majority, with no intention of trying to reach constructive steps to improve U.S. anticorruption efforts.

Is that enough for Members to oppose this press release masquerading as serious legislation? That is for each Member to decide. As for me, I am going to support the resolution, with those reservations.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the chairman.

Mr. Speaker, I think it is important to say it today that the conversation about corruption in Iraq, this isn't theoretical. It is not hypothetical. It is not just about numbers or statistics. Corruption in Iraq is real. It has a face. And, frankly, it is no secret to those Iraqis who are picking up their newspapers and their media outlets every day and finding out the corruption that is rampant there. So I think it is worthwhile just for a second to talk about the face of corruption in Iraq.

This is Salam al-Maliki, the former Iraqi Minister of Transportation. He is also the Prime Minister's cousin. He was accused of abusing his official position to purchase real estate at a fraction of its value. But the Prime Minister issued an order barring, barring, his case from being referred to court.

I want to now introduce you to Aiham Alsammarae. He was the Iraqi Minister of Electricity who was convicted in Iraq of the abuse of national funds; yet he escaped from the Green Zone with the help of U.S. contractors. He is now living, if you can believe it, in Chicago, running his own business and traveling around the world.

Finally, this is Hazem Shaalan. He was the Iraqi Minister of Defense, accused of embezzling almost $1 billion that should have been spent on weapons and vehicles for the Iraqi Army. Iraqi courts reportedly have audiotapes of his deputy discussing payoffs to various officials. After his conviction, he also fled the country, and he is now living in Europe or the Middle East.

Mr. Speaker, this is just the tip of the iceberg. But this administration doesn't think that the American people should be concerned or even know about this. By refusing to answer questions and retroactively classifying corruption reports, this administration has proved once again that they either don't trust the American people, or they know that their case for continuing this war is so weak that they have to obfuscate the facts on the ground.

Now government contractors are getting into the game. Two weeks ago, Erik Prince, the CEO of Blackwater Security, refused to disclose to this committee his salary or the profit margins of his company, despite the fact that Blackwater makes 90 percent of its money off of U.S. taxpayers.

This cannot stand, Mr. Speaker. I, for one, will never support another war funding authorization that doesn't provide for the redeployment of forces out of Iraq.

But for those on this floor who do support this war, I plead with you to at least demand accountability for the billions of wasted dollars that we have thrown at the Iraqis. Do not stand here on the House floor telling us that we cannot afford to heal children throughout the United States of America if we aren't even asking questions and getting the appropriate documentation that we require on the billions of wasted dollars in Iraq.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, it is my honor and privilege to yield 1 minute to the gentlewoman from California (Ms. LEE).

□ 1445

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding and also for his leadership as Chair of the committee for insisting that Congress exercise its constitutional responsibility of oversight of the executive branch.

The classification process is meant to protect State's secrets, not to cover administration's failed policies. The American people and Congress deserve honest answers about the extent of corruption in the Iraqi Government, and to what extent corruption is fueling the insurgency and endangering our troops. We deserve to know if our troops are dying to support a corrupt regime propped up with United States tax dollars.

But when the Committee on Oversight and Government Reform started to ask those questions, the State Department turned around and classified key sections of the report and testimony.

In a democracy, we do not run away from facts. We do not classify information just because it is embarrassing. Unfortunately, this administration has shown an alarming lack of interest in the facts. This incident looks more like the same kind of stuff we have seen coming from this administration that really wants to continue to keep our young men and women in harm's way knowing full well this is a civil war that cannot be won militarily. I urge my colleagues to support transparency and accountability and condemn this abuse of the classification process and to support this resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I reserve my time to close.

Mr. WAXMAN. Mr. Speaker, I yield to a very important member of our committee, the gentleman from Maryland (Mr. VAN HOLLEN), for 3 minutes.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, the chairman of the committee (Mr. WAXMAN) for his important work in this area and moving the committee to take a look at this.

Look, the question is why does the Bush administration not want us to see this information about corruption in the Iraqi Government. One thing is clear, it is not that we are hiding something from the Iraqis that they don't already know. They know about the problem. In fact, we had Judge Radhi from the Iraqi Government who had been thrown out of his job because he was uncovering corruption testify.

So if it is not the Iraqis we are trying to shield this information from, why is it? It is pretty clear that the administration doesn't want the American people to hear it. I think they are finally

understanding that their position is untenable.

Just yesterday the State Department sent a letter saying: ''There is no Department 'directive' prohibiting officials from providing Congress any information relating to corruption in Iraq.'' That is just flatly false. In fact, we have a copy of the directive right here.

Before the committee began its hearings, we asked for some State Department officials to come before the committee and talk about corruption issues. Well, the night before they came before the Oversight Committee, they were given this directive. Here is what it says. These are the areas which are red lined. That means these are the topics that they are not allowed to talk about in public: ''Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi Government to deal with corruption, including allegations that investigations were thwarted/stifled for political purposes,'' and it goes on.

It is very clear that the State Department did not want their representatives coming before the committee to tell the truth about Iraqi corruption. And since then, when their officials actually came before the committee during the hearings, they refused to answer questions, the broadest kind of questions.

Let me give you an example of questions that Ambassador Lawrence Butler, the Deputy Assistant Secretary of State for Near Eastern Affairs, said he couldn't answer: whether ''the Government of Iraq currently has the political will or capability to root out corruption within its government.''

That's an important question for the American people.

Also: ''whether the Maliki government is working hard to improve the corruption situation so that he can unite his country.''

Another question that was put to the State Department representative by the committee: whether Prime Minister Maliki ''obstructed any anticorruption investigations in Iraq to protect his political allies.'' These are important questions to answer for the American people. These are questions that go to the heart of whether or not the policy in Iraq is succeeding or failing. They go to the heart of the question about whether the billions of dollars that taxpayers in this country have put into Iraq are being put to good use or whether they are squandered through waste, abuse, and corruption.

This resolution simply says let's not play games here. Let's not play games with the truth. Let's not try to hide the facts from the American people. The people of Iraq know well the problems they have with respect to corruption. In fact, some of their leaders have put their lives on the line and have had to flee Iraq when the government said they were getting too close to the truth.

But the people here need to know the truth, and the State Department and the Bush administration should not be using games to try and hide the facts and hide the truth from the American people on a very important issue.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me start by saying, Look, I think the State Department when this draft was leaked made a mistake in trying to reclassify this and put the genie back in the bottle. They should have just said this is unofficial, this has some problems, and gone ahead. I think that would have made it a lot easier for everybody.

Secondly, let's get real. For the State Department to make official pronunciations about another government and particular ministries can have its diplomatic challenges, and I respect the right of the administration in some of these instances to refrain from saying what the majority would like them to say.

Having said that, I think the State Department, when they go tell The Washington Post things that they wouldn't tell this committee, gives me some problems and puts me on the side of voting for this resolution rather than defending the State Department.

I want to thank the chairman for his oversight hearings on corruption in Iraq. I think it is entirely appropriate. I think he is certainly within his bounds in the right to get the information from the Department of State, and I hope in the future they will be more cooperative in terms of turning over information to the committee instead of just turning it over to the newspapers with their own slant. That is not the way this works. We have a separation of powers. We are a separate branch of government, the legislative branch, and we want to be part of these discussions.

Now, this resolution could have been about a strong bipartisan consensus calling attention to the corruption in Iraq and urging the State Department to step up its efforts to ferret out official corruption, but it is not.

The resolution is just the latest, as I said before, it is the latest find in a search for proxy anti-war votes that the leadership on the other side has staged to feed an increasingly restive left wing of their party.

Unable to prevail directly, they ignore regular order; they nibble around the edges with symbolic surrogates and sense of Congress resolutions.

Having said that, I am going to vote for this resolution. It is not the resolution I would have put forward. We would like to have had more input. I hope as we move down the road on a number of war issues, we can work across the aisle to try to bring some consensus and real change regarding what is going on in Iraq, instead of putting up a document such as this, drafted by one party. But I urge support for the resolution. I thank the chairman for his oversight hearings.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I wish we had everyone sign off on every word in this resolution, but I think the Members ought to understand what this resolution does. It says to the State Department: don't go with a double standard. You can say publicly positive things about the Iraqi Government, but you can't say things that are honest that may be negative about them, and we are not talking about specific statements, but general statements as well.

Mr. Speaker, we are in a war in Iraq. Not everybody in this country is making a sacrifice for that war. But those who are being called to make a sacrifice are called to make the maximum sacrifice. They are giving up their lives potentially. The rest of us are paying through deficit spending billions and hundreds of billions of dollars.

But if we are going to ask people to give up their lives in this war, what we owe them is to know the truth, not propaganda, but the truth about what this Iraqi Government is doing that may enable them to accomplish the goal that we have said we wanted to accomplish in Iraq, and that is to reach out, to bring about reconciliation in Iraq and a government that has credibility for its own people.

If this Government in Iraq is so corrupt that our State Department won't even tell us about it, I have to wonder whether we can ask our brave men and women to risk and to give their lives to support that Iraqi Government.

I urge passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 734, expressing the sense of House of Representatives regarding the withholding of information relating to corruption in Iraq, introduced by my distinguished colleague from California, Representative HENRY WAXMAN. This important legislation recognizes the incongruities amongst reporting on the situation in Iraq and seeks to hold the Government accountable for the provision of and access to accurate and consistent information.

This resolution expresses the sense of the House that the State Department is misusing the national security classification process to withhold from the American people information about widespread and increasing corruption within the Government of Iraq. This misuse includes the retroactive classification of documents and directions to employees not to answer questions in an open forum that calls for ''broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons.''

Mr. Speaker, the American people have poured vast amounts of resources and treasure into the misguided war in Iraq. According to the nonpartisan Congressional Budget Office, CBO, the U.S. is spending an estimated $10 billion per month in Iraq. This $10 billion a month translates into $329,670,330 per day, $13,736,264 per hour, $228,938 per minute, and $3,816 per second. For this huge sum of money, we could have repaired the more than

70,000 bridges across America rated structurally deficient ($188 billion), potentially averting the tragedy that occurred August 1st in Minneapolis, MN. We could have rebuilt the levees in New Orleans ($50 billion), protecting that City from future hurricanes that could bring Katrina-like destruction upon the City. We could have provided all U.S. public safety officials with interoperable communication equipment ($10 billion), allowing them to effectively communicate in the event of an emergency, and we could have paid for screening all air cargo on passenger planes for the next 10 years ($3.6 billion). And, we could have enrolled 1.4 million additional children in Head Start programs ($10 billion). Instead of funding increased death and destruction in Iraq, we could have spent hard-earned taxpayer dollars on important progress here at home.

Given the enormous amount of resources involved, coupled with the catastrophic costs in human lives, we would certainly expect adequate oversight and management of U.S. funds and military supplies. We would expect clear records of exactly where those $10 billion a month is going, and to whom it is being given. And yet, the GAO reports that the Pentagon has lost track of over 190,000 weapons, given to Iraqis, particularly in 2004 and 2005. The report's author stated that the U.S. military does not know what happened to 30 percent of the weapons the United States distributed to Iraqi forces from 2004 through early this year as part of an effort to train and equip the troops. These weapons could be used to kill our American troops.

Americans who are footing this enormous bill deserve real answers about where their money is going. Recent indications have suggested that it is not being well spent. The recently released Government Accountability Office report on Iraqi progress toward the 18 legislative, economic, and security benchmarks indicated that only three of these benchmarks have been met by the Maliki government. Despite the surge, despite increasing U.S. military involvement, the Iraqi Government has not made substantial progress toward stabilizing their country. The over 3,750 U.S. casualties and the $3,816 per second we are spending in Iraq have not bought peace or security. Mr. Speaker, the time has long passed for the Iraqi Government to step up to take control of their own nation.

However, as long as corruption remains endemic in Iraq, the government will find it difficult, if not impossible, to address the ongoing insurgency and to successfully achieve stability in Iraq. Mr. Speaker, leading experts have testified to the widespread corruption of the Iraqi Government, and that this problem continues to threaten our mission in Iraq as long as it's not effectively addressed. According to Stuart Bowen, the Special Inspector General for Iraq Reconstruction, corruption in Iraq is "a second insurgency" that "stymies the construction and maintenance of Iraq's infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aids insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement." The Comptroller General of the United States, David Walker, agreed, testifying that "widespread corruption undermines efforts to develop the government's capacity by robbing it of needed resources, some of which are used to fund the insurgency."

The State Department must answer questions about the extent of corruption in the government of Iraq, and how this corruption is undermining both our governments' abilities to successfully end the insurgency. Instead, however, on September 25, 2007, the State Department instructed officials not to answer questions in an open setting that asks for "broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons." On top of this, the State Department retroactively classified portions of a report on Iraqi corruption previously released by Comptroller General Walker.

In order to emerge successfully from our war in Iraq, we must be able to understand the situation on the ground and have access to documents and information that will allow our troops and fund to go where they are most needed. While the administration has put forward in a myriad of reports a sunny picture of the situation in Iraq emphasizing the progress of a few over the majority.

This legislation is so significant because it addresses the corruption, within both the Iraqi and the United States Government, which have allowed for such a skewed perception of the reality in Iraq. This legislation illuminates the active work of the State Department in masking information on Iraq from public view. In order for this Congress to do its duty and protect its citizens, both at home and serving in our military overseas, it must be able to see what it is that its funds and soldiers are supporting overseas. Voices of dissent and honesty must be heard. We cannot continue to provide open-ended funding and protection for a government which has failed in its mission to be transparent and based in integrity.

Mr. Speaker, the American people deserve more. The men and women who have fallen in this war due to this endemic lack of information deserve more. I strongly urge my colleagues to join me in supporting this legislation.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 734, a resolution that discloses the corruptive withholding of information in Iraq. The Administration cannot continue to hide corruption in the Iraqi Government. We cannot allow this abuse of the classification process. Americans have the right to know the truth about the situation in Iraq. The fact of the matter is, our military presence in Iraq is not making our country any safer. Instead, in my district alone, we have lost 13 brave young men to this war.

The Iraq War is costing the American taxpayers ten billion dollars a month. With the money we have spent in Iraq, we could have hired an additional 7.8 million teachers. Americans should be outraged by this abuse of the system. Americans are paying for the war with their money and more importantly, the lives of their loved ones. I urge my colleagues to cast a vote for honesty and accountability by supporting this resolution.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 741, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of House Resolution 734 will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 2295, as amended, and the motion to suspend the rules and agree to H. Con. Res. 182.

The vote was taken by electronic device, and there were—yeas 395, nays 21, not voting 15, as follows:

[Roll No. 969]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos

Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—21

Broun (GA)
Cannon
Cantor
Carter
Conaway
Doolittle
Dreier
Gingrey
Hall (TX)
Hunter
Jordan
King (IA)
Lewis (CA)
Linder
Miller, Gary
Neugebauer
Pence
Rogers (AL)
Rogers (MI)
Sali
Thornberry

NOT VOTING—15

Blunt
Boehner
Carson
Clyburn
Costa
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weller
Wilson (OH)
Woolsey

□ 1520

Mr. GARY G. MILLER of California and Mr. HALL of Texas changed their vote from ''yea'' to ''nay.''

Messrs. FRANKS of Arizona, KLINE of Minnesota, BARRETT of South Carolina, SULLIVAN, BILBRAY, HASTERT, SHADEGG, and Mrs. BLACKBURN changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 969, had I been present, I would have voted ''yea.''

## ALS REGISTRY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2295, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 2295, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 17, as follows:

[Roll No. 970]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Broun (GA)
Flake
Paul

NOT VOTING—17

Blunt
Boehner
Burton (IN)
Carson
Clyburn
Cubin
Green, Gene
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Weldon (FL)
Weller
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1529

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 182, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 182.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 971]

YEAS—414

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Akin
Blunt
Boehner
Carson
Clyburn
Cubin
Jindal
Johnson (IL)
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Waters
Weller
Whitfield
Wilson (OH)
Woolsey

□ 1537

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately today, October 16, 2007, I was unable to cast my votes on H. Res. 734, H.R. 2295, and H. Con. Res. 182 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 969 on passing H. Res. 734, expressing the sense of the House of Representatives regarding the withholding of information relating to corruption in Iraq, I would have "aye."

Had I been present for rollcall No. 970 on suspending the rules and passing H.R. 2295, the ALS Registry Act, I would have voted "aye."

Had I been present for rollcall No. 971 on suspending the rules and passing H. Con. Res. 182, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, I would have voted "aye."

## FREE FLOW OF INFORMATION ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 742, I call up the bill (H.R. 2102) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2102

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Free Flow of Information Act of 2007''.

**SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.**

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any proceeding or in connection with any issue arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information possessed by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than a covered person) of the testimony or document;

(2) that—

(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—

(i) there are reasonable grounds to believe that a crime has occurred; and

(ii) the testimony or document sought is essential to the investigation or prosecution or to the defense against the prosecution; or

(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is essential to the successful completion of the matter;

(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—

(A) disclosure of the identity of such a source is necessary to prevent imminent and actual harm to national security with the objective to prevent such harm;

(B) disclosure of the identity of such a source is necessary to prevent imminent

death or significant bodily harm with the objective to prevent such death or harm, respectively; or

(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—

(i) a trade secret of significant value in violation of a State or Federal law;

(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), in violation of Federal law; or

(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Bliley Act (15 U.S.C. 6809(4)), of any consumer in violation of Federal law; and

(4) that nondisclosure of the information would be contrary to the public interest, taking into account both the public interest in compelling disclosure and the public interest in gathering news and maintaining the free flow of information.

(b) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall, to the extent possible—

(1) be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and

(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.

**SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.**

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—

(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and

(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term ''communications service provider''—

(A) means any person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).

(2) COVERED PERSON.—The term ''covered person'' means a person engaged in journalism and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person.

(3) DOCUMENT.—The term ''document'' means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term ''Federal entity'' means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.

(5) JOURNALISM.—The term ''journalism'' means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to House Resolution 742, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2102

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Free Flow of Information Act of 2007''.*

***SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.***

*(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any matter arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information obtained or created by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—*

*(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than the covered person) of the testimony or document;*

*(2) that—*

*(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—*

*(i) there are reasonable grounds to believe that a crime has occurred; and*

*(ii) the testimony or document sought is critical to the investigation or prosecution or to the defense against the prosecution; or*

*(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is critical to the successful completion of the matter;*

*(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—*

*(A) disclosure of the identity of such a source is necessary to prevent an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm;*

*(B) disclosure of the identity of such a source is necessary to prevent imminent death or significant bodily harm with the objective to prevent such death or harm, respectively; or*

*(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—*

*(i) a trade secret, actionable under section 1831 or 1832 of title 18, United States Code;*

*(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), actionable under Federal law; or*

*(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Biley Act (15 U.S.C. 6809(4)), of any consumer actionable under Federal law; and*

*(4) that the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information.*

*(b) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall—*

*(1) not be overbroad, unreasonable, or oppressive and, as appropriate, be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and*

*(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, nonessential, or speculative information.*

*(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as applying to civil defamation, slander, or libel claims or defenses under State law, regardless of whether or not such claims or defenses, respectively, are raised in a State or Federal court.*

***SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.***

*(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.*

*(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—*

*(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and*

*(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.*

*(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.*

***SEC. 4. DEFINITIONS.***

*In this Act:*

*(1) COMMUNICATIONS SERVICE PROVIDER.—The term ''communications service provider''—*

*(A) means any person that transmits information of the customer's choosing by electronic means; and*

*(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).*

*(2) COVERED PERSON.—The term ''covered person'' means a person who, for financial gain or livelihood, is engaged in journalism and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—*

*(A) any person who is a foreign power or an agent of a foreign power, as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); or*

*(B) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).*

*(3) DOCUMENT.—The term ''document'' means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).*

*(4) FEDERAL ENTITY.—The term ''Federal entity'' means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.*

*(5) JOURNALISM.—The term ''journalism'' means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report 110–383 if offered by the gentleman from Virginia (Mr. BOUCHER) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2102.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen of the House, in recent years, the press has been under assault as reporters are increasingly being imprisoned, imprisoned for obstruction of justice and other charges. There are many causes of these attacks, including an increasingly consolidated media, abuse of position of power to intimidate members of the press, and a co-opting of the media as an investigative arm of the government.

Today, we are here in an attempt to reclaim one of the most fundamental principles enshrined by the Founding Fathers in the first amendment to the Constitution. Freedom of the press is the cornerstone of our democracy. Without it, we cannot have a well-informed electorate and a government that truly represents the will of the people.

This measure before us, H.R. 2102, the Free Flow of Information Act, helps restore the independence of the press so that it can perform its essential duty of getting information to the public. The bill will ensure that members of the press are free to utilize confidential sources without causing harm to themselves or their sources by providing a qualified privilege that prevents a reporter's source material from being revealed except under certain narrow circumstances. This measure balances the public's right to know against the legitimate and important interests that society has in maintaining public safety.

After the hearing and markup of this legislation, the sponsors of the bill worked hard to accommodate the concerns of all that were raised. While several good changes were made, I want to focus my comments today on the issue of national security and why I believe concerns about national security have been very effectively addressed in the bill and in the proposed manager's amendment.

The bill provides that disclosure of a source can be compelled where necessary to prevent an act of terrorism or significant specified harm to national security. The manager's amendment that will be offered by our colleagues, Mr. BOUCHER and Mr. PENCE, specifically addresses the Department of Justice and DNI's primary concern, which is that the bill's exception for national security concerns would hinder efforts to investigate and prosecute leakers of classified information.

In response to this concern, the manager's amendment provides that disclosure of a source can be compelled in a criminal investigation or prosecution of an unauthorized disclosure of properly classified information when such disclosure will cause significant harm to national security.

The bill defines a covered person to exclude foreign powers or agents of foreign powers, so that, for example, a government-controlled newspaper of a foreign nation does not receive the protections of the act. This provision insures that our national security and law enforcement efforts will not be flouted by foreign governments that try to hold themselves out as covered journalists and claim entitlement to the act's protections.

The bill makes it clear that any foreign terrorist organization designated by the Secretary of State is excluded from the protections of the act.

In addition, the manager's amendment adds three more exceptions to the definition of ''covered person,'' so the privilege does not apply to any person designated as a specially designated global terrorist by the Treasury Department, any person who is specially designated a terrorist under FISA, and any terrorist organization as defined in the Immigration and Nationality Act.

Each of these exceptions were proposed by the Department of Justice and accepted by us. So, as you can see, the bill provides broad protection for national security.

□ 1545

If the exceptions were any broader, it would swallow up the rule itself. And for those who claim that the national security exception should not also be subject to the balancing test, I have no doubt that if a court finds that the disclosure of the source is necessary to prevent an act of terrorism or other harm to national security, it will also find that disclosure outweighs the public interest in gathering and disseminating the information.

So it is our responsibility, Congress's responsibility, to ensure the press is able to perform its job adequately. The Free Flow of Information Act is an important part of fostering the continued growth of a free and independent press in the United States. It will encourage increased dialogue on the issues that face this country; and, in doing so, it will strengthen the foundation of our democracy.

This legislation receives wide support. Over 100 editorial boards, a diverse group of over 50 media companies and organizations, including the Newspaper Association of America, the National Association of Broadcasters, the Associated Press, News Corp, the Newspaper Guild, ABC, NBC, and journalist organizations like the Reporters Committee for Freedom of the Press and the American Society of Newspaper Editors.

Please join with us on both sides of the aisle so that we can support and pass this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would like to say to my colleagues that beginning last night in the early evening and continuing and extending to this morning, a number of us have been in touch with each other about the provisions of this bill with the hope and expectation that we might be able to resolve our differences. I have been in touch with the White House. I have been in touch with the principal sponsors of the legislation; and I think we had engaged in some good-faith efforts to try to, as I say, resolve our differences.

Specifically, I had been hopeful that the other side would accept some of the provisions that had been in an amendment that I had hoped to offer today. Unfortunately, that amendment was not allowed by the Rules Committee. So Members of the House are not going to be able to vote on that amendment, which, in my judgment, would have improved the bill. There were a couple of provisions in that amendment, though, that I thought would be of interest to the sponsors of the bill and to the other side, and I regret that we were not able to come to a meeting of the minds, because I think that would have improved the bill and also yielded a better result when the bill perhaps becomes law.

Mr. Speaker, I also want to say to my colleagues that, if anything, I have a sympathy for the media, for the press. Long ago and far away, I was a newspaper reporter and spent 2 years writing articles, and so I have stood in the shoes of those who are reporters today. After being a reporter for a couple of years, I went to law school; and while in law school I actually wrote an article for the Texas Bar Journal called ''Politicians Versus the Press: Libel in Texas,'' and I actually came down on the side of the press. So that is where my sympathies lie.

However, in the case of this bill, I am afraid I cannot support it. And because we were not able to reach a compromise on the bill, I remain opposed to the bill, the White House remains opposed to the bill, the Director of National Intelligence remains opposed to the bill, and the Department of Justice remains opposed to the bill. Unfortunately, it is still so flawed that we cannot support it.

Mr. Speaker, a free press strengthens democracy. In our Nation the first amendment of the Constitution guarantees the press their freedom to report. And for 200 years in this Nation, the press, in fact, has flourished. Information has flowed freely. And that is why I believe this bill is simply a solution in search of a real problem.

Members of the private sector and law enforcement officials believe H.R. 2102 diminishes legal rights, public safety, and our national security. We must ensure that whistleblowers can expose crimes, waste, and wrongdoing. But we should not create a protection so broad that those who would destroy people's reputations, businesses, and privacy can hide behind it.

The Federal Government defends our national security; so we must weigh the benefits of a reporter's privilege with the problems it may cause for those who protect our country.

I thank the primary authors of H.R. 2102, Mr. BOUCHER and Mr. PENCE, for working with the Department of Justice, interested groups, and Members to develop alternative language to address legitimate concerns of industry and law enforcement authorities. Despite efforts to accommodate their concerns, the Justice Department and the acting Director of National Intelligence, as I mentioned a while ago, still oppose this bill for very good reasons. The White House also opposes the bill and a veto is likely. The President's senior advisers, in fact, have recommended a veto of this bill. They believe the stakes are too high in a post-9/11 world to support the Free Flow of Information Act.

For example, they have pointed out that the exceptions language fails to address misconduct that the Justice Department confronts on a daily basis. To illustrate, neither the bill nor the manager's amendment that will be offered contains exceptions language allowing DOJ to obtain the identity of a new source with the knowledge of a child prostitution ring, an online purveyor of pornography, gang violence, or alien smuggling, all examples.

And the text governing source disclosure exceptions only addresses prospective events, not past events. For example, the Department may be able to acquire information about a source's identity to prevent a terrorist attack like September 11; but if al Qaeda decides to tell a media outlet on September 12 how it planned and carried out the attack, DOJ could not compel that media outlet to reveal its terrorist sources while conducting an investigation.

If a child molester spoke to a journalist and revealed that he molested a child yesterday, under this bill Justice officials could not compel that journalist to reveal his sources and cooperate in the investigation. The Department of Justice will be hamstrung as it goes about the business of conducting investigations and prosecuting criminals.

Yes, numerous States have shield laws, but they run the gamut; and many are not near as broad as the Federal shield law proposed today. But the key difference is that the States are not entrusted with the responsibility of defending our country; the Federal Government is. Under the bill, DOJ carries the burden of trying to establish a national security imperative which can still be negated by a judge's subjective notion of what constitutes the public interest in news gathering. The bill's terms will be subject to the different opinions of hundreds of Federal judges across the country.

The bill is simply a solution in search of a problem. It has been 35 years since the Supreme Court ruled that the first amendment does not shield journalists in grand jury proceedings. The Justice Department has issued only 19 subpoenas to reporters seeking confidential source information since 1991. Only 19 subpoenas since 1991. The system is not broken. So why are we trying to fix it?

I simply believe we must err on the side of caution and not support legislation that could make it harder to apprehend criminals and terrorists or to deter their activities.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute before turning to the gentleman from Virginia (Mr. BOUCHER).

I want to just take this time to say to the distinguished ranking member of Judiciary, LAMAR SMITH, how much we appreciate his constructive work with the working group that has been trying to come together to reach an agreement on this bill. At all times he has been straightforward, candid; and we think that the work that we are doing should go on, even though we are bringing the bill up today and it is moving forward. And I invite his continued working with us so that we can reach as much conclusion as we can on the several points that are outstanding.

Mr. Speaker, I now yield 4 minutes to the gentleman who has put so much work into this matter, the distinguished gentleman from Virginia, RICK BOUCHER, the author of this bill.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan, the distinguished chairman of the House Judiciary Committee, for yielding this time to me. I want to thank Chairman CONYERS also for his strong leadership and his persistent effort that has resulted in this bipartisan measure's coming to the floor of the House this afternoon. His leadership has been invaluable to the success that we will experience when this measure is approved by the House later today.

I also want to commend the outstanding work of the gentleman from Indiana (Mr. PENCE), who has devoted his personal time and his commitment to this bipartisan undertaking. He is the lead Republican sponsor of this bill, and I want to say to him how much I appreciate the productive partnership that he and I have formed and the tremendous work that he has done in moving this measure forward. We truly would not be where we are today without the constructive work of Mr. PENCE.

He and I are joined by a total of 71 House cosponsors, who, on a bipartisan basis, believe that the time has arrived for the Congress to extend to journalists a privilege to refrain from revealing their confidential sources of information in Federal court proceedings.

The privilege our bill provides is similar to those currently extended by statutes in 34 States and in the District of Columbia. The ability to assure confidentiality to people who provide information is essential to effective news gathering and reporting. Typically, the best information that can be received about events like corruption in government or misdeeds in a large private organization, such as a corporation or a large public charity, will come from someone on the inside who feels a responsibility to contact a reporter and bring that sensitive information to public scrutiny.

But that person has a lot to lose if his or her identity becomes known. In many cases the person responsible for the corruption or the misdeeds can punish that individual through dismissal from employment or through more subtle means if the identity of that confidential source is disclosed. In most sensitive cases it is only by assuring anonymity to the source that a reporter can gain access to the information and bring that information to public light.

By granting to reporters a qualified privilege to refrain from revealing their confidential news sources, we are clearly protecting the public's right to know. And public knowledge of misdeeds can lead to the corrective action

of criminal charges or of the passage, perhaps, of legislation.

While extending a broad privilege, we have included some exceptions for instances in which source information can and should be disclosed where a strong public interest compels that disclosure. The exceptions include disclosures to prevent an act of terrorism or to prevent an imminent and actual harm to national security, to prevent imminent death or significant bodily harm, or to determine who has disclosed trade secrets or personal health or personal financial information in violation of law.

□ 1600

An amendment that I will be offering shortly, along with Mr. PENCE, will permit disclosure in a number of other instances, including the instance of the leak of certain kinds of classified information.

In every instance, an exception to the privilege will only apply if the court determines that the public interest and disclosure outweighs the public interest in protecting news gathering and news dissemination. Our measure extends a needed privilege; it will protect the public's right to know.

I again want to thank Chairman CONYERS and his outstanding staff for the work that they have done which leads to this measure arriving on the floor today. And I thank my partner, Mr. PENCE, for his outstanding efforts.

Mr. SMITH of Texas. Mr. Speaker, before I yield to a colleague, I want to yield myself 1 minute.

Mr. Speaker, what I want to do is read an excerpt from the Statement of Administration Policy that might respond to some of the points that have been made.

The administration said that if H.R. 2102 were presented to the President in its current form, his senior advisers would recommend that he veto the bill, and here's one of the reasons why:

''The bill would impose an unreasonable and unjustified evidentiary burden on prosecutors seeking to issue a subpoena to a member of the news media, placing authorities in an untenable position.

''In order to satisfy the bill's requirements, prosecutors essentially must prove the existence of specific criminal activity in a hearing before a judge, with notice to the subjects of the investigation, before they will be able to undertake the necessary investigative steps to determine whether a crime has occurred. Thus, in many cases, prosecutors will have to conduct a mini-trial before their investigation has concluded, and in some cases, even before their investigation has gotten off the ground.''

Mr. Speaker, I am now happy to yield to the gentleman from Missouri, the minority whip (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I want to also thank my good friends, Mr. PENCE and Mr. BOUCHER, for working so hard on this legislation. I think it was first introduced 3 years ago. I was a cosponsor of it at the time and I am a cosponsor today. And I want to mention the hard work that Mr. CONYERS has done to get this legislation to this point today after a long effort, and also to suggest that the hard work of my good friend, Mr. SMITH, is deeply appreciated.

I'm always hesitant when I rise on the House floor with any position that's different than his, but this is a place where I really do think that it's important to draw a line, and important, a bright line, between the information that people have access to and how they get it. I certainly can't say that I agree with everything I read in a newspaper article or that I see on the evening news or that I hear on a local radio program, but I can say that the public is best served by maintaining the free flow of information on matters of public interest.

As James Madison said in the report of 1800, arguing against the Sedition Act, ''To the press alone, checkered as it is with abuses, the world is indebted for all the triumphs that have been gained by reason and humanity over error and oppression.'' Madison, Jefferson and our history lead to the conclusion that a free press is essential for a free people.

In the past few years, there have been too many instances where the pendulum has swung against the free flow of information and in favor of the government. I was troubled by the instances I've seen where reporters have been jailed or threatened with jail for simply protecting their sources. Journalists should be the last resort, not the first stop, for civil litigants and for prosecutors attempting to obtain the identity of confidential sources.

In my view, continuing to compel reporters to reveal the identity of their confidential sources will result in a chilling effect on the free flow of information and be detrimental to the public interest. Nevertheless, the privileges that reporters have should not be unlimited, they should not be absolute, and this bill defines those exceptions in an important way. This bill says that in cases where it's necessary to reveal a source to prevent an act of terrorism, to prevent other significant harm to national security, to prevent imminent death or significant bodily harm, the reporter can be compelled. It also includes an exception in cases where a properly classified national security secret along with financial information, a trade secret or personal medical information has been improperly leaked, where that reporter can face a penalty.

Finally, it excludes from protection terrorists and their media arms. Yes, there are times when confidentiality must be breached, and I believe this bill strikes that balance. Forty-nine States and the District of Columbia have legislation similar to this, but this establishes a national standard.

Again, I thank my colleagues for the hard work to bring this to the floor. I look forward to the vote today, and I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to Ms. SHELLEY BERKLEY of Nevada.

Ms. BERKLEY. I thank the gentleman from Michigan for being in the forefront of this issue as well as all other issues regarding the civil liberties of our fellow Americans, and a special thank you to Mr. BOUCHER and Mr. PENCE for their outstanding work on this particular piece of legislation.

Mr. Speaker, I rise in strong support of the Free Flow of Information Act. This legislation strikes a careful balance by protecting journalists from being forced to reveal confidential sources unless there is an imminent threat to our national security.

I've heard from journalists and broadcasters in my district about the importance of being able to protect their sources without risking prosecution. Without this protection, stories involving conditions at the Walter Reed Army Medical Center, prisoner abuse at Abu Ghraib, and the unmasking of the culprits behind the Enron scandal might never have been written.

I wholeheartedly support this legislation, and I urge my colleagues to do the same.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana, a distinguished member of the Judiciary Committee and one of the original sponsors of the legislation we are debating today.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentleman for yielding.

I want to thank Ranking Member SMITH for his spirit of cooperation on this legislation. While we may differ ultimately on the vote today, he is a public-minded man deeply committed to the free press, and I appreciate his engagement.

My heartfelt thanks to Chairman CONYERS for his yeoman's work in moving this legislation forward. And I also want to express my profound gratitude to the gentleman from Virginia, Congressman RICK BOUCHER, who is the lead sponsor of this legislation today and has been my partner these last 3 years as we've moved the Free Flow of Information Act to this moment on the House floor.

This legislation today is a direct result of his bold and thoughtful leadership, and it is a result of a bipartisan partnership that has been a singular, personal and professional pleasure for me.

As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press. The Free Flow of Information Act is not about protecting reporters; it's about protecting the public's right to know.

Not long ago, reporters' assurance of confidentiality was unquestionable, but today the press cannot currently make the same assurances, and we face a time when there may never be another Deep Throat. Compelling reporters to testify, in particular, compelling them to reveal the identity of confidential sources is a detriment to the public interest.

The Free Flow of Information Act has been carefully crafted after reviewing internal Department of Justice guidelines, State shield laws, and other gathering input from interested parties. In most instances, under our bill, a reporter will be able to use the shield provided to refrain from testifying or providing documents or revealing a source, but the privilege is not absolute or unlimited. Testimony or documents can be forced if all other reasonable alternative sources have been exhausted, it's critical to a criminal prosecution, and a judge determines, through a balancing act, that its disclosure is in the public interest.

In a situation where a reporter is being asked to reveal the identity of a source, the bill provides several exceptions where a reporter can be compelled to reveal a source, and in the Boucher-Pence manager's amendment we will add additional exceptions to this bill under which compelled disclosure of a source will be permitted in cases of unauthorized leaks of national security secrets.

It is important to know what the bill does not do. It does not give reporters a license to break the law, the right to interfere with police or prosecutors; it simply gives journalists certain rights and abilities to seek sources and report information without intimidation.

Lastly, let me say how humbling it is for me to have played a small role in moving this legislation forward. From my youth, I have enjoyed a fascination with freedom and the Constitution. I learned early on that freedom's work is never finished, that it falls on each generation to preserve the freedoms we inherit. The banner of the Indianapolis Star in my home State reads below the name, ''Where the spirit of the Lord is, there is freedom.'' I opened my Bible this morning for my devotions, and it was that verse that happened to be in my daily readings; just happened to be. It reminded me of when we do freedom's work by putting a stitch in a tear in the fabric of the Bill of Rights, His work has truly become our own.

I urge my colleagues and both parties to join us in freedom's unfinished work. Say ''yes'' to the Free Flow of Information Act.

Mr. CONYERS. Mr. Speaker, I am pleased to have the gentleman from Kentucky working with us (Mr. YARMUTH) and I yield to him 2 minutes in support of this measure.

Mr. YARMUTH. I thank the chairman. And I also want to thank Mr. BOUCHER and Mr. PENCE for inviting me to become an original cosponsor of this important piece of legislation.

As the only member of the Society of Professional Journalists in Congress and as a former journalist, I fully understand how assurances of anonymity put a frightened insider at ease and turn a reluctant source into an eye-opening wealth of information.

At my newspaper in Louisville, we were able to open doors for the community on several occasions due to confidential accounts of protected sources which would have otherwise remained closed to us forever. Also, at Louisville, we saw what happens when we fail to protect a source's identity. There, Jeffrey Wigand, the famous tobacco whistle-blower, was victimized by threats and intimidation, ultimately losing his job, his family and his home. He is considered a hero today, but for many the lesson from that episode was, if you have incriminating information that will benefit the American public, just keep it to yourself.

The first amendment to the Constitution demands the right to free press. Now it falls on Congress to help facilitate that freedom pursuant to our authority vested in us by the first article of the Constitution. And speaking of article I of the Constitution, the article vests all legislative power in the Congress of the United States. It doesn't ask us to ask the White House first whether it approves of what we do. It actually imposes on us, not just the right, but the responsibility to legislate in the best interests of the country. And that's what we are doing with this legislation.

Without the Free Flow of Information Act, we, as a country, will be in the dark on certain issues, conscientious journalists will be imprisoned, and potential sources will remain tight lipped.

I urge my colleagues to join me in supporting this crucial measure.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my friend from North Carolina (Mr. COBLE), a distinguished member of the Judiciary Committee and the ranking member of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman.

