

health of children, and I'm pleased it's not in the bill.

In all negotiations there is give and take. There are items I supported that didn't make it into this package, including the permanent extension of PREA which I championed as part of my legislation and the original House bill. I hope we'll have a chance to revisit the issue in the next reauthorization, if not sooner.

On balance, this bill will make a huge improvement in the safety of drugs and devices. We should pass it and send it to the President today.

I want to commend Chairman DINGELL, Ranking Member BARTON and the professional staff of the House Energy and Commerce Committee, especially John Ford and Virgil Miller, as well as Jennifer Nieto Carey formerly of my staff, who worked extensively on this bill.

Mr. PALLONE. Mr. Speaker, I want to thank everyone again, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 3580.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 7, not voting 20, as follows:

[Roll No. 885]

YEAS—405

| | | |
|----------------|----------------|-----------------|
| Abercrombie | Burgess | DeLauro |
| Ackerman | Burton (IN) | Dent |
| Aderholt | Butterfield | Diaz-Balart, L. |
| Akin | Buyer | Diaz-Balart, M. |
| Alexander | Calvert | Dingell |
| Altmire | Camp (MI) | Doggett |
| Arcuri | Campbell (CA) | Donnelly |
| Baca | Cannon | Doolittle |
| Bachmann | Capito | Doyle |
| Bachus | Capps | Drake |
| Baird | Capuano | Dreier |
| Baker | Cardoza | Edwards |
| Baldwin | Carnahan | Ehlers |
| Barrett (SC) | Carson | Ellison |
| Barrow | Castle | Ellsworth |
| Bartlett (MD) | Castor | Emanuel |
| Barton (TX) | Chabot | Engel |
| Bean | Chandler | English (PA) |
| Becerra | Clarke | Eshoo |
| Berkley | Clay | Etheridge |
| Berman | Cleaver | Everett |
| Berry | Clyburn | Fallin |
| Biggert | Coble | Farr |
| Bilbray | Cohen | Fattah |
| Bilirakis | Conaway | Feeney |
| Bishop (GA) | Conyers | Ferguson |
| Bishop (NY) | Cooper | Filner |
| Blackburn | Costa | Forbes |
| Blumenauer | Costello | Fortenberry |
| Bonner | Courtney | Fossella |
| Bono | Cramer | Fox |
| Boozman | Crenshaw | Frank (MA) |
| Boren | Crowley | Franks (AZ) |
| Boswell | Cuellar | Frelinghuysen |
| Boucher | Culberson | Galleghy |
| Boustany | Cummings | Garrett (NJ) |
| Boyd (FL) | Davis (AL) | Gerlach |
| Boyd (KS) | Davis (CA) | Giffords |
| Brady (PA) | Davis (IL) | Gilchrest |
| Brady (TX) | Davis (KY) | Gillibrand |
| Braley (IA) | Davis, David | Gingrey |
| Brown (GA) | Davis, Lincoln | Gohmert |
| Brown (SC) | Davis, Tom | Gonzalez |
| Brown, Corrine | Deal (GA) | Goodlatte |
| Brown-Waite, | DeFazio | Gordon |
| Ginny | DeGette | Graves |
| Buchanan | Delahunt | Green, Al |

