

tribute to David Ray Ritcheson. May he rest in peace. God bless his family, and God bless America for being the Nation that abhors hate and recognizes this beautiful young man.

Mr. CONYERS. Mr. Speaker, today I rise in memory of the life of David Ray Ritcheson. I met David when he testified last April before the Judiciary Committee at a legislative hearing on the Hate Crimes Prevention Act. He had the courage to come forward and testify about the need for that legislation and the impact of hate crimes on communities and families. He spoke from the heart and from experience.

David survived a horrific attack last year that required him to endure countless operations to restore his appearance and body. He was the voice for all who could not speak and did an admirable job. I believe that his story served as a inspiration that led the House to pass the Hate Crime Prevention Act on May 3 of this year.

It is a tragedy that David will not see the fruit of his labor. The psychological wounds from the crimes inflicted upon him finally caused David to take his life on July 1, 2007.

I hope that this resolution will convey to his family and community the heartfelt condolences of this House.

It is also my hope that the brutal attack that he survived will not define his life. David Ritcheson should be remembered in his community as a friend, a classmate, a football player and a son.

House Resolution 535 is a fitting tribute to David Ray Ritcheson. It honors David as someone unafraid to stand and speak for the victims of hate crimes, so that we could act to protect other communities in the future. He will be remembered and missed.

I ask my colleagues to join me in supporting this well-deserved resolution.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 535, a resolution to honor the leadership, in raising awareness of hate crimes, of David Ray Ritcheson, a Mexican American who was severely assaulted on April 23, 2006, and passed away last week.

Role models come in all shapes and sizes. Jackie Robinson, Rosa Parks, Martin Luther King, Jr., Cesar Chávez, are all great role models who led by example.

Just a few months ago, in our halls of Congress, David Ray Ritcheson at the young age of 18 exposed the harsh reality of hate crimes through his personal experience.

Today, we honor his efforts and leadership on this issue.

After having survived one of the most horrific hate-motivated criminal acts, David Ray courageously testified in support of the "Local Law Enforcement Hate Crimes Prevention Act of 2007," H.R. 1592, which passed the House on May 3, 2007.

In his testimony he stated: "It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign", "education can have an important impact by teaching against hate and bigotry".

We must continue his efforts.

My prayers are with his family in their time of need.

We must not forget one of our present day's great role models. David Ray has and will continue to be a strong reason why hate crimes must be exposed.

I urge my colleagues to carry on his efforts to put an end to all hate crimes, and vote for this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. JACKSON-LEE of Texas. Mr. 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 motion will be postponed.

#### EXPRESSING SENSE OF CONGRESS REGARDING A CHILD OF A DECEASED MEMBER OF THE ARMED FORCES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 175) expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 175

Whereas the death gratuity payable under section 1477 of title 10, United States Code, upon the death of a member of the Armed Forces, is intended to provide funds to meet the immediate needs of the survivors of the deceased member;

Whereas such section designates the surviving spouse and any children of a deceased member as the highest and second highest priority, respectively, to receive the death gratuity payment; and

Whereas a member with a child or children, but no spouse, usually designates another individual to be responsible for that child or children and may express a desire that such individual receive the death gratuity payment on behalf of the child or children: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gen-

tleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 175 deals with a tragic situation where a member of the Armed Forces dies leaving a surviving child but no spouse. This resolution expresses a sense of Congress that State courts with fiduciary responsibility for the child of a deceased member of our Armed Forces should take into consideration the express desires of the fallen soldier as to how funds related to the soldier's service should be distributed on behalf of a surviving child.

When an American soldier makes the ultimate sacrifice, not only does our country suffer a terrible loss, but that soldier's family suffers directly. Among many other concerns, a family faces a number of immediate financial challenges; and, unfortunately, these challenges come in the midst of their grief. These financial and emotional hardships are compounded when the deceased servicemember was a single parent.

I thank the mover of the bill for his leadership and the cosponsors, thank the members of the Judiciary Committee, Chairman CONYERS and the ranking member Mr. SMITH.

