

to fight for those important, responsible, and necessary changes in the coming months.

Mr. WELLER of Illinois. Mr. Speaker, H.R. 3668 contains temporary extensions of several important programs that affect low-income families with children. I urge its passage.

The subcommittee on which I am the ranking Republican, the Ways and Means Subcommittee on Income Security and Family Support, oversees the Nation's welfare, child care, and related programs designed to promote and support work by low-income families. It is important to extend the critical supports Congress enacted in recent years to advance those goals, such as the Transitional Medical Assistance program continued under this bill. I am all for that. Every Member should support that.

This legislation also extends the Abstinence Education program, which supports efforts to prevent teenage pregnancy and premarital sexual activity, with a goal of reducing the childbearing outside marriage. Childbearing outside marriage is directly associated with higher poverty rates and ultimately greater welfare receipt and dependence. All Members should support measures designed to reduce the chances children are raised in poverty.

The legislation has other important features, like an extension of the Qualified Individuals program that provides Medicare premium assistance to certain low-income beneficiaries. However, I would like to draw the House's attention to one provision that, as currently drafted, may not achieve the intended effect and thus may not result in the savings suggested by the CBO scoring of this legislation.

This provision appears in section 4 of the legislation, titled "Extension of SSI Web-Based Asset Demonstration Project to the Medicaid Program." The Social Security Administration, SSA, currently is operating a project testing ways to improve asset verification under the Supplemental Security Income, SSI, program. The current project seeks to make sure that SSI applicants are accurately reporting all the assets, like personal savings accounts, to which they can and should turn for support before expecting monthly SSI checks from taxpayers. Since SSI is a means-tested benefit program, it only makes sense to focus benefits on those who don't have a large amount of personal savings, for example, on which to depend.

In recent years, the SSA project has tested comparing individuals' self-reports of their savings account assets with actual bank records. This effort has already produced significant savings in the few States where it has been applied, including uncovering some individuals with tens of thousands or even hundreds of thousands of dollars in undisclosed assets. So it makes sense to expand this effort to include other means-tested programs, as the legislation proposes, including the expensive Medicaid program.

However, it is my understanding that the legislative language in H.R. 3668 includes a number of drafting flaws that will effectively prevent the proposed expansion of this asset verification project from being achieved. Problems include a lack of reference in the legislative language to the need to obtain written consent from individuals for the purpose of obtaining information for the Medicaid program. This may prevent banks from sharing such information with Medicaid officials as would be required to actually expand the current project

as proposed. Such "consent" language exists under the current SSI program as required by the Right to Financial Privacy Act, but not in H.R. 3668.

Even if this provision were to work as intended, it is noteworthy that nowhere does this legislation provide for reimbursement of Social Security Administration administrative costs that would inevitably result. SSA is already seeking additional administrative funds to address growing disability claims backlogs as well as handle its current duties, which include serving millions of America's seniors, including the rising numbers applying for retirement and disability benefits as the Baby Boom generation heads into retirement in the coming years.

It is my understanding that the authors of this legislation consulted with SSA on such technical issues during the drafting process, and opted against implementing any of the SSA suggestions.

Because of that, while the current CBO score suggests this legislation is paid for, I am afraid that the real world experience of these provisions will not reflect that optimistic forecast. If that turns out to be correct, the legislation before the House today will not satisfy the pay-as-you-go requirements of this body, which require that increases in spending by fully paid for by such as by offsetting spending cuts. And some individuals will obtain Medicaid benefits for which they should not have qualified.

While it may be too late to correct the drafting errors in this particular bill, I urge my colleagues especially on the House Energy and Commerce and the Senate Finance Committees, which have jurisdiction over Medicaid law, to revisit this legislative language and make the appropriate changes at the next available opportunity. I do not disagree with their intent, but suggest the legislative text reflected in this bill will not result in the outcome they intend. Related language appears in legislation preauthorizing the State Children's Health Insurance Program, which as it continues to be acted on in the coming days would serve as a worthy vehicle for making the appropriate changes to ensure the will of the House is carried out, and misspending under the Medicaid program is minimized as the House intends with this legislation.

Mr. DEAL of Georgia. I yield back the balance of my time and urge the approval of the bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield back the balance of my time and encourage our fellow Members to pass H.R. 3668 and the extension.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 3668.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### BARBARA KAUFMAN EULOGY

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

Ms. WATSON. Mr. Speaker, we have lost a popular and well-educated school

administrator who was an outstanding student and gifted in music. Early on, her teachers would say of her, "She could walk amongst kings and not lose her common touch." She moved easily among people, singing her way into star status, and even appeared on an early TV version of "Star Search." Using her own talents of fashion, decorating and cooking, she was a role model for her students.

Barbara Kaufman was a special education administrative secretary for Los Angeles County Schools for over 25 years. She was a champion for the rights of children with special needs and deeply loved working in her chosen profession. In addition, Barbara volunteered in the political campaigns of myself, and she accepted any job that would add to the improvement of the people's social, political and economic conditions.

After many bouts with illness, Barbara's activities were limited. However, she participated as much as possible in her church, particularly enjoying Bible study and prayer support groups. Barbara Kaufman was a woman for all seasons and a witness for Christ.

A life so well lived has to be recognized by our Congress so the record will show her life as a role model for others. BJ's star will forever shine in the lives of those who knew and loved her.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WILSON of Ohio). 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.

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.)

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

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### OPPOSING EXTENSION OF HABEAS CORPUS RIGHTS TO ALIEN ENEMY COMBATANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today in the Judiciary Committee we were supposed to mark up H.R. 2826. I was informed that the Judiciary Committee has postponed this to a time uncertain. This was also to be the day that that bill or

a similar bill was to be marked up in the Armed Services Committee. That was postponed as well.