H.R. 2102 was approved by the House Committee on the Judiciary by voice vote.

I feel strongly, Mr. Speaker, that the administration's opposition to this legislation is misguided.

Former Solicitor General of the United States, Theodore Olson, wrote that ''the legislation is well balanced and long overdue, and it should be enacted.''

The bill is good policy, and I urge all Members to vote in support of final passage and in support of the manager's amendment.

In closing, I want to thank the sponsors of the legislation, the distinguished gentleman from Virginia, the distinguished gentleman from Indiana, Representatives BOUCHER and PENCE, respectively. Both have been champions for H.R. 2102 and have diligently worked to address all concerns throughout the legislative process, as have Chairman CONYERS and Ranking Member SMITH.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER), a diligent member of the Judiciary Committee.

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Free Flow of Information Act. This media shield legislation is important because off-the-record, confidential sources are needed to help journalists get to the truth, and I don't want reporters thrown in jail for doing their jobs.

Our history is full of examples of confidential sources exposing corruption, fraud and misconduct. For example, the Watergate scandal was blown wide open by Deep Throat, a confidential source we now know to be Mark Felt, the number two person at the FBI. Confidential sources also exposed the cooked books at Enron, and the unacceptable treatment of soldiers recovering at Walter Reed.

A free and independent press which protects the public's right to know is needed for a healthy democracy and government accountability. That's why a majority of States already have media shield laws on the books, and why we need this law on the Federal level.

I urge my colleagues to vote ''yes'' on the Free Flow of Information Act.

□ 1615

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to read an excerpt from the Department of Justice's letter in opposition to the bill we are discussing: ''Given the extensive safeguards already in place, the Department strongly opposes H.R. 2102 and similar legislative efforts to provide a 'journalist's privilege' that would prevent the disclosure of relevant testimony and evidence critical to the fair disposition of investigations and trials.

''H.R. 2102 would make it virtually impossible to enforce certain Federal criminal laws, particularly those pertaining to the unauthorized disclosure of classified information, and would seriously impede other national security investigations and prosecutions, including terrorism prosecutions.

''H.R. 2102 would undermine national security and other law enforcement investigations by permitting compelled disclosure of a media source only when necessary to prevent a terrorist attack against the United States and only when the bill's other burdensome prerequisites are satisfied.''

But the problem here is that it would not allow us to get to the information after the fact. You could not force a journalist to disclose information, for instance, after a terrorist attack when you want to find out who was involved

in that attack. For that reason, we should oppose the bill.

Mr. CONYERS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to begin by complimenting MIKE PENCE of Indiana, a distinguished member of the Judiciary Committee who has been working on this bill before the 110th Congress. He was a leader in supporting this legislation in the 109th Congress and may have been working on it even before then. So when I listened to my other colleagues on the other side who have been working on and continue to support this legislation, I think it is very easy to perceive that with the working group, with the leaders on both sides of the aisle working with RICK BOUCHER on this for so long, we have now come to a point where most of the concerns have been addressed; and I deeply thank my colleagues on the Judiciary Committee for the constructive role they played not only in their independent capacity, but in the working group that has been working behind the scenes on this, as well.

Now, Members of the House, there has been something said about the importance of national security information. Sometimes it is just as important that the press report on information that the government has tried to hide in the name of national security. Because the problem frequently is that if we keep going after journalists trying to shut them up, trying to put them in jail, or threatening to prosecute them, they will be afraid to report some of the important stories that I am going to relate to you that up until now journalists have had to take it on their own risk to decide what to do. I don't think that is appropriate, nor is it necessary, nor is it contrary to any of our concerns about national security.

The history of the American press provides ample evidence of certain stories that would have never been known to the general public without the news media's use of confidential sources. Oftentimes these stories shed light on government misconduct, on corporate waste, fraud and abuse, and other matters of concern. The free flow of information to the public is vitally important to the operation of our democracy and to oversight our most powerful public and private institutions.

Now, here are a few examples of issues that were made known to the public through news reports based on confidential source information. Reporters decided that they would honor the confidence of their resources no matter what happened to them. These are courageous people of the media that had to take this on themselves. So this shield law is to take people out of this bind, out of this fear of having to be coerced because we don't know what is going to happen. This draws a very bright line for everybody to understand how we should proceed in the future.

Here is a matter that is important: the unsafe and deteriorating conditions at the Walter Reed Army Medical Center. Here is another public interest matter: the exposure of fertility fraud in Southern California based upon clinical records provided by anonymous sources, reporting more than 250 accounts of fertility fraud and revealed coverups, intimidation of clinical employees and bribery. Because of this reporting, the American Medical Association issued new guidelines for fertility clinics.

Here is another story that was of some consequence: a hospital scandal of patient dumping by a Los Angeles County emergency aid program. Reporting that article prompted a government investigation that brought it to an end. Rampant steroid use in Major League Baseball by world-class athletes which, in part, led Major League Baseball and its players union to open up its labor contract and adopt a steroid testing policy.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my friend and colleague from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, The Free Flow of Information Act helps ensure that our press remains free. Our Constitution provides for a free press in the first amendment. The first amendment is first for a reason. It is the most important. Without the first amendment freedom of press, speech, religion and assembly, all the rest of the amendments are meaningless. A free press provides for a free flow of information.

I agree with the doctrine: a free press will ensure a fair press. The president and publisher of the Houston Chronicle, Jack Sweeney, said today: ''Journalists should be the last resort, not the first stop for civil litigants and prosecutors attempting to obtain the identity of confidential sources. This bill would protect the public's right to know, while at the same time honoring the public interest in having reporters testify in certain circumstances.''

This bill really does not create a new special protection. It gives journalists the protection that is already afforded to them in 49 States which protect the confidentiality of reporters' sources. Federal protection is long overdue.

Mr. Speaker, I gladly cosponsor this bill, and that's just the way it is.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my distinguished colleague from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, as a graduate of the School of Journalism at the University of Oregon and as the owner of radio stations with award-winning journalists, I am a firm believer in the need for journalists to be able to protect their confidential sources so they can have a vibrant and free press in America.

This bill is about much more than simply shielding reporters. It is about protecting the public's right to know. Jailing reporters to force them to divulge their sources has a chilling affect on whistleblowers and investigative reporters.

Thomas Jefferson said: ''Our liberty cannot be guarded but by the freedom of the press nor that be limited without danger of losing it.'' A vote for the Free Flow of Information Act is a vote to protect citizens and taxpayers from an ominous and oppressive government that seeks to silence its critics. And in America, such government power would threaten our freedom and our informed democracy.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Texas has 11 minutes remaining. The gentleman from Michigan has 9½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to read for my colleagues an excerpt of a letter we received from the Office of the Director of National Intelligence:

''We are joining the Department of Justice in opposing H.R. 2102, the Free Flow of Information Act of 2007. We share the Department's strong opposition to H.R. 2102 articulated in its letter of July 31, 2007.

''The government must retain the ability to obtain information from the press that would both prevent harm to the United States and its citizens and to identify and bring to justice those who cause such harm. Unfortunately, press reports on U.S. intelligence activities have been a valuable source of intelligence to our adversaries. Former Russian military intelligence Colonel Stanislav Lunev wrote: 'I was amazed, and Moscow was very appreciative, at how many times I found very sensitive information in American newspapers. In my view, Americans tend to care more about scooping their competition than about national security, which made my job easier.''

What an indictment.

Finally, and I am quoting from the letter: ''The bill, as drafted, would require that identification of the source be necessary to prevent an act of terrorism or other significant and specified harm to the national security. It would not, however, allow the government to compel the identification of a source if it was necessary to identify the perpetrators of a completed act of terrorism or an act that harmed the national security. Similarly, the bill could authorize the government to compel the identification of a source in order to prevent imminent death or bodily harm, but would not allow the government to compel disclosure of a source in order to identify a murderer.

''For these reasons and for the reasons set out in the letter from the Department of Justice, we urge the Congress to reject this bill.''

Mr. Speaker, that is a letter from the Office of the Director of National Intelligence.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during our negotiations led by the Boucher-Pence team, I would like to bring to the attention of the ranking member and manager of this bill before us an important change that was made in the manager's amendment which may or may not have come to his attention because it was made so late in the day. We now have a manager's amendment that would allow the government to pierce the journalistic shield to prevent a terrorist attack, but also to identify any perpetrators of a terrorist attack. I wanted to make sure that my friend and colleague was aware of this very important change because it was made at the very last minute.

Mr. Speaker, I will submit a number of articles from newspapers, mostly editorials, that deal with the support of the shield law that is before the Congress at this time.

We have a contribution from the Post-Standard in Syracuse, New York, entitled, ''The Shield Law Moves Closer to Reality,'' dated 14 October of this year.

In the Baltimore Sun, we had an opinion written yesterday in that newspaper, ''In Search of Shield,'' in support of the legislation.

We have heard from the Detroit Free Press from today's paper, ''Vote to Pass Law to Shield Reporters,'' in support of this legislation.

The Los Angeles Times earlier in May wrote an article: ''Shielding Journalists: Reporters, and the Country, Would Benefit from a Proposed Federal Law to Protect Confidential Sources.''

The Detroit News in May of this year wrote, ''Why a Federal Shield Law is Necessary,'' authored by Christine Tatum.

The New York Times in two different instances in September and October of this year, ''A Shield for the Public,'' was the editorial page comment, and in October, ''The Public's Right to Know,'' another important article in support of this legislation.

□ 1630

Here's one that the ranking member would be interested in. The San Antonio Express-News: ''Smith's Decision on Shield Law Critical.'' We hope that had come to his attention before today.

The Washington Post, in September: ''Protecting Sources.''

Another important contribution: ''A Much-Needed Shield for Reporters,'' written by Theodore B. Olson in The Washington Post in June of this year.

Finally, from USA Today: ''Our Views on Prosecutors and the Press: Jailing of Reporters Chills Free Flow of Information.''

These are only a few of a notebook full of materials that we wouldn't dare introduce this many pieces of material into the CONGRESSIONAL RECORD. I will include for the RECORD the items that I cited.

SUBMISSIONS TO RECORD ON H.R. 2102

''Shield Law Moves Closer to Reality.'' The Post-Standard. Syracuse, NY: Opinion Section. 14 October 2007.

''In Search of Shield.'' The Baltimore Sun, Baltimore, MD: Opinion Section. 15 October 2007.

''Vote to Pass Law to Shield Reporters.'' Detroit Free Press. Detroit, MI: Opinion Section. 16 October 2007.

Shielding Journalists: Reporters, and the Country, Would Benefit from a Proposed Federal Law to Protect Confidential Sources.'' The Los Angeles Times. Los Angeles, CA: Editorial Page. 27 May 2007.

Tatum, Christine. ''Why a Federal Shield Law Is Necessary.'' The Detroit News. Detroit, MI. 23 May 2007.

''A Shield for the Public.'' The New York Times. New York, NY: Editorial Page. 20 September 2007.

''The Public's Right to Know.'' The New York Times. New York, NY: Editorial Page. 9 October 2007.

''Smith's Decision on Shield Law Critical.'' San Antonio Express-News. San Antonio, TX: Editorial Page. 28 July 2007.

''Protecting Sources.'' The Washington Post. Washington, DC: A–18. 21 September 2007.

''Olson, Theodore B. ''A Much-Needed Shield for Reporters.'' The Washington Post. Washington, DC: A–27. 29 June 2007.

''Our Views on Prosecutors and the Press: Jailing of Reporters Chills Free Flow of Information.'' USA Today. McLean, VA: Editorial page. 14 May 2007.

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[From the Detroit News, May 23, 2007]

WHY A FEDERAL SHIELD LAW IS NECESSARY

(By Christine Tatum)

Regardless of whether you think journalists use too many anonymous sources, it's hard to argue that they don't need to promise confidentiality sometimes.

Many of the biggest investigative stories of our age have been based in part on information shared with a reporter by someone who wanted to keep his or her identity a secret. Anonymous sources handed over the Pentagon Papers and unmasked the culprits behind Watergate and Enron. They have outed some of the nation's worst corporate polluters. They have helped inform Americans' debates about the Iraq War, the proliferation of nuclear weapons and global warming.

Yes, sources almost always have an agenda when they speak up, but sometimes they have information of vital interest to the general public and much to lose if they're caught passing it along. If journalists can't protect their sources' identities, you will be much less informed about the world.

Currently, 49 states (Wyoming is the only unenlightened one) have shield laws or operate under court rulings that grant journalists and their sources a ''privilege'' much like those afforded to clergy, lawyers and their clients and therapists and their patients. This protection applies only to local and state cases, not federal ones.

Lately, federal prosecutors have dragged too many journalists into court, flaunting subpoenas for notes, work product and recollections of private conversations. The feds' arrogant insistence that journalists should be compelled to act as arms of law enforcement undermines free speech, a free press and an informed citizenry.

Journalists need a federal shield law. Thankfully, one has been reintroduced in Congress. The Free Flow of Information Act of 2007 has bipartisan support in the House and Senate. The bill's sponsors include Reps. Mike Pence, R–Ind., and Rich Boucher, D–Va., and Sens. Richard Lugar, R–Ind., and Christopher Dodd, D–Conn. All four have fought for a federal shield law for a couple of years, arguing that transparency is good for democracy even if it exposes politicians to more scrutiny.

Among the bill's provisions: The federal government could not compel a person covered by the shield to provide testimony or produce documents without first showing the need to do so by a ''preponderance of evidence.''; Journalists can be compelled to reveal the identity of sources when the court finds it necessary to prevent ''imminent and actual harm to national security'' or ''imminent death or significant bodily harm.'' Journalists also may be compelled to identify a person who has disclosed trade secrets, health information or nonpublic personal information of any consumer in violation of current law; and people covered by the shield would be those ''engaged in journalism.'' Journalism is defined as ''the gathering, preparing, collecting, photographing, recording, writing, editing, reporting or publishing of news and information for dissemination to the public.'' The bill does not explicitly protect bloggers, but to the extent a court determines they are engaged in the practice of journalism, they are likely to be shielded.

Even with the protection of a federal shield law, journalists should use anonymous sources sparingly and take great care to explain to the public why a source's identity needs to remain secret. More Capitol Hill reporters should insist their conversations are on the record. Newsrooms should tighten rules regarding the use of anonymous sources, which undermine the credibility of the news and leave journalism with black eyes at the hands of more reporters than we have the space to name here.

A federal shield law won't end journalists' abuse of anonymous sources, and it won't end prosecutorial witch hunts. It will, however, help the public have access to important information, and that, in the end, is what really matters.

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[From the New York Times, Sept. 20, 2007]

A SHIELD FOR THE PUBLIC

For freedom of the press to be more than a promise and for the public to be kept informed about the doings of its government, especially the doings that the government does not want known, reporters must be able to pursue the news wherever it takes them. One of the most valuable tools they have is the ability to protect the names of confidential sources—people who provide vital information at the risk of their jobs, their careers, and sometimes even their lives.

That is why it is so important for Congress to finally pass a federal shield law for journalists and why we commend Senators Arlen Specter, Republican of Pennsylvania, and Charles Schumer, Democrat of New York, for a compromise bill designed to achieve passage.

The bill would create a qualified privilege, which is what this newspaper and other news organizations have sought, not an absolute protection against revealing a source's name under any conceivable circumstance.

The new measure does not contain everything we would have liked. The shield for sources in the sphere of national security is weaker than in a bill approved by the House Judiciary Committee in August and an earlier proposal by Senators Richard Lugar, Republican of Indiana, and Christopher Dodd, Democrat of Connecticut.

Under the new bill, in order to compel disclosure of a source, the government would have to show that withholding the information is necessary to prevent a specific act of terrorism against the United States or would create ''significant harm to national security'' that outweighs the public interest in maintaining the flow of information. That is a broad standard and much will depend on judges exercising care to ensure that the government meets its burden to prove that the alleged harm to national security is real.

However, some tweaking was necessary to reassure hesitating senators that the bill

would not permit journalists to withhold information that is truly necessary to protect the United States.

The compromise has the support of dozens of news organizations, including The New York Times Company. Having worked for months to achieve this accord, Senators Specter and Schumer, and the chairman of the Senate Judiciary Committee, Patrick Leahy of Vermont, must do everything in their power to make sure that there is no further watering down of the protection for reporters and the whistle-blowers, or other insiders who will not speak without a pledge of confidentiality.

Passage of a federal shield law would be a major achievement. Some 32 states and the District of Columbia have such laws, and 17 other states have recognized a reporter's privilege to maintain the confidentiality of sources through judicial decisions. Prosecutions have not suffered, and it is past time for Congress to act.

In fact, a virtue of the Specter-Schumer bill is that it removes any excuse by lawmakers to avoid taking a step vital for the press's ability to report, so the public can exercise its right to know what government is doing and to make informed judgments.

[From the Washington Post, Sept. 21, 2007]

PROTECTING SOURCES: PRESERVING THE FREE FLOW OF INFORMATION

Next week, the Senate Judiciary Committee is scheduled to take up the Free Flow of Information Act of 2007, sponsored by Sens. Arlen Specter (R-Pa.) and Charles E. Schumer (D-N.Y.). This finally would bring to the federal government something that exists in 49 states and the District of Columbia: clear protection for the relationship between journalists and their sources.

Sometimes people who speak to journalists don't want it publicly revealed that they were the source of information that exposed ethically sketchy behavior or criminality; one common reason is a fear of reprisals. The relationship between reporters and confidential sources is rooted in trust, and the accountability it fosters is a foundation of a thriving democracy.

As with a bill approved last month by the House Judiciary Committee, the Senate measure does not give to reporters a blanket protection against disclosure of sources but instead offers a reasonable balancing of competing interests. Information identifying sources who were promised confidentiality would be covered by the new law. But courts would still be able to compel disclosure in certain circumstances—for example, if national security interests at stake in the case outweighed ''the public interest in gathering news and maintaining the free flow of information.'' The Washington Post Co. and other media organizations that have lobbied for a bill might want more protection, but this represents a reasonable compromise that many legislators, including Sens. Richard G. Lugar (R-Ind.) and Christopher J. Dodd (D-Conn.), have labored to get right.

More than 40 reporters have been questioned in recent years by federal prosecutors about their sources, notes and reports in civil and criminal cases. No doubt those who would talk to the media confidentially have been chilled by such action. Without adequate protection on the federal level, much information that Americans have a right to know might never be known. That's not good for journalism—and it isn't good for the republic, either.

JUNE 29, 2006

A MUCH-NEEDED SHIELD FOR REPORTERS

(By Theodore B. Olson)

Journalists reporting on high-profile legal or political controversies callllot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption, misfeasance and abuse of power. A person with information about wrongdoing is often vulnerable to retaliation if exposed as an informant.

Yet it has become almost routine for journalists to be slapped with subpoenas seeking the identity of their sources when their reports make it into print or onto the air. From the Valerie Plame imbroglio and the Wen Ho Lee investigation to the use of steroids by professional baseball players, it is now de rigueur to round up the reporters, haul them before a court, and threaten them with heavy fines and jail sentences if they don't cough up names and details concerning their sources.

Unfortunately, the rules regarding what reporters must disclose, and under what circumstances, remain a hopelessly muddled mess. Ask any reporter today, or his publisher, or his publisher's lawyer, whether a reporter must testify about his sources and you will get a litany of ambiguity. The answer may depend on which court issued the subpoena or the predilections of the judge before whom the reporter is summoned. State courts have their rules and federal courts have another set of standards that differ from one part of the country to another. That means that the journalist cannot tell sources whether promises of confidentiality have any teeth. And that, in turn, means that information vital to the public concerning the integrity of government, or of the national pastime, may never see the light of day.

It certainly doesn't have to be this way. Reporters do not expect to be above the law. But they should be accorded some protection so that they can perform their public service in ensuring the free flow of information and exposing fraud, dishonesty and improper conduct without being exposed to an unanticipated jail sentence. A free society depends on access to information and on a free and robust press willing to dig out the truth and spread it around. This requires some ability to deal from time to time with sources who, for one reason or another, require the capacity to speak freely but anonymously.

This is not a novel or threatening concept. Forty-nine states and the District of Columbia have laws protecting the confidentiality of reporters' sources. The Justice Department has had internal standards providing protection to journalists and their sources for 30 years. Yet no such protection exists in federal law. Thus reporters may be protected if they are subpoenaed in state court, but not protected at all if the same subpoena is issued by a federal court. No one benefits from that patchwork of legal standards.

Congress is moving forward to regularize the rules for reporters, their sources, publishers, broadcasters and judges. The Senate Judiciary Committee will soon take up a bill entitled the Free Flow of Information Act of 2006, sponsored by a bipartisan group of legislators and modeled in large part on the Justice Department guidelines. It does not provide an absolute privilege for confidential sources, but it does require, among other things, that a party seeking information from a journalist be able to demonstrate that the need for that information is real and that it is not available from other sources. Matters involving classified information and national security are treated differently. The current controversy over publications relative to the administration's efforts to deter terrorists does not, therefore, provide any basis for delaying or rejecting this needed legislation.

This legislation is long overdue and should be enacted. It will not, contrary to its opponents' arguments, hamper law enforcement. The 49 states and the District of Columbia that have such protection have experienced no diminution of law enforcement efforts as a result of these shield laws. Nor will it give reporters any special license beyond the type of common-sense protection we already accord to communications between lawyers and clients, penitents and clerics, doctors and patients and among spouses—where we believe that some degree of confidentiality of communications furthers broad social goals.

The same is true for journalists and their sources. We all know of stories that we might never have heard but for hardworking reporters who were able to pry vital information from reluctant sources. Watergate, of course, is the most memorable and important example, but others occur every day.

There is utterly no value served by the current state of confusion regarding when a meaningful promise of confidentiality may be made, or when it will simply be a prelude to a jail sentence for a conscientious reporter.

SMITH'S DECISION ON SHIELD LAW CRUCIAL

[From the San Antonio Express-News, June 28, 2007]

Freedom of the press is crucial to the survival of American democracy.

And part of that freedom must be allowing journalists to protect confidential sources.

Whistle-blowers aren't as likely to reveal what is actually happening in government if they are forced to risk all through exposure.

Knowing as much as possible about government activities is the best way for the public to get a true picture and protect itself from official malfeasance.

That's why a federal shield law is crucial to preserving a free press.

Media organizations have been hit with an exponential number of subpoenas from public and private entities seeking to learn about confidential sources in recent years. The harassment is costly, time-consuming and carries a chilling effect on the flow of important information to the public.

San Antonio Rep. Lamar Smith, the ranking Republican on the House Judiciary Committee, is in a position to protect the free press and the flow of information to the public.

The panel is scheduled to consider a proposed federal shield law, known as the Free Flow of Information Act, this week.

As the senior GOP leader on the judiciary panel, Smith's vote will be closely watched.

The Bush administration opposes the bipartisan legislation, but committee leaders already have made changes to deal with administration concerns about national security. Other objections forwarded by the Justice Department frankly are far-fetched.

The legislation would allow prosecutors and others to compel a journalist to testify if the information can't be obtained elsewhere and they convince a judge that the testimony is necessary.

The legislation would not provide blanket protection for journalists. But it would reduce efforts by lawyers to undermine confidentiality agreements and take shortcuts in the discovery process of routine cases.

Smith has a record as a friend of a free press and open government. He has advocated improvements in the Freedom of Information Act to allow journalists and the public better access to government records.

It is vital that Smith again stand up for the public's right to know by preserving the flow of information with the shield law.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING), who is the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the ranking member from Texas (Mr. SMITH) for yielding to me. I do appreciate the privilege to serve on this committee.

Mr. Speaker, I rise in opposition to H.R. 2102, the Free Flow of Information Act. It would protect journalists in most circumstances from having to reveal their sources or produce documents and notes to government.

This is not a problem. The press has flourished for over 200 years without a Federal privilege. The Department of Justice reports that since 1991 they have issued only 19 subpoenas to reporters seeking information. Only 19 since 1991. No one is above the law. Even reporters, as the Supreme Court has held, sometimes need to divulge information during the investigation of crimes. We have not seen the level of professionalism in journalism that we see in the medical profession, for example, and I think that is an argument we ought to weigh also.

Mr. Speaker, I would bring up the issue of our national security. Some of the people who hide behind the shield of journalism today routinely release classified national security data and publish it as if it were their patriotic duty and hide behind the shield of journalism.

H.R. 2102 places a heavy burden on the Department of Justice to demonstrate a compelling need for a reporter's source, which can be negated by the personal whims of hundreds of Federal judges who would handle these cases. The shield bill also makes it more difficult for the Department of Justice and other government agencies to fight crime and protect our national security. For example, the bill contains a limited number of examples where the privilege doesn't apply. Most of the Department of Justice crime fighting activity, such as efforts to combat child pornography or alien smuggling, is not addressed under this bill.

For example, there is a flaw in the bill because the Department of Justice could obtain source information to prevent a terrorist attack but not acquire the same information after the fact, after an attack, say, on the Twin Towers or on the Capitol. Additionally, H.R. 2102's definition of a journalist is so broad it would protect the media outlets of designated terrorist organizations, even terrorists themselves. I know the chairman has addressed that issue, but the language still remains broad.

Congress, State legislatures, and the courts have taken significant steps in certain circumstances to assure confidentiality, as have 49 States. Examples of protected information include pre-patent research, a person's medical records, the fact that someone may have sought medical health care, information related to a victim of sexual violence. The list goes on.

Mr. Speaker, with these very private subjects, there are significant legal, moral, or fiduciary obligations granted to protect people when their disclosure could cause serious and irrevocable hardships. People who improperly disclose them should not be protected through a media shield law just because they gave the information to a reporter or blogger, not someone else.

Historically, when Congress has enacted public access legislation, it has balanced the competing rights of personal and business privacy. Consider the Freedom of Information Act. It is one of the most important ''public right to know'' statutes in this country's history. FOIA specifically exempts from disclosure information protected by law, proprietary or privileged business information, and information that could lead to unwarranted invasions of personal privacy. Similarly, whistle-blower laws only protect the reporting of information related to suspected wrongdoing, not the disclosure of all private information. Congress's long-standing commitment to these distinctions in protecting confidential and proprietary information can and should be continued.

Mr. Speaker, H.R. 2102 protects the inappropriate leaking of a good deal of legitimately private information in the same way it protects a source who has disclosed information in an appropriate situation. For example, if a source told a reporter the name of a victim of a sexual assault, H.R. 2102 would block the victim from holding the leaker-source accountable for any harm such a story could cause.

The same would be true for information related to the location of a domestic violence safe house or employee records that might include Social Security numbers and credit information from stores and credit bureaus. It could also provide an absolute privilege when a source for purely personal purposes leaked information in violation of a specific court order protecting the contents of discovery or settlements that were sealed by a court. When and if such information appears in the media, the person harmed would be unable to use the judicial process to assure that the law fulfilled its purpose, even when every other avenue had been pursued to no avail.

So my question is, Mr. Speaker, what are we trying to fix? What is the problem? Nineteen subpoenas since 1991, a handful of cases stacked up against a mountain of information that has been pored through in the public media, classified information leaked into the New York Times, for example, jeopardizing our national security, and what is Congress doing about that? We are coming here to produce a shield law to protect even more of the same behavior.

Mr. CONYERS. Mr. Speaker, it is now my privilege to recognize the Speaker of the House, Ms. NANCY PELOSI, for 1 minute.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman for yielding, and I appreciate his strong leadership in protecting and defending the Constitution of the United States. He leads us well in honoring our oath of office that we take.

I commend the cosponsors of this bipartisan legislation, Mr. BOUCHER and Mr. PENCE, for their leadership and commitment to working in a bipartisan way on an issue central to our democracy.

Thomas Jefferson once wrote, ''Our liberty depends on the freedom of the press, and that cannot be limited without being lost.'' Freedom of the press, protected by the first amendment, has been a cornerstone of our democracy, one that we cherish and promote around the world.

A free press keeps our Nation informed and holds those of us in government accountable. It is critical to freedom of speech and expression in our country. Freedom of the press is fundamental to our democracy and it is fundamental to our security.

Speaking truth to power is vital to our democracy today, as it has been throughout our history.

Mr. Speaker, the recent contracting scandals in Iraq, the appalling care of our wounded soldiers at Walter Reed Hospital, and the hidden Medicare drug prescription estimates a few years ago are several of the many examples where press coverage shaped our debate and our actions. These stories are central to accountability, the accountability necessary to make our Nation stronger and to be better stewards of the taxpayers' dollars.

However, the essential work of the press has been severely hampered by the lack of a consistent Federal standard or a federally recognized privilege concerning the disclosure of confidential sources by journalists. As a result, in recent years, more than 40 reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases.

Former Solicitor General Ted Olson, who served under President George W. Bush, wrote recently in The Washington Post, ''Journalists reporting on high-profile controversies cannot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption and abuse of power.''

Nearly all States have some form of press shield protecting the confidentiality of journalist sources; however, that protection is lacking at the Federal level and in the Federal courts.

It is for this reason that I have long supported a Federal press shield law, without which freedom of the press is threatened. The Federal Government's policies and actions should protect and preserve the press's ability to speak

truth to power. And this legislation does so with appropriate national security safeguards, striking a careful balance between liberty and security.

Freedom of the press has long been an issue of importance to many of us in this body. When I was the ranking member of the Intelligence Committee, I encouraged President Clinton to veto the Intelligence Committee authorization bill one year because it made it easier to prosecute journalists. We fixed those provisions and passed a bill that both protected our Nation and protected our fundamental freedoms.

Mr. Speaker, we seek today to protect the freedom of the press that has served our Nation so well. We also seek to make clear to confidential sources that they will be protected in most circumstances when they bring forward public evidence of waste, fraud and abuse in government and in the private sector.

As we protect and defend our Nation, we must now protect and defend the Constitution by enabling our press to be free, as our Founders envisioned.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes for the purpose of engaging in a colloquy with my friend from Indiana (Mr. PENCE). I have a question I would like to ask him.

The bill states that the determination as to whether the testimony or document is critical to the underlying matter is to be made ''based on information obtained from a person other than the covered person,'' the covered person being the journalist. There has been some confusion as to what is meant by ''information from the covered person.''

In the Washington Post on October 4, Patrick Fitzgerald, who was the U.S. Attorney in the Scooter Libby case, wrote, ''The bill puzzlingly requires that agents prove that the leak occurred without relying on the newspaper article.''

Is Mr. Fitzgerald right? Does this provision mean that the party seeking the subpoena cannot use the very newspaper article at issue in the lawsuit to show why the reporter's testimony is needed?

I yield to the gentleman from Indiana.

Mr. PENCE. I thank the gentleman for yielding, and I thank him for a thoughtful question.

The answer would be no, that was not our intent and it is not how this provision should be read. This provision is meant to close a potential loophole in the bill. Without this provision, we were concerned that a person would be able to call a journalist to testify or provide documents for the purpose of showing why the journalist's testimony or documents are needed in the litigation. That obviously would short-circuit the statute and would not make sense.

The news article would be a matter of public record and would not be obtained from the journalist, and therefore could be used at such a hearing.

Mr. SMITH of Texas. I thank the gentleman from Indiana for his answer to my question. That is much appreciated.

Mr. Speaker, I am the last speaker on this side, and I know the chairman of the Judiciary Committee has the right to close. I wonder if he has any additional speakers.

Mr. CONYERS. I have none.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me summarize the objections to this legislation. The White House, the Justice Department, the Acting Director of National Intelligence and many law enforcement officials oppose H.R. 2102 because they believe it diminishes legal rights, public safety and endangers national security. The Department of Justice is concerned that this legislation will impede its efforts to conduct investigations and prosecute criminals.

For 200 years, information has flowed freely to the press. Congress need not enact H.R. 2102, when the status quo is working and the legislation's potential harm to our national security is so significant.

Our Founders created a legal system where no one is above the law. But if the media shield bill passes, we will be carving out a special exception to that rule for reporters, tabloids and bloggers.

□ 1645

This is not what our Founders intended when they created a free press. No one should be above the law, not even the press. We must err on the side of caution and not support legislation that could make it harder to apprehend criminals and terrorists or deter their activities. I urge my colleagues to oppose this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time and just want to say that we have not given up on the possibility of winning some modest support from the ranking member of the Judiciary Committee. He has negotiated with us in good faith. We continue to work on any improvements. I am very proud of the work that the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Indiana (Mr. PENCE) have put forward, and I want to thank Members of the House on both sides. There is apparently a large number of bipartisan supporters for this measure. I want to assure the House that we are moving forward with deliberate speed, and it is in that sense that I continue to urge support for the measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak in strong support of H.R. 2102, the Free Flow of Information Act of 2007, which I am proud to co-sponsor. This legislation provides a qualified immunity from prosecution or contempt to journalists for refusing to disclose confidential sources or information.

Let me say, Mr. Speaker, that I am confident that this legislation adequately addresses and resolves the conflict between society's competing interests in a free and vigorous press, on the one hand, and not unduly hampering the ability of law enforcement to investigate and prosecute crimes.

Mr. Speaker, when it comes to the freedom of the press, the Department of Justice's Statement of Policy is clear. It states ''Because freedom of the press can be no broader than the freedom of reporters to investigate and report the news, the prosecutorial power of the government should not be used in such a way that it impairs a reporter's responsibility to cover as broadly as possible controversial public issues.'' 28 C.F.R. 50.10.

I have long been a strong proponent of a qualified privilege for journalists. Indeed, in 2001 I spoke out in favor of the need for such a privilege when I went to the Federal Detention Center in Houston today to support the efforts of Professor Vanessa Leggett, a 33-year-old freelance non-fiction writer who had been jailed without bond since July 20, 2001 for asserting her journalistic privilege and First Amendment right not to reveal confidential source information.

After visiting Professor Vanessa Leggett I became convinced of the justice of her cause and the importance of her case. Professor Leggett had spent four years researching the 1997 murder of Doris Angleton. When she refused to give in to threats and intimidation by an overzealous prosecution, and asserted her First Amendment rights in a grand jury investigation, she was found in contempt and jailed.

Mr. Speaker, like you I believe the First Amendment is the most important amendment in the Bill of Rights. And it is not a coincidence that the freedoms of speech and press are the first freedoms listed in the First Amendment.

I believe allowing journalists the right to maintain the confidentiality of their sources when doing research must be protected because it is indispensable to a free press which is the sine qua non of a free society. We must heed the counsel of Justice

Douglas's dissent in Branzburg v. Hayes, 408 U.S. 665 (1972): ''The people, the ultimate governors [of our democracy], must have absolute freedom of and therefore privacy of their individual opinions and beliefs.'' Justice Douglas reminds us that ''effective self-government cannot succeed unless the people are immersed in a steady, robust, unimpeded, and uncensored flow of opinion and reporting which are continuously subjected to critique, rebuttal, and re-examination.''

Again, this principle, codified at Title 28 CFR 50.10 of the Department of Justice Statement of Policy, clearly recognizes and protects one of our most sacred democratic institutions: the media. It requires, for example, that the Department of Justice ''strike the proper balance between the public's interest in effective law enforcement and the fair administration of justice,'' while other subsections clearly require that sanctions, such as those administered by the Department of Justice in this case, shall be reviewed by the Attorney General. As such, this Section presents a tension with the Court precedents set in Branzburg and in Jascalevich.

The Supreme Court's decisions in Branzburg v. Hayes, 408 U.S. 665 (1972), and New York Times v. Jascalevich, 439 U.S. 1331 (1978) establish the precedent that a

journalist cannot rely upon an absolute First Amendment-based privilege to justify refusal to testify when called by a grand jury, unless the grand jury investigation is instigated in bad faith. However, since the Court handed down its decision in Branzburg, 49 states and the District of Columbia now recognize some version of a shield law protecting the press, to varying degrees, from unfettered disclosure of sources, work product, and information generally.

These various state protections range in type and scope, from broad protections that provide an absolute journalistic privilege to shield laws that offer only qualified protection. The majority of state shield laws currently in place offer some form of a qualified privilege to reporters, protecting source information in judicial settings, unless the compelling party can establish that the information is: (1) relevant or material; (2) unavailable by other means, or through other sources; and (3) a compelling need exists for that information. There is considerable variation among the states on the last prong, with some requiring the party seeking disclosure to establish a compelling need for the information. Other states require a compelling showing that disclosure is needed to achieve a broader and greater public policy purpose.

In Federal courts, however, there is no current uniform set of standards to govern when testimony can be sought from reporters. Rather, the Federal jurisprudence has developed on an ad hoc, case-by-case basis. That is why we need, and I support, H.R. 2102.

H.R. 2102 establishes a procedure by which disclosure of confidential information from a journalist may not be compelled to testify or provide documents related to information obtained or created by the journalist unless the following conditions are met by a preponderance of the evidence and after notice to be heard: (1) The party seeking production must have exhausted all reasonable alternative sources of the information; (2) in the case of a criminal investigation, the party seeking production must have reasonable grounds to believe a crime has occurred and the information sought is critical to the case; (3) disclosure is necessary to: prevent an act of terrorism against the United States or other significant specified harm to national security or to prevent imminent death or significant bodily harm or to identify a person who has disclosed a trade secret actionable under 18 U.S.C. § 1831 or § 1832; or (4) the party seeking production must prove that the public interest in compelling disclosure outweighs the public interest in gathering or disseminating news or information.

Mr. Speaker, section 4 of the bill defines the key terms used in this bill. A ''Covered Person'' is a person who, for financial gain or livelihood, is engaged in journalism, including supervisors, employers, parents, subsidiaries, or affiliates of a covered person. ''Journalism'' is defined as the ''gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.''

Mr. Speaker, I applaud and commend Mr. BOUCHER's efforts to address the many concerns of his colleagues relating to the scope of a ''covered person'' and the definition of ''journalism.'' Initially, I was troubled that one day in the future some runaway court or wayward judge may construe these definitions so narrowly that situations like the one involving Vanessa Leggett that I have previously discussed would be excluded. However, based on my consultations with the lead sponsors, as well as my detailed discussions and consultations with groups like the Reporters Committee for Freedom of the Press, I am satisfied that the proposed language is broad enough to cover journalists who are in Vanessa Leggett's situation.

Under this legislation, a freelance journalist facing a similar subpoena will be able to represent to a judge that at the time she was talking to sources, she represented to them that she was working on a story or non-fiction book that she planned to sell to a newspaper or magazine or publisher. A reasonable judge would have little choice but to find her to be covered by the statute.

Mr. Speaker, it is interesting to note that the District Court and the 5th Circuit never questioned Vanessa Leggett's status as a journalist. Rather, the court assumed she was a journalist using the test of In re von Bulow, 828 F2d 94 (2d Cir. 1987). If the issue of a freelancer being covered was found to be vague in the statute, I believe a court would revert to the von Bulow standard, which holds someone is a journalist if she represented to her sources at the time of the interview that she was a journalist and was gathering information intending to write a story to disseminate to an audience.

In short, Mr. Speaker, because I believe the language of the bill now leaves no doubt that the Congress specifically intends the Free Flow of Information Act to cover situations similar to the Vanessa Leggett case, I strongly support this legislation and urge my colleagues to join me in voting for H.R. 2102.

Mr. UDALL of Colorado. Mr. Speaker, I support this legislation and urge its passage.

The bill is intended to provide journalists with a limited, qualified shield against efforts by prosecutors or other officials to compel public disclosure of the identities of whistleblowers or other sources of information.

Like 48 other States (and the District of Columbia), Colorado has already provided a similar protection for journalists, but of course that State law does not apply in Federal cases—for that a Federal statute is required, which is the purpose of this legislation.