This bill helps the surviving family members of a fallen soldier better cope with these financial hardships. Congress established a death gratuity intended to address some of these expenditures families must cover during the traumatic period following a loved one's death.

The current system administering the death gratuity, however, often makes it difficult for those left with the responsibility of caring for a fallen soldier's child to access these funds. A death gratuity payable to a minor child is placed in trust until the child gains majority status. In the interim, the relevant State court has discretion to release funds for the care and needs of the child.

The problem here is that the Armed Forces personnel who are single parents currently have no formal way to designate, for the purposes of the death gratuity, a caretaker for their minor child in the event of a servicemember's death.

It is our duty to do all we can to ensure that the children left behind are cared for as their parent requested. When servicemembers make it clear

who they would like to care for their children in the event of their death, those wishes should be an important factor for the court to consider.

It is almost like the tragedy of 9/11 and a bill that I authored after those parents are deceased to ensure that the children of the 9/11 tragedy, the orphan children, would have their benefits promoted and supported and rendered first. This legislation, and rightly so, wants to give parents the opportunity to designate who should be the custodian for these funds so children can be taken care of first and foremost. I strongly urge my colleagues to support this resolution.

Mr. Speaker, House Concurrent Resolution 175 deals with a tragic situation where a deceased member of the Armed Forces leaves a surviving child, but no spouse.

This resolution simply expresses the sense of Congress that State courts—with fiduciary responsibility for the child of a deceased member of our Armed Forces—should take into consideration the expressed desires of the fallen soldier as to how funds related to the soldier's service should be distributed on behalf of the surviving child.

When an American soldier makes the ultimate sacrifice, not only does our country suffer a terrible loss, but that soldier's family suffers directly. Among many other concerns, the family faces a number of immediate financial challenges, and unfortunately, these challenges come in the midst of their grief. These financial and emotional hardships are compounded when the deceased service member was a single parent.

To help the surviving family members of a fallen soldier better cope with these financial hardships, Congress established a death gratuity intended to address some of the expenditure's families must cover during the traumatic period following a loved one's death.

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The problem here is that Armed Forces personnel who are single parents currently have no formal way to designate, for the purposes of the death gratuity, a caretaker for their minor child in the event of the service member's death.

It is our duty to do all we can to ensure that the children left behind are cared for as their parent requested. When service members make it clear who they would like to care for their children in the event of their death, these wishes should be an important factor for the court to consider.

I strongly urge my colleagues to support this resolution, and I reserve the balance of my time.

H. Con. Res. 175 will help the children of fallen soldiers by providing necessary guidance to the courts about how to treat the expressed desires of a deceased service member when it comes to distribution of the death gratuity. I ask my colleagues to join me in supporting this resolution so that the wishes of soldiers are given proper respect and consideration.

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

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

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it represents a bipartisan conviction that is unanimous in this Chamber that we owe those who serve in the uniform of the United States and who fall in that service everything. And we owe their families who share their sacrifice the same.

H. Con. Res. 175, brought to this floor today by the gentleman from Iowa (Mr. LATHAM), will be an expression of a Congress acting on that gratitude and on that debt. It is a highly technical matter, but as I am sure the gentleman from Iowa will explain and the gentlelady from Texas explained, this is an issue that impacts the lives of people that this Nation cherishes the most.

There are a number of cases where the children of single-parent servicemembers killed in action and their guardians have not been able to access death benefits intended for them. This resolution addresses cases where specific instructions were left by a servicemember as to the distribution of benefits to caretakers.

In order of priority, death benefits are currently distributed to a surviving spouse, children, and other classes of persons such as siblings designated by the deceased. Benefits of a single parent's minor children must be held in trust by a State court which appoints a trustee who supervises the distribution of funds on behalf of the children. This consumes time and money in instances where the deceased clearly designated a caretaker to serve as a de facto trustee.

The fiscal year 2008 national defense authorization bill will include a provision allowing servicemembers to begin predesignating caretakers as recipients as part of the death gratuity payment. However, neither House nor Senate provisions help families that have already been affected. Although H. Con. Res. 175 takes the form of a congressional concurrent resolution and therefore has no legal effect, it is confidently hoped that attorneys for minor children will use the text, once passed by the House, to convince State courts to honor the wishes of deceased single parents who designated caretakers for this purpose.

