

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 detec-

tion, 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 tomor-

row. 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 DELAURIO 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.

□ 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