And while I recognize that the Justice Department thinks no such law is needed—their view is that their own guidelines adequately deal with the subject—I think our experience in Colorado shows that it is possible to provide the assured protection that comes with a statutory shield without compromising the investigation of wrongdoing or the vigorous prosecution of crime.

I think this legislation does a good job of achieving a similar balance between protection for investigative journalists and their sources while maintaining the ability of the government to protect national security and conduct effective law enforcement.

Under the bill, journalists would be required to testify if a judge finds that a prosecutor, criminal defendant or civil litigant has shown by a preponderance of the evidence that an applicable test for compelled disclosure has been met.

For a prosecutor, that means showing that he or she had exhausted alternative sources before demanding information, that the sought-after material was relevant and critical to proving a case, and that the public interest in requiring disclosure would outweigh the public interest in news gathering.

The bill includes special rules for cases involving leaks of classified information or involving a journalist's being an eye witness to a crime.

The bill will enable federal law enforcement authorities to obtain an order compelling disclosure of the identity of a source in the course of an investigation of a leak of properly classified information. It also provides that disclosure of a leaker's identity can be compelled whenever the leak has caused or will cause ''significant and articulable harm to the national security.''

And the bill also permits law enforcement to obtain an order compelling disclosure of documents and information obtained as the result of eyewitness observations by journalists of alleged criminal or tortious conduct, as well as cases involving alleged criminal conduct by journalists themselves.

And, in addition to provisions designed to guard against impairing efforts to prevent acts of terrorism, threats to national security, and death or bodily harm to members of the public, there are similar provisions to guard and make sure the legislation will not thwart efforts to identify those who disclose significant trade secrets or certain financial or medical information in violation of current law.

Mr. Speaker, the need for this legislation was well expressed by former Solicitor General Theodore B. Olsen in an article published in the October 4th edition of the Washington Post.

In that article, Mr. Olsen said:

> . . . journalists reporting on high-profile controversies cannot function effectively without offering some measure of confidentiality to their sources. Their ability to do so yields substantial benefits to the public in the form of stories that might otherwise never be written about corruption and abuse of power. A person with information about wrongdoing is often vulnerable to retaliation if exposed . . . Yet it has become almost routine for journalists to be slapped with federal subpoenas seeking the identity of their sources.
>
> Reporters do not expect to be above the law. But they should receive some protection so they can perform their public service in ensuring the free flow of information and exposing improper conduct without risking jail sentences.
>
> The lack of federal protection makes for an especially strange state of affairs because the Justice Department has had internal standards providing protection to journalists and their sources for 35 years, and Special Counsel Patrick J. Fitzgerald claimed to be adhering to those standards when he subpoenaed reporters in the Plame affair. Thus, as Judge Robert Sack of the U.S. Court of Appeals for the 2nd Circuit has noted, the only real question is whether federal courts should be given some supervisory authority to ensure that prosecutors have, in fact, met governing standards before forcing reporters to testify. The answer seems obvious: yes.
>
> The District and the 49 states with shield laws have experienced no diminution of law enforcement efforts as a result of those laws. The legislation would not give reporters special license beyond the type of commonsense protection we already accord to communications between lawyers and clients, between spouses and in other contexts where

we believe some degree of confidentiality furthers societal goals.

This legislation is well balanced and long overdue, and it should be enacted.

I agree with Mr. Olson, and I urge all our colleagues to join me in voting for this bill.

Mr. ISSA. Mr. Speaker, I rise in opposition to H.R. 2102, the Free Flow of Information Act. This bill goes too far in jeopardizing our national security.

The freedom of the press is an immensely important principal in our democratic society. That is why the Department of Justice (DOJ) has for the past 35 years followed a policy that strictly limits when Federal prosecutors are allowed to issue subpoenas to the press. These standards are so difficult to meet that prosecutors, under this current policy, are commonly discouraged from even seeking a subpoena for a reporter in the first place.

These protections, which are far reaching, should not be absolute. When critical, highly sensitive national security information is illegally disclosed to members of the news media and published for every enemy of America to see—Federal prosecutors must be empowered to aggressively investigate the disclosure of that information and the prosecution of those responsible. We simply cannot erect obstacles which hamstring Federal law enforcement when sensitive government secrets are divulged. Such disclosure can be treasonous, and reporters should not be able to protect individuals who jeopardize our national security. American lives are more important than the privilege of anonymity that reporters promise to a source who is compromising our nation's secrets.

According to the DOJ, the ''unduly narrow exception to the legislation's broad prohibition on compelled disclosure would hinder efforts to investigate and prosecute those who have leaked classified information, undermine the ability of law enforcement to investigate national security breaches that have already occurred, and weaken Federal efforts to mitigate damage to national security that has already taken place.'' As a member of both the Committees on Judiciary and the Permanent Select Committee on Intelligence, I find these faults with the bill unacceptable.

While I do not stand in opposition to my friends Representatives MIKE PENCE and RICK BOUCHER, the primary sponsors of this legislation, I must ask my colleagues to vote no on this bill. H.R. 2102 establishes new dangers without sufficient justification.

Mr. STARK. Mr. Speaker, I rise today in support of freedom of the press and an informed public.

The Free Flow of Information Act (H.R. 2102) is a straightforward bill that will protect journalists from being legally obligated to disclose their confidential sources of information. This will allow sources to speak more freely, allowing for the vibrant exchange of important information between reporters, their contacts and the public.

Predictably, George Bush's Department of Injustice opposes today's legislation, in part because the Administration issued more than 300 subpoenas last year alone. That's understandable. If I had a track record of wasting money on a failing war, abusing civil liberties, suppressing scientific research, and failing to enforce important consumer protections and environmental regulations, I too would want to keep the press and the public in the dark.

But it is also despicable. Forty-nine states and the District of Columbia already recognize a reporter's privilege to keep confidential sources, and to do so without risking interrogation or prosecution. A federal media shield law would further protect the public's right to know about corruption, waste and mismanagement in and out of government.

In the past few years, journalists have depended on confidential sources to inform them about the torture of Iraqi prisoners at Abu Ghraib, the disclosure of CIA prisons in Eastern Europe, and the President's warrantless wiretapping program. If we left it up to the administration to decide what went into news stories, we would have headlines that told us the war in Iraq is a smashing success and that DICK CHENEY's hunting technique is unparalleled.

The Constitution guarantees the right to a free press. That freedom depends on not having to worry about being punished for revealing information that the public has a right to know. I urge my colleagues to vote in support of this bill.

Mr. HOLT. Mr. Speaker, I am pleased the House is taking action today to help protect reporters from prosecutions simply for doing their jobs.

Over the last few years, more than forty reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases. Although the Department of Justice has promulgated voluntary guidelines for issuing subpoenas to the media and reporters, these guidelines do not apply to civil litigants in federal court and give unreviewable discretion to special prosecutors.

H.R. 2102 would establish a Federal standard for all parties—prosecutors, civil litigants, journalists and sources—and send a signal to potential sources that they will be protected in most circumstances when they pass to news organizations evidence of waste, fraud and abuse in government and in the private sector.

The bill requires journalists to testify at the request of criminal prosecutors, criminal defendants and civil litigants who have shown by a preponderance of the evidence that they have met the various tests for compelled disclosure. The bill contains provisions to ensure that the privilege would not impair law enforcement's efforts to identify a person who has disclosed significant trade secrets or certain financial or medical information in violation of current law.

In the case of national security issues, the test is that ''disclosure of the identity of such a source is necessary to prevent an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm.'' It is the latter half of this clause that would allow the Justice Department to compel testimony from reporters in national security leak cases.

It is important that we ensure that information that is properly classified be protected from unauthorized disclosure. However, as we've seen repeatedly over the last century, too often government officials will misuse the classification system to hide evidence of their own lawbreaking. It will be important for Congress to carefully monitor how this particular provision is employed by the Department of Justice to ensure it is not abused in a way that prevents Congress and the public from learning about violations of law carried out in the name of protecting the nation's security.

Organizations representing publishers, broadcasters, and journalists agree that this legislation provides a suitable framework for balancing the needs of a free press with the need to uphold our laws, and on balance, so do I. I urge my colleagues to vote for this important legislation.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 2102, the Free Flow of Information Act, I am pleased to support this legislation on the House floor today.

I support this bill because I believe news reporting fosters public awareness of important public issues and is an important means of ensuring government accountability.

This legislation would create criteria that must be met before a Federal entity may subpoena a member of the news media in any government, criminal or civil case.

H.R. 2102 closely follows existing Department of Justice guidelines for issuing subpoenas to members of the news media.

It simply makes the guidelines mandatory and provides protection against compelled disclosure of confidential sources.

In doing so, I believe this legislation strikes a balance between the public's need for information and the fair administration of justice.

Mr. Speaker, I urge support for this bill.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 110–338 offered by Mr. BOUCHER:

Page 3, line 24, strike ''to prevent'' and insert ''to prevent, or to identify any perpetrator of,''.

Page 4, line 6, strike ''or''.

Page 4, line 22, strike ''and'' and insert ''or''.

Page 4, after line 22, insert the following:

(D)(i) disclosure of the identity of such a source is essential to identify in a criminal investigation or prosecution a person who without authorization disclosed properly classified information and who at the time of such disclosure had authorized access to such information; and

(ii) such unauthorized disclosure has caused or will cause significant and articulable harm to the national security; and

Page 5, after line 19, insert the following:

(d) EXCEPTION RELATING TO CRIMINAL OR TORTIOUS CONDUCT.—The provisions of this section shall not prohibit or otherwise limit a Federal entity in any matter arising under Federal law from compelling a covered person to disclose any information, record, document, or item obtained as the result of the eyewitness observation by the covered person of alleged criminal conduct or as the result of the commission of alleged criminal or tortious conduct by the covered person, including any physical evidence or visual or audio recording of the conduct, if a Federal court determines that the party seeking to compel such disclosure has exhausted all other reasonable efforts to obtain the information, record, document, or item, respectively, from alternative sources. The previous sentence shall not apply, and subsections (a) and (b) shall apply, in the case that the alleged criminal conduct observed

by the covered person or the alleged criminal or tortious conduct committed by the covered person is the act of transmitting or communicating the information, record, document, or item sought for disclosure.

Page 7, strike lines 14 through 18 and insert the following:

(2) COVERED PERSON.—The term ''covered person'' means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public for a substantial portion of the person's livelihood or for substantial financial gain and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—

Page 7, line 22, strike ''or''.

Page 7, line 26, strike the period and insert a semi-colon.

Page 7, after line 26, insert the following:

(C) any person included on the Annex to Executive Order 13224, of September 23, 2001, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section;

(D) any person who is a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(E) any terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

The SPEAKER pro tempore. Pursuant to House Resolution 742, the gentleman from Virginia (Mr. BOUCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, the amendment I am pleased to offer at this time, along with the principal coauthor of this legislation, the gentleman from Indiana (Mr. PENCE), incorporates recommendations that were made to us by a number of members of the House Judiciary Committee and other interested Members of the House both during the extensive markup of this legislation in the committee and in the time intervening between then and now.

The legislation was broadly supported in that committee and was approved by voice vote in that committee, and the recommendations that we have received now incorporated into this manager's amendment came from members of the committee and other Members of the House both on the Democratic and Republican sides. We have folded those various recommendations into the manager's amendment.

These amendments that are folded into the manager's amendment further limit the scope of the privilege that is conferred by the legislation itself.

First, the amendment expands the instances in which source disclosure can be compelled to include a leak by the source of properly classified information where the leak has caused a significant and articulable harm to national security.

Secondly, source disclosure could be compelled when the reporter personally witnesses criminal conduct or when the reporter is himself involved in criminal conduct.

Third, source disclosure could occur when necessary to identify any perpetrator of an act of terrorism against the United States or other significant and specified harm to national security.

The amendment also narrows the definition of the individuals who may assert the privilege to refrain from revealing confidential sources in Federal court proceedings. Under the amendment, only people who are regularly engaged in news gathering and reporting and who receive substantial financial gain or receive a substantial portion of their livelihood from the journalistic activity will qualify.

The amendment will also deny the privilege to journalists who have been designated as terrorists pursuant to law or who are employed by a terrorist organization as designated pursuant to law.

We offer this amendment on a bipartisan basis, and we ask for its approval by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, although I am not opposed to the amendment, I ask unanimous consent to control the time in opposition to the amendment.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, under the provisions of the Free Flow of Information Act where a reporter is being asked to reveal the identity of a confidential source, the underlying bill here provides several exceptions where a reporter may be compelled to reveal a source. Sources can be revealed under exceptions for the prevention of terrorism, other harm to the Nation's security, to prevent bodily harm, in cases where trade secrets and personal health information are revealed.

As a result of Chairman CONYERS' bipartisan working group, we have conceived of the Boucher-Pence bipartisan manager's amendment, and I rise to support it.

It adds additional exceptions to the bill. Under it, compelled disclosure of a source will be permitted in cases of unauthorized leaks of national security secrets. Also, if a journalist is an eyewitness to a crime or tortious conduct, the journalist cannot claim the privilege of the shield and can be required to turn over information documents.

Also, as Mr. BOUCHER said, the amendment makes two changes regarding the definition of a covered person. Covered persons are those who are able to use the shield, and we have been discussing how we define journalists throughout the history of this debate. In the manager's amendment, we restrict coverage to those people who regularly engage in journalism for substantial financial gain or a substantial part of their livelihood. And this way, the definition will exclude casual bloggers but not all bloggers, criminal offenders or the media wings of terrorist groups who are not practicing journalism. It also adds further exclusions to the list of terrorist organizations which are excluded in order to supplement the language already there to make it 100 percent clear that terrorists cannot claim the privilege of this bill.

I believe the Boucher-Pence manager's amendment, as the entirety of the bill, is a result of bipartisan cooperation. I believe the Boucher-Pence manager's amendment improves the Free Flow of Information Act. I urge my colleagues on both sides of the aisle to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

I support the manager's amendment offered by the gentleman from Virginia (Mr. BOUCHER). The provisions of the amendment do improve the bill by addressing some of the Justice Department's concerns. Despite this, it still does not cure the bill's fundamental flaws.

The legislation will still make it impossible to enforce certain criminal laws and will impede national security investigation. While I commend the sponsors of the amendment for trying to address the Justice Department's concern, even if the amendment is adopted, the bill should still be opposed. So I urge Members to support the amendment and oppose the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished chairman of the House Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am delighted and I congratulate the ranking member for joining us in supporting the Boucher-Pence manager's amendment. We think that we can move even further. Here is an amendment that alters the standard for piercing the shield where national security is involved. Also, it enables law enforcement to obtain an order compelling disclosure of the identity of a source in the course of a leak investigation.

So I am very happy about this. I think that it portends that there may be other areas of agreement that we will be able to reach. I thank the gentleman for yielding me the time.

Mr. BOUCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 742, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Virginia (Mr. BOUCHER).

The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 2102 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 5, after line 2, insert the following subsection (and redesignate subsequent subsections accordingly):

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, H.R. 2102 presumes that a journalist is entitled to a reporter's privilege unless the government can show a court otherwise. The government can only do this by meeting certain threshold requirements set forth in the bill.

After all those requirements are met, the judge must then apply a balancing test. The judge must find that ''the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information.''

My motion to recommit provides further guidance to the judge as to what criteria should be considered in weighing that decision.

The motion to recommit simply states that the judge may consider the extent of any harm to national security. It does not dictate any result.

The manager's amendment partly addresses this issue by creating an additional exception to the privilege that excludes from the privilege leaks of classified information that harm national security in criminal cases. I agree with that idea as far as it goes.

This motion to recommit, though, goes further. It allows the judge to consider this factor in any case, not just a criminal case. It allows a judge to consider any leak that harms national security, not just a leak in violation of the laws on classified information.

There are many kinds of information that can harm national security. One example is grand jury information. Suppose that the government is conducting a grand jury investigation of a suspected terrorist ring. If a grand juror were to reveal that to a reporter, it might allow the terrorist to escape to strike another day.

Another example is information covered by various common law privileges like the attorney/client privilege. Suppose that an attorney knew his client, a former terrorist, was cooperating with authorities to avoid prosecution. If he revealed this to the press, it could reveal to the terrorist's former compatriots that they needed to change their plans.

Another example is confidential business information that is protected by contractual relationships. Employees of a computer company might know and reveal without authorization that a certain new chip is coming to the market in a matter of months. This might allow a foreign enemy to stop their research on that type of chip and devote their resources to some other project.

The problem is that any of these kinds of information could harm national security. If they do, a judge ought to be able to consider that in deciding what the public interest requires.

In short, I think we are going in the same direction, but the manager's amendment does not go far enough. The motion to recommit protects national security against harmful leaks in all cases, not just criminal cases. When national security is threatened by leaks, we must protect ourselves in all cases, not just criminal cases.

I urge my colleagues to adopt this motion and protect our national security.

Mr. Speaker, I yield back the balance of my time.

□ 1700

Mr. CONYERS. Mr. Speaker, I rise in support of the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. Mr. Speaker, I thank the Speaker and note his surprise, and I want everyone to know that this motion is one that we on this side can concur with. We think it's thoughtful and appropriate and indicates the kind of rapprochement that we are trying to reach on any other matters of difference that might be outstanding.

Allowing a court to take into account national security when considering the balancing test and allowing the court to retain full discretion on whether to consider this information, and it may consider this along with any other information it deems relevant, means that the ranking member's continued commitment to work on this issue is going on even now, and I thank him for his constructive efforts.

Mr. Speaker, I yield to the author of the manager's amendment, Mr. BOUCHER of Virginia.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan for yielding to me, and I concur in his statement that this motion to recommit is acceptable on our side, and in accepting this motion to recommit, we are clearly acting in furtherance of the bipartisan rapport that underlays the construction of the Free Flow of Information Act and its consideration here in the House today.

The motion to recommit provides that in performing the balancing test under the bill, which weighs whether the public interest in disclosure outweighs the public interest in news gathering and dissemination, the court may consider the extent of any harm to national security.

The extent of any harm to national security is clearly a relevant consideration when determining key questions relating to what is or is not in the public interest, and for that reason, Mr. Speaker, I'm pleased to join with the gentleman from Michigan in urging acceptance of the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 388, nays 33, not voting 10, as follows:

[Roll No. 972]

YEAS—388

| | | |
|---|---|---|
| Ackerman | Bartlett (MD) | Boehner |
| Aderholt | Barton (TX) | Bonner |
| Akin | Bean | Bono |
| Alexander | Becerra | Boozman |
| Allen | Berkley | Boren |
| Altmire | Berman | Boswell |
| Andrews | Berry | Boucher |
| Arcuri | Biggert | Boustany |
| Baca | Bilbray | Boyd (FL) |
| Bachmann | Bilirakis | Boyda (KS) |
| Bachus | Bishop (GA) | Brady (PA) |
| Baird | Bishop (NY) | Brady (TX) |
| Baker | Bishop (UT) | Braley (IA) |
| Baldwin | Blackburn | Broun (GA) |
| Barrett (SC) | Blumenauer | Brown (SC) |
| Barrow | Blunt | Brown, Corrine |

Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—33

Abercrombie
Castor
Clarke
Clay
Davis (IL)
Dingell
Filner
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Jackson-Lee (TX)
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Meeks (NY)
Miller, George
Moore (WI)
Napolitano
Olver
Paul
Payne
Rangel
Schakowsky
Slaughter
Stark
Velázquez
Wasserman Schultz
Waters

NOT VOTING—10

Carson
Clyburn
Cubin
Jindal
Johnson, E. B.
Peterson (PA)
Tancredo
Taylor
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1727

Ms. MOORE of Wisconsin, Messrs. HOLT, DAVIS of Illinois, HINCHEY, GUTIERREZ, Ms. VELÁZQUEZ, and Mr. MEEKS of New York changed their votes from ''yea'' to ''nay.''

Ms. DEGETTE, Mrs. CAPPS, and Mr. JACKSON of Illinois changed their votes from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2102, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 5, after line 2, insert the following subsection (and redesignate subsequent subsections accordingly):

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 21, not voting 12, as follows:

[Roll No. 973]

AYES—398

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)

Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—21

Abercrombie
Akin
Barton (TX)
Brown (SC)
Buyer
Carter
Culberson
Herger
Issa
Johnson, Sam
King (IA)
King (NY)
Lungren, Daniel E.
Mica
Petri
Royce
Sali
Sensenbrenner
Smith (TX)
Thornberry
Weldon (FL)

NOT VOTING—12

Carson
Clyburn
Cubin
Gutierrez
Jindal
Johnson, E. B.
Peterson (PA)
Sherman
Tancredo
Taylor
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there is 1 minute remaining on this vote.

□ 1736

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 106.

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

## RECOGNIZING THE 35TH ANNIVERSARY OF THE CLEAN WATER ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 725) recognizing the 35th anniversary of the Clean Water Act, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 725

Whereas clean water is a natural resource of tremendous value and importance to the Nation;

Whereas there is resounding public support for protecting and enhancing the quality of the Nation's rivers, streams, lakes, marine waters, and wetlands;

Whereas maintaining and improving water quality is essential to protect public health, fisheries, wildlife, and watersheds and to ensure abundant opportunities for public recreation and economic development;

Whereas it is a national responsibility to provide clean water for future generations;

Whereas since the enactment of the Clean Water Act in 1972, substantial progress has been made in protecting and enhancing water quality due to a deliberate and national effort to protect the Nation's waters;

Whereas substantial improvements to the Nation's water quality have resulted from a successful partnership among Federal, State, and local governments, the private sector, and the public;

Whereas serious water pollution problems persist throughout the Nation and significant challenges lie ahead in the effort to protect water resources from point and nonpoint sources of pollution and to maintain the Nation's commitment to a ''no net loss'' of wetlands;

Whereas the Nation's decaying water infrastructure and a lack of available funding to maintain and upgrade the Nation's wastewater infrastructure pose a serious threat to the water quality improvements achieved over the past 35 years;

Whereas the Environmental Protection Agency, the Congressional Budget Office, and other stakeholders have identified a funding gap of between $300,000,000,000 and $400,000,000,000 over the next 20 years for the restoration and replacement of wastewater infrastructure;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas October 18, 2007, is the 35th anniversary of the enactment of the Clean Water Act: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the 35th anniversary of the Federal Water Pollution Control Act (commonly known as the Clean Water Act);

(2) recommits itself to restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters in accordance with the goals and objectives of the Clean Water Act;

(3) dedicates itself to working toward a sustainable, long-term solution to address the Nation's decaying water infrastructure; and

(4) encourages the public and all levels of government—

(A) to recognize and celebrate the Nation's accomplishments under the Clean Water Act; and

(B) to renew their commitment to restoring and protecting the Nation's rivers, lakes, streams, marine waters, and wetlands for future generations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 725.

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

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we meet on the 35th anniversary of the Clean Water Act from 1972; a bill that started out in the House, made its way through the Committee on Public Works, as it was known then, through the House, to the Senate Committee on Public Works, and then through a 10-month House-Senate conference, a remarkable meeting of Members of the House and Senate which, in a time very different from the times we experience recently, where Members actually participated, sat across the table from one another, not separated by staff, although I was a member of the staff at the time, not relegating their responsibilities to others, but actually participating vigorously with informed judgment, with strongly held views in shaping what everyone in that conference knew was going to be a new future for the waters of the United States.

That legislation was considered against a backdrop of 14 years of the Federal Water Pollution Control Act, crafted by my predecessor, John Blotnick, who was Chair first of the Subcommittee on Rivers and Harbors and then Chair of the Full Committee on Public Works, to clean up the Nation's waters.

In that year, 1955, and then following, in 1956, John Blotnick wanted to acquaint himself with the new responsibilities of being a chairman of the Subcommittee on Rivers and Harbors, and managing the inland waterways of the United States and the locks and dams and the harbors of this country, of the saltwater coast and the fresh water of the Great Lakes. So he journeyed down the Mississippi, part of the Ohio-Illinois river systems.

He was a biochemist by training, and a teacher of biochemistry, and observed that by the time he got to New Orleans, there was so much trash, discharge, waste, feces and raw phenols bubbling in the Mississippi River by the time they reached New Orleans, he was appalled. And he said the purpose no longer became how can we move goods through the inland waterway system and barges of this Nation, but how can we, what must we do to clean up this resource of fresh water.

On return to Washington that spring, he visited the Tidal Basin, the cherry blossoms in bloom, and he observed all of the debris and all of the foul smell in the Tidal Basin and called it the best dressed cesspool in America, and crafted a three-part program to deal with this problem of cleaning up America's waters.

□ 1745

And he undertook what was then a unique activity: a Dear Colleague letter. It's very common. We see them by the hundreds today. But it was very rare in 1955 and 1956 to do something of that nature, and reserved the Caucus Room of the Cannon House Office Building, which can seat over 600 people, because he thought so many would want to come and participate in this great enterprise of protecting America's waters and restoring our rivers and lakes.

And three people showed up: John Blotnick; Congressman Bob Jones from Alabama, who was elected in 1946, the same year as John Blotnick; and Murray Stein, an attorney in the U.S. Public Health Service whose office was, as John Blotnick described it, in the 7th sub-basement of HEW, the Health, Education, and Welfare building. And there they crafted broad outlines of what became the Federal Water Pollution Control Act.

Research, engaging the best minds in this country to understand what are the limiting factors in our waters that, if removed, would restore good health. Nitrogen, phosphates, toxics, phenols, how do you get them out of the water once they're in? How do you prevent them from getting in? The second point, treatment. Treating our wastes before they get into the receiving waters. And, third, an enforcement program to bring the States together to resolve common problems of enforcing a program of cleaning streams before they get into the receiving waters.

It was signed into law by President Eisenhower in 1956. It had $30 million in Federal funding, 30 percent Federal grants to municipalities to build sewage treatment facilities. It was supported by the garden clubs of America. They were the first ones, the leaders, seeing the need for a national program of clean water.

The next 3 years saw broad acceptance of this legislation, a need for increased funding. So John Blotnick proposed a successor to increase to $50 million Federal funding and 30 percent Federal grants and a stronger enforcement and more money for research. And that bill was vetoed by President Eisenhower with a veto message that read in its last sentence: ''Pollution is a uniquely local blight. Federal involvement will only impede local efforts at cleanup.''

But that was an election year. John F. Kennedy, Democratic candidate, committed to an expanded program of clean water. And he came in and signed a bill that moved through our committee for $100 million in Federal funding with 50 percent Federal grants and an expanded research and development and much stronger enforcement.

And over the succeeding years, the program grew, and so did our understanding of the broader needs and the broader reach of a Federal program to go beyond point sources but to get to the watershed, to go beyond the point of discharge, to reach further out into the country.

At the same time, great suds, mounds of suds, were floating down the Ohio River system and the Illinois River system and the Mississippi. And people were turning on their faucets and finding soap coming out instead of clean water. And then the Cuyahoga River caught on fire in 1968 in the town of the distinguished gentleman from Ohio (Mr. LATOURETTE), and the Nation was galvanized into action. That led to increased funding for the clean water program and a recognition that we need to have a much broader scope program.

So in 1970 the committee began extensive hearings on a much wider reach of the program. And in 1971 I was chief of staff of the Committee on Public Works when we began this much broader scope program.

The result of all these efforts was the Clean Water Act of 1972, whose opening paragraph reads: ''The purpose of this act is to establish and maintain the chemical, physical, and biological integrity of the Nation's waters,'' not just the navigable waters, which had been the signature word of previous legislation but the Nation's waters, going beyond what you can paddle in a canoe, going to the source of pollution.

That massive bill was vetoed by President Richard Nixon. But the veto was overridden by a 10–1 vote in the House and a similar 10–1 vote in the United States Senate and has remained our cornerstone act for maintaining the integrity of the Nation's waters.

It is our legacy to pass on to other generations that all the water there ever was in the world or ever will be is here now, and we have the responsibility to care for it. This Clean Water Act is our guarantee that it will be done.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to manage the time on this important resolution for the minority to commemorate the 35th anniversary of the Clean Water Act.

Clean water is critical to the Nation and our standard of living. The Clean Water Act has resulted in significant water quality improvement in the last 35 years. However, we still have work to do before all of our lakes and streams meet State water quality standards.

H. Res. 725 encourages the American people to recognize and celebrate the water quality improvements we have achieved and recommit ourselves to the goals of the Clean Water Act.

No committee in the Congress has done more to work towards the clean water goals that all of us want to achieve than the Transportation and Infrastructure Committee, which was called, as Chairman OBERSTAR has mentioned, the Public Works and Transportation Committee for many years before the new name. And no one man who has ever served in this Congress has done more than has Chairman JAMES OBERSTAR in working to achieve clean water in this country, first as a staff member and then staff director for 11 years for the committee and then for the last 33 years representing his district and, indeed, the entire Nation in working to clean the waters of this Nation.

And we have made great progress over that time. The leading liberal magazine, the New Republic, said in an editorial a short time ago that to listen to some people ''is to learn that the environment is in bad shape today and, with the smallest push, could be in disastrous shape tomorrow . . . Fortunately, this alarm is a false one. All forms of pollution in the United States,'' the New Republic said, ''air, water, and toxic materials have been declining for decades.''

In 1972 only 30 to 40 percent of our waters were estimated to have met water quality standards. Today, monitoring data indicate that 60 to 70 percent of our waters meet these goals and twice as many Americans are served by advanced or secondary wastewater treatment.

Twenty-five years ago, we were losing almost 400,000 acres of wetlands annually; yet the latest data collected by the U.S. Fish and Wildlife Service indicate that we are close to achieving a net gain in wetlands nationwide.

Our Nation's health, quality of life, and economic well-being rely on adequate wastewater treatment. Industries that rely on clean water, like farmers, fishermen, and manufacturers,

contribute over $300 billion a year to our gross domestic product.

To provide clean water, our Nation already has invested over $250 billion in wastewater infrastructure. But this infrastructure is now aging and our population is continuing to grow, increasing the burden on our existing infrastructure. If communities do not repair, replace, and upgrade their infrastructure, we could lose the environmental, health, and economic benefits of this investment. And no matter how much progress has been made in the past, you can always do better. People always need to improve, although we need to do this in a way that doesn't overregulate, but that brings about progress in a commonsense, practical manner and one that doesn't impede progress.

Various organizations have quantified wastewater infrastructure needs. The Congressional Budget Office, EPA, and the Water Infrastructure Network have estimated that it could take between $300 billion and $400 billion to address our Nation's clean water infrastructure needs over the next 20 years to keep our drinking water and waterways clean and safe. This is twice the current level of investment by all levels of government. These needs have been well documented in our committee and subcommittee hearings.

We can reduce the overall cost of wastewater infrastructure with good asset management, innovative technologies, water conservation and reuse, and regional approaches to water pollution problems. But these things alone will not close the large funding gap that now exists between wastewater infrastructure needs and current levels of spending.

Increased investment must still take place. That leads to the question where is the money going to come from. There is no single answer to that question. Municipal wastewater services are a State and local responsibility, but there is clearly a strong Federal interest in keeping our waters clean.

With all due respect to President Eisenhower, who I think was a great President and who, especially, was certainly right in warning about the dangers of the excesses of the military industrial complex, I believe there is a legitimate Federal interest in clean water in this country. The people in Tennessee drink the water and use the wastewater systems of people in other States, and the people of other States fish and swim and drink the water in Tennessee. So there is a legitimate Federal interest, I believe.

But what we need is an effective partnership between all levels, Federal, State, and local. That means all partners need to contribute. If we do not start investing in our wastewater system now, it is going to cost our Nation many billions more in the future if we delay.

In any event, the Federal Government, while its role is important, is not going to be able to solve this problem alone. The Democratic Governor of Montana told us at a committee hearing earlier this year that his State did not want the ''long arm of the Federal Government'' imposing regulations that would threaten the livelihoods of ranchers, farmers, and miners. He asked that the Federal Government be a ''partner and collaborator'' with the States in a joint effort to protect water resources.

Clarity and reasonableness and common sense are needed in the regulatory program. It is unknown exactly what are the maximum limits of Federal authority under the Clean Water Act. Neither Congress nor the courts have defined them explicitly. This uncertainty is a matter for much speculation and probably much future litigation. What we may ultimately need is legislation that clearly and reasonably delineates the Federal role and the State role and the local role in regulating activities affecting the Nation's waters.

While the historical perspective of the Clean Water Act is interesting and informative, we must decide under today's circumstances what is appropriate Federal regulation of the Nation's waters.

We should celebrate the 35th anniversary of the Clean Water Act by providing the tools and resources needed to achieve the goals of that act.

We need to reform the Clean Water Act State Revolving Loan Fund program to make it more efficient, effective, and flexible to improve the management of infrastructure assets, fund those activities that will best improve water quality, address the needs of small and disadvantaged communities, and encourage private financing of treatment works to help bring private resources to bear on the overwhelming needs of the Nation's water infrastructure.

It is also time to fashion new water quality management tools so we can continue the job of achieving clean water. These new tools could include utilizing more in the way of performance-based standards than rigid Federal mandates; harnessing market forces within the public and private sectors to safeguard and improve the environment more effectively; protect individual and private property rights; and adequately considering the costs and benefits of government actions so we can set priorities.

□ 1800

It is appropriate today that we celebrate this anniversary of the Clean Water Act, but we must be prudent as we go forward. We all want the same thing, clean water. I encourage all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds to thank the gentleman from Tennessee for his splendid statement, comprehensive, thoughtful overview of the needs of the Clean Water program, and also for his very generous comments about my service in the Congress.

I will also point out that the gentleman from Tennessee chaired the Water Resources Subcommittee for 6 years and led the committee in vigorous hearings on the issue of clean water, and we are the better for it.

I yield now such time as he may consume to the distinguished gentleman from Oregon (Mr. BLUMENAUER), the author of the resolution recognizing the 35th anniversary, and thank the gentleman for his splendid service to the Congress.

Mr. BLUMENAUER. I deeply appreciate the gentleman's courtesy in permitting me to speak on this, his kind words, and his leadership in expediting this legislation to come to the floor.

I am honored that Chairman OBERSTAR and Congressman DUNCAN are cosponsors of this legislation. And I was privileged to work on the Water Resources Subcommittee for those 6 years that Congressman DUNCAN chaired it, and it was a valuable and productive time. It was an opportunity for me to learn about this critical area.

And the reason we are introducing this resolution today is because of the history that was recounted by my good friend from Minnesota. There is nothing more critical to our survival than water. It is essential to our survival; it sustains human life. Its patterns have dictated the development of species and ecosystems, and more recently, of the bilky environment. I am pleased that we are celebrating this landmark legislation, and not just a celebration, but an opportunity to reflect upon what has worked and why, as my friend from Tennessee indicated, where we might go. We have an opportunity to understand where there are continuing challenges and what else needs to be done.

We must move beyond commemoration. We must make a commitment not to celebrate another milestone with the Clean Water Act without more demonstrable progress here at home and abroad. And I hope this resolution inspires further action that is both quick and ambitious.

Issues confronting us today and over the next 35 years are even more complex than when the Clean Water Act was enacted. There are still problems with pollution, water supply, infrastructure integrity, and the technical jurisdictional issues. The growth and development we've seen across the country compounds that. And global warming gives these issues a new sense of urgency. We just finished a meeting, and I know the Transportation and Infrastructure team met with officials from the Netherlands, who are dealing with immediate challenges with their water resources as a result of climate change, rising water levels and extreme water events.

Changing climate will have an influence on many aspects of our lives, and it will take many of them in the form

of water; floods, sea levels, drought. This will make water supply and quality issues much harder to deal with.

In the Pacific Northwest, for instance, where we rely heavily on hydroelectric power, where the snowpack in the mountains every year determines the amount of our drinking water, we have a sense of urgency as we watch that snowpack diminish.

Just this last month, there have been two additional reports highlighting the work in front of us. A report by the U.S. PIRG found that thousands of facilities across the United States continue to exceed the limits under their Clean Water Act permits; 57 percent violated those permit limits at least once during the year 2005, many for more than once, and many for more than one pollutant.

A report by Food and Water Watch found that the majority of States are facing current and projected wastewater infrastructure needs that are far out of line with their available funding. At the same time, Federal support for State and community wastewater projects has declined.

When my good friend first came to Congress in the early days of this program, 78 percent of the funding was supplied by the Federal Government in 1978. Now, maybe we don't want to return to those glorious days of yesteryear, but last year it was 3 percent of the funding. It undercuts the potential partnership that we have. And all of this at a time when our decaying water infrastructure was recently given a grade of D minus by the American Society of Civil Engineers.

For these reasons, I believe we need a sustainable, reliable, dedicated revenue source that will help communities address these important needs.

Clean water is critical to environmental and public health. But I think it also, as demonstrated by the action here on this floor, has the potential of bringing people together. Mr. OBERSTAR mentioned the history back in contentious times when there was an overwhelming vote to sustain a veto, not the easiest thing to do. As was shown by this bipartisan resolution, I found working with the Water Resources Subcommittee that this brings people together and there is common ground.

This bipartisan resolution is evident of recent polling that shows that more than eight in 10 Americans are very concerned about America's water, that it will not be clean or safe enough for their children or grandchildren. Eighty-nine percent of Americans say that ''Federal investment to guaranteed clean and safe water is a critical component of our Nation's environmental well-being.''

I hope that, even as we move beyond commemoration and towards addressing some of these critical unresolved issues, that we can keep the same spirit of bipartisanship.

I hope our colleagues will do more than just vote for this resolution. I hope we educate ourselves and our constituents about what it represents, what it represents in terms of the status of water quality and infrastructure in our own State and community, offer our own contributions to practical solutions, and, as I said, a dedicated trust fund and financial resources to do the job right.

Mr. OBERSTAR gave us 50 years of history in a very short period of time. I hope this commemoration is a point of departure for the next 50 months under the leadership of the chairman, with the work of Mr. DUNCAN, with a new administration that's coming to town, that we will have, over these next 50 months, a landmark in water quality, and I look forward to working with you all in achieving it.

Mr. DUNCAN. Mr. Speaker, Chairman OBERSTAR was kind enough to mention my 6 years as chairman of the Water Resources Environment Subcommittee. I tried to have an active subcommittee with many hearings because I thought that that work was among the most important that the Congress could deal with, and that's why I'm here tonight, because I don't believe there is any topic, or very few topics, anyway, more important than clean water. And certainly the gentleman from Oregon (Mr. BLUMENAUER) was one of the most active members of that subcommittee.

Another member, though, who has also been very active on these issues is the gentleman from Illinois (Mr. KIRK), and I yield him such time as he may consume.

Mr. KIRK. I thank the gentleman, and I rise in celebration of this, one of the most important environmental laws in the history of our country, the Clean Water Act.

For 35 years, the Act has helped limit the discharge of pollution that poisons our water and our beaches. I think it's not enough just to commemorate groundbreaking legislation. As illness, beach closings, habitat loss, and billions of dollars in lost economic opportunity and environmental damage continue, Congress should move to strengthen the Clean Water Act.

This year sheds particular light on a gaping hole in the Clean Water Act. Just a few months ago, we learned that the State of Indiana ended a decade-long dumping ban in the Great Lakes, allowing British Petroleum to increase by 54 percent its ammonia dumping in Lake Michigan, and adding 35 percent more sludge to the lake each day. It was only due to the vigilance of citizens and environmental organizations and lawmakers around the Lake Michigan shore that we got BP to back down.

Thanks to the thousands of Illinois volunteers, BP has now agreed to maintain its current discharge levels. But shockingly, the permit that was issued by the State of Indiana was completely allowed under the current Clean Water Act. Now, Indiana is once again seeking to renew a discharge permit that failed to protect Lake Michigan.