Mr. Speaker, I commend the gentleman from Iowa (Mr. LATHAM) in particular for his tender care of the service families of these American heroes, for his advocacy on behalf of families whose loved ones paid the ultimate price while defending our great Nation. I urge the House to adopt H. Con. Res. 175.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, it is my honor to yield such time as he may consume to the principal author of H. Con. Res. 175, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Indiana for recognition and for the kind words. I appreciate that very much. The gentlewoman from Texas, thank you for your support. And I want to thank Chairman CONYERS and Ranking Member SMITH for working together to bring this very important resolution to the floor quickly after it was introduced.

I also want to thank Armed Services Committee Chairman IKE SKELTON and Ranking Member HUNTER for their valuable input on this resolution and important work on this issue.

Many servicemembers who are single parents rely upon grandparents or other caretakers to care for their children while they are deployed. If the servicemember is tragically killed in action, these caretakers are left without access to the death gratuity payment to help raise the servicemember's children.

I am grateful that the House and Senate Armed Services Committees have addressed this issue, including in the 2008 defense authorization bill provisions allowing servicemembers to begin designating caretakers as recipients of all or part of the death gratuity as we go forward. However, it is important that we also consider those families that have already been affected by the situation, which is the purpose of this resolution today.

There have been as many as 143 recent cases where minor children were the recipients of the death gratuity which they cannot access until reaching the age of 18. In some of these cases, such as the one involving the Jaenke family from Iowa Falls, Iowa, in my district, the fallen servicemember left specific written instructions that part of the death gratuity be used to care for her daughter. Naval Petty Officer 2nd Class Jamie Jaenke, who was tragically killed by a roadside bomb in Iraq last summer, was survived by her 9-year-old daughter Kayla, who is being cared for by her grandparents. Kayla's family has experienced countless financial hardships as a result of not having access to the death benefits for the purposes that Jamie intended.

While the situation may not affect a large number of families, the bottom line is I believe the wishes of our servicemembers with respect to their death benefits should be honored.

Our Nation will be forever grateful for Jamie's dedication and service and the sacrifice she has made for our Nation. It is a fundamental duty of Congress to ensure that the children of fallen servicemembers, like Kayla, are cared for. We owe this to our servicemembers who have made the ultimate sacrifice. Mr. Speaker, I urge my colleagues to support this resolution, and I urge the Senate to act in a

quick manner to resolve this unfortunate situation.

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Mr. PENCE. Mr. Speaker, in closing, let me simply rise again on behalf of many of my colleagues on the House Judiciary Committee to commend to the attention of all Members H. Con. Res. 175 regarding the payment of survivor benefits to family members of deceased service personnel.

It is a highly formalistic sounding bill, highly technical, but I think you could sense, Mr. Speaker, the emotion in the voice and the countenance of its principal author. I would expect that Mr. LATHAM of Iowa is here on this floor for Kayla and for the children of those 143 soldiers who find themselves caught in a confused bureaucracy and unable to access the benefits to which they are entitled and to which the hero that they lost as a parent and a loved one intended them to enjoy.

So, again, I urge my colleagues to support H. Con. Res. 175, and I rise with a humble sense of gratitude for the tireless work of the gentleman from Iowa in bringing this legislation so quickly and so thoughtfully to the floor of this Congress.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to rise and yield myself such time as I may consume to thank Mr. LATHAM for his sensitivity and leadership.

Mr. Speaker, let me acknowledge that there are men and women as we speak on the front lines in the battle for their Nation. Many in Iraq and Afghanistan but many lose their lives elsewhere around the world in the Nation's uniform.

This is an instructive and important legislative initiative, but can we imagine being lost in battle, a fallen soldier who's not able to provide for his or her family or his child? H. Con. Res. 175 and the backdrop of those who are now losing their lives in battle will help the children of these fallen soldiers by providing necessary guidance to the courts about how to treat the expressed desires of a deceased servicemember when it comes to the distribution of a death gratuity.