| | | |
|-----------------|-----------------|------------------|
| Green, Gene | Matheson | Ryan (WI) |
| Grijalva | Matsui | Salazar |
| Gutierrez | McCarthy (CA) | Sall |
| Hall (NY) | McCarthy (NY) | Sánchez, Linda |
| Hall (TX) | McCaul (TX) | T. |
| Hare | McCollum (MN) | Sanchez, Loretta |
| Harman | McCrery | Sarbanes |
| Hastert | McDermott | Saxton |
| Hastings (FL) | McGovern | Schakowsky |
| Hastings (WA) | McHenry | Schiff |
| Hayes | McIntyre | Schmidt |
| Heller | McKeon | Schwartz |
| Hensarling | McMorris | Scott (GA) |
| Herger | Rodgers | Scott (VA) |
| Herseth Sandlin | McNerney | Sensenbrenner |
| Higgins | McNulty | Serrano |
| Hill | Meek (FL) | Sessions |
| Hinojosa | Meeks (NY) | Sestak |
| Hirono | Melancon | Shadegg |
| Hobson | Mica | Shays |
| Hodes | Michaud | Shea-Porter |
| Hoekstra | Miller (FL) | Sherman |
| Holden | Miller (MI) | Shimkus |
| Holt | Miller (NC) | Shuler |
| Honda | Miller, Gary | Shuster |
| Hooley | Miller, George | Simpson |
| Hoyer | Mitchell | Sires |
| Hulshof | Mollohan | Skelton |
| Hunter | Moore (KS) | Slaughter |
| Inglis (SC) | Moore (WI) | Smith (NE) |
| Inslee | Moran (KS) | Smith (NJ) |
| Israel | Moran (VA) | Smith (TX) |
| Issa | Murphy (CT) | Smith (WA) |
| Jackson (IL) | Murphy, Patrick | Snyder |
| Jackson-Lee | Murphy, Tim | Solis |
| (TX) | Murtha | Souder |
| Jefferson | Musgrave | Space |
| Johnson (IL) | Myrick | Spratt |
| Johnson, E. B. | Nadler | Stark |
| Johnson, Sam | Napolitano | Stearns |
| Jones (NC) | Neal (MA) | Stupak |
| Jones (OH) | Neugebauer | Sullivan |
| Jordan | Nunes | Sutton |
| Kagen | Oberstar | Tancredo |
| Kanjorski | Obey | Tanner |
| Kaptur | Olver | Tauscher |
| Keller | Pallone | Taylor |
| Kennedy | Pascrell | Terry |
| Kildee | Pastor | Thompson (CA) |
| Kilpatrick | Payne | Thompson (MS) |
| Kind | Pearce | Thornberry |
| King (IA) | Pence | Tiahrt |
| King (NY) | Perlmutter | Tiberi |
| Kingston | Peterson (MN) | Tierney |
| Kirk | Peterson (PA) | Towns |
| Klein (FL) | Petri | Turner |
| Kline (MN) | Pickering | Udall (CO) |
| Knollenberg | Pitts | Udall (NM) |
| Kuhl (NY) | Platts | Upton |
| LaHood | Poe | Van Hollen |
| Lamborn | Pomeroy | Velázquez |
| Lampson | Porter | Visclosky |
| Langevin | Price (GA) | Walberg |
| Lantos | Price (NC) | Walden (OR) |
| Larsen (WA) | Pryce (OH) | Walsh (NY) |
| Larson (CT) | Radanovich | Walz (MN) |
| Latham | Rahall | Wamp |
| LaTourette | Ramstad | Wasserman |
| Lee | Rangel | Schultz |
| Levin | Regula | Watson |
| Lewis (CA) | Rehberg | Watt |
| Lewis (GA) | Reichert | Waxman |
| Lewis (KY) | Renzi | Weiner |
| Linder | Reyes | Welch (VT) |
| Lipinski | Reynolds | Weldon (FL) |
| LoBiondo | Richardson | Weller |
| Loebsack | Rodriguez | Westmoreland |
| Lofgren, Zoe | Rogers (AL) | Wexler |
| Lowe | Rogers (KY) | Whitfield |
| Lucas | Rogers (MI) | Wicker |
| Lungren, Daniel | Rohrabacher | Wilson (NM) |
| E. | Ros-Lehtinen | Wilson (OH) |
| Lynch | Roskam | Wilson (SC) |
| Mack | Ross | Wolf |
| Mahoney (FL) | Rothman | Woolsey |
| Maloney (NY) | Roybal-Allard | Wu |
| Manzullo | Royce | Wynn |
| Marchant | Ruppersberger | Yarmuth |
| Markey | Rush | Young (AK) |
| Marshall | Ryan (OH) | Young (FL) |