The draft permit for United States Steel—Gary Works, already the largest polluter of Lake Michigan, will delay for 5 years compliance with Clean Water Act limits on dangerous toxic chemicals such as mercury, free cyanide, zinc, copper and ammonia.

The draft permit sets a very weak standard for mercury, oil and grease, free cyanide and other harmful pollutants. It also would allow United States Steel to follow a 10-year-old storm water pollution prevention plan.

I want to commend the Environmental Protection Agency, especially from my region, for at least delaying the issuance of this Indiana permit because I think this permit fails to protect the people that depend on Lake Michigan for their drinking water.

Current law right now will fail to protect the drinking water for nearly 30 million Americans who rely on the Great Lakes. I believe it's time to commit this Congress to upgrade our Federal protection of the Great Lakes under the Clean Water Act. We should move forward in a bipartisan way to enact a complete future ban on all dumping in the Great Lakes and bring forward a 21st century clean water act that builds on the tradition that we commemorate today.

Mr. OBERSTAR. Mr. Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 2 minutes remaining, and the gentleman from Tennessee has 8½ minutes remaining.

Mr. DUNCAN. Mr. Speaker, I will just simply close for our side by saying that I think this is a resolution that all of our Members can support. And it is very appropriate to commemorate this 35th anniversary of, as the gentleman from Illinois just said, one of the most important environmental pieces of legislation that this Nation has ever seen.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time, first to observe that Congresswoman EDDIE BERNICE JOHNSON, Chair of the Water Resources Subcommittee, would have been here to manage this bill were it not for the death of her mother. And we join with her in mourning that loss. I know that she and her mother were very, very close. She spoke so warmly of her mother so often, and we join in prayers for both of them.

We have engaged in spacecraft missions to the Moon, to Mars, to Saturn, to the asteroid belt in quest of water. The very first effort is to look for water on distant planetary objects in our system, for primitive life forms that may exist in that water, and yet we have not looked closely enough at the water here on Earth.

This recognition of the 35th anniversary of the Clean Water Act will give us that opportunity to stop, to reflect upon the journey that we have made

over these three and a half decades, and the journey yet ahead of us to clean up that remaining one-third, to protect that other two-thirds of water, to pass on to the next generation this priceless heritage of fresh water, that we do not have to go wandering in space looking for water that we may have destroyed on Earth so that we may bring it from some extraterrestrial planetary system to replenish our fresh water on Earth. No, let us be custodians of that fresh water that we have. It's only 2 percent of all the water on Earth. Let us resolve and renew our efforts. Let's resolve to maintain the purpose of that Clean Water Act, to protect the waters of the United States.

Mr. EMANUEL. Mr. Speaker, I rise today in support of H. Res. 725, to commemorate the 35th anniversary of the Clean Water Act. This landmark legislation established the basic structure for our national commitment to restoring and maintaining the environmental integrity of our Nation's waters.

When the Cuyahoga River caught fire and Lake Erie was declared "dead", Congress finally took action and passed the Clean Water Act, which is now the cornerstone of surface water quality protection in the United States. The statute employs a variety of regulatory and nonregulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

Even as the population of the United States has increased by close to 50 percent, the Clean Water Act has enabled our waterways to show dramatic improvement in water quality. In 1972, only one-third of the country's waters met water quality goals—today two-thirds do.

And for those of us who live in the Great Lakes region, the success of the Clean Water Act is even more personal and poignant. As a kid, my brothers and I used to have to hold our breath to swim past the dead fish in Lake Michigan before we could pop up and play in the cleaner water. Today, my children are able to enjoy a much cleaner Lake Michigan.

This success deserves our praise, but at the same time, we must recognize that there is still much work to be done. We have the opportunity to recommit ourselves to the goals and objectives of the Clean Water Act by dedicating ourselves to working toward a sustainable, long-term solution to the Nation's decaying water infrastructure. Recent events involving BP and U.S. Steel looking to expand the pollutants they discharge into Lake Michigan heighten concern for those of us who are committed to protecting and restoring the Great Lakes. The Great Lakes provide drinking water and recreation for over 30 million people, and they are the economic engine that drives the Midwest. The Clean Water Act has helped preserve this national treasure, but we have more work to do to restore it and invest in the environmental and economic health of the Great Lakes region.

Mr. Speaker, clean water is not a partisan issue. I am proud to have worked with my colleagues on both sides of the aisle to fight to clean up our Lakes, and I will continue to do so. The Clean Water Act has been a fundamental tool in the protection of our Nation's environment, and I hope my colleagues will join me in commemorating this important legislation and its accomplishments by supporting H. Res. 725.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 725.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1815

## RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) recognizing the importance of America's Waterway Watch program, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 549

Whereas the United States has a maritime border that exceeds 95,000 miles;

Whereas the Department of Homeland Security has begun to focus greater attention on potential security threats from small vessels and the importance of increasing maritime domain awareness;

Whereas the Coast Guard currently conducts a maritime homeland security public awareness program called America's Waterway Watch program;

Whereas America's Waterway Watch is a public outreach program to encourage America's 70,000,000 boaters and others who live, work, or engage in recreational activities around America's waterways to maintain a heightened sense of awareness in the maritime domain and report suspicious and unusual activities to the Coast Guard National Response Center and other appropriate law enforcement agencies;

Whereas America's Waterway Watch program educates the public on what suspicious activity is and provides a toll-free telephone number, (877) 24–WATCH, for the public to report such activity to prevent terrorism and other criminal acts;

Whereas the Coast Guard promotes this program by distributing educational materials, boat decals, posters, and reporting forms to recreational boaters, marine dealers, marinas, and other businesses located near waterways;

Whereas America's Waterway Watch program acts as a force multiplier for the Coast Guard and local law enforcement and builds on local and regional security programs;

Whereas the Department of Homeland Security conducted a National Small Vessel Security Summit on June 19 and June 20, 2007, to educate small vessel operators and other stakeholders on current security risks and initiate dialogue on possible solutions to mitigate gaps in United States maritime domain awareness; and

Whereas, during the National Small Vessel Security Summit, participants highlighted America's Waterway Watch program and recognized its importance to increasing maritime domain awareness: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the importance of increasing maritime domain awareness;

(2) encourages those who live, work, or engage in recreational activities around America's waterways to maintain a heightened sense of awareness in the maritime domain and report suspicious and unusual activities to appropriate authorities; and

(3) supports the goals of America's Waterway Watch program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 549.

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

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume. House Resolution 549, introduced by Congressman GUS BILIRAKIS, recognizes the contributions made to our Nation's security by the Coast Guard's Waterway Watch program. As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I strongly support the Waterway Watch program, and I support the resolution offered by the gentleman from Florida.

Put simply, America's Waterway Watch program enlists the 70 million Americans who work, play or live around our Nation's waterfronts, rivers, lakes, and coastal regions to become part of our Nation's first line of defense by observing and reporting suspicious activities. Founded by the Coast Guard in 2004, the Waterway Watch is similar to earlier Coast Watch programs instituted during World War II.

At the time, the Coast Watch program was comprised of a group of volunteers who scanned our coasts for U-boats threatening U.S. shipping. Today, America's Waterway Watch calls on volunteers to aid in the war on terrorism on our home front. People are advised to take note of suspicious activities and, if it can be done safely, they are encouraged to take photographs or videotape of the occurrence. Observers are then asked to immediately report incidents they have witnessed by calling 911 or the America's Waterway Watch 24-hour national toll-free telephone number, 1–877–24–WATCH. Reported information is then sent to the National Response Center located at Coast Guard headquarters to be evaluated and dispersed to local Coast Guard responders.

I emphasize that this watch program is meant to be a simple deterrent to potential terrorist activity by asking

those who frequent our waterways, ports, and waterfront areas to report events and people that seem out of place. It is not a surveillance program and is not meant to spread paranoia.

Mr. Speaker, as chairman of the Coast Guard and Maritime Transportation Subcommittee, I also commend the Coast Guard Auxiliary, which is at the forefront of the Waterway Watch program. The auxiliary is the uniformed civilian component of the Coast Guard. It is primarily responsible for implementing programs that serve the recreational boating community. In fact, the auxiliary helps to promote America's Waterway Watch through their well-established recreational boating safety programs.

I also commend the Nationwide Insurance Company, which has supported the Waterway Watch program by giving the Coast Guard Auxiliary Association a $96,000 grant to support the auxiliary's role in the Coast Guard's maritime homeland security missions. The grant funded the purchase of Waterway Watch stickers that boaters can display on their boats. It also funded the printing of brochures, wallet cards, and posters that provide pertinent information on the watch program, including detailing how citizens can become involved in the program and listing the numbers that can be called to report suspicious activities.

The Coast Guard's active duty, Reserve and auxiliary forces have united with the U.S. Immigration and Customs Enforcement Agency, U.S. Customs and Border Protection, and the Federal Bureau of Investigation, and local law enforcement agencies to detect and deter threatening activities at waterfront facilities.

However, there are some 95,000 miles of shoreline, 300,000 square miles of waterways, 6,000 bridges, 360 ports of call, and 12,000 marinas in the United States; and the Coast Guard and other first responders simply cannot watch all of these facilities all the time. America's Waterway Watch program ensures that ordinary citizens can help our Nation's uniformed agencies protect our homeland simply by remaining vigilant in their own communities.

Mr. Speaker, in closing, I again express my support for America's Waterway Watch program, which helps keep citizens involved in watching our Nation's shores and waterways, and recognizes the importance of the service they are providing. I urge my colleagues to adopt H. Res. 549 and again commend Congressman BILIRAKIS for his work on this measure. I also congratulate and thank my colleague, the ranking member of our Coast Guard and Maritime Transportation Subcommittee (Mr. LATOURETTE), for his cooperation in this bipartisan effort.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to thank the subcommittee chairman, Mr. CUMMINGS from Maryland, for bringing this important measure to the floor in such a bipartisan way. I enjoy continuing to work with the chairman on a variety of matters that affect the Coast Guard and our Nation's maritime industry.

Mr. Speaker, I rise in support of House Resolution 549, which recognizes the importance of America's Waterway Watch program in enhancing our Nation's maritime security. America's Waterway Watch was established by the Coast Guard to encourage America's 70 million recreational boaters to report suspicious activity in the maritime environment to local law enforcement agencies. The program is a nationwide initiative that is similar to the Neighborhood Watch program that is so effective in many of our neighborhoods back home.

Through America's Waterway Watch program, the Coast Guard, the Coast Guard Reserve, and the Coast Guard Auxiliary are actively educating the public on actions and behavior that constitute suspicious activities. These outreach efforts are being made in cooperation with our Nation's recreational boaters, marine dealers, marinas, and other businesses located near waterways. America's Waterway Watch program acts as an important force multiplier for Coast Guard and local law enforcement and enhances the capabilities of local and regional security programs.

Mr. Speaker, I want to commend the resolution's sponsor, the gentleman from Florida (Mr. BILIRAKIS), and all of the other cosponsors for rightly recognizing this important community program.

Mr. Speaker, I urge all of the Members of the House to support this resolution.

I reserve the balance of my time.

Mr. CUMMINGS. We will reserve, Mr. Speaker.

We have no other speakers.

Mr. LATOURETTE. I thank the chairman.

At this time, it is my pleasure to yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS), the author of the resolution.

Mr. BILIRAKIS. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 549, a resolution that I have introduced to recognize the importance of increased maritime domain awareness and support the goals of America's Waterway Watch program. It has become clear in the years since 9/11 that all Americans have a shared responsibility for our country's security. That is why I am pleased to highlight the importance of a program that encourages citizens to do their part to strengthen our homeland defenses.

The Department of Homeland Security has begun to focus greater attention on potential security threats from individuals aboard small vessels and the importance of increasing maritime domain awareness. Many of us who represent coastal States already know and understand how vitally important it is to take reasonable and appropriate security precautions to secure our maritime borders from such threats.

The Coast Guard currently conducts a maritime homeland security public awareness program called America's Waterway Watch. This program, which is the maritime equivalent of a Neighborhood Watch program, encourages boaters and others who live, work or engage in recreational activities around America's waterways to maintain a heightened sense of awareness and report suspicious and unusual activities.

This voluntary public outreach program educates America's 70 million boaters about the types of suspicious activities they should be looking for and encourages them to report any such abnormalities to the Coast Guard's National Response Center, which is manned 24 hours a day at 877–24–WATCH. Calls to the center are immediately evaluated and, if necessary, acted upon by local Coast Guard sector assets and other law enforcement authorities.

This program, which the Coast Guard promotes by distributing educational materials and other information to recreational boaters, marine dealers, marinas and other businesses located near waterways, acts as a force multiplier for the Coast Guard and local law enforcement to help increase maritime domain awareness and strengthen maritime security.

There is no question that we need to improve waterway security and bolster our maritime defenses. However, it is critically important that we do so in a reasonable and responsible manner with the input and advice of America's recreational boaters and manufacturers.

I am pleased that the Department of Homeland Security conducted a National Small Vessel Security Summit in June to educate small vessel operators and other stakeholders on current security risks and initiate a dialogue about possible solutions to close whatever gaps exist in our maritime security.

Summit participants highlighted America's Waterway Watch and its contributions to increasing maritime domain awareness and urge greater support for it. I agree that America's Waterway Watch program is a sensible and reasonable step toward bolstering our maritime defenses without imposing costly and confusing new regulations on recreational boaters who play an important economic role in my district. I look forward to a continuing and productive dialogue between them and Federal Homeland Security officials before any rules or mandates are proposed.

Before I finish, I want to thank Transportation and Infrastructure Committee Chairman JAMES OBERSTAR and Chairman CUMMINGS and Mr.

LATOURETTE from Ohio and particularly also my Florida colleague, Ranking Member JOHN MICA, for moving this resolution through their committee and allowing it to come on the floor today. I also want to thank my colleagues from Florida who have shown their bipartisan support for this resolution, which is indicative of how important the issue of marine security is for our State. I would like to thank all of our colleagues who have cosponsored this particular resolution.

Mr. Speaker, I believe it is necessary to emphasize the importance of increasing maritime domain awareness and encourage recreational boaters and others to report suspicious and unusual activities, which is what America's Waterway Watch program does. I urge all of my colleagues to embrace the goals of this program and our shared responsibility for homeland security by supporting House Resolution 549.

Mr. CUMMINGS. Mr. Speaker, I continue to reserve.

Mr. LATOURETTE. Mr. Speaker, I would advise my friend, the distinguished chairman of the subcommittee, that we have no additional speakers, and if he is prepared to yield back, I will yield back the balance of my time.

Mr. CUMMINGS. We are prepared to do so.

Mr. LATOURETTE. I yield back the balance of my time and urge adoption of the resolution.

Mr. CUMMINGS. Mr. Speaker, we urge Members to vote for this very meaningful resolution, and we wholeheartedly support it. I want to thank the sponsor for his thoughtful piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 549.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1830

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 716) expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 716

Whereas more than 200,000,000 American adults use the Internet in the United States, 70 percent of whom connect through broadband connections, to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which represent more than 99 percent of all United States employers and employ more than 50 percent of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas almost 9 in 10 teenagers between the ages of 12 and 17, or approximately 87 percent of all youth, use the Internet;

Whereas the number of children who connect to the Internet at school continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach teenaged users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cyber security is a critical part of the Nation's overall homeland security;

Whereas the Nation's critical infrastructures rely on the secure and reliable operation of information networks to support the Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber attacks have been attempted against the Nation and the United States economy, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and information infrastructure holders face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and can cause extensive economic harm;

Whereas coordination between the numerous Federal agencies involved in cyber security efforts, including the Department of Homeland Security, the National Institute of Standards and Technology, the National Science Foundation, and others is essential to securing America's critical cyber infrastructure;

Whereas millions of records containing personally-identifiable information have been lost, stolen or breached, threatening the security and financial well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and the need for enhanced computer security in the United States;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month to provide an opportunity to educate United States citizens about computer security: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) intends to work with Federal agencies, national organizations, businesses, and educational institutions to encourage the voluntary development and use implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 716, the resolution now under consideration.

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

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 716, a resolution to applaud the goals and activities of National Cyber Security Awareness Month. The Science and Technology Committee has been a leader in the Congress supporting efforts to promote better security in cyberspace, and I am pleased to be able to help raise awareness of this crucial issue.

Each year, Americans become more and more dependent on technology for their daily lives. More than 200 million people in this country use the Internet for shopping, for education, for socializing, for information gathering, for banking and entertainment. An increasing number of Internet users are children and seniors. The Internet is looking more and more like real life.

Mr. Speaker, unfortunately, with this growth in usage, we have also seen a startling increase in cybercrime. Bank accounts are being hacked, children are being bullied and harassed on social networking sites, and personal information is being stolen from retailers, universities, and even government agency databases.

The United States Computer Emergency Readiness Team, US-CERT, found that security threats to personally identifiable information grew 500 percent between the first quarter of 2006 and the first quarter of fiscal year 2007 to 103,000 reports. Identity theft has topped the list of complaints consumers filed with the FTC for the 7th year in a row, accounting for 36 percent, or nearly 250,000 complaints.

Mr. Speaker, financial crimes are not the only issue; 32 percent of teenagers who use the Internet say they have been victims of cyberbullying. Criminals and terrorists can also use cyberattacks to affect infrastructure, potentially causing physical or economic devastation.

These data breaches and other cybersecurity threats come at a huge cost to consumers and to businesses. GAO reports that 31 companies that responded to a 2006 survey said that data breaches cost an average of $1.4 million per breach. Consumers lose valuable time and energy fixing their credit and recovering lost funds. Clearly, we as a Nation must make a stronger effort at securing cyberspace.

Mr. Speaker, that is why I join with my colleagues in applauding the efforts of the National Cyber Security Alliance, a public-private partnership focused on improving cybersecurity for home users, for small businesses and for educational institutions.

I especially want to thank Chairman LANGEVIN, Mr. MCCAUL, Chairman WU, Dr. GINGREY, Ms. LOFGREN, Mr. LUNGREN, Chairman THOMPSON, Mr. KING, Chairman GORDON, and Mr. HALL for introducing this resolution. Their leadership during National Cyber Security Awareness Month and year round will help protect us from cybersecurity breaches in all forms.

The National Cyber Security Alliance conducts public education campaigns to alert computer users to potential threats and provides guidance on best practices. They organize events for businesses, universities and the public to raise awareness of cybersecurity. This resolution draws attention to this important organization and the critical cause that they champion.

Mr. Speaker, I urge my colleagues to support this resolution commemorating National Cyber Security Awareness Month.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I rise in support of H. Res. 716 and yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas for his advocacy on behalf of this resolution. Information technology has become an integral part of our lives. It shapes how we communicate, how we entertain, and how we work with one another. Computers route our phone calls, print our paychecks, constantly tune our Nation's power plants and transmission lines to meet our energy demands. The extent to which our Nation's infrastructure, economy and way of life depend on computers is simply astounding.

Unfortunately, this reliance on information technology has also left us vulnerable to cyberattacks, viruses and worms, as well as identity theft. The National Cyber Security Alliance is a public-private partnership whose mission is to improve the safety of our computer networks at home and at work against those threats.

Mr. Speaker, the NCSA has declared October National Cyber Security Awareness Month and is sponsoring events throughout the country to raise awareness of the significant cybersecurity issues that we face as a Nation. There are straightforward steps we can take as individuals on our personal computers to help protect ourselves.

The NCSA has a Web site to help consumers and small businesses to prevent or respond to cyberattacks at StaySafeOnline.org. It includes tips such as how to create strong passwords, how to protect your children online, and what to do if you think something goes wrong. As part of Cyber Security Awareness Month, we should all visit StaySafeOnline.org and consider how we can better protect ourselves, such as by ensuring antivirus applications are installed and up to date.

Mr. Speaker, I applaud the organizations and agencies involved in the National Cyber Security Awareness Month for their efforts to help us all become more responsible and safer computer users. With that, I thank the gentleman from Texas (Mr. LAMPSON).

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Res. 716, a resolution supporting the goals and ideals of the National Cyber Security Awareness Month. I want to thank my ranking member, Mr. MCCAUL, for his support of this resolution. I commend the other gentleman from Texas for his leadership on this issue as well.

Each year the National Cyber Security Division of the Department of Homeland Security joins with the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, and other partners to support National Cyber Security Awareness Month. The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cybercrime incidents.

Mr. Speaker, these safeguards taken by everyday home and office users are a critical component in protecting not only these individuals themselves, but the larger universe of computer and Internet users as well. We all have a role to play. Unfortunately, though, it would be dangerous to believe that simple steps by end users will sufficiently combat the larger threats associated with an increasingly networked society.

As chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have held a number of hearings this year on our Nation's cybersecurity posture and the various vulnerabilities in our critical information infrastructure. This is an area where I plan to hold increasing hearings and provide intense oversight because cybersecurity vulnerabilities can significantly impact our national and economic security.

Mr. Speaker, we all know that security networks can help prevent problems like identity theft, but secure networks can also protect our nuclear power plants, our electric grids and other critical infrastructure.

Sadly, the issue of cybersecurity has been largely ignored and misunderstood for far too long. This is an area that needs greater attention and far greater oversight, making sure that both government is doing what it is supposed to do, as well as the private sector, to make sure that our computer networks are as secure as they possibly can be. This is truly an issue of national security.

The oversight that the Homeland Security Committee is undertaking will help change that, but much work remains to be done. I want to commend Chairman BENNIE THOMPSON for the attention that he has given this issue as well.

We must continue to bring together greater attention to this issue by dedicating resources to securing cyberspace, such as increased funding for cybersecurity research and development, but we must also demand accountability and prompt action from those officials tasked with developing comprehensive strategies for securing cyberspace.

I am proud to recognize October as National Cyber Security Awareness Month, and I hope that the passage of this resolution will bring greater attention to the importance and urgency of securing cyberspace.

I want to thank Chairman GORDON for his leadership in bringing this measure to the floor. Again, I want to thank my ranking member, Mr. MCCAUL from Texas, for his partnership in highlighting the importance of cybersecurity, and I urge all of my colleagues to join me in supporting this important resolution.

Mr. FEENEY. Mr. Speaker, I am delighted to yield 2 minutes to my friend, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in support of House Resolution 716. While the Internet offers a multitude of benefits, it can also pose threats, such as

identity theft and online scams. It is important to raise awareness of these threats and how they can be avoided.

Cybersecurity is also critical to our national security. A cyberattack against our Nation could cripple our communications, destroy our energy grids and damage our economy. We must take proactive steps today to prevent and respond to future attacks.

I also commend the Air Force for establishing a Cyber Command. Our Nation must be able to defeat any adversary on tomorrow's cyberbattlefield.

I thank my friend from Florida (Mr. FEENEY) for yielding time, and I urge my colleagues to support this resolution.

Mr. LAMPSON. Mr. Speaker, I reserve my time.

Mr. FEENEY. I want to thank my friend from California.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the gentleman from Florida.

Mr. Speaker, I want to thank the Members who introduced the bill. I want to thank Chairman LANGEVIN, who I have worked with very closely on this.

Mr. Speaker, I rise today to urge the passage of this resolution, which supports the goals and ideals of National Cyber Security Awareness Month. While I believe it is important to recognize the need for cybersecurity awareness, this is an issue that should not be limited to just one month. Cybersecurity should be on the minds of all of us throughout the entire year.

Computers and the Internet have become an integral part of American business, government and lifestyle. Over 200 million Americans use the Internet on a regular basis. Companies, both large and small, rely on the Internet to manage their business, expand their customer reach and enhance their connection with their supply chain.

Almost 90 percent of all youth use the Internet, and the vast majority of those use the Internet at school. It is important that these children are taught to use the Internet in a safe and secure manner. This will not only protect their own systems from attack, but will provide for their physical safety.

Cybersecurity is also a critical part of our Nation's overall homeland security. The systems that control and monitor our dams, power grids, oil and gas supplies, as well as our transportation systems and other critical manufacturing processes, are connected to the Internet.

Right now, a terrorist organization or a hostile nation-state could disrupt our critical infrastructure systems and do serious damage to our economy without even entering our country. Appropriate cybersecurity practices are essential to overall security.

The dangers associated with online behavior are becoming more and more common. These threats range from spam, viruses and identity theft to complex computer attacks created by organized crime, terrorist organizations and possibly nation-states designed to steal sensitive information through espionage.

Organizations, such as National Cyber Security Alliance, are making it their mission to increase awareness of cybersecurity and technologies to home users, students, teachers and small businesses. These organizations deserve to be recognized for their good work and be supported.

While there is much to do, cybersecurity awareness is growing. The Congress has a role to play in encouraging the use of proper cybersecurity practices and technologies throughout our country. National Cyber Security Awareness Month provides a solid platform from which to improve cybersecurity awareness in our country, and I am pleased that this Congress is supporting its ideals and its goals. We have much more work to do, but being aware of the need for cybersecurity is a necessary first step.

Mr. LAMPSON. Mr. Speaker, I continue to reserve my time.

Mr. FEENEY. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I wanted to talk a little bit about my dad. My dad is 89 years old. He has never owned a credit card. He has never even had a digital telephone. He doesn't have a computer. He doesn't have Internet. He is not interested in any of it. And yet, as removed as he might be from computer technology on a day-to-day basis, as it would appear in his personal life, the truth of the matter is, no one is isolated from high tech today.

□ 1845

His veterans payments, his Social Security payments, his bank transfers, his Medicare, all of this comes to him through computer networks. If anybody messes up those computer networks, my 89-year-old dad will not get the services that he needs. That's why this is so important today.

Today there are some 64,000 hacker programs that are available to consumers for free. In addition, there are 12,000 that if you pay $1,000 for them, you get 1 year's support. Support for a hacker program, can you imagine that. And America's computers are absolutely under siege.

I am proud that in 2002 Armstrong Atlantic University in Savannah, Georgia, began its Regional Center for Cybersecurity Education and Training. This was part of the G–8 Summit which was held in Savannah, Georgia, in 2004, and they played a key role in the law enforcement efforts surrounding the G–8.

Since then, Armstrong Atlantic University has taken on partners of Washington Group International and Bridgeborn, and they are offering all kinds of computer security training programs, from simulating and modeling to visualization, covert channels, cybersecurity and security of networks.

Why is this important? Now, Mr. MCCAUL said there are 200 million U.S. citizens connected to the Internet. It is even more than that. The numbers of people with access have increased over 182 percent from 2000 to 2005. In 2006, total nontravel-related spending on the Internet is estimated to be over $100 billion. That is a 24 percent increase over 2005. In 2005 the FBI has estimated that American businesses lost $67 billion because of computer crime, and that number of $67 billion in 2005 has moved to over $105 billion in 2007.

The United States is the location of 40 percent of the known command-and-control servers; and because of that, we are the target of attack after attack. Most of these are executed by botnets, which are a collection of broadband-enabled PCs hijacked during virus and worm attacks and seeded with software that connects back to a server to receive communications from a remote attacker. In other words, the botnets all work together to simultaneously and consistently and constantly attack computer networks, such as the Department of Defense, the Centers for Disease Control, and the Department of Energy.

In fact, in America our governmental computers alone get millions of attacks each and every day. It is something that we all should be very concerned about. The United States was the top country for malicious activity, making up over 31 percent of the worldwide total.

Personal information, for example, on veterans in May 2006 was taken home with a Veterans Administration employee, and 26 million veterans had their own personal information compromised simply because one employee took a laptop home. Now 25 years ago that may have required a truckload to carry that many files home. But just think about it, all he did was take a laptop home. And if the employee's house had not been broken into and the laptop stolen, we still might not have known about it. The Department ended up spending $200,000 a day just to operate a call center to explain to veterans how this might affect their service. Of course, there are class action lawsuits that have followed, and there will be a lot more discussion about that.

In September 2000, a 16-year-old young man in Florida intercepted 3,300 e-mails from one Department of Defense operation. He also stole 13 NASA computers.

In February 2001, Gary McKinnon of London took a poorly secured Windows system of NASA and the Pentagon and 12 other military operations and caused almost $1 million worth of damage by just basically playing around.

We know that in March 2007 Max Ray Butler, a 27-year-old computer expert

working as an FBI informant was indicted on 15 criminal counts for allegedly hacking into the U.S. Department of Defense Air Force and other computer-sensitive systems.

The list goes on and on, even to the extent that you have folks in China and North Korea purposely attacking American systems. I will submit some of these for the RECORD, but the list goes on and on. That is why it is very important for us to support this legislation and have Members talking about it and knowledgeable.

If you think about cybersecurity now, the cost of it is more than what it is for the illegal drug trade in America. This is a huge problem, but it is kind of a quiet problem and this resolution helps raise its visibility.

Mr. FEENEY. Mr. Speaker, I have no further requests for time, I thank the gentleman from Georgia and the gentleman from Texas, and I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I just want to encourage all of our colleagues to support this legislation. It is critically important, and I want to express my appreciation to all of the sponsors who made such a tremendous effort to bring it here to the floor.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 716.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## HONORING THE 50TH ANNIVERSARY OF THE DAWN OF THE SPACE AGE

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 225) honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 225

Whereas the dawn of the Space Age took place on October 4, 1957 with the launch of Sputnik 1, an event that was followed soon after by the American launch of Explorer 1;

Whereas the exploration of space evolved from cold war competition into an endeavor that has been marked by significant international cooperation, with results that have benefitted all humanity;

Whereas a new chapter in space exploration was opened when cosmonauts and astronauts first orbited the Earth in the early 1960s, culminating in the historic first steps taken by astronauts Neil Armstrong and Edwin E. Aldrin Jr. on the Moon in 1969;

Whereas robotic explorers have ranged throughout the solar system, with Voyager and Pioneer spacecraft now on the verge of entering interstellar space;

Whereas from space, we have been able to increase significantly our understanding of the universe and its origin;

Whereas observations from space have enabled large scale monitoring of the Earth's weather and climate;

Whereas satellites have become a part of our daily lives, transforming communications, navigation, and positioning;

Whereas the competition that accompanied the dawn of the Space Age reinvigorated the Nation's interest in science and technology, leading to an increased investment both in research and in science, technology, engineering, and mathematics education;

Whereas these investments contributed to the development of a technologically skilled generation of Americans that has led the world in innovation and accomplishment;

Whereas the new global competition for preeminence in science and technology and innovation has led to a call for a renewed commitment to research and to science, technology, engineering, and mathematics education akin to that which followed the dawn of the Space Age; and

Whereas Congress has responded by renewing our national commitment to science, technology, engineering, and mathematics education with the recently enacted America COMPETES Act: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) honors the 50th anniversary of the dawn of the Space Age;

(2) recognizes the value of investing in America's space program; and

(3) declares it to be in America's interest to continue to advance knowledge and improve life on Earth through a sustained national commitment to space exploration in all its forms, led by a new generation of well educated scientists, engineers, and explorers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and to include extraneous material on H. Con. Res. 225, the resolution now under consideration.

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

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the space age arrived with a roar of the Soviet launch of Sputnik, which propelled our Nation, the leader of the free world, into a space race. We recognized we faced a challenge, and we responded. We made smart investments in our people and in knowledge acquisition to enable us to compete technologically.

Specifically, we invested in what we now call STEM education, and we invested in science and engineering research. Those investments brought us preeminence in a new area of endeavor, and they inspired a generation of engineers and scientists.

And just 12 years later, two Americans, Neil Armstrong and Buzz Aldrin, stood on the surface of the Moon. The competition with the Soviet Union on a world stage is what drove us initially, but it was strongly coupled with America's innate yearning to explore and discover.

America was settled by people who already had lives elsewhere, but who wanted something more. They wanted to find out what was over the horizon. They wanted to determine if there was a better way. We are here today, we are the beneficiaries of that restless energy and that hard work.

An array of spacecraft high above works for us. Satellites monitor weather and climate, forest fires, pollution, the growth of cities, and even the shrinking of ice mass. They augment our infrastructure by providing positioning information, and television, radio, telephone and e-mail communications. They help our Nation remain secure. And they serve our restless need to always know more as they go on missions for us throughout the solar system and, soon, even beyond that boundary.

Every day people benefit: farmers, surveyors, pilots and sailors, and even moms using GPS to get the kids to soccer practice. For all of our relatively small investment, we get a lot back. That investment is a start-up payment that calls forth the strength of American entrepreneurship and taps America's restless energy.

Today we must not sit back, content with these benefits that we owe the previous generation. It is not American in nature to do so.

Congress recognizes that our Nation again faces a challenge. This time our adversaries are economic. In the space race we demonstrated the winning strategy and we need to maintain that commitment to a strong national space program. That includes human exploration beyond low Earth orbit, including missions to the Moon and beyond because rising to that challenge will bring out the best of us as a people.

In addition, we must renew America's investment in STEM education, in science and engineering research.

Congress got this under way with the recently enacted America COMPETES Act, and Congress will need to provide sustained support if we are going to maintain American technical superiority and if we are going to again inspire the world with our accomplishments.

I want to thank Chairman GORDON for his leadership in introducing this legislation. I also want to thank Representatives MARK UDALL from Colorado and RALPH HALL from Texas and TOM FEENEY from Florida who have joined me as original cosponsors of this legislation. We want to honor this historic anniversary by offering this concurrent resolution.

I would like to close by quoting a few lines and key phrases, namely: ''Now, therefore, be it resolved by the House

of Representatives, that the Congress honors the 50th anniversary of the dawn of the space age; recognizes the value of investing in America's space program; and declares it to be in America's interest to continue to advance knowledge and improve life on Earth through a sustained national commitment to space exploration in all its forms, led by a new generation of well-educated scientists, engineers and explorers.''

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I rise in support of H. Con. Res. 225, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 225 honoring the 50th anniversary of the dawn of the Space Age and the ensuing 50 years of productive and peaceful space activities.

Fifty years ago, only 12 years after the end of World War II, America was enjoying the unprecedented peace and prosperity that characterized the 1950s.

But on October 4, 1957, America was shaken out of its technological complacency. The Soviet Union launched a beeping 180-pound aluminum satellite into orbit. Sputnik's capability was a wake-up call because it represented a threat to America's national security and technological preeminence.

Our early space program was born out of a clash of ideals between civilizations and systems of government, but it reinvigorated our interest in science and technology leading to increased investment in both research and in science, technology, engineering, and mathematics education.

These investments contributed to a technologically skilled generation of Americans that has led the world in innovation and accomplishments.

Our leadership over the last 50 years has encouraged international partnerships that allow us to harness the imaginations and technical talents of many nations for the benefit of all mankind. There is less direct competition and more cooperation.

Today, about 60 percent of NASA's science missions and 100 percent of its human spaceflight activities are done in partnership with other nations. In the growing world economy, developing countries are imitating many of the values and traits that have made America successful, and we are adopting policies that promote education and investment in research and technology.

□ 1900

They clearly understand the link between an educated workforce, technological innovation and economic preeminence. The new global competition for preeminence in science and technological innovation must be met with a renewed American commitment to research and to science, technology, engineering and mathematics education akin to that which followed the dawn of the space age 50 years ago.

Over the next 50 years, it will be more critical, and not less, that we remain world leaders. Our ability to shape our destiny and influence others will depend upon it.

Mr. Speaker, as we mark the 50th anniversary of the dawn of the space age, Congress recognizes the value of investing in America's space program and declares that it is in America's interests to continue to advance knowledge and to improve life on Earth through a sustained national commitment to space exploration in all of its forms, led by a new generation of well-educated scientists, engineers and explorers.

I thank the gentleman from Texas.

Mr. Speaker, with that, I have no further speakers, and I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I have no further speakers and I thank the gentleman from Florida. I thank him for his comments, they were excellent, and certainly want to commend all of us who worked on this particular piece of legislation.

You know, in a thousand years, people aren't going to remember whether it was Sputnik or whether it was the United States or Russia or any other country that entered us into this space race that took us into a new age. So I'm very proud to be a part of offering this, and I thank the gentleman for working with me on it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 225, which commemorates the 50th anniversary of the dawn of the Space Age. I would like to thank my colleague Mr. GORDON for his excellent leadership in shepherding this important legislation to passage on the House floor.

The year 2008 will mark the 50th anniversary of the dawn of the Space Age and the creation of the National Aeronautics and Space Administration (NASA). I support the resolution because it affords the Congress an opportunity to pay tribute to the extraordinary partnership between NASA and its 10 space and research centers.

Mr. Speaker, NASA has a distinguished history. The United States of America won the race to land a man on the moon and, thanks to the courage, dedication, and brilliance of NASA, America has continued to lead the world in the exploration of the solar system and the universe.

On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when, on May 25, 1961, President John F. Kennedy proclaimed: ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish.''

Always at the forefront of technological innovation, NASA has been home to countless ''firsts'' in the field of space exploration, from the 1958 launch of Pioneer 3, the first U.S. satellite to ascend to an altitude of 63,580 miles, to the January 1998 signing of the International Space Station agreement between 15 countries, establishing the framework for cooperation among partners on the design, development, operation, and utilization of the Space Station.

Over the past 50 years, NASA's accomplishments have included:

On 20 February, 1962, John Glenn became the first American to circle the Earth, making three orbits in his *Friendship 7* Mercury spacecraft.

On 6 April, 1965, the United States launched Intelsat I, the first commercial satellite (communications), into geostationary orbit.

On 13 November, 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars).

On 12 April, 1981, NASA launched the space shuttle *Columbia* on the first flight of the Space Transportation System (STS–I).

On 18 to 24 June, 1983, NASA launched space shuttle *Challenger* (STS–7) carrying three mission specialists, including Sally K. Ride, the first woman astronaut. In another historic mission, 2 months later NASA launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

On 22 July, 1999, the space shuttle *Columbia*'s 26th flight was led by Air Force COL Eileen Collins, the first woman to command a Shuttle mission.

On July 20, 1969, *Apollo 11* astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module. Armstrong set foot on the surface, telling the millions of listeners that it was ''one small step for man—one giant leap for mankind.'' Aldrin soon followed him out and planted an American flag but omitted claiming the land for the U.S., as had routinely been done during European exploration of the Americas. The two Moon-walkers left behind an American flag and a plaque bearing the inscription: ''Here Men From Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We came in Peace for All Mankind.''

On April 24, 1990, the Hubble space telescope was launched into space aboard the STS–31 mission of the space shuttle *Discovery.* The Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space.

Mr. Speaker, in addition to these historic events, NASA has greatly contributed to our understanding of our universe. In 1968, *Apollo 8* took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon. As *Apollo 8* traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile ''blue marble'' hanging in the blackness of space.

This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

The success of the United States space exploration program in the 20th century augurs well for its continued leadership in the 21st century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of NASA and a lodestar Houston area. The other nine research and space centers are:

1. The Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge in areas as diverse as small spacecraft and supercomputers, science missions and payloads, thermal protection systems and information technology.

2. The Dryden Flight Research Center, the leading center for innovative flight research.

3. The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.

4. The Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space.

5. The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.

6. The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.

7. The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.

8. The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.

9. The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

NASA's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice. In the quest to explore the universe, many NASA employees have lost their lives, including the crews of *Apollo 6*, the space shuttle *Challenger*, and the space shuttle *Columbia*.

Mr. Speaker, in the centuries to come, when space travel will be commonplace and America will have successfully led the way for humanity to colonize and utilize the resources of other planets, these first 50 years of NASA's existence will be remembered as the most significant era of human space exploration. It is, therefore, important that we commemorate the great achievements of NASA's first 50 years. I strongly urge my colleagues to join me in supporting this historic legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in strong support of this bipartisan concurrent resolution.

