

Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

Madam Speaker, let me compliment the sponsors of this bill, Mr. MOORE from Kansas and Mr. KIRK from Illinois. I am down here on another bill, but I felt compelled to say a few words, if I may, on this piece of legislation, which really honors American disabled veterans with this commemorative coin. This will help us raise the money to build this monument, which is long overdue.

Whether you are talking about my father-in-law, Ken Olsen, up in Escanaba, who was disabled in World War II, or the recent disabled members of our Armed Forces coming back from Afghanistan and Iraq, I think we can all personally relate to different stories.

Today, Derek Gagne, who spent quite a bit of time at Walter Reed Army Hospital, is coming back to the upper peninsula of Michigan, where family and friends will be waiting to greet him home. Unfortunately, as Derek has left his bed at Walter Reed for an amputation he had to have because of injuries sustained in Iraq, unfortunately, that bed is being taken by another member from my district who also was wounded in Iraq.

We talk about our disabled veterans and we honor them throughout our time, especially in the summer months through the Memorial Day and 4th of July and all the holidays we celebrate in parades and ceremonies like that, but it is time that we have the memorial here in Washington, so those of us who make decisions on war understand that it is more than just sending an army here or there, but that there is consequences of it.

□ 1045

Whether the injury is an amputation or a closed-head injury, which we are seeing so much of in the war in Iraq, each and every injury serves to remind us of the horrors of war but also that these men and women and their families and their spouses deserve our utmost respect.

So I am very pleased to see this memorial start to take on more and more life, to become a reality. And the work of Mr. MOORE and Mr. KIRK will certainly help bring forth this memorial. I am very honored to not only cosponsor H.R. 634, but also to support the American Veterans Disabled for Life Commemorative Coin Act.

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

Mr. MOORE of Kansas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 634, 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. MOORE of Kansas. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

**ARMY SPECIALIST JOSEPH P. MICKS FEDERAL FLAG CODE AMENDMENT ACT OF 2007**

Mr. STUPAK. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 692) to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 692

*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 "Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007".*

**SEC. 2. FINDING.**

*Congress finds that members of the Armed Forces of the United States defend the freedom and security of the United States.*

**SEC. 3. PROCEDURE FOR NATIONAL FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A MEMBER OF THE ARMED FORCES.**

*(a) ISSUANCE OF PROCLAMATION.—Subsection (m) of section 7 of title 4, United States Code, is amended in the sixth sentence—*

*(1) by inserting "or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty" after "present or former official of the government of any State, territory, or possession of the United States"; and*

*(2) by inserting before the period the following: ", and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia".*

*(b) FEDERAL FACILITY CONSISTENCY WITH PROCLAMATION.—Such subsection is further amended by inserting after the sixth sentence the following new sentence: "When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

**GENERAL LEAVE**

Mr. STUPAK. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials in the RECORD.

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

There was no objection.

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

As author of H.R. 692, the Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007, I urge my colleagues to support its passage.

Madam Speaker, those who make the ultimate sacrifice for our country deserve our country's utmost respect. H.R. 692 will ensure that our fallen troops and their families are provided the appropriate respect due.

The Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007 would require all Federal Government agencies in a State to comply with a Governor's proclamation to fly the national flag at half-staff in honor of those who lose their lives serving our country.

H.R. 692 is named after Joseph P. Micks, a soldier from Rapid River, Michigan, who was killed in Iraq last July at the age of 22. Specialist Micks was an all-American soldier and citizen. He was an altar server at church, an Eagle Scout from Troop 466 in Gladstone, Michigan, loved to collect sports memorabilia, and fixed the computers of his neighbors. He joined the Army to help others, to make a difference.

His death was not only mourned by his family and friends, but also by the citizens of the rural communities which make up and comprise Delta County, Michigan. As his funeral procession progressed through several rural communities in the Upper Peninsula of Michigan, citizens were upset to note that some Federal agencies had not lowered their flags based on the Governor's proclamation in honor of Specialist Micks.

There have been several other instances in my district, unfortunately, when a Federal agency has not lowered its flag in accordance with Governor Granholm's proclamation.

When I have learned of Federal agencies, offices and buildings that have not lowered their American flags, I have contacted the agencies. I have been told that the directive to lower the flag has not come from the district office or the regional office or from Washington headquarters. It is regrettable that this legislation is even necessary. Last year I wrote the President asking him to issue an executive order to have the flags lowered. He has not responded. However, as there have been not one but multiple instances where Federal agencies have ignored the Governor's request to lower flags, it is important that Congress address this issue.

In a recent example, when Navy SEAL Joe Schwedler was killed recently in Iraq, it was the Veterans Affairs hospital that refused to lower its flag. Veterans presented officials with the article from the local newspaper, the Daily News from Iron Mountain. It says: "Flags Lowered for Crystal Falls Hero," and still the Veterans Administration refused to lower the flag.

I include this article for the RECORD.