NAYS—7

NOT VOTING—20

| | | |
|---------|-------------|---------|
| Duncan | Goode | Paul |
| Emerson | Hinchey | |
| Flake | Kucinich | |
| Allen | Bishop (UT) | Boehner |
| Andrews | Blunt | Cantor |

| | | |
|---------------|--------------|--------|
| Carney | Dicks | McHugh |
| Carter | Granger | Ortiz |
| Cole (OK) | Jindal | Putnam |
| Cubin | Johnson (GA) | Waters |
| Davis, Jo Ann | McCotter | |

□ 1555

Mr. GOODE changed his vote from “yea” to “nay.”

Mr. PRICE of North Carolina changed his vote from “nay” to “yea.” So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

Stated for:

Mr. COLE of Oklahoma. Mr. Speaker, on Wednesday, September 19, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted “yea” on rollcall No. 885.

INSURANCE CRISIS FACING HOMEOWNERS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, after terrorists attacked New York City and Washington, DC on September 11, 2001, our Nation came together. Without a study commission or partisanship, Congress quickly passed the Terrorism Risk Insurance Act to help business owners, and acted swiftly again by passing an extension in 2005. Now again, less than 2 years later, we just considered another TRIA extension.

If Congress can come together and help businesses after a terrorist attack, we should be able to come together to help homeowners who cannot afford the skyrocketing costs of insurance. For over 3 years, Congress has forgotten about homeowners around the country who are grappling with ever-increasing insurance rates.

For these reasons, Mr. BUCHANAN and I offered an amendment in the Rules Committee that would have added homeowners' reinsurance as losses covered under TRIA. This measure would have helped new families, parents, and grandparents who are homeowners. Sadly, the Rules Committee did not allow this amendment to be part of the rule and so Members did not have the opportunity to help their constituents.

Although I voted for TRIA, we should be saddened that the majority chose only to help business owners today and to ignore the insurance crisis facing homeowners.

INJUSTICE IN JENA

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, tomorrow in Jena, Louisiana will be the culmination of the frustration and the outrage felt by so many

across America as relates to the Jena 6.

The Jena 6 is not about a few boys misbehaving, because we understand that when young people need correcting, we do so, but it is about the systemic discrimination, if you will, of African American males and Hispanic males as relates to the juvenile justice system. This young man should have been tried in the juvenile justice system, but he was tried in a system that gave him a sentence that was clearly, clearly without merit.

Tomorrow we go to ask for justice not just for this young man and the other five that are there, but for young men across America who have been discriminated against, not given a second chance, and using the justice system to punish on the basis of race or ethnic background.

Enough is enough. Where is the Department of Justice Civil Rights Division? Obviously, the lights are out. They need to turn their lights on.

□ 1600

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COURTNEY). 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.

GREEN BERET AND MEDAL OF HONOR HERO ROY BENAVIDEZ

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, America is about people. Who we are and what we are is because of the people who have come to America. They are individuals who have lived and died and influenced the rest of us because of their tenacious spirit and determination.

Mr. Speaker, I am a history fan. I love American history especially, and Texas history, not the history of dates and movements, but the history of the lives of individual Americans who made a difference.

Roy Benavidez was one of those Americans. Roy Benavidez was born in South Texas in a small town called Cuero, August 5, 1935. He was the son of a sharecropper. He was an orphan and he had mixed blood of Yaqui Indian and Hispanic. He was raised by his uncle after he lost his family and he dropped out of school in the seventh grade. He didn't see the need for an education at that time.

He was a migrant farm worker. He worked all over Texas and as far as Colorado in the sugar beet fields and the cotton fields. He decided to join the United States Army in 1955, and he joined in Houston, Texas. He was in love with his hometown sweetheart, Lala Coy. So while he was away in Germany on active duty, he asked a local

priest, his grandfather and his uncle if they would go to Lala's father and ask permission for Roy to marry her, and he agreed. Mr. Speaker, you have to appreciate that old school that marry this way.