Human existence has marched through a great many generations, yet only in this last half century have humans taken to space.

We have been transformed by the space program. We live our lives differently, with long-range weather forecasts and GPS positioning and international cell phone calls and international banking.

We think of ourselves differently. Our space exploration has uncovered information about the universe that surrounds us. We now can conjecture about the first seconds of the life of the universe. We have learned much about where we are, and about what is happening around us, and about existence itself.

We think of our own planet differently. The sight of this fragile, blue ball, seen from a distance in dark space, stirred us, and provided impetus for the fledgling environmental movement. We realized that we had to sustain "Spaceship Earth."

As the chairman of the Science and Technology Committee's Subcommittee on Space and Aeronautics, I observe the unique role that NASA plays in our technology capabilities.

The aerospace industry is one of America's biggest successes, and one of the strongest contributors to our trade balance. It owes much to NASA's fundamental aeronautics research.

Harder to quantify, but just as important, NASA's incredible achievements in space inspire young people to choose careers in technology fields. NASA recognizes this and has developed fine educational initiatives.

We have many competing societal priorities that must be addressed, but it is vital that we invest in the future, too. Throughout human history, the winner has been the nation that was more technically powerful. Investing in science and technology, with the space program and STEM education, is an investment for a richer and wider future.

If we aren't willing to make the investments to lead technologically, we know that others will take that lead. That isn't the future that I would like to see. Do we want a world in which our smart people are drawn to the work done in other countries, leaving us on the periphery?

There are widespread reports that China and India are building significant R&D capacity by investing in research at universities, and are elevating their industrial policies towards higher end work.

We have been warned. The National Academies' "Rising Above the Gathering Storm" laid it out. The investments that earlier generations made brought us our prosperous and secure lifestyle. Now it is time for us to renew these investments.

I am pleased with the American COMPETES Act that Congress and the White House enacted. It boosts STEM education to prepare the next generation for the technological challenges of the future and it strengthens our country's research and innovation environment to keep America competitive in the global economy.

Today when we look back over the 50 years of the space age, we feel proud. And I am proud to be a cosponsor of this resolution. It tells a success story. Now it is our job to write another success story, by continuing to invest in the fundamentals of a strong technology sector: STEM education, space exploration, and technology research.

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 225.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## HONORING THE 60TH ANNIVERSARY OF THE AERONAUTICS RESEARCH ACCOMPLISHMENTS EMBODIED IN "THE BREAKING OF THE SOUND BARRIER"

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 736) honoring the 60th anniversary of the aeronautics research accomplishments embodied in "the breaking of the sound barrier".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 736

Whereas the National Advisory Committee for Aeronautics (NACA), and its successor agency, the National Aeronautics and Space Administration (NASA), developed and sustained the world's preeminent aeronautics research program after NACA's formation in 1915;

Whereas the speed of sound once presented a seemingly impenetrable and dangerous barrier to piloted flight;

Whereas NACA, the U.S. Air Force, and Bell Aircraft undertook a joint project to develop and test the X–1 aircraft and achieve piloted supersonic flight;

Whereas on the morning of October 14, 1947, an X–1 aircraft piloted by Captain Charles "Chuck" Yeager was dropped from a B–29 carrier aircraft and "broke the sound barrier" and achieved supersonic flight for the first time in history;

Whereas this flight provided proof of the feasibility of piloted supersonic flight, and delivered the data required to improve high speed performance and develop technologies for advanced supersonic aircraft; and

Whereas subsequent X-plane aeronautics research projects have built on the historic accomplishments of the X–1 aircraft and achieved advances in a wide range of aeronautics research areas: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes and honors the contributions of the scientists and engineers of NACA and its partners who pioneered the technologies to enable supersonic flight;

(2) recognizes and honors the bravery of Charles Yeager, and the bravery of the many other test pilots who, sometimes at the cost of their lives, enabled the aeronautics developments that made that first supersonic flight possible; and

(3) recognizes the importance of strong and robust aeronautics research activities to the well being of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 736, the resolution now under consideration.

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

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

I stand in strong support of this resolution honoring the 60th anniversary of the breaking of the sound barrier, and I want to compliment Mr. ROHRABACHER for introducing it.

Last Sunday marked the 60th anniversary of Captain Charles ''Chuck'' Yeager's historic achievement that led to the first piloted flight at supersonic speeds.

As an airplane approaches the speed of sound, shock waves build up, creating increased drag, loss of lift and loss of control. Airplanes had previously broken up under these conditions, and brave pilots died.

We now know that the passage from subsonic to supersonic speeds is accompanied by some unusual phenomena which lie in the realm of nonlinear mechanical events, events involving some degree of chaos.

America's bright engineers and brave pilots were not deterred. They were drawn to the challenge of bursting through this obstacle to learn what lies on the other side, where no human had ever been.

On October 14, 1947, Captain Yeager, sitting on four rocket engines, blasted through that invisible barrier. Folks on the ground heard the sonic boom, and they knew that he had made it. His successful test flight freed humankind to travel faster and faster by providing data that enabled the mapping of a path to a supersonic future.

This success required all of the ingredients of successful innovation: technical competence, teamwork, a spirit of optimism and adventure that accepts risk taking.

World War II fighter pilot Captain Chuck Yeager was recognized as the man for this job. The X–1 was a joint project of the National Advisory Committee for Aeronautics, NACA, the Air Force, and Bell Aircraft, with the turbo-pump-equipped rocket made by Reaction Motors, Incorporated. It has been described as a bullet with wings on it, just 31 feet long and a 28-foot wingspan.

It's on display less than a mile from here over at the Air and Space Museum, surrounded by many other great achievements of NACA and its successor, NASA, the National Aeronautics and Space Administration.

The X–1 and subsequent aerospace achievements have kept us where the action is and kept us technologically competitive. We want to stay in this game for the next 60 years, and so I will continue to work to keep America technologically competitive in aerospace and in all other areas of innovation.

And with this resolution, I pay my respects to Chuck Yeager and to the many men and women of America's great aerospace tradition. I thus want to voice my support for this resolution, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I want to thank Mr. LAMPSON, and I yield the initial 7 minutes of my time to the prime sponsor of the resolution, my friend from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank Mr. LAMPSON and Mr. FEENEY for their hard work they have been doing here, not just on this legislation but overseeing America's space program. You certainly have my respect and my support, and I'm happy today for their support for this legislation.

This bill takes note and honors America's historic aeronautic accomplishments on the 60th anniversary of one of our great aviation milestones, that of achieving mach 1, better known as breaking the sound barrier.

It also honors those American scientists and technologists who conceived and designed the Bell XS–1, as well as the courage of the hero who flew the plane, General Chuck Yeager of West Virginia.

The leadership of Larry Bell of Bell Aircraft and John Stack of NACA, which is the predecessor of NASA, are also recognized and applauded here today.

The sound barrier was not called a barrier for nothing. As an aircraft approaches the sound barrier, many of the subsonic rules of aerodynamics change radically. Conventional airplanes that had flown close to mach 1 before that, and they had done this mainly when they were diving, were known to have shaken violently and quite often lost control. On that morning of October 14, 1947, the principles of supersonic flight were still not proven. It was unknown whether an airplane could surpass the speed of sound and survive.

The XS–1 was pushing the envelope and it was dangerous. Behind the plane, it was really a rocket, as described, a rocket with wings, which is sort of like the plane I have here. Behind that lay the hard work and dedication of pioneering American scientists and engineers who were to write the book on supersonic design, beginning with the XS–1 project.

The XS–1, a bullet with wings, as they say, was the first high-speed aircraft built purely for aviation research purposes, and the XS–1 project was destined to demonstrate that controlled, sustained flight was possible at supersonic speeds.

In addition, this bill honors Chuck Yeager of West Virginia and all that he represents in America's experimental aeronautics programs. Besides not knowing whether the aircraft would break the sound barrier without breaking apart, no one knew whether the human body could survive the kinds of forces Yeager was about to undergo. He was one of the best and the bravest, and he was, as Tom Wolfe described him, an individual with the right stuff.

Not only did he reach mach 1 on that October morning at Edwards Air Force Base, but he has repeated that on many occasions since, including October 1997 on the 50th anniversary of his flight. His life has been an inspiration to generations of young Americans and, yes, to young people throughout the world.

And so on that October morning, American expertise in aeronautic science and technology, and its human skills and experience in flight, were put to the test and came together to tear down the sound barrier wall and lead the way to a new era of aviation and to the space age beyond.

To continue that tradition and the tradition of these pioneers, I will be introducing an aeronautics and space prize scholarship bill this week. This legislation will create a National Endowment for Space and Aeronautical Technology Development, and it will include a scholarship program, but its primary mission is to provide prizes for those who break technology barriers and enable the further exploration and utilization of space. Certainly, Chuck Yeager would have won one of these prizes.

So I would ask my colleges to join BART GORDON, RALPH HALL, BUD CRAMER and others who are in this in bipartisan support for creating the National Endowment for Space and Aeronautics Technology Development.

I would also ask my colleagues to join me tonight in supporting H. Res. 736, honoring the 60th anniversary of this great milestone in aeronautics and space technology development.

Mr. LAMPSON. Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

I'm proud to be a cosponsor of this resolution, along with Mr. LAMPSON, that Mr. ROHRABACHER is the prime sponsor of, and it does a number of important things.

It congratulates the National Advisory Committee for Aeronautics and their test pilots. This was the successor agency to what we now know as NASA. It honors the bravery of Chuck Yeager and all of the many other test pilots that took on such risks, and it basically emphasizes a strong and robust aeronautics research program for America.

As both Mr. LAMPSON and Mr. ROHRABACHER have pointed out, Mr. Yeager's historic flight on October 14, 1947, breaking the sound barrier was a very dangerous and precarious experiment. At that time, pilots routinely risked losing control of their aircraft or, sadly, lost their lives due to extreme forces on the airplane.

But it's not just that great flight that made Chuck Yeager such a great test pilot in America. Chuck Yeager was only 24 when he flew the Bell X–1 on the famous flight above the Muroc

Army Air Field in California. Two days prior to his record-breaking flight, Mr. Yeager broke two ribs after falling off a horse. Fearing that knowledge of this injury would disqualify him from the scheduled flight, he hid his injury from his superiors and, as a result, had to improvise a way to close the latch on his plane.

Having successfully broken the sound barrier, others soon followed in Mr. Yeager's footsteps, flying newly designed aircraft at higher and higher speeds to help scientists and engineers gain critical knowledge about transonic and supersonic flight.

Only 6 years later, Chuck Yeager flew another Bell-designed rocket plane at more than twice the speed of sound.

A veteran of the Second World War, General Yeager flew P–51 Mustangs in the European theater. He ended the war credited with 61 missions and 11.5 shootdowns of enemy aircraft, including five kills in just 1 day. He was himself shot down over France, and with the help of the French Resistance, was able to make his way back to England where he continued flying against the Axis powers.

In the years following his historic flight, General Yeager continued an illustrious career in the Air Force. Among other accomplishments, he was the first commanding officer of the Air Force Aerospace Research Pilot School and a commander of fighter wings and squadrons in Germany and southeast Asia during the Vietnam War. He also continued to work for NASA as a consulting test pilot.

On the 50th anniversary of his supersonic flight in 1997, General Yeager, then 74, piloted an Air Force F–15 Eagle past mach 1.

General Yeager is a native of West Virginia and today resides in California. He's a gifted pilot who spent his career in service to his country, sometimes at extreme risk, defending our shores and advancing our understanding of aeronautics.

Mr. Speaker, I'm proud to be a cosponsor and supporter of H. Res. 736, commemorating the 60th anniversary of General Yeager's first flight exceeding the speed of sound. And with that, I would urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I have no more speakers. I'll just say that we commend Chuck Yeager for his bravery and for the work that he did to give us an opportunity to change the world, and we are quite excited about what transpired since that time and looking forward to what's going to happen in the future.

With that, Mr. Speaker, I encourage all of our colleagues to enthusiastically support this resolution.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this resolution.

I am an original cosponsor of H. Res. 736 because it is important to recognize one of the amazing achievements of the Nation's aeronautics R&D enterprise.

I also think it important to honor Captain Yeager and the other brave test pilots who have helped push back the boundaries of flight—with results that have benefited our security, our economic well-being, and our quality of life.

As Chairman of the Space and Aeronautics Subcommittee of the Science and Technology Committee, I am well aware that this amazing achievement was not an isolated event. It is just one thrilling chapter in the great story of American aviation and aerospace.

I am pleased that our predecessors in Congress recognized the importance of aeronautics, and invested in it.

Americans were drawn to the challenges of advancing the state of aeronautics, and they gave much of their discipline and intelligence to overcome seemingly insurmountable technical obstacles.

At times, bravery was required, too, and the breaking of the sound barrier is a good example of that.

Today we honor the 60th anniversary of Captain Chuck Yeager's breaking of the sound barrier, but we also take inspiration from it to renew our commitment to ensuring that America remains preeminent in aeronautics R&D.

I urge my colleagues to support this resolution.

Mr. LAMPSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the resolution, H. Res. 736.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

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## COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

Mr. LAMPSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 222

Whereas in 1917, the Nation's first civilian aeronautical research laboratory was established by the National Advisory Committee for Aeronautics in Virginia, and named Langley Memorial Aeronautical Laboratory;

Whereas such laboratory, now called the National Aeronautics and Space Association (NASA) Langley Research Center, is one of the Nation's most prolific and most honored aerospace laboratories with a rich history of pioneering aviation breakthroughs, exploring the universe, and conducting ground breaking climate research;

Whereas NASA Langley Research Center helped give birth to the space age by, among other accomplishments, conceiving and managing Project Mercury, the first United States manned space program, training the original seven astronauts, proving the feasability of the lunar orbiter rendezvous, developing the lunar excursion module concept and research facilities for simulating landing on the Moon, and successfully sending the first Viking landers and orbiters to Mars;

Whereas NASA Langley Research Center is one of the leading aerospace research laboratories in the world and has consistently been a source of technology that has made aerospace a major factor in commerce and national defense;

Whereas NASA Langley Research Center aeronautics research has benefitted the United States military tremendously through the application of new technologies to the Nation's military, commercial, and experimental aircraft;

Whereas NASA Langley Research Center continues to make significant innovative contributions to aviation safety, efficient performance, and revolutionary vehicle designs for flight in all atmospheres, including developing key technologies for the next generation of air transportation systems;

Whereas NASA Langley Research Center has contributed through its research over the past several decades critical technologies to the United States aviation industry, which is a vital sector of the economy that employs over two million Americans and comprises roughly nine percent of the country's gross national product;

Whereas NASA Langley Research Center continues to provide critical research and development that advances the Nation's future in space exploration, scientific discovery, systems analysis, and aeronautics research while generating $2.3 billion in revenue and 21,000 high-tech jobs for the United States economy;

Whereas NASA Langley Research Center is known for unparalleled technology transfer to both aerospace and non-aerospace businesses, and for its commitment to inspiring the next generation of explorers, both of which have enormous benefit to the public and the national economy; and

Whereas NASA Langley Research Center celebrates its 90th anniversary on October 26 and 27, 2007, and continues pioneering the next frontier in aeronautics and space: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress congratulates and commends the men and women of NASA Langley Research Center for their accomplishments and role in inspiring the American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. LAMPSON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution now under consideration.

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

There was no objection.

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Con. Res. 222 which honors the 90th anniversary of NASA Langley Research Center.

House Concurrent Resolution 222 was introduced by the late Representative Jo Ann Davis. Her four terms in Congress were characterized by hard work and dedication, and I am sorry that she can't be here today to take part in these proceedings.

NASA Langley is a special place. Institutions come and go in our society. You have got to be impressed with an enterprise that has delivered so reliably over the past nine decades. Located not very far from here in coastal Virginia, Langley Memorial Aeronautical Laboratory was the Nation's first government aeronautics laboratory.

If I were to list all of Langley's diverse accomplishments, we would be here until midnight. Langley research teams earned many Collier Trophies over the years, an award bestowed each year for the top contribution to American aviation. Their wind tunnel expertise brought benefits to American aviation era after era. Their first Collier Trophy was one for engine cowling research, which brought immediate large benefit to the aviation industry, resulting in greater speed of travel and enormous cost savings. Later, Langley built the world's first full-scale tunnel. The Harrier Vertical Takeoff and Landfighter; the F–16; American's supersonic transport, SST; the space shuttle; and the lunar landing test vehicle have all been evaluated in this facility, which is still in use.

The science of aviation developed rapidly, with Langley often leading the charge. No ivory tower, Langley has been so effective because of its continual interactions with the aviation community. Our military aircraft, which have turned the tide again and again, did so with capabilities developed at Langley. Their aeronautics test and analysis capabilities brought American aviation and aerospace to world preeminence and maintained that standing.

This is a great success story. Today, the aeronautics and aviation-related industries are responsible for 11 million U.S. jobs and are America's largest source of exports. Americans rely upon the aviation industry's safe and reliable transport of people and products. In our country, aviation and aerospace account for 5.4 percent of the Nation's gross domestic product. Add in aviation-related industries, and it is 9 percent. Investments in core technologies such as aeronautics pay off.

Langley is also responsible for basic aeronautics research in support of the Next Generation Air and Traffic Control System, NextGen, which we are so anxious to have put into effect. Langley leads initiatives in aviation safety and in quiet aircraft technologies.

The aerospace industry has changed rapidly, with Langley often leading the way. Langley staff work closely with Bell Aircraft Corporation and the Air Force in the design of the X–1, the first aircraft to break the sound barrier. Langley has been an important part of each U.S. space program, from Project Mercury through the space shuttle and the space station programs. It was a small group from Langley that determined the lunar orbit rendezvous strategy for sending Apollo to the Moon. Today, as one of NASA's 10 field centers, Langley NASA is an important part of the vision for space exploration.

Langley is helping to develop a replacement for the space shuttle, evaluating conceptual designs and wind tunnels at speeds in excess of 5,000 miles an hour. Langley has partnered with researchers around the world to study Earth from space. The clouds in the Earth's radiant energy system, or CERES, breaks ground in data accuracy. And NASA researchers at Langley are busy studying atmospheres on other planets in support of future exploration activities.

So, Mr. Speaker, with this resolution Congress congratulates and commends the men and women of NASA Langley Research Center for their accomplishments and role in inspiring American people. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I want to thank the gentleman, Mr. LAMPSON, from Texas. I yield the first 4 minutes of our time to the gentlelady from Virginia, Mrs. THELMA DRAKE.

Mrs. DRAKE. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 222, commending NASA Langley Research Center in Hampton, Virginia, on the celebration of their 90th anniversary, and out of respect to my friend and our colleague, Jo Ann Davis, who so ably represented NASA Langley and who introduced this, her last resolution, just 4 days before she passed away.

Established in 1917 by the National Advisory Committee for Aeronautics, NASA Langley Research Center is the oldest of NASA's 10 major field centers and the Nation's first civilian aeronautical research facility.

Research there began with 15 employees. Today, NASA Langley boasts a workforce of over 3,600. And from the very beginning, NASA Langley has been on the cutting edge of research into all aspects of aeronautics, from fixed wing to rotor craft, from propeller engines to jet engines. In fact, whether subsonic, supersonic, or hypersonic, NASA Langley Research Center has always been on the forefront of mankind's consistent refusal to keep both feet on the ground.

NASA Langley is uniquely suited to realize the current administration's bold new vision for space exploration. In 1958, as Project Mercury was commencing, NASA Langley served as the main office for the first U.S. manned space program. In the early 1960s, NASA Langley served as a training center for rendezvous and docking in space, which became known as Project Gemini. And later that decade, as Project Apollo was preparing to land the first man on the Moon, NASA Langley's facility served as the astronaut training ground for lunar orbit and landing.

Under Director Lesa Roe's dedicated leadership, NASA Langley will continue to play a critical role as we prepare to return to the Moon and look beyond to Mars.

NASA Langley is performing an integral part of Project Constellation. They have been given the responsibility to manage the Launch Abort System for the new follow-on for the space shuttle, the Crew Exploration Vehicle, or CEV. In addition, they are greatly assisting in the design and wind tunnel testing of the CEV and Crew Launch Vehicle.

Mr. Speaker, 2 weeks ago we commemorated the 40th anniversary of the launch of Sputnik and the beginning of the space race. It is fitting that today we commemorate NASA Langley Research Center, which has and will continue to play such an integral role in our Nation's constant pursuit of the next frontier. I urge my colleagues to support H. Con. Resolution 222.

Mr. LAMPSON. Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I thank the gentleman from Texas, and I would like to rise in support of H. Con. Resolution 222, commending NASA on the occasion of the 90th anniversary of the founding of the Langley Research Center, located in Hampton, Virginia.

This legislation was introduced by our friend and colleague, Representative Jo Ann Davis, just a week before she succumbed to cancer; and it is with mixed emotion that I stand here today to talk about this resolution.

Mrs. Davis was proud to represent the engineers and technicians at NASA Langley Research Center who have made the United States aeronautics research and testing the envy of the world for 90 years.

First established as the Langley Memorial Aeronautical Laboratory in 1917, it was the Nation's first civil aeronautics research laboratory under the charter of the National Advisory Committee for Aeronautics, the precursor to modern-day NASA. It was created at a time when the United States was clearly lagging behind its European counterparts in the development of aircraft capable of controlled powered flight.

Our country's leaders well understood that the future economic and military well-being our country demanded development of advanced aeronautics capability, and Langley's founding was motivated in part by the evolution of aircraft used in the first World War and by our desire to match and exceed these capabilities.

The center is named after one of America's earliest aeronautical pioneers, Samuel Pierpont Langley, who began his research into aeronautical

machines in 1886. Perhaps inauspiciously, Samuel Langley's final crewed test flight ended in failure when his aircraft, launched from the top of a houseboat, immediately plummeted into the Potomac River. Just 9 days later, on December 17, 1903, Orville and Wilbur Wright successfully achieved the first flight on the dunes of Kitty Hawk, North Carolina.

During the ensuing decades, Langley Research Center's research and development activities advanced the science of aeronautics from simple propelled-driven aircraft into the jet age.

Their accomplishments are too numerous to mention here, but it is no exaggeration to state that Langley was the nexus from which fundamental technological breakthroughs in propulsion, aerodynamics, materials, aircraft and wing designs propelled our Nation to become the world's preeminent designer and builder of high-performance military and civil aircraft.

In 1958, responding to the launch of Sputnik, Congress passed legislation creating the National Aeronautics and Space Administration, and with it the Langley Research Center's mission was expanded to lead our Nation's earliest efforts in manned space flight.

Many of the initial planning, design, test, and development activities related to Mercury, Gemini, and Apollo were conducted at Langley. Langley was the first of 10 research centers that now comprise NASA, and a number of highly talented engineers and scientists who began their careers at Langley eventually helped establish the other NASA centers.

Langley's role in space continues to this day, contributing its talents to testing the design of the new Ares One Launch Vehicle and the design testing of the Orion Launch Abort System. The Langley Research Center is home to 3,600 civil service and contractor employees, and it houses several of the world's most advanced wind tunnels and aeronautics laboratories.

Mr. Speaker, Langley's record of achievements in aeronautics and aerospace research is without comparison; and it is a testament to the creativity, dedication, hard work, and technical excellence of the men and women who contributed their talents to the agency's mission.

But as a word of caution, it bears mentioning that U.S. aeronautics research and testing programs are declining, no matter that countries in Europe and elsewhere are investing heavily in aeronautics research. The health of the U.S. aviation industry depends upon aeronautics research and development, especially long-term research that private industry cannot perform itself, in order to compete in the world market. NASA is the only Federal agency that supports research on civilian aircraft. Their researchers are working to make our planes and our skies safer, and Mrs. Davis believed that this is a worthwhile investment of taxpayers' money.

I am pleased to join with my colleagues to commemorate the Langley Research Center on its anniversary, and I urge members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMPSON. Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman from Florida for yielding, and I rise today to commend the National Aeronautics and Space Administration Langley Research Center on its 90th anniversary, and, in doing so, express my respect for the resolution's sponsor, Representative Jo Ann Davis.

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Congresswoman Davis worked tirelessly to fight for the constituents of the First District of Virginia. This resolution was the last measure that she introduced in this body before she passed on just 10 days ago on October 6. I see it as only fitting that we pass it in a timely manner to honor this research center and our late colleague.

Since its inception as the Langley Memorial Aeronautical Laboratory in 1917, the focus of research at this facility has significantly changed, yet this research center remains on the forefront of scientific advances. These advances not only benefit the larger scientific community but have also played a crucial role in our national security and daily lives.

The men and women of the Langley Research Center have made countless contributions to the scientific community and our aeronautic and space programs in particular. From its crucial role in advancing flight as early as the First World War to the training for operation of the lunar module of the Apollo program, which subsequently transported the first and only human life to the surface of the Moon, this facility has been responsible for numerous scientific breakthroughs for an astonishing 9 decades.

Aeronautics played a critical role in the First and Second World Wars, providing our military with a strategic advantage that contributed to our victories in these two major global struggles. Subsequent advances in this field and the field of aeronautics provided the United States with the ability to achieve superiority in space exploration. These efforts have been crucial to our national defense and continue to play a major role in combating terrorism.

The Langley Research Center is also responsible for sending the first orbiters and landers to the planet Mars through the Viking program, and is also currently engaged in development of the next generation of spacecraft essential to maintaining our leading role in space exploration.

I urge my colleagues to join me in commending this facility's contributions to the scientific world and the security of our country, and in doing so, honor our late colleague, Congresswoman Jo Ann Davis.

Mr. FEENEY. Mr. Speaker, I have no further speakers, and would yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I think that the NASA Langley is a real jewel for advancement of science and engineering in the United States of America, and I think it's fitting that we recognize this anniversary, their 90th, and at the same time, honor our colleague Jo Ann Davis for the hard work that she did, the great work that she did in the United States House of Representatives.

I encourage my colleagues to support this legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of Concurrent Resolution 222, because I believe NASA's Langley Research Center to be a national treasure. With this resolution we are acknowledging nine decades of outstanding technological achievement.

However, before I continue, I must note with sadness that the driving force behind this resolution, Ms. Jo Ann Davis, is no longer with us. In addition to all of the other important causes and issues for which she was such an articulate spokeswoman, she was an ardent champion of the importance of NASA's aeronautics R&D programs. I shall miss her as we all will, and I am sorry that this is the last time that I will be able to have the opportunity to speak in support of one of her initiatives.

One of the strengths of the Langley Research Center over the past nine decades has been that while Langley researchers are experts in scientific theory, they are able to work with many others throughout the aerospace community. They aren't an isolated research lab, but instead have always worked shoulder-to-shoulder with industry and with dynamic people at other government agencies, including DOD. In short, the researchers at Langley are problem solvers.

Step into the Air and Space museum and with the first glance one grasps how rapidly aeronautics has developed. The X–1, the first manned aircraft to break the sound barrier, was designed by Langley staff. Nearby are biplanes from the First World War. The separation in time is just thirty years, but what a difference!

The folks at Langley played a large role in that transformation, and in further advances in aeronautics and in space exploration, with the latter spanning their work on Mercury, Gemini, the Lunar Orbiter, Apollo, Viking, the Space Shuttle, and Space Station programs. They have been a critical enabler of our modern air transportation system.

Last year, U.S. air passengers exceeded 750 million. To handle even busier skies, the Next Generation Air Traffic Control System (NextGen) is being devised. NASA Langley plays an important role in that effort.

For example, to test advanced concepts of aircraft self-separation, Langley conducted air-traffic-management research in its Air Traffic Operations Lab, in partnership with NASA Ames Research Center, Boeing, MITRE Corp. and United Parcel Service.

As another example, the NASA Aviation Safety Program—a partnership with the Federal Aviation Administration, aircraft manufacturers, airlines, and the Department of Defense that is led by Langley—recently tested a new way to predict thunderstorm turbulence.

We can't overlook the importance of military aviation to American freedom, and the importance of Langley to military aviation.

For example, during World War II, Langley used wind tunnel expertise to design modifications to fighter aircraft to improve their performance. Aerial dogfights were mostly contests between technologies, and a small improvement could make the difference between life and death.

Like the rest of NASA, NASA Langley promotes private sector participation with the Small Business Innovation Research program and the Small Business Technology Transfer program. The creation and transfer of innovation is a key goal at Langley. The Center delivers a steady flow of inventions and patents, across a range of technical areas.

In aeronautics and in space flight, Langley's parade of achievements has inspired generations of Americans, and has helped set the pace of American technological advancement. We need places like NASA Langley, and I hope that as we look back over its 90 years and celebrate its achievements, we are mindful of our future and work to maintain a strong and vital aerospace R&D capability at Langley and throughout our nation.

Mr. LAMPSON. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FEENEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. WELCH of Vermont (during consideration of H. Con. Res. 222), from the Committee on Rules, submitted a privileged report (Rept. No. 110–385) on the resolution (H. Res. 746) providing for consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## FREE AT LAST—DEPUTY SHERIFF GILMER HERNANDEZ

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

Mr. POE. Mr. Speaker, Deputy Sheriff Gilmer Hernandez is one of three deputies in Edwards County, Texas. This county is the size of Delaware.

While on duty at night recently in Rocksprings, Texas, an SUV ran a red light. Hernandez pulled the vehicle over. The vehicle sped off and then tried to run down Deputy Hernandez. He shot out the two tires in self-defense. It turned out the vehicle was smuggling nine illegals. One illegal was injured by a ricochet bullet. The Sheriff's Department and the Texas Rangers investigated the shooting and cleared Hernandez. But the Mexican Government demanded prosecution by the U.S. Justice Department, and over a year later the U.S. Attorney's office prosecuted Hernandez for alleged civil rights violations. The nine illegals and the human smuggler were allowed to stay in the United States. Hernandez was convicted and sent to prison. But yesterday he was released from prison and returned home to Rocksprings, Texas as a hero. The community sided with Deputy Hernandez and resents the U.S. Government freeing the human smuggler and the illegals and prosecuting Hernandez for just doing his job. Yet another example of how it seems the U.S. government is on the wrong side of the border war and seems to be the puppet and whims of the Mexican Government.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## LANCE CORPORAL JEREMY BURRIS, MARINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Liberty, Texas, is one of the oldest towns in Texas. It was founded in 1831 and named Liberty before Texas was an independent nation in 1836. This town has sent many young men off to war.

Today the town of Liberty laid to rest one of its favorite sons. The streets of this small town were lined with American flags. People came outside their homes and businesses to pay honor and tribute to a hometown hero. Some people stood erect with their hands over their hearts or saluting as the funeral procession went by. As the process passed Liberty High School and the middle school, students from both schools lined the streets with flags, tears and signs that said ''Thank You.''

Hundreds of citizens in this community turned out to honor 22-year-old Lance Corporal Jeremy Burris of the United States Marine Corps. Mr. Speaker, this is what people in southeast Texas do when one of their own is killed in combat.

Jeremy was killed on October 8, 2007, while conducting combat operations in al-Anbar Province in Iraq. He was assigned to the 1st Battalion, 4th Regiment, 1st Marine Division, Marine Expeditionary Force from Camp Pendleton, California.

I've talked to Jeremy's proud father, Brent Burris. He said his son was driving a military vehicle when it was accompanied by two other Marines when the vehicle hit an IED, that's an improvised explosive device, hidden in the road.

Lance Corporal Burris survived the initial blast and helped the other two wounded Marines from the vehicle. Then Jeremy returned to the vehicle to retrieve sensitive equipment when a second bomb detonated and Lance Corporal Burris was killed.

Mr. Speaker, it's not uncommon that our enemy sets a second delayed bomb explosion because they know Marines will always return for their wounded or dead or sensitive equipment from their damaged vehicles. This is how these cowards of the desert conduct war against our troops. They do so remotely. They won't come out in the open and fight because they fear the Marines and the Marine reputation.

General Black Jack Pershing, United States Army, and Commander of the United States forces in World War I, said of the Marines, ''The deadliest weapon in the world is a Marine with a rifle.'' He was correct. Marines are a rare breed with dogged determination and put fear in the souls of our enemy.

Burris was a proud Marine. He was an unapologetic person of faith, and he attended the nondenominational church, Cornerstone Church, where he led worship and praise sessions for youth groups.

He loved Texas. His church pastor said today at the funeral, ''No one had better say anything negative about his home State of Texas.'' And on Jeremy's Myspace page he wrote, ''Born and raised in Texas and proud of it.''

Lance Corporal Burris believed totally in his mission in Iraq. He said he was not afraid to die, and he joined the Marines a year and a half ago knowing he would go off to war. He told his youth minister ''he would rather die young while he was able to give 100 percent than grow old and not be able to give that 100 percent.'' Amazing man, this young gun of the United States Marine Corps.

In a letter to Jeremy's father, Sergeant Drabicki, Jeremy's section leader in the Marines in Iraq said this about him: ''Your son is a hero to all of us, especially me. He touched my heart and my soul in ways that I could never forget. Your son was the most loyal, hard-working, dedicated and selfless Marine that I had in my section, and his loss is felt by all of us. He never complained. He never faltered. He never quit, and it was my honor to lead your son in combat.''

Mr. Speaker, I want to say this about the United States Marine Corps. They are the very best at what they do. They always have been. Army Major General Frank Lowe said in the Korean war, ''The safest place in Korea was right behind a platoon of Marines. Lord, how they can fight.''

Marine Lance Corporal Burris was one of those types of fighting men. They go where others fear to tread. They fight where the timid are nowhere to be found.

Mr. Speaker, this is a photograph of Lance Corporal Burris right before he was killed. And so the bugler has played taps for the final time for this lance corporal of the United States Marine Corps. And as his flag-draped coffin was laid to rest today in the small town of Liberty, Texas, red, white and blue balloons filled the air, a 21-gun salute was fired, and white doves flew into the heavens.

Ronald Reagan said this about the United States Marines: ''Some people live an entire lifetime and wonder if they have ever made a difference in the world, but the Marines, they don't have that problem.''

Mr. Speaker, Jeremy Burris was one of those Marines. So semper fi, Lance Corporal Jeremy Burris. Semper fi.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## STALLED CONTRACT NEGOTIATIONS AT KENNEDY SPACE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to say that some people in our Nation are taking notice of what is happening at the Kennedy Space Center with the stalled contract negotiations between USA Alliance, which is United Space Alliance, and the International Association of Machinists and Aerospace Workers, among the most talented and trained workers in our Nation.

USA Space Alliance is a company that was formed from Boeing and Lockheed, major defense contractors for our Nation, which also have huge space contracts. Their executives are very well paid, and these are companies essential to our Nation's defense.

But what is happening is that in these negotiations, strangely, the new demands that are being asked by these companies of the workers is that they have, the workers will have no pensions. Can you believe this, that workers who are involved in important NASA programs, particularly as we transition to Aries and Orion programs, that the conditions of work for people at the Kennedy Center will not be the same as they have been since we began the space program?

NASA gets about $16 billion a year. Without question, the United States of America is the world leader in space exploration. And we are a leader because of the bravery of those who are involved in the work, as well as their intelligence and their fine workmanship and workwomanship.

We shouldn't do anything to diminish this asset, this national asset, particularly when the Chinese are breathing down our necks and are able to hit targets in space already.

And yet, what we see happening is that the workers and future workers that will be at NASA's subcontractors will not have pensions?

This is very interesting, particularly because the individual running USA, United Space Alliance, Richard Covey, a very well-known American who's been an astronaut in many prior programs, gets about three retirement checks already, may be getting four.

The first one is a public pension that comes from his work and his patriotism in the Air Force of our country. So he gets that check. He gets a government pension from his work in the NASA program. And he had been a part of Boeing Corporation prior to his movement over to USA, United Space Alliance, and he gets a retirement check from that plus all the stock bonuses.

We have heard this before, that the people at the very top take enormous amounts? And the workers who are doing the actual work of retrieving the space launches, getting them ready are told, well, you won't get any retirement. What kind of attitude does that produce on the job in work that is truly dangerous, where lives are at stake, where America should seek the best and want the best and reward the best?

I was thinking today of the Kennedy Space Center named after President John Kennedy, who did so very much to inspire the Nation to treat all people equally and to better themselves, would have this happening at the Kennedy Space Center.

Defined benefit pension plans are the bedrock of retirement security, and over 40 million workers and retirees rely on them. And they give someone economic security to go to work every day and know that your life matters and that when it comes time for you to leave that position that you will have a retirement where you don't have economic worry. What is happening out at Kennedy now is a direct attack on Americans' retirement security. It sends a clear signal that this administration and its NASA administrator and all the subcontractors that it hires, including USA, support the elimination of secure guaranteed defined benefit pension plans, and for no workers, no pension plans. How's that for a deal? What are we going to do, go back to before 1940 again in this country?

We built a great Nation when America had a system where workers could be confident that their wages would increase with increasing productivity and that their retirement years would be secure. I would just say that the Nation is taking very close notice of an agency that gets a $16 billion budget whose top executives all get their pensions and now who hire subcontractors who are telling the very people who have their hands on the equipment down at the Kennedy Space Center that, sorry, you don't get the same type of consideration by the Government of the United States.

I would ask Mr. Covey and the folks at USA Space Alliance to pay close attention because Congress is paying close attention.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## 2007 COMMEMORATIVE COINS: LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION AND JAMESTOWN 400TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, public attention 50 years ago, in 1957, was on Little Rock, Arkansas. Everyone in the United States knew of the events that were going on at Little Rock Central High School and in the streets surrounding Little Rock Central High School.

Now this year we celebrate the courage of the Little Rock Nine. Now this year, 2007, we commemorate those events, the desegregation of September 25, 1957, very much aware of the work that we have to do in race relations.

As part of the honoring of these events and the honoring of the courage of the brave Little Rock Nine, this Congress passed a commemorative coin bill. We authorize two commemorative coins each year. The commemorative coin I want to show the Members, it is a beautiful coin. Now, the real coin is not this big. It's a silver dollar. It is a commemorative coin. While it is legal tender, you would not want to use it for legal tender because it costs substantially more than a dollar.

This is the one side. Each star honors one of the Little Rock Nine, the nine stars. And these footprints show young people going to school with no other desire than to get an education. And it says: ''Desegregation in Education, 2007, In God We Trust.''

On the other side of the coin is the Little Rock Central High School itself, one of the most beautiful high schools in the United States, and it is noted there: ''Little Rock Central High School.''

Now, the reason I show this coin to the Members on the floor tonight is this coin is currently available for sale at the U.S. Mint, usmint.gov. And for those of you who need some help, go to usmint.gov and then go to the section that says ''Coins and Medals'' and click on that and click on ''Commemoratives,'' and you can find out how to order this beautiful coin.

Also available at usmint.gov is the other 2007 coin that was brought by the late Representative Jo Ann Davis, a much beloved Member of this body who recently passed away. That coin honors the 400th anniversary of the founding of Jamestown in 1607.

So we have two wonderful commemorative coins: this one honoring the desegregation of Little Rock Central High School by the Little Rock Nine in 1957 and the 400th anniversary of Jamestown.

Now, what many people may not realize is $10 of every sale of each coin goes to support these historic sites, and that is why I am down here tonight, Mr. Speaker, encouraging people to go to usmint.gov and order these coins to tell the legacy, to pass a legacy on, to tell the stories. They make wonderful holiday gifts this year, but they also just make wonderful gifts from people to younger people to remember the legacy and the courage of the Little Rock Nine, usmint.gov.