[From the Daily News, April 12, 2007]

**FLAGS LOWERED FOR CRYSTAL FALLS HERO**

**HALF-STAFF ON FRIDAY**

Lansing.—Gov. Jennifer M. Granholm has ordered United States flags throughout Michigan and on Michigan waters lowered for one day on Friday, April 13, in honor of Navy Petty Officer 2nd Class Joseph C. Schwedler of Crystal Falls who died April 6 while on active duty in Iraq.

Flags should return to full staff on Saturday, April 14.

Schwedler, 27, died from enemy action while conducting combat operations in Al Anbar province, Iraq. He was assigned to the East Coast Navy SEAL Team.

When flown at half-staff or half-mast, the United States flag should be hoisted first to the peak for an instant and then lowered to the half-staff or half-mast position. The flag should again be raised to the peak before it is lowered for the day.

A military funeral will be conducted at 1 p.m. Saturday, April 14, at the Forest Park High School gymnasium in Crystal Falls.

A scholarship fund will be established with the Crystal Falls Area Community Fund, Post Office Box 269, Crystal Falls, Michigan 49920.

The Jacobs-Plowe Funeral Home, Crystal Falls is in charge of arrangements.

The inconsistent patchwork display of respect is particularly hurtful to rural communities where the funeral processions of fallen troops often travel by several Federal facilities, some with flags lowered, others without.

Rural Americans disproportionately fill the ranks of our armed services and have disproportionately paid the ultimate sacrifice. Almost half of U.S. military casualties have hailed from towns fewer than 25,000 people; one in five from towns smaller than 5,000 people. It is important that when one of our own perishes serving our Nation they receive the proper respect.

I am joined today in support of this legislation by the Military Order of the Purple Heart and Society of Military Widows. In endorsing the legislation, the Society of Military Widows stated: "We strongly feel that Federal agencies within the State should comply with this order to honor fallen native sons and daughters. As military widows, we can especially appreciate this visible show of respect."

I would like to thank my colleagues who have cosponsored this legislation and those who have helped champion its passage, including Chairman CONYERS, Chairman NADLER, Ranking Member FRANKS, as well as Congressman PASTOR, Congressman VISCOSKY, and Congressman LAMBORN.

Madam Speaker, I reserve the balance of my time.

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

H.R. 692 authorizes State Governors to fly the American flag at half-staff upon the death of a member of the Armed Forces who dies while serving on active duty.

We all honor the service of the brave men and women who defend our Nation. When they make the ultimate sacrifice, Governors of the State should be allowed to recognize and pay tribute to them by lowering the flag.

I am also pleased the majority included a Republican proposal to add a simple congressional finding to this legislation that states the following: "Congress finds that members of the Armed Forces of the United States defend the freedom and security of our Nation." It is fitting to include this finding to recognize not just the loss of a member of our Armed Forces, but also to honor the reasons they serve.

Madam Speaker, members of our Armed Forces deserve our deepest respect. They put their lives between us and hostile enemies around the world; they sacrifice stability with their own families so ours may sleep easier. They persevere in the most extreme conditions so we can lead ordinary lives.

The flag code is designed to honor public service. When we lower the flag to half-staff, we remind ourselves that the United States is not merely preserved by lofty ideals, but by the service and sacrifice of a great many men and women.

I support this legislation and encourage all of my colleagues to do so as well.

Madam Speaker, I reserve the balance of my time.

Mr. STUPAK. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Madam Speaker, I thank my colleague from Michigan, BART STUPAK, for all that he has done with our committee, and with the Republicans on the subcommittee on the Judiciary Committee who worked so well on this.

I rise of course in support of H.R. 692 to honor fallen men and women who gave their lives to our Nation while on duty in the armed services.

As a veteran myself, I can appreciate this bill as much as anyone in the House. This 22-year-old soldier for whom the bill was named came from BART STUPAK's district, and gave his life on July 8, 2006. He was killed by an improvised explosive device that detonated near his vehicle during combat operations in Iraq.

This measure before us simply amends current law to add heroes like Specialist Micks to the list of persons in whose honor the flag may be flown at half-staff. It specifies that a Governor's proclamation ordering the flag to be flown at half-staff, consistent with this measure, would apply to all Federal installations and facilities in the State.

Over the last 4 years, at least 10 soldiers from Mr. STUPAK's district have

given their lives in Iraq and Afghanistan, and yet the national flags on some Federal buildings were not lowered in their honor, to the dismay of the family members and friends of these brave soldiers.

So the measure ensures that our Nation's fallen military heroes who made the ultimate sacrifice in the service of our Nation are appropriately honored and acknowledged.

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

Mr. STUPAK. Madam Speaker, I have no further speakers, so I would like to close.

I close by saying there is no more powerful way to honor the death of an American than flying our Nation's flag at half-staff. Recognizing this, Governors across this great country have issued proclamations to honor servicemembers from their States who have died in Iraq and Afghanistan.