While he was in the Army, however, he was in a lot of trouble, even though he was a member of the Military Police. So he finally joined the Special Forces training at Fort Bragg and reached the rank of staff sergeant and went to Vietnam as a Green Beret.

But on May 2, 1962, his life changed and the lives of many Americans changed. It is a story that is almost unbelievable. On the morning of May 2, 1968, a 12-man Special Forces team was inserted in Cambodia to observe a large-scale North Vietnamese troop movement, and they were discovered by the enemy.

Most of the team members were close friends of Roy Benavidez, who was the forward operating officer in Loc Ninh, Vietnam. Three helicopters were sent to rescue this 12-man team, but they were unable to land because of the heavy enemy concentration. When a second attempt was made to reach the stranded team, Benavidez jumped on-board one of the helicopters, armed only with a Bowie knife.

As the helicopters reached the landing zone, Benavidez realized the team members were likely too severely wounded to move to the helicopters. So by himself he ran through heavy small arms fire to the wounded soldiers. He was wounded himself in the leg, the face, and the head in the process.

He reorganized the team and signaled the helicopters to land. But despite his injuries, Benavidez was able to carry off half of the wounded men to the helicopters. He then collected the classified documents held by the now dead team leader. As he completed this task, he was wounded by an exploding grenade in the back and shot in the stomach. At that moment, the waiting helicopter's pilot was also mortally wounded, and that helicopter crashed.

He ran to collect the stunned crash survivors and form a perimeter. He directed air support, ordered another extraction attempt and was wounded again when shot in the thigh. At this point he was losing so much blood from his face wounds that his vision became blocked. Finally, another helicopter landed and as Benavidez carried a wounded friend to it, he was clubbed in the head with a rifle butt by an enemy soldier. That soldier bayoneted Benavidez twice.

Mr. Speaker, Benavidez was wounded in that one battle 37 times; seven gunshot wounds, he had mortar in his back, and two bayonet wounds. He was taken for dead and left for dead and zipped up in a body bag, but right before they zipped the bag up, he spit in the doctor's face, letting the doctor know he was yet alive.

He later recovered. He received the Distinguished Service Cross and then many years later Ronald Reagan pre-

sented him with the Congressional Medal of Honor. President Reagan stated that if this were a movie, no one would believe it because of the heroic deed of Roy Benavidez.

Mr. Speaker, after he retired from the military, Roy Benavidez went around America talking about the importance of an education, since he only went to the seventh grade. He talked to young gang members, he talked to youth, telling them to stay in school and get an education.

He was a remarkable individual. A Navy ship has been named after him, several elementary schools in Texas have been named after Roy Benavidez, and even a toy company has issued a Roy Benavidez GI Joe action figure.

Mr. Speaker, as we celebrate and honor Hispanic Heritage Month, one of those great Hispanic Americans was Roy Benavidez, a Texas hero, an American hero, a war hero that loved America and, as he said, got to live the American Dream the way that he wanted.

And that's just the way it is.

The SPEAKER pro tempore (Mr. SIRE). 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.)

IRAQI CIVILIAN DEATH TOLL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we now know that the President intends to keep U.S. forces in Iraq throughout the remainder of his term and that he intends for the U.S. to perpetually occupy Iraq via massive and permanent military bases he has ordered built. We have just learned of the staggering loss of life as a result of this war.

According to a new and incredible study, the number of civilians killed in Iraq since the war began now exceeds 1 million Iraqi people. The Iraqi civilian death toll exceeds the death toll from the genocide in Rwanda. For years, we and others said we didn't know how bad it was in Rwanda. With this report, that excuse is no longer valid in Iraq.

The official death toll in Iraq, fewer than 100,000 is what the official number is, has long been considered fictitious by humanitarian and other international organizations. Now we are forced to confront evidence that puts the death toll above 1 million Iraqis.

Opinion Research Business, a respected and mainstream London-based research company that works for major corporations and government clients, including the U.K.'s Conservative Party, conducted the survey in August. I point this out to inoculate my colleagues, the media and the American