I also want to acknowledge this evening in Little Rock, Arkansas, the presence of Kevin Klose, the present president of National Public Radio. Right now he is at a reception at the home of Don and Suzanne Hamilton in Little Rock, Arkansas. They are my neighbors across the street. They are great members of the Friends of KLRE/KUAR. Unfortunately, I can't be there. I believe my wife is ill and can't be there. But I wish them well and welcome Kevin Klose to Arkansas.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## TRIBUTE TO VERNON BELLECOURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, today I rise to pay tribute to the life of Vernon Bellecourt of Minnesota, a selfless servant who committed his life not just to fight for American Indians but for the rights of all people.

Last night I was at a funeral service for Mr. Bellecourt, and while I regret to report the recent passing of Mr. Bellecourt at age 75, I am grateful for his spirit of equality and inclusiveness which will continue to live on in the Twin Cities of Minnesota and around the world.

Mr. Bellecourt, a member of the Ojibwe Band of the Minnesota Chippewa Tribe, came to St. Paul from Minnesota's White Earth Indian Reservation. As a skilled communicator and a natural leader, Vernon championed the power of community. He practiced what he preached, solidifying his commitment to community by operating several small businesses. And while Vernon was a businessman, his greatest contribution was as a human rights leader around the world and in Minnesota.

Let me read a little bit from the Washington Post obituary that appeared today in the paper:

''Vernon Bellecourt, who fought to restore land and dignity to Native Americans and against the use of Indian nicknames for sports teams as a longtime leader of the American Indian Movement (AIM) died October 13 of complications of pneumonia at a Minneapolis hospital.

''Since leaving behind careers as a hair stylist and real estate agent and joining his brother'' Clyde Bellecourt ''at AIM in the 1970s, Mr. Bellecourt had been in the forefront of the movement to ensure that treaty rights of Native American tribes and the U.S. Government would be fulfilled. He was president of the National Coalition of Racism in Sports and the Media and a principal spokesman for AIM.

''He was involved in numerous demonstrations to bring attention to his causes, including the 1972 occupation of the Bureau of Indian Affairs in Washington and the 1992 Super Bowl rally to protest the name of Washington's football team. He also spoke at colleges and universities around the world about more than 400 treaties that the group believed the U.S. was not honoring.

''Clyde Bellecourt, a founding member of AIM, said yesterday that his brother had been in Venezuela about 4 weeks ago'' to talk about ''providing heating assistance to American tribes.''

Mr. Speaker, let me wrap up and say that Vernon Bellecourt brought an issue to the attention of the American people that most of us walk past very quickly. Most of us would look at Native American sports team mascots and think no big deal. But just imagine, if you would, Mr. Speaker, teams called the Chicago Negroes or the Washington Caucasians. None of us would appreciate that kind of depiction of our ethnicity, and Mr. Bellecourt didn't appreciate it either. And he helped elevate the self-esteem of young Native Americans and also helped us understand our common humanity as we respect each other due to his inspirational work.

I also want to say, Mr. Speaker, that I met Mr. Bellecourt in the early 1980s in Detroit, Michigan, when he was standing up for Native Americans at the Hopi Indian Reservation as they were in a conflict with Peabody Coal Company over land and treaty rights. I got to know him better when I joined him in northern Wisconsin, standing on the docks to stand up for Native American treaty rights. And whether you agree with him or not, Mr. Speaker, he embodied the spirit of an American standing up for what you believe in, speaking out for what is right, speaking up for the people who don't have a voice.

Mr. Speaker, Vernon Bellecourt will be sorely missed and will never be forgotten. In my opinion, he is a great man and he has helped us discover ourselves in a deeper and more meaningful way. May God bless Vernon Bellecourt and sympathy for his family.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## OVERRIDE THE PRESIDENT'S VETO OF THE SCHIP BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, last evening I introduced you to a young girl that I had the honor of representing in northeastern Wisconsin. This is 3-year-old Kailee Meronek. Kailee and her family live in a trailer home just north of Appleton, and she receives care only because the United States Congress passed a Republican-inspired bill called the SCHIP, the State Children's Health Insurance Program. And through that program, funds were sent to Wisconsin, and we created in Wisconsin a program called BadgerCare. BadgerCare guarantees that nearly 57,000 citizens throughout the State have access to health care. And because they see their doctor in their doctor's office, the costs for their health care go down. They are not seen in the emergency room. They are seen in the doctor's office.

Kailee gets health care because of BadgerCare. But BadgerCare and SCHIP are in limbo. Their futures are in doubt. Why? Because this Congress is considering and will vote on Thursday morning whether or not to override President Bush's veto of this fundamentally important program that provides health care to millions of our children who are most in need across the country. The SCHIP bill, which was vetoed by the President, guarantees that our children, the children of our Nation, have access to health care at the physician's office. It focuses on

those who are among us that need us the most: our Nation's children. It is a private program because private doctors, private insurance plans, and private hospitals deliver the health care. It spends $3.50 per day for a child like Kailee.

But Kailee doesn't live alone. She lives in a family and in a community, and allow me now to introduce you to her mother and her new sister. This is Kailee's mother, Wendy, who is a food server. She's a waitress. And she earns $2.33 per hour and tips. She is working hard to support her family and lives with her husband, Keith. Keith takes care of the children while Wendy is working. And this young girl, Cassidy, is 3 months of age. Cassidy doesn't understand health care. She only knows that she gets hungry and she has her mother to care for her.

This country, our Nation, must decide what kind of a Nation we are and in which direction we are going to turn. In several days we will decide here in Congress whether or not to override a veto, which I believe to be morally unacceptable. We cannot say no to our Nation's children. We must accept the responsibility of caring for those who are most in need.

That is not just my point of view. This bill is supported by everyone who is involved in delivering health care in this country, the American Medical Association, the American Nursing Association, and more. The American College of Allergy, Asthma & Immunology; the American Academy of Family Practice; the Federation of American Hospitals; the American Hospital Association; Catholic Charities; the March of Dimes; Lutheran Services; the U.S. Conference of Catholic Bishops; and more and more.

Everyone understands that we as a Nation must care for our Nation's children first because if our children are healthy, they will be in school and be able to learn and gain the education that they require to compete in this global marketplace. But it all starts right here Thursday morning when this House must vote to override President Bush's veto.

I believe we are at a precipice here in our country. It is getting dark, but it's not dark yet. We have to stand up for those who are among us that need us the most. Please reconsider your votes. Our people, our children need us. Please reconsider your votes.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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FISA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, thank you for the recognition.

And I would say that this week ought to be known as ''FISA week.'' The reason I say that is because this week we will make an important vote on determining whether or not we will have the ability to defend our country, both now and in the future.

As we have moved on a bipartisan basis since 9/11 to attempt to meet the challenge of the threat internationally that is sometimes called the ''war on terror,'' sometimes called the ''war of Islamo-fascism,'' sometimes called the ''war on radical jihad,'' no matter what the name, the American people know what it is we are speaking of. We have, in this House, in the Senate and in the executive branch adopted an analysis which allows us to respond in the most effective way, and that analysis is a risk-based analysis. And simply put, broken down into its constituent parts, risk equals threat plus vulnerability plus consequence.

The interesting thing in this equation is that the knowledge base of the bottom two elements, vulnerability and consequence, are within our grasp. Now, what do I mean by that? What I mean by that is vulnerability is our ability to assess how vulnerable our assets are that might be attacked by the enemy surrounding us. We can make educated judgments with respect to those assets, their value, how they could be attacked or destroyed, and how we can protect them against such attack or attempt of destruction.

Similarly, consequence is within our knowledge base. We know, with a successful attack, what the consequence would be. For instance, if the attack were lodged against a dam, a catastrophic event, a collapse of a dam as a result of an attack, we can measure what the consequences would be. How? Well, we know the number of people that would be in the way. We know the number of buildings that would be in the way. We can make a determination as to the overall destructive power of the surging water that would come through a destroyed dam. We can make an educated judgment as to the time by which those assets that would be destroyed, the time it would take to restore such assets, such as highways, byways, such as shopping malls, homes, hospitals, all of those sorts of things. So, within our risk assessment, we are capable, more or less, of determining what our vulnerability is and what the consequences of a successful attack would be.

There is a third element, threat, which is not as much in control of our already existing knowledge. Why? Because threat essentially is the intention of the enemy, the targets of the enemy, the timing of the enemy. That's what, in fact, a threat is. So, since that knowledge base is not within our power, essentially, how do we deal with that? How do we calculate what the threat is? We do so by utilizing intelligence. We gather intelligence. We find information from the other side, if you will, of the battle.

This is not a novel approach. It is recognized in the Constitution and the interpretations of the Constitution by the Supreme Court and other Federal courts from the beginning of this Republic in that it is recognized that the President of the United States was given Commander-in-Chief powers. Why? Because of the failure of the Continental Congress, because of the failure of the first Confederation of States when they found that you could not have multiple commanders in chief. You had to have a single executive, particularly in the area of war, defense of our country, or relationships with foreign governments.

Now, implicit in the ability or the capability of a Commander-in-Chief to exercise military strength on behalf of the Nation to defend itself, that is, to destroy those who would attempt to destroy us, yes, to give the President of the United States the power to exercise lethal action against the enemy, and that means, quite frankly, to wound or kill the enemy, to stop the enemy from destroying us, implicit in that authority is the authority to gather intelligence, the authority to gather foreign intelligence. In other words, one of the ways you find out what the enemy is to do on the battlefield is to find out what he is saying, the conversations that take place on the other side, the plans that they are developing, and the commands that they give to carry out their intended lethal action. That, essentially, is foreign intelligence.

And what we are going to vote on this week is something called the Foreign Intelligence Surveillance Act, FISA. Now, the reason I bring this to the floor and I spell out these words is to remember what the focus of this bill is. It is on foreign intelligence, not domestic intelligence, not the ability to try and stop the mob from acting in the United States, not the ability to stop certain criminals in the United States from committing a crime or to investigate after they've committed the crime in order to prove up the case against them and to give them their just punishment, but rather, foreign intelligence, intelligence which deals with foreign governments, foreign powers, and associated organizations or people.

The FISA Act was passed by the Congress in 1978, intended to establish a statutory procedure authorizing the use of electronic surveillance in the United States against foreign powers or agents of foreign powers. FISA established two new courts. First, the Foreign Intelligence Surveillance Court, which authorizes such electronic surveillance, and secondly, the U.S. Foreign Intelligence Surveillance Court of Review, which has jurisdiction

to review any denial of an order under FISA. These courts are made up of Federal judges from around the country, and they meet in secret session here in Washington, D.C.

I would note that the House Permanent Select Committee on Intelligence report that accompanied FISA in 1978 clearly expressed Congress' intent to exclude from coverage overseas intelligence activities. In other words, they never intended for the FISA court and procedure to somehow have authority over what is truly overseas intelligence activities dealing with foreign intelligence or intelligence of foreign governments or foreign organizations.

The report stated this: ''The Committee has explored the feasibility of broadening this legislation to apply overseas, but has concluded that certain problems and unique characteristics involved in overseas surveillance preclude the simple extension of this bill to overseas intelligence.'' In other words, it was not the focus of the 1978 act, rather, the act focused on domestic surveillance of persons located within the United States. The law was crafted specifically to exclude surveillance operations against targets outside the U.S., including those circumstances where the targets were in communication with Americans, as long as the U.S. side of the communication was not the real target. That's a very important thing to understand.

In the ability to be able to record these messages or in some way pick up these communications, you really have the ability to target one side of the communication. And so what we do is we target a foreign person in a foreign country.

Contrary to what Congress originally intended, due to the changes in technology and resulting interpretation of the FISA Act, warrants have been recently required in order to conduct surveillance against terrorists located overseas in some circumstances. Why? The technology changed in that, in 1978, most local communication was by wire, most international communication was wireless by satellite. We could take it basically out of the air, for want of a better description, and it was overseas. The 1978 act did not contemplate bringing those conversations, those communications within the ambit of FISA.

In the intervening years, we've had a revolution in technology by which most local communication now is by wireless and international communication basically comes by wire. And the fact of the matter is the nodes or the centers or the switching places, whatever you want to call it, not technical terms, happen to be, most of them, in the United States. And so suddenly the interpretation of FISA, now looking at the connection where you would try and somehow be able to capture this conversation that really was of someone overseas and not American, now, because it transited somehow the U.S., an interpretation by the FISA court was that a warrant was now needed.

Now, why would this present a problem for our intelligence community? Admiral McConnell, the former head of the National Security Agency, NSA, under President Clinton and now the current Director of National Intelligence, explained this to our Judiciary Committee. It takes about 200 man-hours to prepare a request for a court order in the FISA court for just one telephone number; 200 man-hours. As he explained to the judiciary in the other body, intelligence community agencies were required to make a showing of probable cause in order to target for surveillance the communications of a foreign intelligence target located overseas; then, they need to explain the probable cause finding in documentation and obtain approval of the FISA court to collect against a foreign terrorist located in a foreign country.

Frequently, although not always, that person's communications were with another foreign person located overseas. In such cases, prior to the Protect America Act, that's the act that we passed before we left in August, which I might add is not going to be allowed to be considered on the floor, at least the Rules Committee told us earlier today they would allow no amendments, the FISA's requirement to obtain a court order based on a showing of probable cause slowed, and in some cases, prevented altogether the government's ability to collect foreign intelligence information out serving any substantial privacy or civil liberties interests.

Again, as the legislative history of the 1978 FISA Act made clear, it was never the intention of the act to cover surveillance of non-U.S. persons overseas so long as the U.S. person located in the United States was not the real target of the surveillance. Yet prior to the enactment of the bill that we passed in August, which has a sunset in February of next year, that's the reason we have to consider it this week, our intelligence community was saddled with the requirement that they devote substantial resources for the preparation of applications required to be submitted to the FISA court.

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As an economist might say, this substantial diversion of resources imposed opportunity costs measured in terms of the intelligence analysis which was not done because of the need to complete paperwork in order to surveil foreign intelligence assets outside the U.S. who were never intended to be covered by the old law. In other words, you had to take the analysts off the job of looking at current communications that might protect us against attacks in the United States or elsewhere by those who want to kill Americans, who have said, by the way, that they would be justified in killing 4 million Americans, 2 million of whom would be women and children. We take them off that pursuit and instead put them on this job of doing the intellectual work that would allow for the paperwork to be presented to the FISA Court.

Furthermore, in response to a question I posed to him, Admiral McConnell affirmed that prior to the Protect America Act, again, the act we passed just before we left in August, the intelligence community attempted to work under the laws interpreted by the court but found that as a result of working under those restrictions, his agency was prohibited from successfully targeting foreign conversations that otherwise would have been targeted for possible terrorist activity. Think of that: those kinds of conversations that we always were able to pick up before, before we ever had a FISA, after we had the 1978 FISA Act, we were not able to pick up anymore.

In fact, he said that prior to the enactment of the Protect America Act this past August, we were not collecting somewhere between one-half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA requiring the government to obtain FISA warrants for overseas surveillance. To put it in graphic terms, we have put blinders on one of our two eyes as to the ability for us to look at those dots and connect those dots that the 9/11 Commission said we weren't finding and weren't connecting before 9/11.

The consequences of this for our Nation's security are very real. As Admiral McConnell explained to our committee: ''In the debate over the summer and since, I heard from individuals from both inside and outside the government assert that threats to our Nation do not justify this authority. Indeed, I have been accused of exaggerating the threats that face our Nation,'' said Admiral McConnell.

He continued: ''Allow me to attempt to dispel this notion. The threats that we face are real and they are indeed serious. In July of this year, we released a National Intelligence Estimate, commonly referred to as an NIE, on the terrorist threat to the homeland. In short, these assessments conclude the following: the United States will face a persistent and evolving terrorist threat over the next 3 years.'' Why 3 years? That is the total time of the NIE. They are not saying it will only just be 3 years, but in the time frame that they were supposed to assess, this threat will continue.

They say that the main threat comes from Islamic terrorist groups and cells, especially al Qaeda. Al Qaeda continues to coordinate with regional terrorist groups such as al Qaeda in Iraq, across North Africa and other regions.

Al Qaeda will likely continue to focus on prominent political, economic, and infrastructure targets with a goal of producing mass casualties. Mass casualties. That means thousands, if not millions, of Americans if they were successful. Visually dramatic destruction, significant economic aftershock and fear among the

U.S. population. These terrorists are weapons proficient. They are innovative and they are persistent. Al Qaeda will continue to seek to acquire chemical, biological, radiological and nuclear material for attack; and they will use them given the opportunity. This is the threat we face today and one that our intelligence community is challenged to counter. So says Admiral McConnell.

This is the real issue, the 800-pound gorilla in the room, if you will, which remains the central question before us: How do we best protect America and the American people from another cataclysmic event? I do not believe it is good enough for us to say we are preparing to respond to an attack. I believe what we need to do is to prepare to prevent such an attack.

As I have suggested before, when you assess the risk which allows us a proper assessment to be able to determine how we best array our resources against such an attack, we need to have threat, plus vulnerability, plus consequence. And the only way you can assess threat is by having proper intelligence.

As the National Security Estimate makes clear, those who seek to kill us continue in their resolve to, once again, inflict mass casualties upon our Nation. The threat is still there. Although we have been successful in thwarting another attack since 9/11, there are no guarantees in this business. In fact, if you would look at the polls that I've seen most recently, you will find that something like 70 percent of the American people, in fact I believe it is 73 percent of the American people in the latest poll I saw, believe that we, that the U.S. Government, has been effective in forestalling a terrorist attack on our shores. However, 57 percent believe that we are less safe. So you put those two things together, you try and figure out what the American people are saying. I think what we are saying is they believe that many of the things that we have done in government with the support of the American people and the funding of the American people have been successful in forestalling a terrorist attack on American shores, but they know that al Qaeda and their affiliates and associates have not been deterred to the extent that they are still trying to do us harm.

So they see a continuing problem, and they expect us to see the continuing problem and bring us the efforts necessary to protect against a successful attack as seen from the other side.

Independent sources such as Brian Jenkins in the RAND Corporation have stressed that intelligence capability is a key element in our effort to protect our homeland. He states this: ''In the terror attacks since 9/11, we have seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens, we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.''

In this regard, Admiral McConnell came before us last August asking for changes in the 1978 FISA Act. When you think about it, a definition of ''electronic surveillance'' constructed almost 28 years ago certainly could not have kept pace with changes in technology. Ironically, as I said, when FISA was first enacted, almost all international communications were wireless. The cell phone did not even exist. Although the revolution in telecommunications technology has improved the quality of all of our lives, it has taken a quantum leap beyond the law.

When FISA was passed in 1978, almost all local calls were on a wire and almost all international calls were wireless. However, now the situation is upside down. International communications which would have been wireless 29 years ago are now transmitted by wire. While wireless radio and satellite communications were excluded from FISA's coverage in 1978, certain wire or fiber optic transmissions fell under the definition of electronic surveillance. Thus, changes in technology have brought communications within the scope of FISA which Congress never intended to cover in 1978.

Similarly, the rise of a global telecommunications network rendered irrelevant the premium placed on geographic location by the 1978 act. As Admiral McConnell explained to our committee, it is the Judiciary Committee, in the old days location was much easier. Today, with mobile communications, it is much more difficult.

So a target can move around. So the evolution of communications over time has made it much more difficult. So what we were attempting to do is get us back to 1978 so we could do our business and legitimately target foreign targets and keep track of threats and respect the privacy rights of Americans. Because a cell phone, he continued, for example, with a foreign number, GSM system, theoretically could come into the United States and you wouldn't appreciate it had changed. So you would have to now work that problem, and if you did then determine that it was in the United States and you had a legitimate foreign intelligence interest, at that point, you have to get a warrant.

It was with this backdrop that we enacted the Protect America Act this past August. According to Admiral McConnell, this act has provided us with the tools to close our gaps in our foreign intelligence collection. Think of that. That is what the 9/11 Commission asked us to do, close those gaps. He found those gaps that were at least as wide and even wider following the decision by the FISA Court earlier this year. He said, and says, that the bill we passed in August has closed those gaps.

He described five pillars in the important new law. First, it clarified the definition of electronic surveillance under FISA that it would not be interpreted to include surveillance directed at a person reasonably believed to be located outside the U.S. Under the law, it is not required for our intelligence community to obtain a FISA warrant when the subject of the surveillance is a foreign intelligence target located outside the U.S. This important element of the law is entirely consistent with the legislative history of the 1978 act. As I previously mentioned, it was not intended to reach foreign intelligence outside the U.S.

The second pillar of the act we passed in August establishes a role for the FISA Court in determining that the procedures used by the intelligence community are reasonable in terms of their capacity to determine that surveillance target is outside the U.S. The third pillar of the act provides the Attorney General and the Director of National Intelligence with the authority to direct communications providers to provide information, facilities and assistance necessary to obtain other information when targeting foreign intelligence targets outside the U.S.

The corollary of this obligation to provide intelligence information is the fourth pillar which establishes liability protection for private parties who assist the intelligence community when complying with a lawful direction under the law.

Finally, the law continues the requirement that the intelligence community must obtain a court order to conduct electronic surveillance or a physical search when the targeted person is located in the U.S.

Admiral McConnell defined the concept of the gap to be closed to mean foreign intelligence information that we should have been collecting. I am sure that most Americans would agree with the admiral that in a world with weapons of mass destruction there is no room for gaps in our intelligence capacity. Let me repeat: this is the considered judgment of a career officer in the U.S. Navy who headed the National Security Agency under President Clinton for 4 years and who now serves as the Director of National Intelligence. It is his considered judgment that the changes we made in the law in August were necessary.

Although it was scheduled to sunset 180 days after enactment on February 5, the ink was hardly dry before the left-wing blogosphere was going bananas. Now, don't get my wrong. I defend the right of any American to scrutinize and seek a different course concerning our national security policy. However, based on Admiral McConnell's service to his country to Democrat and Republican administrations, I would suggest that those who seek substantive changes in what he has told us to be necessary should face a heavy burden of proof. In fact, in his appearance before the Judiciary Committee while reserving the right to see the fine print, he indicated he himself was open

to discussions concerning changes in the end.

I would also make the observation that it is time for all of us to agree that this is not about President Bush. Whether you hate him or love him or don't have any feelings about him at all, that is not the issue here. We are talking about the security of our Nation, the safety of our people, the men, women, children, grandchildren we encounter in our districts at Little League games, Girl Scout meetings, and our town halls. Those who send us here to represent them are depending on us to protect their lives and the lives of their children. This is the context within which we must consider this ultimate matter of our responsibility.

While the law we passed in August, the Protect America Act, represents a major step forward in protecting the American people, there remain elements of the larger package unveiled by Admiral McConnell and General Hayden which should receive our prompt attention.

First and foremost, it is imperative for this body to extend liability protection to companies who responded to the entreaties of their government since the 9/11 attacks. That is why I am so disappointed when I appeared before the Rules Committee earlier today and we were told, as we walked in, as anybody walked in with an amendment, We will listen to you, but we have already decided it is going to be a closed rule. One of the amendments offered would have given this liability protection. At a time when our country was in peril, these companies responded to the call for help. In an earlier era, maybe in a simpler time, this might have been described as patriotism. But now, instead of kudos, what do they get? They receive a summons and a complaint. They were met by costly litigation because of their willingness to respond to our country in a time of need.

When we brought the issue up in our Judiciary Committee, one of the members on the other side of the aisle said, Well, these companies have millions dollars' worth of lawyers so they can defend themselves. Boy, that is the way we ought to do things. We are going to fight the war on terror with summonses and warrants.

□ 2030

We are going to sue them out of existence. Oh, I'm sorry. We are not suing the terrorists; we are suing the companies who helped us respond to the terrorists. Figure that one out.

Mr. Speaker, I would go so far as to suggest that regardless of what you think of the war in Iraq, regardless of what you may think of the war on terror, this violates all notions of fundamental fairness. It sends the worst possible message, not only to companies, but to the American public itself, that those who would come to the aid of their country are fools, and it is those on such an ideological crusade seeking to protect this Nation through lawsuits that are somehow the true American heroes. Rosy the Riveter of World War II fame has been replaced by lawyers in three-piece suits.

Some of you may be old enough to remember the standard text used in our typing classes. We would practice over and over again. Boy, I recall this, typing out the following sentence: Now is the time for all good men to come to the aid of their country. Of course it would have been better stated that: Now is the time for all good men and women to come to the aid of their country.

This was an ethos which went unchallenged. Believe me, in typing classes it wasn't a Republican idea, it wasn't a Democratic idea, it was an American idea, so noncontroversial, that it was standard text: Now is the time for all good men and women to come to the aid of their country.

Mr. Speaker, we must not send a message to our companies and the American people that if you respond to your government when our fellow citizens are threatened by a cataclysmic attack that the very government which sought your help will not be there for you when the ideologues come after you with lawsuits.

Even if you hate this President so much you can't see him to succeed in anything, at least consider the possibility that there will be a war down the line that you may support. Furthermore, those who drive around with 1/20/09 bumper stickers need to consider the fact that maybe, possibly there could be a new occupant in the White House more to their liking. He or she is going to need all the help that he or she can get.

Mr. Speaker, the war on terror is not going to end with the term of the current President. The new administration is going to need to call on the help of all Americans, including companies like those whose only offense was to respond to the tragedy of 9/11. By what? Serving their government.

Consider the additional downside of using litigation as an ideological weapon. As anyone who picks up the daily newspaper knows, there is always a story concerning the latest lawsuits. The litigation system can produce leaks of the most sensitive information. It is not the dissemination of information to the public which is even our principal concern. Rather, potential leaks of sensitive information to terrorists will better equip them with the ability to maneuver in the plan which they are committed to doing, killing innocent Americans.

Unfortunately, H.R. 3773, to be considered on this floor, the so-called RESTORE Act that we passed out of Judiciary Committee last week and passed out of the Intelligence Committee, and which is scheduled for floor action as early as tomorrow, fails to address this issue. It does nothing, zero, provides no protection for the companies who came to the aid of our Nation after 9/11. As a matter of fact, if you listen to what happened in the Rules Committee, if you heard the debate in the Judiciary Committee, I presume if you heard the debate in the Intelligence Committee, you would not consider these companies to be something valuable in the defense of our Nation. They are suspect. They are questioned. They are, in essence, patsies, if you really look at this.

Mr. Speaker, the Protect America Act does not contain retroactive liability protection; not because we didn't believe in it, but because Admiral McConnell agreed to delay discussion on the agreement in order to reach an agreement on the law we passed in August to enable us to close the critical gaps in our Nation's intelligence-gathering ability prior to the August break. Since by its own terms that law was to expire February 5, this was an issue to be resolved at this time.

Unfortunately, the RESTORE Act resolves it by ignoring it. It is, therefore, essential for this body to take the necessary action to ensure that those who responded to the call for help after 9/11 will not be fed to the litigators.

Mr. Speaker, I would be pleased to yield to my friend from New Mexico (Mrs. WILSON), a member of the Intelligence Committee, a former member of our military forces, and someone who has been probably the most articulate in explaining the need for the changes in the law that we passed in August and for making that permanent as we go forward.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from California. I very much appreciate his hosting this Special Order this evening.

Mr. Speaker, before the August break we fixed a problem. It was a problem that grew worse over the course of this year in that we were increasingly hampered in our ability to prevent another terrorist attack on this country because of the change in telecommunications and a law that was woefully outdated.

It's called the Foreign Intelligence Surveillance Act. It was put in place in 1978 to protect the civil liberties of Americans. Think about it. 1978 was the year that I graduated from high school. The telephone hung on the wall in the kitchen. Cell phones had not been invented. The word ''Internet'' did not even exist. Technology has changed since 1978, and the law had not kept pace.

In 1978, almost all long-haul communications went over the air. Almost all international communications went over the air, and they were explicitly exempted from the provisions of the Foreign Intelligence Surveillance Act. Our intelligence community folks would go ahead and collect those communications if they had foreign intelligence value. They minimized or suppressed any involvement of Americans who were innocent and just happened to be referred to in a conversation or

something. But there were no restrictions on foreign intelligence collection.

Mr. Speaker, unfortunately, technology has now changed, and what used to be over the air is now almost all on a wire. The courts have found that under the old Foreign Intelligence Surveillance Act, before we changed it in August of this year, that if you touched a wire in the United States, even if you were targeting a foreign terrorist talking to another foreign terrorist who had no connection to the United States at all, then you needed a warrant. This began very rapidly to cripple our intelligence capability with respect to terrorism in particular.

The Director for National Intelligence, Admiral McConnell, has testified in open session that without the changes, without keeping the changes, making them permanent, that we put in place in August, we will lose between one-half and two-thirds of our intelligence collection on terrorism. Think about this for a second.

Now we all remember where we were on the morning of September 11, remember who we were with, what we were wearing, what we had for breakfast. Most Americans don't remember where they were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow Airport and blowing them up simultaneously over the Atlantic. They don't remember it because it didn't happen.

The American people want us to prevent the next terrorist attack. They don't want to have to remember where they were when a preventable disaster happened. That is what intelligence gives us, and that is why the Protect America Act is so important and why we have to make it permanent.

Sadly, the Democratic majority is going to bring a bill to the House this week which will gut the progress that we made in early August. They say things in this bill that, on its face, initially you think, well, that makes sense. One of them is you would not need a warrant for any foreign-to-foreign communication.

Well, doesn't that solve the problem? Wait a second. If Mr. LUNGREN, my colleague from California, was a foreign terrorist, just for the purposes of discussion, how do I know who he is going to call next? I don't. And if the law says that it is a felony to listen to the conversation of someone who is a foreigner calling into the United States, that means as soon as I collect that conversation, as soon as that terrorist makes a phone call into the United States, I become a felon. As a result, you have to have warrants on everyone.

It doesn't relieve the system of this huge legal bureaucracy. It means they have to get warrants on every foreigner in foreign countries, even if they are only talking to foreigners, because they might some day pick up the phone and call an American. And, oh, by the way, that is the conversation we want to be listening to. If we have a terrorist affiliated with al Qaeda calling into the United States, you bet we should be on that conversation. We should be all over that like white on rice. We shouldn't be waiting to get a warrant from a judge in Washington, D.C.

But it gets worse than that. They also put in this bill some things called blanket warrants.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, reclaiming my time, I have referred to that section, that first section where they say you don't need it if it is foreign-to-foreign as the ''furtive fig leaf'' section of the bill, which appears to give Admiral McConnell what he needs, but because of the actual practicality of it, denies him the opportunity to do it, because essentially that was sort of the state of the law prior to the time we passed the law in August, and he told us it doesn't work.

Mrs. WILSON of New Mexico. If the gentleman would yield further, that is exactly right. There is already a provision in the law and was in 1978 that if it was foreign-to-foreign communication, you didn't need a warrant.

There are some circumstances where you are tapping into a line that is between a command headquarters of the former Soviet Army and one of their missile silos where it is a dedicated line. But modern telecommunications don't operate that way, and the terrorists who are trying to kill us are using modern commercial telecommunications. They are not using dedicated lines between headquarters. They don't even have headquarters.

Mr. DANIEL E. LUNGREN of California. If the gentlewoman would allow me to reclaim my time for a moment, evidently some on the other side of the aisle have listened to a little bit of our complaint here, so in the manager's amendment they have included what they consider to be the saving piece of that first section, which says if the electronic surveillance referred to in paragraph 1 inadvertently collects a communication in which at least one party to the communication is located inside the U.S. or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General.

If that is all they did, that would be fine with me. But they then go on to say this, that require that no contents of any communication to which the United States person is a party shall be disclosed, disseminated or used for any purpose or retained for longer than 7 days, unless you get a court order or unless the Attorney General determines specifically in this case that the information indicates a threat of death or serious bodily harm to any person.

Now, Admiral McConnell has suggested to us that time frame, they say you can't keep it longer than 7 days, may not be practical within the contours of how we actually get that information, number one; and, secondly, you can't use that information. You can't give it to anybody. You can't disclose it to the FBI, even though the information doesn't make the person in the United States a target, the information contained in that conversation is all about Osama bin Laden calling into the United States and something he says that is important for our purposes. That is the extraordinary thing here, because it says no contents of any communication to which the United States person is a party shall be disclosed, disseminated or used.

It is exactly contrary to what Admiral McConnell said, which is the law should be directed at the identity of the individual we are targeting. So in this case, because you now capture a conversation that has taken place with the foreign person in a foreign land into the United States, even though it doesn't give rise to anything that would make a target of that person in the United States, you can't use any of that conversation with respect to the target for which you don't need a warrant, even though that person could be Osama bin Laden or one of his top people.

That is nuts. With all due respect, I use the word ''nuts,'' but I think that is probably proper.

Mrs. WILSON of New Mexico. Let's just think of an example here. Let's say Osama bin Laden or one of his chief lieutenants did call into the United States to a completely innocent person, a completely innocent person under this law which the Democrats are going to try to pass this week, and what he says in that conversation is ''Don't go to the Sears Tower tomorrow. Stay away from the Sears Tower tomorrow.'' Whoever in the intelligence community gets that communication is barred by law from giving it to anyone who can take any action to prevent a terrorist attack on this country.

Mr. DANIEL E. LUNGREN of California. Unless they go to court and get an order, which requires all of the necessary preparation that Admiral McConnell has told us we cannot do.

Mrs. WILSON of New Mexico. You may not even know who the person is being called, other than it is an area code and number in the United States, which means you don't have any probable cause. You have to send the FBI out and find out whose number that is and whether they are reasonably believed to be involved in a crime.

□ 2045

But the threat is immediate. We cannot have our intelligence agencies tied up in legal redtape when they are the first line of defense for this country in the war on terrorism.

I am appalled that we have people in this body who put forward legislation who seem to be more concerned about protecting the civil liberties of terrorists overseas than they are about protecting Americans here at home and preventing the next terrorist attack.

This would be an unprecedented extension of judicial oversight into foreign intelligence operations. We don't even do this in criminal cases, and my colleague is much more experienced in criminal law than I am. But if we are listening to a Mafia kingpin and he happens to call his son's second grade teacher.

Mr. DANIEL E. LUNGREN of California. Or his sainted mother or his brother, the priest.

Mrs. WILSON of New Mexico. Anybody. And we are not prevented from using that information until we get a warrant on the priest or his mother or his son's second grade teacher. The target is the Mafia kingpin.

This legislation will tie our intelligence community in knots in order to protect the civil liberties of terrorists in foreign countries who are trying to kill Americans.

There are some in this body who may believe we shouldn't have intelligence services. I believe it was Hoover who said that gentlemen shouldn't read each other's mail. Well, we are not dealing with gentlemen here. We are dealing with terrorists who are trying to kill Americans and are using commercial communications to talk to each other. We must do everything we can to prevent that terrorist attack, and that means listening to their conversations if we get an opportunity to do so.

Mr. DANIEL E. LUNGREN of California. I would like to pose this question to the gentlelady. The gentlelady has studied this issue for a long time and was one of the first people to raise certain points of considered alarm, trying to bring a sense of urgency to this House to respond to the threat that is out there.

There is another troubling aspect of the bill to be brought to the floor. It has a sunset of December 31, 2009. So that would suggest to anybody looking from the outside that there is an end game or an end date at which the threat no longer exists. Can the gentlelady give us any advice, considered opinion, as to whether or not this threat is long lasting? Or should we limit this law just to the next 2 years?

Mrs. WILSON of New Mexico. I don't think anybody believes that the threat of Islamic terrorism to the United States, or other foreign threats, are somehow going to go away in the next 18 months. That is just not going to happen. What is even worse about this bill, while they set up some system of blanket warrants with respect to some national security matters, they do not allow any so-called blanket warrants for things that are outside of direct threats to the United States, which is unprecedented in foreign intelligence collection.

That means if we are trying to listen to Hugo Chavez in Venezuela, or we are trying to figure out whether the leader of Sudan is about to launch another wave of genocide in Darfur, or we want to listen in to what the Chinese or the North Koreans are talking to each other about with respect to the Six-Party Talks and the potential for weapons of mass destruction on the Korean Peninsula, we are absolutely prohibited from listening to those conversations without a warrant from a court in the United States of America. The courts have never been involved in that way. Never in the history of this country, nor should they be. Foreign intelligence collection of foreigners in foreign countries has never been subject to warrants here in the United States.

Mr. DANIEL E. LUNGREN of California. Today I presented two amendments before the Rules Committee for consideration on this floor. Both were denied. One would have expanded the definition of foreign intelligence individuals or states to include nonstate actors who are involved in proliferation of weapons of mass destruction.

The reason I did that is al Qaeda is not a state. There are free actors out there who would attempt to work with nation states or with organizations such as al Qaeda; and technically under the definition currently in the FISA law, they are not covered so that we couldn't do these sorts of things you talk about, listening in on their conversations without warrants, even though they may be as much a threat as a small nation state somewhere. But yet we don't even have an opportunity to discuss that on the floor of the House because that amendment and every other amendment was denied.

Mrs. WILSON of New Mexico. There is historical precedent for this, one of a Pakistani who ran a criminal enterprise, an international network that was selling nuclear materials and the capability to build nuclear weapons to people and countries around the world. While he was Pakistani by nationality and had helped with the Pakistan Government's weapons program, there was no question that he wasn't acting as an agent of Pakistan, at least I don't think there was. He was running a criminal enterprise for money, and we should be able to listen in and track people like that.

Likewise, I think our foreign intelligence should be able to listen to narco-rings in Burma and be able to detect whether there are cocaine smugglers who are trying to ship drugs into the United States.

These are all foreigners who are doing things that we do not like that are not in our interests and our intelligence capabilities should be used to disrupt those things. This law would shut that down. Shut it down. And Admiral McConnell has been very clear on that.

Mr. DANIEL E. LUNGREN of California. Let us return to the protections of Americans.

In the criminal justice system for years and years and years, somewhere between 30 and 50 years, we have done minimization, which means that if you have a wiretap on a Mafia member, and as I say, he calls his sainted mother or his priest, and the conversation has nothing to do with Mafia activities, that is minimized. That is, it is taken out of the data field and thrown away, essentially. If he says something in that conversation, while not implicating the other person in the conversation that is of benefit to our investigation, that is, he comments he is going to be going to Nashville and that's an important piece of information for us to know, we can use that. If the receiver of the conversation or communication, by what he or she says, indicates activity of an illegal nature such that that person becomes a target, it is at that point we require a warrant for that person.

Similarly, the way the law that we passed in August works is once you have the legal nonwarrant wiretap, or whatever you want to call it, catch of or capture of the communication because the target is a foreigner in a foreign country and you have reason to believe they are involved in some way that is covered under the law, that conversation or communication to someone within the United States is treated in the very same way.

If the conversation has nothing to do with terror, it is minimized. It is thrown out. If the conversation contained some information about the legal target that is of benefit, we can use that information against that target. If in fact the response or the statement made by the person in the United States, the American, is of a nature that gives us cause to believe that person is involved in terror, we then go get a warrant because that person becomes a target. Is that the gentlelady's understanding of how we operate?

Mrs. WILSON of New Mexico. That is exactly how this law works. If the target is an American, you need a warrant. If the target is a foreigner, you don't need a warrant; foreigner in a foreign country.

I think one of the things that is important to remember here, something that has been the greatest accomplishment in the last 6 years in this country has been what has not happened. We have not had another terrorist attack on our soil. And it is not because they haven't tried.

Osama bin Laden and al-Zawahiri have been very clear: they want to kill millions of Americans, and they will do it if they can.

The question is whether we will use the tools at our disposal, entirely constitutional and legal tools, in order to prevent the next terrorist attack, to stop the attack on the USS *Cole*, to prevent the planes from taking off from Heathrow to kill thousands of innocent Americans. Intelligence is the first line of defense in the war on terrorism. It is possible to provide our intelligence community with the tools to keep us safe while protecting the civil liberties of Americans, and that is the perspective that the Democrat majority has lost.