This quiet sign of respect is a powerful message to the family that a grateful Nation and a grateful community mourns and honors the sacrifice made by their fallen hero. It is also representative of the shared loss felt by our communities who mourn a family member, a friend, a neighbor and a colleague.

The Army Specialist Joseph P. Micks Flag Code Amendment Act will ensure that each of our fallen heroes receives the ultimate honor due to Joe and his family; his wife, Romona; and parents, Ken and Amy Micks. To them we owe a great debt of gratitude. I hope this legislation passes the House today and moves to the Senate, and we can get it completed by Flag Day on June 14.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 692, which authorizes Governors of the several States to order the National Flag to be flown at half-staff in the event of the death of a member of the Armed Forces. Section 2(a) would add "or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty" to the list of persons under 4 D.S.C. § 7(m) for whom the Flag should be flown at half-staff for a period of ten days from the date of death.

Under section 2(b), the bill authorizes the Governor of a State, territory, or possession to issue a proclamation under section 7(m), as amended by the Act, ordering the Flag to be flown at half-staff in honor of a member of Armed Forces who dies while on active duty.

Madam Speaker, it is a privilege for me to support a bill that honors the service of our fallen members of the Armed Forces who die while serving on active duty. These brave men and women have given great contributions and have made incredible personal sacrifices so that all of us in this country might live in a safe and secure Nation and world. In my State of Texas, 287 service members have already given the last full measure of devotion in Operation Iraqi Freedom. I think everyone of these fallen heroes deserve recognition for their supreme sacrifice.

Flying the Federal Flag at half staff to honor the service of fallen members of the Armed Forces is only a small step towards repaying

the insurmountable debt that all of us owe to all veterans. For, what is the price of freedom?

As President Kennedy once said, "The price of freedom is high, but Americans have always paid it." And no one has paid a higher price than the brave men and women through the years who gave the last full measure of devotion to their country. Whether it is the ultimate sacrifice of life or the loss of limb or the loss of time with family and friends, we owe our veterans and in this case, those who have died during their service, an enormous outstanding debt of gratitude.

From Bunker Hill to Yorktown, from Washington, DC to the Battle of New Orleans, from Bull Run to Gettysburg and Antietam to Appomattox, brave Americans gave their lives so that the Nation might live. And from Alsace-Lorain to Verdun, and Normandy to Berlin and Pearl Harbor to Okinawa, from Inchon and Corregidor to Vietnam, Lebanon, Grenada, Kuwait, Afghanistan, and Iraq, Americans have nobly sacrificed their lives so that the world may live in freedom.

The debt of gratitude we owe to all of the soldiers, sailors, marines, and airmen who answered their Nation's call and made the supreme sacrifice can never be repaid. But we can give these fallen service men and women the recognition and honor they deserve by flying the National Flag at half-staff.

Madam Speaker, I ask all of my colleagues to join me in honoring our fallen heroes by supporting H.R. 692.

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

Mr. FORBES. Madam Speaker, once again I urge passage of the bill, 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. STUPAK) that the House suspend the rules and pass the bill, H.R. 692, 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. STUPAK. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

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#### JOHN R. JUSTICE PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 916) to provide for loan repayment for prosecutors and public defenders, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 916

*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 "John R. Justice Prosecutors and Defenders Incentive Act of 2007".*

#### SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

*Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:*

#### PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

##### SEC. 3111. GRANT AUTHORIZATION.

*"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.*

##### "(b) DEFINITIONS.—In this section:

*"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—*

*"(A) is continually licensed to practice law; and*

*"(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.*

*"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—*

*"(A) is continually licensed to practice law; and*

##### "(B) is—

*"(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or*

*"(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or*

*"(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).*

*"(3) STUDENT LOAN.—The term 'student loan' means—*

*"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);*

*"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and*

*"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.*

*"(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—*

*"(1) is employed as a prosecutor or public defender; and*

*"(2) is not in default on a loan for which the borrower seeks forgiveness.*

##### "(d) TERMS OF LOAN REPAYMENT.—

*"(1) BORROWER AGREEMENT.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Attorney General that specifies that—*

*"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment; or*

*"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before*

*the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section; and*

*"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.*

##### "(2) REPAYMENT BY BORROWER.—

*"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.*

*"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.*

*"(C) WAIVER.—The Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.*

##### "(3) LIMITATIONS.—

*"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—*

*"(i) \$10,000 for any borrower in any calendar year; or*

*"(ii) an aggregate total of \$60,000 in the case of any borrower.*

*"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.*

##### "(e) ADDITIONAL AGREEMENTS.—

*"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).*

*"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.*

##### "(f) AWARD BASIS; PRIORITY.—

*"(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—*

*"(A) subject to the availability of appropriations; and*

*"(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.*

*"(2) PRIORITY.—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—*

*"(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or*

##### "(B) who—

*"(i) received repayment benefits under this section during the preceding fiscal year; and*

*"(ii) have completed less than 3 years of the first required period of service specified for the*