The bill, H.R. 2826, was to deal with an issue that is unprecedented and, I would say, unnecessary. And while I am pleased that there was a postponement of consideration of the bill today, I would hope that those on the other side of the aisle who control the schedule both on this floor and in committees would reconsider this bill or any similar bill because this bill is an effort to extend habeas corpus rights to alien enemy combatants. It is a dramatic departure not only from the language of the Detainee Treatment Act, which was passed by this House and the Senate and signed by the President, but from longstanding principles in our Anglo-American legal tradition. As the United States Supreme Court recognized in the *Johnson v. Eisentrager* case, there is "no instance where a court in this or any other country where the writ is known issued it on behalf of an alien enemy."

What possible reason could we give to the American people and to our troops currently involved in combat for giving al Qaeda and Taliban detainees rights that have never been given to alien enemy combatants in the history of armed conflict? Never. I underscore "never."

Was the Greatest Generation wrong for its failure to accord habeas rights to the more than 425,000 enemy combatants held inside the United States during World War II? We held well over a million, I believe it was over 2 million POWs around the world. But we held 425,000 of them in the United States. Imagine if we had granted them the right to habeas corpus access to our Federal courts. Not only would it have cluttered all of the Federal courts in this land, but it would have had judges making decisions on combat issues rather than the Commander in Chief and our military as we have always recognized since the founding of this Republic.

In responding to the argument that the writ extends to alien enemy combatants, Justice Jackson of the Supreme Court said, "No decision of this court supports such a view. None of the learned commentators on our Constitution has ever hinted at it. The practice of every modern government is opposed to it."

So I want people to understand, Mr. Speaker, that when we are to consider this in the Judiciary Committee and the Armed Services Committee, we are doing something so fundamentally drastic, so different from anything that has ever been done in the history of this Nation. We are opening the gates to the full panoply of rights under the Federal habeas corpus statute. Complex evidentiary hearings, the rules of civil procedure, rules of evidentiary custody are understandable in relation to the protection of the constitutional rights of Americans where evidence and witnesses are more accessible.

But are we willing to force our men and women in uniform to cross-examination, to depositions or to interrogatories as outlined in the Federal habeas statute? The availability of the habeas corpus remedy may serve the interest of justice with respect to U.S. prisoners; however, it is a blunt instrument. As Justice Frankfurter observed in *McCleskey v. Zant*, "The writ has potentialities for evil as well as for good. Abuse of the writ may undermine the orderly administration of justice." It has no relevance here and presents the prospect of abuse. It is for that reason that from time immemorial, habeas relief has not been extended to alien enemy combatants captured outside the realm of the sovereign.

We must reject the notion that we can fight the war on terrorism with platoons of lawyers. It was stunning to learn that prior to the Detainee Treatment Act, some detainee attorneys sought the wholesale disruption of interrogations. In a telling revelation, one detainee lawyer boasted in public that "the litigation is brutal. It's huge. We have over 100 lawyers now from big and small firms working to represent the detainees. Every time an attorney goes down there, it makes it that much harder to do what they're doing. You can't run an interrogation with attorneys. What are they going to do now that we're getting court orders to get more lawyers down there?"

That is why we changed the law and to have two committees in this House now to say we should change it back is irresponsible. We should not do this.

□ 1515

#### TERRIBLE NEW THREATS TO OUR NATIONAL SECURITY AND THE SAFETY OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we have learned in the last few days and weeks about terrible new threats to our national security and the safety of the American people.

On August 29, a B-52 bomber accidentally flew six nuclear warheads across the country with a combined power of 60 Hiroshima A-bombs. Imagine the horror, the destructive power of 60 Hiroshima A-bombs flying over the American heartland on a course that took them near Minneapolis, Des Moines, Omaha, Kansas City, St. Louis, Tulsa and Little Rock.

Then, on September 16, we learned that American military contractors in Iraq were involved in the shooting deaths of 11 innocent Iraqi civilians in a Baghdad square.

Was it a case of American military contractors gone wild? We don't know for sure yet. But it is becoming increasingly clear that the vast army of 180,000 military contractors in Iraq are

not being held accountable for their actions and often make things more difficult for our troops in Iraq. A senior U.S. military official told the Washington Post that the incident in Baghdad was "a nightmare. This is going to hurt us badly. It may be worse than Abu Ghraib."

And then on September 22, the press reported that Federal prosecutors are investigating charges that the military contractors involved in the Baghdad incident, Blackwater U.S.A., smuggled weapons into Iraq that may have been sold on the black market and ended up in the hands of terrorists.

Mr. Speaker, we must take immediate action to improve our security. The accidental flight of A-bombs over our homeland should remind us that America must return to a policy of nuclear nonproliferation. This administration has abandoned our decades-old commitment to nonproliferation, and that has been a terrible mistake.

We must also end the occupation of Iraq. Secretary of Defense Robert Gates announced today that he will try to strengthen the Pentagon's oversight of the contractors. This is a welcome step, but it doesn't solve the real problem. The real problem is that we need military contractors, because our forces are stretched to the limit in Iraq and beyond. The only solution is to end the occupation.

In testimony prepared for delivery before Congress today, Secretary Gates asked for additional funds for the occupation. We must tell him no. The occupation is hurting America politically, economically and morally. The American people deserve better. Congress has the power of the purse, and it is the only real tool we have to force the administration to change course.

We should not spend another dime to continue the occupation. Instead, we must fully fund the safe, orderly and responsible withdrawal of all of our troops and all of our military contractors by a date certain. That is the best way, Mr. Speaker, for our country to change course and restore the moral leadership that is the true source of our national security.

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.)

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.)

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