GENDER-IDENTITY INCLUSIVENESS IN ENDA

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

Mr. WEINER. Mr. Speaker and my colleagues, later on this week or perhaps early next week, this House will embark on the latest chapter in our Nation's history of extending the civil rights that all Americans should be entitled to to one other group. We will be considering the Employment Nondiscrimination Act. It is an effort to make sure that people are not discriminated against in their workplace because of their sexual orientation, because of their gender identity. It is something that is intuitive to so many Americans, and, frankly, the overwhelming number of Americans. And it is an example of how sometimes we in this House lead on civil rights issues and sometimes we follow.

In this case, it is a little bit of each. Under ENDA, we will be following to a large degree. Hundreds of companies, including virtually all of the Fortune 50 and Fortune 500 companies, already recognized fundamentally that it is good business to judge people by the quality of their work, their intellect, their drive, by what they bring to the business, not what their sexual orientation or gender identity is.

Overwhelming numbers of companies, and not just companies that you would describe as being progressive, but companies from all across the political spectrum, financial services groups like American Express and J.P. Morgan and Lehman. You have companies like Clear Channel Communication, Coca-Cola, Nationwide Insurance, Nike, Microsoft. These are all companies that, when they write the contracts for their other workers, it is fundamental to them that there will be no discrimination based on someone's sexual orientation or gender identity.

For these companies and for the 90 percent or so of American people that responded to a Gallup poll in 2007, employment nondiscrimination based on gender identity and based on sexual orientation is obvious; it is not even an innovation.

But we are going to be leading in some important ways. There are still about 30 percent of people who respond to polls who are members of the lesbian, bisexual and transgender community who say that they experience discrimination at the workplace regularly. Some of them, 25 percent, say they experience it on a regular basis. Why should that be? Is that an American value? Is it an American value to say we should discriminate on someone based on the sense of who they love or how they express it? Of course not.

So, for those men and women throughout all 50 States, we will be leading later on this week when we pass the Employment Nondiscrimination Act. But it is very important that we also realize that we are leading on another element to this discussion. There is an active discussion going on in this Chamber and elsewhere whether or not to include gender identity in the same category we include sexual orientation. I say unequivocally the answer is yes. There are people who every day experience discrimination because of their gender identity.

Susan Stanton spent 14 years as the Largo, Florida city manager; 14 years, obviously doing a good job, rehired, reappointed. Susan was once Steve Stanton. When he started hormone therapy and planned to become a woman, was fired.

Diane Schroer, 25 years of distinguished service in the Army as David. Recorded 450 parachute jumps, received the Defense Superior Service Medal, hand picked to lead a classified national security operation. Retired and was offered a job with a private homeland security consulting firm. The offer was rescinded when Schroer explained he was transgender and wanted to begin the job as a woman.

But the question has come up: If we can't include gender identity in this bill, should we do anything at all? Should we take half a loaf.

My colleagues, I think the answer is no. I think we cannot toss this element of an important civil rights coalition to the side. We have to make sure, particularly in the context of us doing what is largely symbolic, there is no sense that the Senate is going to act on this, and certainly no sense that the President of the United States and this administration is going to. Maybe what we should say is we are in this together.

If we are going to make a symbolic stand, the symbolic stand should be let's pass a one House bill with only part of the protections. Let's let the symbolic message be that we are sticking together, that when we say ''GLBT,'' we mean it. And we should do something else. We should also make it very clear to those watching this discussion that we are not going to negotiate against ourselves. We are not going to say if we toss this element or that element off to the side, maybe we will be able to get what we need. There are some things that are immutable, some civil rights that are immutable. This is one of them.

We are going to stick together and pass an inclusive ENDA, or we are going to come back again and do it right.

WITNESS SECURITY AND PROTECTION ACT OF 2007

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

Mr. CUMMINGS. Mr. Speaker, I have stood before the House many evenings to discuss the problems associated with witness intimidation and its detrimental impact on our judicial system and our communities.

Tragically, there has been another ruthless occurrence of witness intimidation in my home town of Baltimore City that I must report tonight. A family who spent 10 years living the American Dream found it destroyed in just 10 minutes. They came home last week to find their home smoldering and torn apart. The phrase ''rats must be killed'' and the word ''snitch'' crossed out with Xs spray painted on their walls.

The couple's oldest daughter has been in custody since July for her role in a robbery of a taxicab driver earlier this year. Apparently, her co-conspirators believe she is cooperating with law enforcement on some level. Gang activity also appears to be involved. The word ''blood'' appeared on various parts of the house.

Needless to say, the family will not be returning to their home. This is an innocent, hardworking family trying simply to live in peace. They deserve so much better.

Unfortunately, when people are willing to cooperate with the police in Baltimore City and other jurisdictions throughout our country, sadly, it has become customary for their homes to be firebombed or for them to be threatened, attacked or even killed.