When Admiral McConnell appeared before the Judiciary Committee, he wanted to make clear our understanding of the technology of the capture of conversations. And he put it this way: he said when you are conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from. He then went on to say if you require a warrant in circumstances that we have never required before, as is the implication of the bill to be brought before us, he said if you have to predetermine it is a foreign-to-foreign before you do it, it is impossible. That's the point. You can only target one. If you are going to target, you have to program some equipment to say I am going to look at number 1, 2, 3. So targeting in this sense, you are targeting a phone number that is foreign. So that's the target. The point is you have no control over who that target might call or who might call that target.

Is that consistent with your understanding in the years you have been on the Intelligence Committee and the years you have looked at this issue?

Mrs. WILSON of New Mexico. That is exactly right. The biggest problem is that the terrorists who are trying to attack us, and even foreign governments, are increasingly using commercial communications. So they don't have dedicated lines between a couple of government buildings. In modern communications, those communications will flow wherever it is fastest to get to wherever they are calling to. Sometimes that call will transit the United States, and we shouldn't require a warrant just because the point of access to that conversation happens to be within the United States.

Mr. DANIEL E. LUNGREN of California. I know we only have about 5 minutes left. This is testimony that Admiral McConnell gave before the Judiciary Committee. He was asked this directly by a Member from the other side of the aisle: How many Americans have been wire tapped without a court order?

The direct response by the DNI, none. He went on to say there are no wiretaps against Americans without a court order. None. What we are doing is we target a foreign person in a foreign country. If that foreign person calls in the United States, we have to do something with the call. The process is called minimization. It was the law in 1978. It is the way it is handled.

Is that your understanding?

Mrs. WILSON of New Mexico. That is my understanding, and he has testified to that in the Intelligence Committee as well. That is what gets lost here. People seem to think that somehow this impacts the civil liberties of Americans. No, this bill that the Democrats are bringing to the floor this week will extend civil liberties protections to foreigners trying to kill Americans. It will make it harder for our soldiers and our law enforcement folks and our intelligence community to find out when the next attack is coming in order to prevent it.

I don't understand why they are going in this direction. Sometimes I don't think they really understand what they are doing here. Sometimes I think it is not entirely intentional on the part of some of these folks, that they really do not understand how this works and how badly they are crippling American intelligence if they pass this law.

Mr. DANIEL E. LUNGREN of California. We should recall the words of the United States Supreme Court in the Keith case which is the case that dealt with wiretaps in the United States. They said that while there was no warrant exception in domestic surveillance cases, it was not addressing the question of activities related to foreign powers and their agents. And in that unanimous opinion, the court noted that were the government to fail ''to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered.''

Justice White, a John Kennedy appointment to the Court who personified the definition of a moderate, said this in his concurring opinion in the Katz v. U.S. case: ''We should not require the warrant procedure in a magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable.''

In other words, the court when it dealt with this issue those years ago recognized the difference between a criminal justice system and a system of intelligence and counterterrorism to protect our country from attack by those who would basically destroy everything, including our Constitution and our constitutional foundation.

Mrs. WILSON of New Mexico. If you think about how the challenge has changed since the Cold War, in the Cold War, we had early warning systems. We had Cheyenne Mountain that was watching early warning systems to see if Soviet bombers were heading towards us or missile systems had launched, immediately scrambling airplanes and taking immediate action to protect this country.

□ 2100

And we had intelligence systems set up to be able to detect and give us that early warning. The problem has changed, but the need for early warning is still there.

Now, what we didn't do when we got a detection that bombers were coming towards the United States was call the lawyers in Washington to see if we could launch our airplanes to protect us. The system was set up to be fast and immediately responsive.

What the Democrats are going to do this week is to say if you get a detection, if you believe you have early warning, that the terrorists are coming to destroy Americans or attack Americans, put that on hold while you go get a warrant, talk to judges, take hours to decide whether we can respond. That will not allow us to protect America.

Mr. DANIEL E. LUNGREN of California. The gentlelady is exactly correct, and let me suggest, to get down to basics, that when surveillance is directed overseas, legitimate concerns relating to purely domestic surveillance are not implicated. We should all be concerned about the protections of civil liberties, as the 9/11 Commission put it.

The choice between security and liberty is a false choice as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home.

And I thank the gentlelady for her comments.

Mrs. WILSON of New Mexico. I thank the gentleman for having this hour tonight.

## TRUCKS COMING IN FROM MEXICO

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BOYDA of Kansas. Mr. Speaker, tonight I rise to speak on behalf of so many in the 2nd District of Kansas who are as concerned as I am about what's happening with the trucks coming in from Mexico.

I have stood strong and said from the beginning what on Earth are we doing here. We have a rule of law in this country, and some way or another it is once again being completely disregarded, the will of the American people, the rule of law, and I stand before you here tonight to say the people of the 2nd District want me to say something, and that is, enough is enough.

My Safe American Roads Act basically said this pilot program is not going to keep our families safe. It, in fact, will make our highways more dangerous, and asks the President, please, Mr. President, stop this program now.

We had a bill that was voted on this very floor right here, 411–3, virtually unanimously, and yet on Labor Day weekend, just a stunning, a stunning reversal of what the American people had asked our President, on Labor Day weekend it was announced that these trucks coming up from Mexico would be allowed that weekend, and in fact, the first trucks started to roll.

Tonight we want to talk about what's going on and why we are so concerned, and I'm joined here with my friend and colleague Mr. RYAN from Ohio, and I will just turn it over to you for a few minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate that, and I appreciate all your

work on this particular piece of legislation that we have a lot more work to do convincing our friends on the other side of the Capitol to act on this.

But what I find interesting is we're just standing here. You're from Kansas; I'm from Ohio. This is not a border State issue where we're directly across the border from Mexico. This is an issue that affects all of us all across the country. So, whether it's manufacturing in my district or, you know, in someone else's district across the country, this is an issue, as you said, that represents America.

We sign a lot of these trade agreements, and many people don't even know what's in the fine print, and here we find out 15 years later about this little program that's going to go on that really, I think, does several things.

One, it's a real threat to U.S. jobs in the trucking industry. And then as your bill pointed out, why it is, I think, such an important piece of legislation, and Mr. Speaker, this is the Safe American Roads Act of 2007, H.R. 1773, sponsored, pushed, advocated for by the gentlelady from Kansas who's been such a strong advocate on this issue. But basically, what we're trying to do from our vantage point is put some responsibility into this thing, to make sure that there are certain standards that are met.

And I know that was the key impetus for this whole piece of legislation from the beginning is let's have some standards, Mr. Speaker, where if you want to compete in the global economy, we're all playing by the same rules.

Now, all of the sudden we have American truckers who have drug testing and there are certain standards for the trucks and certain training that needs to happen and equipment and on and on and on down the line. Now, all of the sudden they're going to be competing with folks who just don't have to abide by the same rules.

Mrs. BOYDA of Kansas. I know a lot of good people are concerned about their jobs.

Our trucking industry, while I'm sure you've heard the same thing as well, as of January I had to put on some pretty strict environmental controls, and they did it. They went out and spent the money. They maintain their trucks. They keep them up to standard, so that when you and I are out there with our families, we don't have to breathe as much smog and we know that trucks that are out there are, in fact, safe.

Those men and women who have purchased those trucks at great expense are now going, What did I do that for? Why is it that I'm required to meet a standard and yet our companions to the south are not, in fact, required to do that? Something is just definitely awry here, and the American people have stood up and said enough is enough.

Let me make this real clear. This is not a partisan issue, Mr. Speaker. We both happen to represent the heartland, but this is an issue that speaks across not only party lines but across our geographic districts and speaks to people up and down the United States.

What the Safe American Roads Act basically did was say NAFTA provided for a pilot program, but it said there had to be some standards, let's have some standards here, and there had to be a public comment period. Well, we have a grade card here, and I'd like to pull that up for a minute.

Mr. Speaker, here is that grade card. First of all, it said that we had to have a public comment period. Now, traditionally, the minimum comment period is 30 days. Did this get 30 days? No. On June 8, after the Safe American Roads Act was passed, on June 8 there was an announcement that, by the way, all the safety standards had now been met. A simple statement, by the way, they've been met. I compare that to, you know, giving a third-grader 5 hours of homework and 5 minutes later they're running out the door saying, I got it done.

Mr. RYAN of Ohio. Well, that's kind of like the President during Katrina; he flies in. He says, Hey, you're doing a great job, Brownie. Well, maybe you should look and see what he did before you start making the comments. So there's a little bit of a pattern that this administration may have.

Mrs. BOYDA of Kansas. I would absolutely agree with that.

So on June 8, the statement was made, yeah, good job, all the safety standards have been met, and the public comment period is starting. That was June 8. It was over on June 28, 20 calendar days, 10 short of what's considered to be the very minimum. You know, it was just a slap in the face of the American people.

Basically, it said that you had to comply with the rules that are already out there. We have section 350 of the FMCA, the Federal Motor Carrier Safety Act; you can't bring this new pilot program in until you at least meet those requirements. Well, the fact is that they have not met those requirements either. That has to do with bus inspections. This makes a difference. These aren't just petty little infringements. This is real big business here. Bus inspection facilities still have not been met. Hazardous materials transportation, still we have an F here.

How about keeping the promise of inspecting every truck every time? Well, I think as we noted tomorrow, the Secretary of Transportation is having a press conference with the Secretary of Transportation from Mexico. They're going to be having a press event. Oh, did I say ''press event''? I meant they're going to be doing inspections, I'm sorry. They're going to be doing inspections. They're going to inspect one truck from Mexico and one truck from the United States.

Now, I don't know how you feel about that, but I am not convinced that we take a look at one truck and then deem the whole program safe, and I am deeply concerned again that we are heading in a direction that it's going to be harder and harder and harder to pull back on this thing.

We all know once it's out of the door, once the horse is out of the barn, it's harder and harder to pull this back, and they're just going off in a direction, again that's clearly, clearly opposite the will of the American people.

Mr. RYAN of Ohio. And it makes our roads less safe. I mean, that's why you're here. That's why I'm here. We care about jobs. We care about economic development. We care about all these things, as we'll continue to talk about tonight, Mr. Speaker, but the bottom line is this. We have unsafe trucks that will be coming in that are now through the pilot program, will continue to come into our country, lack inspection, lack the safety standards that we're accustomed to in the United States. That puts those kids who are riding in cars in the other lane, or in front or behind or whatever the case may be, in jeopardy. We have certain standards in the United States.

Mrs. BOYDA of Kansas. So when you first started learning about this, I'm sure you thought the same that I did. Certainly, maybe we're just overreacting, maybe there are standards there, and those standards are being met and we shouldn't worry. Then you come to find out that they don't even have drug testing facilities. They don't even have drug testing facilities in which to perform these. The whole recordkeeping, the hours of service is just extremely worrisome. There's no way to even begin to verify that when someone comes across the border, we don't know how many hours of service that they've had already.

So this is not even an attempt to meaningfully enforce these laws, and they will tell you that, in fact, these systems are not put in place, the same standards that we have, we've come to expect in this country, training, recordkeeping, sleep, drug testing.

And certainly if we're going to talk about drugs, I don't know about in your area, but in mine, we are finally getting the meth labs in the rural parts of my district, we're getting those under control, only to have huge meth shipments coming in from where? From Mexico. And this, again, will just exacerbate that situation and make it harder and harder and harder to control the influx of drugs into this country.

This is not a partisan issue. This is not anything that is being done politically.

Mr. RYAN of Ohio. Look at the vote on your bill, 411–3.

Mrs. BOYDA of Kansas. Don't you wonder who the three were?

Mr. RYAN of Ohio. I bet I could guess, but I won't comment on that.

Mrs. BOYDA of Kansas. You just have to wonder who said no, and then it went to the Senate, and the Senate basically said we'll take something and

we'll put it into the supplemental bill. And it also, of course, then passed as well.

And again, we now have a law that's, in fact, in force today as we speak, and it's very difficult in my district to ask people to believe that there's any real meaning when it comes to enforcement of these laws.

And it's one of the real outrages in my district is with immigration, and that's why it all comes together in saying this is yet another law that they're not even trying to enforce it.

Mr. RYAN of Ohio. You brought up the immigration issue, and I think it's important is we have put through the homeland security bill and a variety of other bills, more border patrol on the border, Mr. Speaker. We're trying to continue to try to make sure that people who come into this country come in legally, and that is a major issue.

But because the resources that we are trying to provide are going down to the border to try to prevent illegal immigration, at the same time we do not have the resources to provide the kind of oversight and to make the kind of investments given the history of corruption in many of the industries and in the Mexican Government that lack oversight.

So here we are saying, well, we're going to let you come into our country, but they are not providing the oversight. We don't have the money to provide the oversight with the budget deficits that we're running now. So this is a critical, critical issue.

And like I think most issues of globalization, things happen too quickly, where the infrastructure is not in place in many countries for labor, for health, for the kind of protections that we want.

We like having our truckers in safe trucks. We like knowing they've got the proper amount of sleep. We like knowing the proper environmental advances are going to be made so the air is cleaner. Those are good things. I like clean air and clean water. I don't think I'm really out on a limb on this one.

But what we are saying is, if you want to do business in our country, you have got to come up to our standards. And for too long, we've been dropping ours to meet everybody else's, especially wages, which is a whole other Special Order that we could talk about.

Mrs. BOYDA of Kansas. Another Special Order on food safety and different standards of food. We have standards for food in this country.

□ 2115

But we bring in food that doesn't even meet our own standards. Now, tell me if that makes any sense. Is it safer to eat something that comes in from someplace else? It is just that the hypocrisy here is becoming, I think, very, very clear to the American people, Mr. Speaker. They have had enough. They are speaking up and telling us they want change.

One thing that concerns me, too, and especially with what is going on tomorrow. There is going to be one truck from America and one truck from Mexico that is going to be inspected. Now, my background is in the pharmaceutical industry. I was in the research and development side. When we did studies, you can believe how much time went into that protocol to say is this going to be safe and effective. Those same kinds of standards apply to this very project right here. So if we are going to do this pilot program, certainly there must have been some kind of a protocol put together that says, here is how we are going to study this, and at the end here is how we are going to know if in fact we have the data, we have collected the data to tell us if we are now safe. There hasn't been anything that has been done in that regard, that hasn't been looked at as is this a statistically significant sample? Are we testing it? Is it rigorous?

When we are done with this, really there is one of two things that can happen a year from now when this pilot program is finished. We will have had 500 trucks on the road for a year. And if there is no incident, will we know at that time do we just open up the borders? Now, let me tell you that I would rather that there is not an incident with those 500 trucks, but the fact of looking at 500 trucks, you could keep an eye on each one of those individually for one year, this isn't difficult. At the end of the year, are they going to tell us, if there isn't any problem that it is now safe and we have demonstrated that this has been a pilot program? That is kind of like saying we are going to give a drug to 500 people, and if nobody dies on it, let's put it out to the American people and market it. Now, that is not the way I did business and certainly not the way the pharmaceutical industry would even want to do business, but legally would not be allowed to, but they wouldn't want to do it that way.

Why is it that we are taking a small sample that we know probably is going to be handpicked and watched closely for a year, and then use that to determine what goes on?

Mr. RYAN of Ohio. Without having this system in the infrastructure in place to say that every truck in the future that is going to go on the road, this is just maybe fixing up trucks and picking the right people to make sure you get the right results.

Mrs. BOYDA of Kansas. It is called cherry-picking where I come from.

Mr. RYAN of Ohio. It is called cherry-picking, and you are getting the results. But at the end of the day, you don't have a system in place in the Mexican domestic government, the civilian side, to monitor this to say that every truck that comes through or at least minimize. Now, we have truck accidents in this country. You are probably never going to be able to eliminate all of it. But, at the same time, we have these strict enforcement mechanisms. And we all deal with trucking companies in our district; they have got to go through a lot, logging miles and hours and sleep.

Mrs. BOYDA of Kansas. It is disciplined.

Mr. RYAN of Ohio. And it is a tedious task. People can make a few bucks doing it, I have noticed, but at the same time it is very rigorous. But at the end of the day, we decided as a country we would rather have safer roads. These trucking companies do not want the insurance payments if they would cause an accident, so they are inclined to abide by it. So all we are saying is let's lift everybody up and let's all play by the same rules, and we would be happy to do business with you.

Mrs. BOYDA of Kansas. It seems like it should make sense. In the State of Kansas, I don't know in Ohio but in the State of Kansas we do triples. Do you do triples, triple trailers? We do triple trailers across Kansas. One truck pulls three trailers. And I don't mind saying, as a mom, when you have got kids in the back seat, it is unnerving. Now, I have come to understand that triple trailers in fact are safe and there is data out there to prove that in fact they are safe, but I don't mind saying it is unnerving.

The concept that we would be doing triple trailers, I would assume that if triple trailers are allowed, then Mexican triple trailers are going to be allowed across Kansas. I am telling you, I don't think many people in Kansas are going to sit still very long. So are we saying that our own truckers then should start to dummy down their standards, that they shouldn't be able to do things because these other trucks are coming in and they might not be as safe?

Actually, when my kids were small and they were in that back seat and we were traveling across I–70, we went from Kansas across to St. Louis, Missouri, across I–70, I am sure fathers as well as mothers just have that sense of dread when you are so close to those big trucks. And, unfortunately, there are accidents. I can't imagine driving my grandkids now across I–70, wondering if these trucks are going to be safe.

We had a news conference, Mr. Speaker, about a month, maybe 3 weeks, ago and this woman I thought was incredibly brave. She told the story that was an absolute, it was literally tear jerking. She had just gotten married on her parents' 45th wedding anniversary. They were so very close. And to make a long story short, not long after she was married, her parents were in their car going down the highway in California with her nephew when the drive train fell out of the car. Needless to say, what happened after that was just, you couldn't even describe. And she was so brave. And this truck was from Mexico; and she said not only had they lived through this terrible, and of course wondering what her parents' last moments were like and the terror that resulted from it, but then the legal nightmare.

Mr. Speaker, trying to find the driver and trying to find the company, trying to find anybody who could give them information about, first of all, what had happened, who owned this truck, who was this person. And obviously the truck driver lived; her mom and dad of course did not. Getting any kind of compensation has been a nightmare.

Now, again, we are taking a fairly small, limited sample. And I am sure that we both agree that within this first year we both want this first year to be completely accident free. We should all want that. But what is it going to tell us if it is accident free? What knowledge are we going to have gained 12 months from now if it has been accident free?

This is what concerns me, that they take the entire program, put a great big Good Housekeeping stamp of approval on it and call it good and open it up. And then we are going to see what really happens.

Mr. RYAN of Ohio. And the concern for a lot of us is that this administration does not really have a very good track record of being open and honest with the Congress through a variety of issues. We go all the way across the board from the Iraq war, whether you were for it or against it or wherever you ended up; the actual execution of unbid contracts and lack of oversight and not getting the kinds of answers we need.

Katrina, we have the same kind of deal. The President goes down, Mr. Speaker, and says everything is doing great. Good job, Brownie, we are doing everything we can. Then you find out over the course of several days, several weeks, several years that it wasn't going well at all. There was no infrastructure in place; there was no civil coordination. We had all kinds of problems.

And I think it is so important that the gentlewoman, Mr. Speaker, from Kansas has brought this issue to the Congress and made it a priority, not only for her but for the whole Congress, passing legislation with 410 other Members other than herself, is that we need to make sure that, if we do it, we do it right and we get it done, and we make sure that we have the safety standards in place, the drug testing, the sleep, the caps, the traditional safety standards that we have here, Mr. Speaker.

This is important stuff. And it can't be you say one thing today, and we find out a year later that it is not going as well; everybody passes, we completely implement the program, and we find out a year later. Now we have 5,000 trucks on the road coming from Mexico, and none of them are safe, or 50 percent of them are safe. That is too risky for I think our tastes.

So it is important that we continue to push the other side of the Capitol to pass this piece of legislation, talk to our Senators, talk to the people we work with to get this thing done. This is important for the American people, a priority for you, a priority for me, and a lot of our other colleagues to the tune of 411 of us. We can't agree on anything with 411 people, but we agree on this issue.

Mrs. BOYDA of Kansas. Absolutely. I think that really speaks for it. In July, what, 114 Members in the House also signed an urgent, urgent letter to the President, Mr. Speaker, just calling on him to stop this pilot program until these safety concerns were met.

Is this about jobs? Sure. Is it about safety? Absolutely. And ultimately that is why I had to stand up and say something. This is about safety, and 114 Members of this House right here, absolutely bipartisan, wrote a letter to the President imploring that he stop this program before it gets started.

And so in the House we have passed the Safe American Roads Act; we have signed on to some statements in the supplemental asking for the President, telling the President and/or law to stop this. We have written a letter. I am hoping that our colleagues in the Senate, certainly I am calling on my colleagues from Kansas, to stand up and to really get behind this issue very clearly, very forcefully, and impress in whatever way we can to influence the President of the United States, and to see that we bring this extremely ill conceived project to a halt. The horse has not left the barn, but it is getting ready to. Now, that is what we say in Kansas.

Mr. RYAN of Ohio. It has got the hoof out.

Mrs. BOYDA of Kansas. We have lots of horses in Kansas. The horse has left the barn. It has not left the barn; it is getting ready to. And then we are going to hear that it is going to be impossible to pull back. And this is what we have to do, and it just cannot be allowed to go further.

Some of the independent truckers in my district were so concerned because they knew that this pilot program was being discussed; and yet time after time they were told, no, don't worry about it, this is not going to happen.

And I agree with you, Mr. RYAN, that just the issue of trust has so much to do with this right now. And I think the American people are just deeply offended that the President has said ''trust me'' one more time, and they are just not able to.

This is not about race, it is not about Mexico, it is not about anything other than keeping our families safe when we get out on the road that we could be assured that every safety precaution, every reasonable safety precaution has been met, and that the force of law is behind it and the American people, their tax dollars are going to make sure that this is being enforced, and they can get out on the roads, take the kids to wherever they are going, over the river and through the woods, and know that they are going to be safe.

Mr. RYAN of Ohio. I want to in closing just say that hopefully, and I think this has, that there is a real move afoot in Congress, whether it is with your bill regarding transportation and Mexican trucking, ROSA DELAURO talking about food safety, toy safety coming in from China. There is a lot of movement coming in Congress to say, hey, we have got these standards here. We were one of the first countries to implement them. They were important to us. We like the standard of living that we have here, and we want to keep it moving. That is why I think this is such a key piece of legislation.

So I am happy to support you and continue to talk about this and keep pushing.

Mrs. BOYDA of Kansas. I thank you very much. I think we both asked the American people to stand up and to make their voices heard. Everyone plays a part in our democracy. That is the beauty of our democracy.

So, Mr. Speaker, I implore the good people of America to stand up and very clearly and forthrightly, respectfully of course, very respectfully, say that they cannot support this, nor can they support people who are unwilling to stand up and take a stand on this.

With that, I thank my colleague from Ohio for joining me this evening, and I certainly am hoping that very, very soon we will have good news and this program will be put to rest.

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□ 2130

## SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I'm not certain my voice is going to hold out for a full hour, but I will do my best.

I come to the floor tonight to talk, as I do every week, about health care, the state of health care in America. We have an unusual week ahead of us here in the House of Representatives. Many people know that we have been debating the reauthorization of the State Children's Health Insurance Program for several months now.

The bill that was passed on the floor of the House at the end of September was vetoed by the President and that bill, I'm assuming, will be coming back to the floor of the House this week to test the possibility of an override on the President's veto.

Mr. Speaker, I support the reauthorization of the State Children's Health Insurance Program, as does, I suspect, almost everyone in this body. But, Mr. Speaker, the bill that we received the end of September was not a good bill to accomplish the purposes that we're looking to accomplish.

Mr. Speaker, we need to focus on the poor children in this country and only expand the program after we're doing a good job taking care of the poor children and the near poor in this country. And I don't think we have yet met that test, and that's why I supported the

President when he vetoed the legislation; and I hoped that that would be an impetus for both sides to come back together in this House and work on that bill and get a product for the American people, a viable product to reauthorize the State Children's Health Insurance Program for the American people. Unfortunately, that has not, that expectation has not been met.

Now, Mr. Speaker, the State Children's Health Insurance Program was introduced 10 years ago. You know, when we all stood up in this Chamber last January and raised our right hands and swore our oath to defend the Constitution, every man and woman among us in this body knew that September 30th of this year the State Children's Health Insurance Program was going to expire, was going to go away. It had a shelf life, and September 30th of 2007 was that date.

I was very disappointed that we had only the most general hearings about insurance coverage in our Committee on Energy and Commerce. We never had a legislative hearing on the bill that we voted on at the end of July, the first part of August. We never had a subcommittee markup during the summer on the bill that we voted on the beginning of August. We had a bill that was delivered to us about 24 hours before it was rammed through the full committee on our Energy and Commerce Committee and then brought to the floor of this House.

I had four amendments that I took to the Rules Committee. None were made in order. The bill was passed primarily on a party line vote, and it's called bipartisan. I guess that's what passes for bipartisanship in this town right now.

But, Mr. Speaker, let me reemphasize, I support the reauthorization of the State Children's Health Insurance Program. In 1997, I wasn't here in this House. But a Republican House of Representatives, recognizing there was a gap between children whose parents made too much money to qualify for Medicaid and yet not enough money to be able to afford their own insurance coverage, there was a gap in the coverage for health insurance for children, and the Congress, in 1997, wisely, I think, stepped up and provided the leadership and provided the legislation that gave us a program that I think, arguably, has functioned very well for the past 10 years.

But part of the wisdom, part of the reason of having a program be reauthorized after a set period of time is, let's step back and look at the program. Is it doing a good job? Is it functioning as intended? Are there things we could do better? Are there improvements that can be made? Are there areas where it could be streamlined? I think the answer to every one of those questions in regard to the State Children's Health Insurance Program was yes. And it's a tragedy, it's unfortunate that we never got a chance to even talk about any of those improvements. Instead, we got a very draconian process and a bill pushed through the House that was absolutely unacceptable to the President and, as a consequence, he vetoed it. And as a consequence, after 2 weeks of some of the most severe political hammering that has ever been seen in this country, we're now going to have a vote this Thursday on whether or not to override the President's veto.

Mr. Speaker, in 1997 the committee on which I currently serve, the Committee on Energy and Commerce, crafted this original legislation. It was done with the best of intentions. There were children whose parents earned too much money for Medicaid. They earned over 150 percent of poverty. That's about a level of $35,000 for a family of four. But they didn't make enough money to pay for their own health insurance. Two hundred percent of poverty is a level of about $41,000 a year for a family of four. So the children who fell into that gap couldn't be covered under Medicaid, and their parents didn't quite make enough money to cover them on their employer-derived insurance.

Now, about 50 percent of the children in that category did have employer-derived insurance, but the other 50 percent were the ones who needed help, and that's where the help was targeted.

The program, as it was initially authorized, was a $40 billion program over 10 years' time. Every State had 3 years to spend its State allotment.

Now, that's important in my home State of Texas because our legislature meets every 2 years. Anything less than a 3-year time period in which to spend the allotted money means that any changes that are made in the program won't have time to go into effect, and Texas would be at risk of losing some of those dollars under the bill passed by the House and vetoed by the President.

Now, I said it before and I'll say it again. I think almost every person in this body wants to have this program reauthorized and wants to make certain that children have health care coverage. Let's ignore the question of cost for a moment. But I don't think we can ignore some of the other issues that surround this concept.

What if we expand the program in a way that erodes, it takes away the component of commercial insurance that's available to families with children. Is that ultimately a good thing or a bad thing? Will the future look better or worse if we erode that private coverage?

Now, raising taxes to pay for the program, if we have to do it, but Mr. Speaker, the funding mechanisms that are before us on this authorization actually disappear in 5 years. Under the current PAYGO rules of the House, the program has to be fully funded, so it's all front loaded. And guess what happens? Four or 5 years into the program, it falls off a cliff, and someone's going to have to deal with that cliff, someone who perhaps is currently serving in this body or someone who will be serving in this body, they will have to face those funding shortfalls in years to come.

We all know that there are difficulties that face the Congress in the years ahead as far as paying for entitlement programs, so any time we expand an entitlement program, we have to be very careful, very careful that we have thought through the issue of funding support for the future, or else that very famous line of passing the cost on to our children and grandchildren, in fact, becomes a self-fulfilling prophecy.

Mr. Speaker, some of the problems I see with the bill that was passed by this House at the end of September: The 2-year time interval to spend money by the States is, for a State with a 2-year legislative process, that's going to be mighty difficult.

This program will be spending more money than the previous authorization of SCHIP. The current funding is to be $60 billion over 5 years. Remember, the original SCHIP bill back in 1997 was $40 billion over 10 years. This bill will spend $60 billion over 5 years.

There is no hard limit. Although you will hear people talk about the upper limit being 300 percent of poverty, because of income set-asides and disregards that are available to the States, there are no hard upper limits.

But, Mr. Speaker, is that what the American people want? When we hear that this issue polls very well for Democrats and very poorly for Republicans, well, let's look into that just a little bit. A poll out just this week from USA Today shows a majority, over 50 percent of the people in this country, agree that poor children should be covered first. It's a fairly simple concept. And guess what? The American people get it. That's what they want to see us do, cover poor children first.

Now, if we follow a process that allows those State disregards, those income disregards and set-asides and have a system of open-ended Federal funding for the States that go over budget, imagine what is going to happen when people in this body are faced with reauthorizing this program in 5 years' time.

Now, one of the real pernicious aspects of this is that it shifts children who are participating in private insurance to a government program.

Mr. Speaker, let's take a look at this next graph. We see, if we look at children whose families earn in the 100 to 200 percent of the Federal poverty limit, about half of those children have private health insurance. So it's this group of children that the SCHIP program initially set out to cover.

Now, if we expand the eligibility limits between 200 and 300 percent of the Federal poverty limits, three out of four kids are already covered by private health insurance. If we go up to 300 percent of the Federal poverty limit, nine out of 10 are already covered. And if we go up to 400 percent of poverty, 95 percent of those children already have insurance. And yet some

States, two eastern States, have exceptions in the Democratic-passed bill which would allow children to be covered whose families earn up to 400 percent of poverty.

Well, Mr. Speaker, I submit that the universe of children in that group is pretty small that doesn't have health insurance. And to be sure, we should find them and help them. But do we want to move children who are already covered by viable commercial insurance, do we want to move them to a government program?

What are we trying to do here? Grow the government or build stronger families? I'll vote for the families every time.

Now, carve-outs for States, primarily States in the northeast, essentially requires other States to subsidize their programs. How's that going to happen?

Well, a State like Texas that right now has 3 years to spend its State allotment is going to be cut back to 2 years. Our legislature met this last year in 2007. It won't meet again till 2009. So if their State allotment requires a higher level of spending or money is left on the table, guess what? The money's left on the table. But it's not really left on the table for very long. Where's it going to go? It's going to go to one of those States that is now allowed to cover children up to 400 percent of the Federal poverty limit. Well, I don't think anyone in Texas, if they really understood what was happening here, would be in favor at all of the bill that passed this House the end of September, and they would be very grateful that the President provided a backstop with a Presidential veto and said, Get back to the House and get back to work on that.

Mr. Speaker, one of the real problems with the SCHIP bill, and one of the, when we talk about things that we could do to improve the SCHIP bill, one of the ways we've gotten away from those original intentions when this bill was passed back in 1997 is that we have allowed adults to be covered under the SCHIP program. In fact, there are four States right now that cover more adults than they do children. In fact, one State, 87 percent of the participants in the SCHIP program are not children. Well, that seems to fly in the face of what was a good and sound public policy at its inception.

Now, to be sure, those waivers have been granted by the previous administration and by this administration. Well, they've got to stop. And certainly, the language in the current SCHIP bill that was voted on the floor of the House made moves in that direction, but nowhere near fast enough.

Every dollar we spend on an adult in this program is money that we can't spend on a child. And you know what? It only costs about 60 percent of the dollars to insure a child versus an adult. Children are relatively cheap to insure because they're healthy. If we take those dollars and displace them to the coverage of adults, we push proportionately more children off of the program. And I don't think that's what anyone had in mind. So ending the coverage of adults under the SCHIP program is certainly something we've got to pay strict attention to, and simply phasing it out in 5 years' time, in my mind, is probably not moving aggressively enough in that area.

□ 2145

Putting the children back in SCHIP ought to be one of our first principles, one of our first priorities in the reauthorization of this bill.

Now, another pernicious aspect of the House-passed bill in September, and it's not a big deal, probably didn't get any headlines anywhere in this country, but eliminating some of the demonstration projects that were carefully crafted to try to look at other options for people who fall between the Medicaid and not quite being wealthy enough to provide their own health insurance, to allow States to have the flexibility to set up a health opportunity account, to allow a family to perhaps build and develop a medical IRA so that they can transition from a State-based insurance program to a private-based insurance program in the future.

Now, I saw a lot of patients in my medical practice who were covered under Medicaid. I had an obstetrics practice; and because of Texas State law, obstetrics is one of the things that is almost automatically covered under Medicaid. We saw a fair amount of Medicaid patients. But, Mr. Speaker, over time those families wanted to gravitate to a private insurance coverage because it was better coverage and they had more choice of whom they could see. They weren't so restricted in their choice of providers. Allowing them to begin to build the equity that will allow them to do that, well, I think that's a fundamental desire of a lot of young families who start out on one of the State or Federal assistance programs.

Now, one of the really difficult issues for me back home with this bill, even though it is advertised differently, is that this bill will make it easier for people who are in our country without the benefit of citizenship or a Social Security number, it will make it easier for them to qualify in the State Children's Health Insurance Program. The citizenship verification requirement that is currently in the SCHIP authorization is eroded under the bill passed by the House. Now, they tell you that, no, we protect, it's only American citizens; but the reality is the CBO, Congressional Budget Office, that studies these things will tell you that the erosion of the verification process will, in fact, allow many more people in to have coverage that are in the country without the benefit of going through the legal process to be in this country.

And the number is significant. The Congressional Budget Office estimates that over 10 years' time, that will account for about $3.5 billion of new spending to cover people who are in the country without benefit of Social Security numbers.

Shouldn't we be focusing on those children between 150 percent of poverty and 200 percent of poverty that we are not finding now: Shouldn't we be focusing on those instead before we begin to focus on people who are in the country without the benefit of citizenship? I think so. I know the constituents in my district back in Texas think so.

We need to do a good job for the people who are here legally or are natural citizens of this country before we start reaching out to cover other populations. We can't cover those other populations at the expense of the people that we are required to take care of.

Well, Mr. Speaker, I have a lot of concerns about the bill that passed the floor of this House, and I am grateful now that we are going to get another opportunity to visit that with a vote. The cost is high, but I don't think we should be focusing on cost. I think fundamental issues like freedom and I think fundamental issues of erosion of private coverage of insurance are more important than this argument.

Now, wouldn't it be great if we gave families the help they needed to keep their kids on their employer-derived insurance? A family of four earning a little over $40,000 a year, if the mom and dad or the primary wage earner is covered under employer-derived insurance but they look at the cost of pulling the kids onto the policy, and it is just too much for us, we can't swing that, what if we took the approach that we are going to buy down the cost of that coverage for their children for them so that their children would have the coverage? Wouldn't that be better than just placing the children onto a State-run program? Wouldn't it be better if everyone in the family was covered under the same provider book? When it came time to go to the doctor or necessary to go to the doctor, you have just got to look in one book. You don't have to have a book for Mom and Dad, who are covered under the employer's policy, and a book for the kids, who are covered under the government policy. One policy that covers an entire family makes a lot of sense.

Now, the current SCHIP bill, the one from 1997, does allow for the concept of premium support, but it is restricted in the total number of dollars that can be spent in that regard; and, quite frankly, there are so many obstructions and so many regulations that people get wrapped around the axle and they just never get through the process of getting that done. It's just easier to go down to fill out some paperwork and get on the full SCHIP program. Let's not worry with premium support. We can streamline that. We can make it easier.

Now, to be fair, there were some attempts in the bill passed on the floor of the House last September, some attempts to streamline that process, but

we could go a lot farther. We actually ought to encourage that because, again, it builds healthy families and that is what we ought to be about, building healthy families, not building a bigger government or building a government with a bigger appetite. Let's build healthy families and give them the power to make the decisions.

The other issue that we hear talked about a lot is, well, we are going to be covering many more kids with this program. But if we actually break the numbers down, the numbers are all over the map. You will hear quotes or read quotes from people who will talk about numbers that are literally all over the place. If you watched the Sunday shows, I don't think the same two numbers came out of the same person's mouth more than once. But if we break it down by the Congressional Budget Office and look at the population that will be covered that has previously not been covered, the number most consistently quoted is an additional 1.2 million children enrolled in the SCHIP program. But that includes about half of them who already have private health insurance coverage.

So the actual number diminishes by about half, that 600,000 children will be the increase, the uptick in the number of children who are covered under the bill that we passed on the floor of the House at the end of September. It costs a lot of money to do that. And it's not that I mind spending the money on something as worthwhile as children; but, really, shouldn't we be ensuring that we are getting value for the dollar, and is that really the best way to go about doing it, putting half of them on private health insurance in order to cover the other 600,000 children? I don't know that that is the wisest and best use of our time. I don't know that that is the wisest and best use of our dollars.

We should strive to deliver value for the taxpayer in everything we do, whether it be national defense, whether it be transportation funding, whether it be legislation supporting research and development, or whether it be legislation supporting the State Children's Health Insurance Program. But, Mr. Speaker, I really think it would be better if we gave more families more power and gave them the option of buying down the cost of that private health insurance so that we could keep them in a program where both parents and the children are covered under the same policy. If we could make the improvements in the premium support provisions of the bill, we might actually give a family the ability to cover their kids under their employee health plan and keep them all together under one umbrella coverage.

But this bill chooses to take those kids, about 600,000 who already have insurance, and push them into the SCHIP program.

Mr. Speaker, instead of federalizing health care, instead of expanding the power and reach of the Federal Government, why don't we give families a lift and let the families make the best decisions? I think they will make the best decisions regarding their health and their families' health. But more and more families will be dropping private health insurance if this bill as passed by the House is allowed to stand.

Mr. Speaker, again, we hear a lot of stuff about how this veto fight polls very well for Democrats and this is an election issue that has been handed to them and they wouldn't think of compromising because, after all, by golly, they are on the right side of this fight.

But look at this, Mr. Speaker: Are Americans concerned that families would drop private coverage if they had the option to have a Federal program available to them? You bet they are. Fifty-five percent are concerned or very concerned about just this eventuality.

Mr. Speaker, it's a shame when politics trumps sound public policy; but, unfortunately, we seem to be very much involved in a time where that's the coin of the realm and that's one of the things we are going to have to expect and work through.

When you look at the State Children's Health Insurance Program passed in 1997, what was the situation? You had a Republican majority in Congress and you had a Democratic President, and they were able to work that out between them and come up with a plan that is fairly sensible and has worked well for 10 years' time. Well, now we have got a Democratic House and a Republican President. Is there any reason why this shouldn't work when the reverse worked 10 years ago? I am at a loss to explain that. I am at a loss to understand why it wouldn't work now.