Hopefully, the constituent of Mr. LATHAM and many others will find refuge and relief. It is certainly not the Nation's desire to leave them wanting and destitute.

This particular bill provides comfort to those who need comfort and financial support for those who are suffering.

I ask my colleagues to join me in supporting this resolution so the wishes of the soldiers are given proper respect and consideration and a grateful Nation is truly grateful.

Let me also thank the ranking member, Mr. SMITH; the full committee chair, Mr. CONYERS; Mr. BERMAN and Mr. COBLE of which this particular amendment and legislation has come

through. And we ask that the legislation be passed with great support in this body.

I ask my colleagues to support it.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today in strong support of H. Con. Res. 175, which helps children of fallen soldiers access military death benefits. I would like to express my deep appreciation to my friend, Congressman LATHAM, for taking the lead on this issue. I am proud to be a cosponsor of this important legislation.

On June 5th, 2006, Navy Petty Officer 2nd Class Jaime Jaenke was killed in Iraq when her Humvee was hit by a roadside bomb. Ms. Jaenke, from Iowa Falls, was the first female from Iowa to die in the Iraq conflict.

Jaenke left behind a daughter, Kayla, who is cared for by Jaenke's parents. She had designated her mother, Susan, as the beneficiary of a \$100,000 death benefit intended to help survivors. However, under law, only spouses or children are allowed to receive the benefit, so it must be kept in a trust for Kayla until she turns 18.

But the Jaenkes need the money now. They incurred unanticipated expenses such as hiring a lawyer to get legal guardianship and obtaining health insurance for Kayla. They also had funeral costs and other expenses, even as their horse stable was losing money.

Congressman LATHAM's resolution would express the sense of Congress that courts should have the discretion to redistribute death benefits to caretakers if the service member left clear intent for the use of these funds. This would be a Godsend to the Jaenkes and the at least 143 identical cases where other families are affected by these same circumstances.

Mr. Speaker, Congress needs to act, and they need to act fast, to help the families of those who have given so much for their countries. These families already have to face the anguish of losing a son or a daughter. They should not have to worry about the financial strain of dealing with unexpected expenses. I urge all of my colleagues to send a strong message to our military families that we understand the need for flexibility in protecting these families from unintended consequences.

Mr. LOEBACK. Mr. Speaker, I rise today to voice my support for House Concurrent Resolution 175, of which I—along with the entire Iowa delegation—am a cosponsor.

I would also like to thank the gentleman from Iowa for his leadership on this issue.

This resolution expresses the sense of Congress that courts should take into consideration the expression of clear intent by a member of the United States Armed Forces regarding the distribution of death gratuity payments to their surviving children.

Such payments are intended to provide for the immediate needs of the survivors of deceased servicemembers. However, under current law, children cannot directly receive the payments until the age of 18, even if they are designated as the recipient by the servicemember.

The wishes of those who serve our country should be honored to the greatest extent possible. As a member of the Armed Services Committee, I am proud that the fiscal year 2008 National Defense Authorization Act passed by this House allows servicemembers to designate up to 50 percent of their benefit payment to someone other than a spouse or

child, thereby assuring that children under the care of individuals or family members other than the servicemember's spouse are properly provided for by the gratuity system.

This resolution reaffirms the commitment of Congress to providing for the children of those who have served our country, and I strongly urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Con. Res. 175.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### MODIFYING DEADLINE RELATING TO ELECTION BY INDIAN TRIBES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3095) to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3095

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

#### SECTION 1. ELECTION BY INDIAN TRIBES.

Section 127(a)(2)(B) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927(a)(2)(B)) is amended by striking "within 1 year of the enactment of this Act" and inserting "by July 27, 2008,".

The SPEAKER pro tempore (Mr. COHEN). Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank Mr. KILDEE for moving this legislation and thank him for his leadership. Two years ago, the Adam Walsh Child Protection and Safety Act was enacted. The act was a major advance in our Nation's efforts to protect our children from sexual and other violent crimes, to prevent child pornography, and to make the Internet safer for our sons and daughters.

Among its provisions, the act includes a mandate that each tribe either