No one can forget the tragedy surrounding the death of Angela and Carnell Dawson and their five children. The entire family was incinerated in October 2002 in the middle of the night when their home was firebombed in retaliation for Ms. Dawson's repeated complaints to police about recurring drug trafficking in her east Baltimore neighborhood.

Just 2 years ago, the home of community activist Edna Abier survived a firebomb attack that was launched just because of her attempts to rid her neighborhood of drug dealers. Just a few weeks ago, I had an opportunity to meet with another couple whose home had been firebombed because they were simply trying to cooperate with police.

Finally, Carl Lackl was murdered outside of his home with chilling calculation just days before he was scheduled to testify as a witness in a murder case. His murderers lured him out of his home under the premise of looking at his used car that he was trying to sell.

Violent crime in the United States is on the rise nationwide, as is drug-related gang activity. However, if witnesses are too afraid to come forward, criminals cannot be prosecuted and our justice system has no credibility and cannot stand.

This is why I introduced H.R. 933, the Witness Security and Protection Act of 2007, which authorizes $270 million over the next 3 years to enable State and local prosecutors who demonstrate a need for the funds to protect witnesses in cases involving gangs or other violence to establish short-term witness protection programs.

Improving protection for State and local witnesses will move us one step

closer to alleviating the fears and threats to prospective witnesses and help safeguard our communities from violence. The time has come for us to show our commitment to our constituents and the justice system because, without witnesses, there can simply be no justice.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. THOMPSON of Mississippi 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. AL GREEN) is recognized for 5 minutes.

(Mr. AL GREEN of Texas 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 gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HINCHEY 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. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER 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 gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1845

FOREIGN INTELLIGENCE SURVEILLANCE ACT

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, there is no other issue more central to the core responsibility of government than the duty to protect the safety and security of the American people. The right not to be killed is foundational to all other rights. The actions we take with respect to the Foreign Intelligence Surveillance Act, better known as FISA, will reflect the level of seriousness with which we have assumed this fundamental obligation.

While I take a backseat to no one when it comes to the protection of civil liberties, it is essential to understand the proper context of the issue by us.

Mr. Speaker, the focus of the debate here relates to overseas intelligence, the implications for the privacy rights of Americans, talked about so loudly on the floor last week by our colleagues on the other side of the aisle, the implications for privacy rights of Americans where surveillance targets of non-U.S. persons overseas is minimal to nonexistent.

This debate over FISA must not be morphed into an ideological crusade by those who have such a visceral dislike for President Bush that any perceived defeat for this administration is in some perverse way chalked up as a victory. The debate is not about President Bush; it is about protecting the lives of those who have sent us here to represent them.

And it is serious business. In my estimation, this is perhaps the most important issue that we will face here in the 110th Congress.

It has been my privilege to serve on both the Homeland Security and Judiciary Committees. It is my belief that we have made progress in protecting the homeland since 9/11. Under the leadership of both parties on the Homeland Security Committee, there have been disagreements about the particulars, but there has always been a bipartisan commitment to moving the ball forward to make our Nation safer.

To be brutally honest, we cannot rely on the prospect of getting it right every time someone might seek to come here to kill innocent Americans. The idea of having to construct a perfect defense in and of itself is not conceivable. However, this is where the role of intelligence comes into primary focus.

Developing a homeland security strategy must not be considered in isolation. Intelligence collection overseas is the crucial element in any strategy to secure the homeland. Otherwise, we fall prey to what I refer to as the Maginot syndrome. You remember the Maginot line. That is where the French learned a terrible lesson concerning the folly of relying on the idea that they could protect themselves with a focus on massive defense perimeter. Much more is required and, again, intelligence collection targeting non-U.S. persons can extend our homeland defense perimeter overseas.

Brian Jenkins of the RAND Corporation, a noted expert on terrorism, has stressed that our intelligence capability is a key element in our effort to protect our homeland. As he says, in the terror attacks since 9/11 we've 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.

So how do we make sense out of what is taking place in this House with respect to our consideration of FISA, the Foreign Intelligence Surveillance Act? Foreign intelligence surveillance, I'd like to underscore.

The manner in which we address this crucial national security question is a clear measure of our level of seriousness about the threat posed to our Nation from another terrorist attack. The bottom line question to be asked is whether or not we are safer as a result of the action taken by this House concerning the collection of overseas intelligence.

As in the game of football, you're either advancing the ball or you are losing yardage. Does our action make America safer or does it impose obstacles in the path of the intelligence community which make their job more difficult? In making this determination, I would suggest that the line of scrimmage should be drawn with the Protect America Act. That is the act we passed in early August, on a bipartisan basis, responding to the request of Admiral McConnell, the Director of National Intelligence.

We should understand that that act represented a compromise reflecting what Admiral McConnell, the Director of National Intelligence, identified as absolutely necessary, absolutely necessary to the task of protecting the