Mr. Speaker, I am a physician by trade. As a consequence, I frequently get to talk to doctors who come up to Congress to talk to us about the health policy decisions that we make and those that we should make and some of them we have made that have had unintended consequences. So I spend a lot of my time talking to physicians who come to Washington who are concerned about things. And a lot of doctors have been through town the past couple of weeks concerned about SCHIP and trying to learn more about it, trying to find out what all the fighting is about, why can't Congress agree on things.

And I was talking to a group of probably 70 doctors at the end of last week, and I asked if anyone in the audience practiced pediatrics. And a gentleman raised his hand. And I said, Are you aware of the fight going on in Congress right now with the reauthorization of SCHIP? And he said, Yes, I've been following it some.

And I asked him, When you are at home in your private practice of pediatrics and an SCHIP patient comes in, for the reimbursement for the services you render for that patient, does the government treat you the same as a private insurance company does? Is your reimbursements rate identical for those two patients?

He said, Oh, no. It's about a third less on SCHIP.

So, sir, what would be the effect if we took your patients who are on private health insurance and moved more of them to SCHIP? Would that have a positive or negative financial impact on your practice?

He said, It would be very negative, obviously.

And I said, Would you have any difficulty? Would you be able to make up that difference?

And he didn't have an answer for me. He was obviously doing some figuring in his head.

But, Mr. Speaker, that points up one of the other problems here. When we expand the reach and grasp of the Federal Government in health care, what happens? When it comes time to shave a few dollars off the program to find dollars for something else or find dollars to expand the program, one of the first places we go, witness the Medicare program. What is the number one complaint we hear from providers all over the country about the Medicare program? It is not that their patients can now get prescription drugs. It is that every year they face a 5 to 10 percent reduction in reimbursement rates for providers because of the way the Medicare program is scheduled and structured.

Can we honestly take a step back and say it would be a good thing to do that to the pediatricians of this country? We are having enough trouble right now with the health care workforce. Do we think we are going to improve that if we expand the size and grasp of the Federal Government and, as a consequence, ratchet down reimbursement rates for pediatricians? Do we expect to find more pediatricians in our community or less? I think you know the answer to that.

Now, Mr. Speaker, there is one other aspect to this, and I am always advised by people who advise me about communications and, in talking with regular people, that no one wants to hear about process in Washington. But, after all, we are about process here in this House, and I think it is worthwhile to at least mention once again some of the process problems that have given us this impasse on the State Children's Health Insurance Program. Remember, in this body I could probably name one or two people that wouldn't have voted for a sense of the Congress that said we want to reauthorize SCHIP this year. If we all gathered here in January and said before the fiscal year is over, do you want to reauthorize SCHIP or not, I don't know if there would have been a single negative vote had that been taken on the floor of the House in January.

So how do we get here where we are? I would submit to you it has been the activities of House leadership, the way this bill was brought to the floor. No

legislative hearings, no subcommittee markup. A full committee markup that was a joke and then pushed to the House floor, and, oh, by the way, if you have got amendments, don't bother to stay up late for the Rules Committee because we are not going to entertain them.

□ 2200

And that bill was so fatally flawed it died a tortured death during the month of August and then resurrected. The Senate had a bill. The House bill was so flawed, there was no way they could go to conference between the two of them, so we did kind of a conference but kind of not a conference, where we just kind of sprung from the Earth out of whole cloth a new House bill that was remarkably similar to the Senate bill, but it wasn't a conference report. It was brought to the floor of the House like a conference report, that is, once again, no hearings, no subcommittee markup, no full committee markup, no possibility of amending or improving the bill, even though it's a brand new bill. It had never been through the committee process. It was the Senate bill that just kind of got massaged a little bit, given a House number, and here we go, it's a conference report. But it's not, and no one believed that it was. But we treated it like one, we brought it to the floor of the House, it was voted up or down, no possibility for amendment. The vote passed, but not with enough numbers to override the Presidential veto. And that's what we will face at the end of this week.

The Democratic leadership asked for an additional 2 weeks to make their case to the American people. Well, they've had their 2 weeks; they've made their case to the American people. And as people look at this bill, they say, I don't know if we want to encourage people to drop their private coverage to go on a Federal program, and that's because the American people are a lot smarter than a lot of us about these things.

Mr. Speaker, I would give to you as an example of how things can be done correctly, we reauthorized the Food and Drug Administration earlier this year. That also came through my committee. We had hearings, we had a subcommittee markup, we had a full committee markup. The original legislation that I saw early in June was so awful I didn't even want to be associated with it as it came through the process. But we worked on it. We worked on it in the subcommittee, we worked on it in the full committee, we amended it. Staff had meetings between times. We coaxed it along. And at the end of the day, we had a bill that I think 400 of us could support when it came to the floor of the House. And then it went over to the Senate, similar activity. And then a conference report came back to the House, it went to the President and was signed. The biggest change and restructuring of the Food and Drug Administration in 40 years.

We heard the other side talking about it just a little while ago. We need to give the FDA the tools it needs to be able to function in the 21st century world. And guess what? In my committee we did that, and we did it the right way. We did it by working through the process. Yes, the Democrats were still in charge. Yes, they could have defeated every one of my amendments on a party line vote. But you know what? They didn't. Or if it was defeated, the chairman said, Well, we're going to look at that in the conference process, I promise you. And as a consequence, we got a bill that should be the model for the way legislation passes through this House of Representatives. And instead, when just a few months later it came time to reauthorize the State Children's Health Insurance Program, we got a tragedy of a bill.

Now, even just today we marked up a bill in full committee, after a subcommittee markup last week, on mental health parity. I didn't agree with a lot of things in the bill, but I had a chance to have my say. I got the chance to put my ideas out there and have them voted on by the committee. I knew I wasn't going to win on the votes, but I knew I had to present my argument. People watched that on C–SPAN. People will see that in the committee record. Over time, if I'm right, then I will win the argument of ideas. But if we never have the opportunity to debate it in committee, how is anyone going to know? How is anyone going to know? Sure we're going to lose the vote because we don't have the numbers over here, but if we never get a chance to debate the ideas, how are the American people going to decide when they look at this critically and say, I don't think that's a good idea. Well, we should give the American people that chance; the fact that we're not is just flat wrong.

We'll have our chance to vote on the bill this Thursday. I'm not a prognosticator. I don't know how it will turn out. I think it is the correct thing to do to support the President's veto and bring this bill back to the House. And I hope people of goodwill can get together and work on it, but, Mr. Speaker, I've got to tell you, although I'm generally optimistic about things, I'm worried. I'm worried that we've decided we have a political bludgeon that is just too important to use to hold on to power. And that's a tough thing for me to say, but all of the articles I read in the throw-away journals out here lead me to believe that.

Now, Mr. Speaker, think back on 1996, when welfare reform was passed by this House. Again, you had a Republican House of Representatives, a Republican Senate. It passed welfare reform, then President Clinton vetoed it. It goes too far. You're going to put people out on the streets. It's a bad bill. So they came back, they passed it again. They didn't include any Democrats in the process, they just passed it again. And President Clinton looked at it and said, It's a bad bill. I'm going to veto it. So the third time both sides did get together and changed some things, albeit fairly modestly, but ended up with a bill that had, at the end of the day, both Republican and Democratic input, and the President was able to sign the bill.

I hope we have a repeat of that story in 2007 with the State Children's Health Insurance Program because the program is that important it requires involvement from both sides. It's a travesty to eliminate any single Member from the process because each one of us is charged with representing about 650,000 people back in our home districts. Is it right to simply silence those 650,000 voices, say no, you don't get a say in this because we're the majority party, we're in charge and what we say goes? The American people don't want to see that. I think they will have ample opportunity to judge both sides by their actions and by their words this Thursday, and most importantly, follow what occurs after that. Because if, indeed, the two sides can sit down together and work out realistically what may be some very modest differences between the bills, if that can happen, Mr. Speaker, we score a win for the American people. If that can't happen, if the allure of the perfect political bludgeon is too great and that bludgeon is seized and raised above the head and walked out of this Chamber with it to simply bash the opposition political party for another 12 years before the next legislation, well, I think the American people will be the big losers there.

Mr. Speaker, this is an important bill, it's an important subject. The reauthorization of the State Children's Health Insurance Program is supported almost unanimously in this body. So how did we get to a point where we have a bill that everyone wants to see reauthorized and no one wants to sit down and work on it? That's not a good work product for us to turn in for the American people.

Now, Mr. Speaker, after the bill passed, the Democrats passed the bill at the end of September, most people don't know what happened in this Chamber 2 days later. Remember, the bill was going to expire the 30th of September. Did it? Did it go away? Is there a State Children's Health Insurance Program right now? Yes, there is. We passed a reauthorization very quietly with a continuing resolution 2 days later, September 29th, here on the floor of this House, and that legislation is law and lasts until November 16th, when our target adjournment date is. I hope we get our work done by November 16th or 17th. I'm not overly optimistic that we will, but I hope we do. I know if I were a Governor of a State and looking at what dependability do I have for these funds coming in to help me take care of the poor children in my State, I wouldn't want to see that meted out in small little two- or three-

month segments. That's too hard. That's too hard to make decisions. That's too hard to govern with that kind of apportionment.

So, if we are not able to come to a decision before the 16th of November, I would argue for a much longer term of reauthorization under a continuing resolution. And although the numbers would stay the same, as they were in the bill that was passed in 1997, the dependability of having those founds I think is something most State Governors would want. I hope that State Governors will weigh in on this issue with Members of both political parties and impress upon them the importance of providing the stability of that source of funding as we go forward in this process.

Mr. Speaker, again, remember, the population of children that was originally the object of focus in the original State Children's Health Insurance bill were those children, that population of children that was between 150 percent and 200 percent of the Federal poverty limit. Ask yourself the question, where we are today, have we covered the majority, 90 or 95 percent of the children in that bracket? And the answer to that question is no. Let's do the hard work of finding those children, identifying them, and getting them into the program. Let's do that hard work before we go after easier applicants in higher income brackets.

The whole intent of the program was to provide the coverage for those who needed it the most; and Mr. Speaker, they still need it. Their needs have not changed. Even though our focus has changed to successively higher income groups, those children in the 150 to 200 percent of poverty, too much money to be covered under Medicaid, not enough money to buy private health insurance for about half of them, there are children in that bracket who remain uncovered to this day.

Let's put our outreach efforts on those children. Let's put our focus on those children and bring those children into a condition of coverage before we begin to vastly expand the program. And I think that's the message that has been delivered by the ranking member of my Committee on Energy and Commerce, Ranking Member BARTON, the ranking member of my subcommittee, Ranking Member DEAL. That's been the message. That's been the focus that they have consistently articulated on the floor of this House, and they're exactly correct. If we don't want to do the hard work, the American people will see through that. And if we just simply want to bring other children into the program, children who already have coverage from some other location, to expand the program, just simply expand the program for expansion's sake, to expand the reach and grasp of the Federal Government, are we doing right by those children that are just too tough for us to find? No, I don't think so.

I think, although it's hard work, it's good work. I think the States have the means, the mechanism and the capability of finding those children. And that's what we ought to be about in this body, encouraging them to find those children and bring them into the program. Then, and only then, can we talk about expansion beyond that limit. And if, indeed, we can show that across the country we have identified those children, we have brought them into the program, and then we want to talk about expansion and there's the money there to do it, I'm all for it. But until we identify those children, until we have made certain that we have covered the children that we were supposed to cover in the first place, we really don't have any business trying to expand the program.

I would argue for an upper limit being placed at 250 percent of poverty. I think that is a reasonable upper limit. If we cover 95 percent of the children below 200 percent of poverty and then we expand that to children up to 250 percent of poverty and we do a good job of identifying those children, I think the SCHIP program is functioning as intended and providing the coverage it needs to provide.

And Mr. Speaker, let me just go back to the previous slide for a moment. If we identify those children, and perhaps expand to cover some children who are in up to the 250 percent of poverty, fill in the gaps, look what's happened. We're covering almost all the children in the United States of America, and that's something of which every Member in this House can be proud, Republican and Democrat alike. And wouldn't it be great if we worked together to accomplish that instead of going after the cheap political hit and trying to advance our own power.

Mr. Speaker, you have been very generous with your time tonight. In summation, I would just say once again, I favor the reauthorization of the State Children's Health Insurance Program. I want to see that program reauthorized. I want to see it done sensibly. I don't want to see us grow the reach and grasp of the Federal Government unreasonably. I want us to keep families involved in their own health care. And Mr. Speaker, I think we can do it. It is hard work. It is going to have to require some compromise on both sides, but after we sustain the President's veto on Thursday, I look forward to getting involved in the process and getting that work done because it's the right thing to do for America and it's the right thing to do for our kids.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today and October 17 on account of medical reasons.

Ms. WOOLSEY (at the request of Mr. HOYER) for today.

Mr. REYES (at the request of Mr. HOYER) for October 15 on account of travel and weather problems.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SNYDER) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 23.

Mr. JONES of North Carolina, for 5 minutes, October 23.

Mr. DAVIS of Kentucky, for 5 minutes, October 17.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

## ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 17, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-2005-21748; Directorate Identifier 2005-NM-071-AD; Amendment 39-15044; AD 2007-10-03] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction [Docket No. FAA-2006-25584; Directorate Identifier 2000-NE-62-AD; Amendment 39-14733; AD 2006-17-12] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Artouste

III B and III B1 Turboshaft Engines [Docket No. FAA-2006-26128; Directorate Identifier 2006-NE-34-AD; Amendment 39-14875; AD 2007-01-64] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2006-25643; Directorate Identifier 2006-NM-135-AD; Amendment 39-14869; AD 2006-26-11] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies [Docket No. FAA-200624036; Directorate Identifier 2006-NE-04-AD; Amendment 39-14947; AD 2007-04-15] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2006-26462; Directorate Identifier 2006-NM-221-AD; Amendment 39-14952; AD 2007-04-20] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airlanes [Docket No. FAA-2006-26285; Directorate Identifier 2006-CE-69-AD; Amendment 39-14932; AD 2007-04-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26233; Directorate Identifier 2006-CE-63-AD; Amendment 39-14979; AD 2007-05-18] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-15018; AD 2007-08-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, A300 B4-603, A300-B4-605R, A300 C4-605R Variant F, A310-204, and A310-304 Airplanes Equipped With General Electric CF6-80C2 Engines [Docket No. FAA-2007-27012; Directorate Identifier 2006-NM-188-AD; Amendment 39-15017; AD 2007-07-15] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB-X and D3A32C409/8NDB-X Propellers [Docket No. FAA-2005-22898; Directorate Identifier 2005-NE-10-AD; Amendment 39-15021; AD 2007-08-04] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; LATINOAMERICANA DE AVIACION (LAVIA) S.A. (Type Certificate Data Sheets No. 2A8 and No. 2A10 Previously Held by the New Piper Aircraft, Inc.) Models PA-25, PA-25-235, and PA-25-260 Airplanes [Docket No. FAA-2007-27109; Directorate Identifier 2007 CE-005-AD; Amendment 39-15024; AD 2007-08-07] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream 3201 Airplanes [Docket No. FAA-2007-27070; Directorate Identifier 2007-CE-003-AD; Amendment 39-15023; AD 2007-08-06] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2007-27013; Directorate Identifier 2006-NM-236-AD; Amendment 39-15022; AD 2007-08-05] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. FAA-2007-27824; Directorate Identifier 2003-NE-12-AD; Amendment 39-15026; AD 2006-11-05R1] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshaft Engines [Docket No. FAA-2005-21624; Directorate Identifier 2005-NE-17-AD; Amendment 39-15028; AD 2005-13-25R1] (RIN; 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-27898; Directorate Identifier 2007-NM-078-AD; Amendment 39-15029; AD 2007-07-05 R1] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters Inc. (MDHI) Model MD600N Helicopters [Docket No. FAA-2007-27343; Directorate Identifier 2007-SW-05-AD; Amendment 39-15030; AD 2007-05-51] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes [Docket No. FAA-2007-27786; Directorate Identifier 2007-CE-031-AD; Amendment 39-15031; AD 2007-09-01] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 SHERPA, SD3-SHERPA, SD3-30, and SD3-60 Airplanes [Docket No. FAA-2007-27866; Directorate Identifier 2007-NM-055-AD; Amendment 39-15027; AD 2007-08-09] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2007-27980; Directorate Identifier 2007-NM-066-AD; Amendment 39-15033; AD 2007-09-03] (RIN: 2120-AA64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1955. A bill to prevent homegrown terrorism, and for other purposes; with an amendment (Rept. 110–384, Pt. 1). Ordered to be printed.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 746. Resolution providing for consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–385). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 1955 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KANJORSKI (for himself, Mr. FRANK of Massachusetts, Mr. WILSON of Ohio, and Mr. HODES):

H.R. 3837. A bill to require escrows for certain mortgage loans, to improve mortgage servicing, to promote sustainable homeownership opportunities, to enhance appraisal quality and standards, to better appraisal oversight, to mitigate appraiser pressure, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3838. A bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating

the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes; to the Committee on Financial Services.

By Mr. CALVERT:

H.R. 3839. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mr. SAXTON (for himself and Mr. GILCHREST):

H.R. 3840. A bill to prohibit commercial fishing of Atlantic menhaden for reduction purposes in inland, State, and Federal waters along the Atlantic coast of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. GILCHREST:

H.R. 3841. A bill to prohibit the commercial harvesting of Atlantic menhaden for reduction purposes in the coastal waters and the exclusive economic zone; to the Committee on Natural Resources.

By Ms. SOLIS (for herself, Mr. HINOJOSA, Mr. HONDA, and Mr. MCGOVERN):

H.R. 3842. A bill to establish dual-language education programs in low-income communities; to the Committee on Education and Labor.

By Mr. REYNOLDS:

H.R. 3843. A bill to amend the Internal Revenue Code of 1986 to provide a special allocation under the new markets tax credit in connection with trade adjustment assistance; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Ms. WATSON, Mr. FORTENBERRY, Mr. WOLF, Mr. TANCREDO, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, and Mr. SOUDER):

H.R. 3844. A bill to establish the United States Commission to Monitor Slavery and its Eradication in Sudan; to the Committee on Foreign Affairs.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. BARTON of Texas, Mr. ALLEN, Mr. ARCURI, Ms. BEAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. EDWARDS, Mr. ELLSWORTH, Mr. EMANUEL, Ms. DEGETTE, Ms. GIFFORDS, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, Mr. KLEIN of Florida, Mr. MATHESON, Mr. MCNERNEY, Mr. MOORE of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. OBERSTAR, Mr. ORTIZ, Mr. POMEROY, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. SHAYS, Mr. SHULER, Mr. SPACE, Ms. SUTTON, and Mrs. TAUSCHER):

H.R. 3845. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself, Ms. NORTON, Mr. DAVIS of Illinois, Mr. KENNEDY, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, and Ms. SHEA-PORTER):

H.R. 3846. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, 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.

By Mr. DEAL of Georgia (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H.R. 3847. A bill to amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Mr. CONYERS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3848. A bill to provide for a reporting requirement regarding communications between the Department of Justice and the White House relating to civil and criminal investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. BISHOP of Utah:

H.R. 3849. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah; to the Committee on Natural Resources.

By Mr. CARNEY (for himself and Mr. CHABOT):

H.R. 3850. A bill to improve the collection and use of data related to crimes of child exploitation, and for other purposes; to the Committee on Education and Labor.

By Mr. CARTER:

H.R. 3851. A bill to amend various laws imposing criminal penalties to double the maximum penalty for illegal aliens who commit those crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Energy and Commerce, 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.

By Mr. CHABOT (for himself, Mr. CLAY, Mr. AKIN, Mr. KIND, Mr. WAMP, Mrs. EMERSON, Mr. BAKER, Mr. HULSHOF, Mrs. SCHMIDT, and Mr. WHITFIELD):

H.R. 3852. A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON:

H.R. 3853. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Resource Center for Positive Youth Development and School Success; to the Committee on Education and Labor.

By Mr. KANJORSKI (for himself, Mr. MORAN of Virginia, Mr. GONZALEZ, and Mrs. MALONEY of New York):

H.R. 3854. A bill to assure quality construction and prevent certain abusive contracting practices by requiring each bidder for a Federal construction contract to identify the subcontractors that the contractor intends to use to perform the contract, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida:

H.R. 3855. A bill to amend title 10, United States Code, to prohibit the disposal by the Department of Defense of surplus military items designated as Identification Friend or Foe items, to amend title 18, United States Code, to make it a misdemeanor to possess or traffics in Identification Friend or Foe items, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 3856. A bill to amend the Servicemembers Civil Relief Act to guarantee the right of deployed members of the Armed Forces who are elected members of State and local legislatures to vote on matters pending before such legislatures; to the Committee on Veterans' Affairs.

By Mr. NEUGEBAUER:

H.R. 3857. A bill to establish requirements for the consideration of supplemental appropriation bills; to the Committee on Rules.

By Mr. SALAZAR:

H.R. 3858. A bill to improve the further development of water resources in Colorado and New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR:

H.R. 3859. A bill to support further research by State departments of wildlife and agriculture, colleges and universities, and related research entities regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support additional State efforts to control the disease, and for other purposes; to the Committee on Natural Resources, 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.

By Mr. TANCREDO:

H.R. 3860. A bill to amend the Immigration and Nationality Act to require the use of DNA testing for purposes of confirming a biological relationship, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN HOLLEN (for himself, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, and Mr. RAMSTAD):

H.R. 3861. A bill to amend the Internal Revenue Code of 1986 to increase the AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes; to the Committee on Ways and Means.

By Mr. WYNN (for himself and Mr. BUTTERFIELD):

H.R. 3862. A bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Energy and Commerce.

By Mr. POE (for himself, Mr. FEENEY, Mr. COBLE, Mrs. BLACKBURN, Mr. CARTER, Mr. WAMP, Mr. CULBERSON, Mr. ROHRABACHER, Mrs. DRAKE, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. PASCRELL, Mr. DUNCAN, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. BURGESS, Mr. HAYES, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. HUNTER, Mr. DAVID DAVIS of Tennessee, Mr. GINGREY, Mr. KUHL of New York, Mr. WHITFIELD, Mr. HODES, and Mr. BLUNT):

H.J. Res. 58. A joint resolution expressing support for designation of the month of October 2007 as ''Country Music Month'' and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. ROTHMAN, Mr. ANDREWS, Mr. ISRAEL, Mr. CHABOT, Mr. BURTON of Indiana, Mr. RENZI, Mr. DOYLE, Mr. LINDER, Mr. COHEN, Mr. PORTER, Mr. MCKEON, Mrs. SCHMIDT, Mr. SHAYS, Mr. MCCOTTER, Mr. BONNER, Mr. SHUSTER, Mr. ROYCE, Mr. FERGUSON, Mr. PITTS, Ms. FOXX, Mrs. BLACKBURN, and Mrs. MUSGRAVE):

H. Con. Res. 235. Concurrent resolution regarding ending World Bank disbursements to Iran until the International Atomic Energy Agency certifies the compliance of the Islamic Republic of Iran with Resolutions 1696 and 1747 of the United Nations Security Council and the terms of the Nuclear Non-Proliferation Treaty; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, 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.

By Mr. DREIER (for himself, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. RADANOVICH, Mr. SCHIFF, Mr. BURTON of Indiana, and Mr. BLUNT):

H. Con. Res. 236. Concurrent resolution recognizing the close relationship between the United States and the Republic of San Marino; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H. Con. Res. 237. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT):

H. Res. 747. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Foreign Affairs.

By Mr. ADERHOLT (for himself and Mr. BARTON of Texas):

H. Res. 748. A resolution providing for consideration of the bill (H.R. 3584) to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP), and for other purposes; to the Committee on Rules.

By Mr. ANDREWS:

H. Res. 749. A resolution expressing support for designation of a National Animal Rescue Day to create awareness, educate, increase animal adoption, and increase financial support for animal rescues throughout the United States; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON (for himself, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. POE, Mr. CULBERSON, Mr. BRADY of Texas, Mr. REYES, Mr. ORTIZ, and Mr. RODRIGUEZ):

H. Res. 750. A resolution recognizing the noble service of the 147th Fighter Wing on their 90th anniversary; to the Committee on Armed Services.

By Mr. REYES (for himself, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. HOLT, Mr. GINGREY, Mr. HONDA, Mr. WELCH of Vermont, Mr. UDALL of Colorado, Mr. DAVID DAVIS of Tennessee, Mr. OLVER, Mr. WOLF, and Ms. ZOE LOFGREN of California):

H. Res. 751. A resolution supporting the goals and ideals of National Chemistry Week; to the Committee on Science and Technology.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. GILCHREST and Ms. RICHARDSON.
H.R. 136: Mr. CALVERT.
H.R. 138: Mr. CALVERT.
H.R. 139: Mrs. MCMORRIS RODGERS.
H.R. 140: Mr. YOUNG of Alaska.
H.R. 270: Ms. ROS-LEHTINEN.
H.R. 303: Mr. ORTIZ.
H.R. 338: Mr. MORAN of Virginia.
H.R. 510: Mr. LAMBORN.
H.R. 513: Mr. HASTINGS of Florida, Mr. STEARNS, Ms. ZOE LOFGREN of California, and Mr. SPACE.
H.R. 542: Ms. HIRONO.
H.R. 618: Mr. WICKER.
H.R. 643: Mr. ETHERIDGE and Mr. HULSHOF.
H.R. 654: Mr. SMITH of Washington.
H.R. 718: Ms. FOXX.
H.R. 724: Mr. PICKERING.
H.R. 725: Mr. SENSENBRENNER.
H.R. 743: Mrs. BIGGERT.
H.R. 758: Mr. SESTAK.
H.R. 891: Mr. HALL of New York.
H.R. 1043: Mr. GRIJALVA.
H.R. 1091: Mr. MILLER of Florida and Mr. SMITH of New Jersey.
H.R. 1110: Mr. YOUNG of Alaska and Mr. BROUN of Georgia.
H.R. 1174: Mr. JINDAL and Mr. ROTHMAN.
H.R. 1177: Mr. SALAZAR.
H.R. 1222: Mr. KLINE of Minnesota.
H.R. 1223: Mr. KLINE of Minnesota.
H.R. 1237: Mr. BILIRAKIS, Mr. FOSSELLA, Mr. MARKEY, and Mr. LEWIS of Georgia.
H.R. 1275: Ms. NORTON.
H.R. 1283: Ms. ROS-LEHTINEN.
H.R. 1286: Mr. GILCHREST, Mr. SARBANES, and Mr. HALL of New York.
H.R. 1330: Mr. STUPAK.
H.R. 1390: Mr. GARRETT of New Jersey.
H.R. 1415: Mr. KUCINICH.
H.R. 1422: Mr. GERLACH, Mr. LYNCH, and Mr. ANDREWS.
H.R. 1459: Ms. JACKSON-LEE of Texas, Mrs. BOYDA of Kansas, and Mr. WESTMORELAND.
H.R. 1537: Mr. NEAL of Massachusetts.
H.R. 1553: Mr. GALLEGLY and Mr. JOHNSON of Georgia.
H.R. 1560: Mr. GUTIERREZ.
H.R. 1586: Mr. GOODLATTE, Mr. MCCOTTER, and Mr. GOHMERT.
H.R. 1609: Mr. TIM MURPHY of Pennsylvania, Mr. JONES of North Carolina, Mr. GARRETT of New Jersey, and Mr. COSTA.
H.R. 1643: Mr. ALTMIRE.
H.R. 1647: Mr. SNYDER, Mr. FERGUSON, Mr. KLEIN of Florida, Mr. CUMMINGS, and Mr. MICHAUD.
H.R. 1738: Mr. AL GREEN of Texas and Mr. CLEAVER.
H.R. 1742: Mr. CROWLEY, Mr. VAN HOLLEN, and Mr. ALTMIRE.
H.R. 1747: Mr. MILLER of North Carolina and Mr. SHERMAN.
H.R. 1845: Mr. DENT, Mr. KUHL of New York, Mr. POE, Mr. WESTMORELAND, and Mr. LARSEN of Washington.
H.R. 1927: Mr. HONDA, Mr. GONZALEZ and Mr. KILDEE.
H.R. 1937: Mr. CARDOZA.
H.R. 1959: Mr. ALEXANDER.
H.R. 1971: Mr. GUTIERREZ.
H.R. 2005: Mr. LARSEN of Washington.
H.R. 2045: Mr. MILLER of North Carolina.
H.R. 2090: Mr. SHULER.
H.R. 2164: Ms. HERSETH SANDLIN.
H.R. 2210: Mr. LINCOLN DIAZ-BALART of Florida, Ms. WATERS, Ms. WOOLSEY, Mr. HONDA, Ms. SLAUGHTER, Ms. SOLIS, Mr. MEEK of New York, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. ALTMIRE, Ms. SCHWARTZ, Ms. KILPATRICK, Mr. CLYBURN, Mr. GORDON, Mr. HOLT, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. LOEBSACK, Mr. LEWIS of Georgia, Ms. WATSON, Ms. LEE, Ms. CLARKE, Ms. RICHARDSON, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. DOGGETT, Ms. MOORE of Wisconsin, and Mr. CHANDLER.
H.R. 2215: Mr. HINCHEY.
H.R. 2255: Mr. MCNERNEY.
H.R. 2262: Mr. KILDEE, Mr. KIND, and Ms. SOLIS.
H.R. 2265: Mr. RANGEL.
H.R. 2266: Ms. SLAUGHTER.
H.R. 2287: Mr. JACKSON of Illinois and Mr. FATTAH.
H.R. 2318: Mr. PAUL.
H.R. 2353: Mr. UPTON.
H.R. 2370: Mr. NEUGEBAUER and Mr. PICKERING.
H.R. 2373: Mr. SCOTT of Georgia.
H.R. 2452: Mr. ARCURI.
H.R. 2511: Mr. UDALL of New Mexico.
H.R. 2517: Mr. KELLER, Mr. KUHL of New York, and Mrs. MCMORRIS RODGERS.
H.R. 2522: Mr. WALSH of New York, Mr. SESTAK, Mr. KIRK, and Mr. BURTON of Indiana.
H.R. 2609: Mr. FORTENBERRY.
H.R. 2633: Mr. BLUMENAUER.
H.R. 2744: Mr. MANZULLO, Mr. SARBANES, Mr. WATT, Mr. ALTMIRE, Mr. LATOURETTE, and Mr. LOBIONDO.
H.R. 2762: Mr. TAYLOR, Mr. NEAL of Massachusetts, Mrs. MILLER of Michigan, Mr. MICHAUD, Mr. THOMPSON of Mississippi, Mr. WALDEN of Oregon, Mrs. BOYDA of Kansas, Mr. ADERHOLT, Mr. SPRATT, Mr. COHEN, Mr. DAVIS of Alabama, Mr. TOM DAVIS of Virginia, Mr. FOSSELLA, Mr. CAPUANO, Mr. UDALL of New Mexico, Mr. SPACE, Mr. GENE GREEN of Texas, and Mr. WICKER.
H.R. 2788: Mr. WAMP.
H.R. 2796: Mr. PUTNAM.
H.R. 2827: Mr. BERRY.
H.R. 2833: Mr. CONYERS.
H.R. 2846: Mr. JACKSON of Illinois and Mr. FATTAH.
H.R. 2851: Mr. ALLEN, Mr. RANGEL, Mr. EHLERS, Mr. MCHUGH, and Mr. ETHERIDGE.
H.R. 2878: Mr. GUTIERREZ, Mrs. MALONEY of New York, and Ms. SLAUGHTER.
H.R. 2897: Mr. MANZULLO.
H.R. 2910: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2930: Mr. WEXLER.
H.R. 2933: Mr. KINGSTON, Mr. BERRY, and Mr. LAHOOD.
H.R. 2951: Ms. HIRONO and Ms. MOORE of Wisconsin.
H.R. 2955: Mr. SCOTT of Georgia.
H.R. 3010: Mr. CAPUANO, Mr. AL GREEN of Texas, Ms. SOLIS, Ms. BALDWIN, Mr. DEFAZIO, Mr. PAYNE, Mr. FILNER, Mr. DOGGETT, Mr. MCGOVERN, Mr. PALLONE, Mr. FATTAH, and Mr. NADLER.
H.R. 3014: Mr. EMANUEL, Mr. FARR, Mr. LANTOS, and Mr. KUCINICH.
H.R. 3016: Mr. BRADY of Texas.
H.R. 3041: Mr. EMANUEL.
H.R. 3042: Mr. UDALL of Colorado and Mr. BERMAN.
H.R. 3045: Ms. BERKLEY, Mr. HONDA, Mr. WELCH of Vermont, Mr. WEINER, Mr. INSLEE, Mr. KENNEDY, Mr. MCDERMOTT, Mr. OLVER, Mr. ISRAEL, Ms. HOOLEY, Mrs. MALONEY of New York, Mr. LYNCH, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. GRIJALVA, and Ms. NORTON.
H.R. 3053: Mr. POE, Mr. ISSA, Mr. WELLER, Mr. PENCE, Mr. CALVERT, Mr. PITTS, Mr. ADERHOLT, Mr. CANTOR, Mr. GOODE, Mr.

HELLER, Mr. LOBIONDO, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. ROYCE, Mr. SESSIONS, Mr. SIMPSON, Mr. WAMP, and Mr. DAVID DAVIS of Tennessee.

H.R. 3055: Mr. ALTMIRE.

H.R. 3140: Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. SALI, Ms. NORTON, Mr. SOUDER, and Mr. BACHUS.

H.R. 3144: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3153: Mr. POE.

H.R. 3204: Mr. TIERNEY.

H.R. 3224: Mr. ALTMIRE and Mr. CARNAHAN.

H.R. 3274: Mr. BAIRD.

H.R. 3298: Mr. DONNELLY and Mr. MCNERNEY.

H.R. 3326: Mr. UDALL of Colorado.

H.R. 3334: Mr. KINGSTON and Mr. TOM DAVIS of Virginia.

H.R. 3337: Mr. SERRANO.

H.R. 3339: Mr. BAIRD and Mr. ALTMIRE.

H.R. 3359: Mrs. MYRICK and Mr. JONES of North Carolina.

H.R. 3372: Mr. BAIRD.

H.R. 3381: Ms. SUTTON.

H.R. 3429: Mr. ALTMIRE.

H.R. 3414: Mr. MILLER of Florida.

H.R. 3457: Mr. DAVIS of Alabama, Ms. KILPATRICK, and Mr. MEEK of Florida.

H.R. 3508: Mr. LAMBORN and Mr. HERGER.

H.R. 3533: Mr. SCOTT of Georgia.

H.R. 3546: Mr. HALL of New York, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. SOUDER, and Mr. CRAMER.

H.R. 3548: Mr. JOHNSON of Georgia and Mr. WELCH of Vermont.

H.R. 3578: Ms. LORETTA SANCHEZ of California, Mr. SPACE, and Ms. BEAN.

H.R. 3628: Mr. MILLER of Florida.

H.R. 3637: Mr. BUTTERFIELD.

H.R. 3650: Mr. GERLACH, Mr. WOLF, Mr. RENZI, Mr. CONAWAY, Mr. PUTNAM, and Mr. TIBERI.

H.R. 3660: Mr. MCCOTTER.

H.R. 3689: Mr. KIND.

H.R. 3691: Ms. HIRONO and Mr. GONZALEZ.

H.R. 3700: Mr. HINCHEY.

H.R. 3724: Mr. BURTON of Indiana.

H.R. 3725: Mr. GARRETT of New Jersey.

H.R. 3726: Mr. EMANUEL.

H.R. 3737: Mr. RAHALL.

H.R. 3738: Mr. TIBERI and Mr. PLATTS.

H.R. 3741: Mr. BRALEY of Iowa.

H.R. 3748: Ms. SUTTON.

H.R. 3769: Mr. MORAN of Virginia, Mr. LINDER, Mr. DOOLITTLE, Mr. WU, and Mr. MARSHALL.

H.R. 3779: Mr. SULLIVAN, Mr. KLINE of Minnesota, Mr. DONNELLY, Mr. PITTS, Ms. FALLIN, Mr. SOUDER, and Mr. SMITH of Nebraska.

H.R. 3797: Mr. DELAHUNT and Mr. DINGELL.

H.R. 3811: Mr. MCHUGH.

H.R. 3812: Mr. WEXLER.

H.R. 3818: Mr. BURGESS, Mr. GINGREY, Mr. MCCARTHY of California, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. SENSENBRENNER, and Mr. KINGSTON.

H.J. Res. 54: Mr. HOLDEN, Mr. COSTELLO, and Mr. UDALL of Colorado.

H. Con. Res. 40: Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 176: Ms. BORDALLO.

H. Con. Res. 198: Mr. DEFAZIO, Ms. CLARKE, Mr. WYNN, Mr. MCDERMOTT, Mr. LOEBSACK, and Mr. CLEAVER.

H. Con. Res. 205: Mr. GRIJALVA.

H. Con. Res. 224: Ms. JACKSON-LEE of Texas, Mr. CALVERT, Mr. SHAYS, and Mr. TERRY.

H. Con. Res. 225: Ms. GIFFORDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORTUÑO, Mr. SHAYS, Mr. GALLEGLY, Ms. BORDALLO, and Mr. SENSENBRENNER.

H. Con. Res. 230: Mr. OBERSTAR, Mr. DREIER, Mr. YOUNG of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BACHMANN, Mr. WOLF, Mrs. BLACKBURN, Ms. CARSON, Mr. PAYNE, Mr. UPTON, and Mrs. WILSON of New Mexico.

H. Con. Res. 234: Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. PITTS.

H. Res. 143: Mr. TIERNEY.

H. Res. 185: Mr. MCNULTY.

H. Res. 237: Mr. KAGEN.

H. Res. 333: Ms. WATSON.

H. Res. 338: Mr. MORAN of Virginia.

H. Res. 542: Mr. PETERSON of Pennsylvania, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. NEUGEBAUER, Mr. MAHONEY of Florida, Mr. LAHOOD, and Mr. CALVERT.

H. Res. 573: Mr. KUCINICH and Mr. CARNAHAN.

H. Res. 618: Mrs. CHRISTENSEN, Mr. ELLISON, Mr. MEEK of Florida, Mr. AL GREEN of Texas, Mr. FALEOMAVAEGA, and Mr. JOHNSON of Georgia.

H. Res. 620: Mr. MARIO DIAZ-BALART of Florida and Mr. FOSSELLA.

H. Res. 680: Mr. YOUNG of Alaska, Mr. MARIO DIAZ-BALART of Florida, and Mr. KNOLLENBERG.

H. Res. 696: Mr. BILBRAY and Mr. HINOJOSA.

H. Res. 708: Mr. WEXLER.

H. Res. 713: Mr. MEEKS of New York and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 725: Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. LINDER, Mrs. CAPPS, Mr. DAVIS of Illinois, Ms. MATSUI, and Ms. LEE.

H. Res. 726: Ms. SLAUGHTER, Mr. CARNAHAN, Mr. ELLISON, Mr. HOYER, Mr. LEVIN, Mr. LAHOOD, and Mr. ETHERIDGE.

H. Res. 733: Mr. PORTER and Mr. MEEK of Florida.

H. Res. 734: Mr. WATT.

H. Res. 735: Mr. WEXLER, Mr. ENGEL, Mr. SHERMAN, Mr. FALEOMAVAEGA, Mr. HINOJOSA, Mr. PAYNE, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. SCOTT of Virginia, and Mr. MORAN of Virginia.

H. Res. 740: Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. PAYNE, Mr. MCGOVERN, Mr. AL GREEN of Texas, and Mr. PITTS.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. JOHNSON of Georgia, Mr. LAMBORN, Mr. MITCHELL, and Mr. HOLDEN.