is wrong, and this legislation would end these discriminatory practices. I look forward to negotiating a strong compromise with our Senate colleagues.

INTRODUCTION OF THE CHILD PROTECTION IMPROVEMENTS ACT OF 2008

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. SCHIFF. Madam Speaker, I rise to speak about the introduction of the Child Protection Improvements Act of 2008. I introduced this bill today with my colleague Congressman MIKE RODGERS of Michigan to allow youth-serving organizations to perform Federal Bureau of Investigation (FBI) fingerprint-based background checks on prospective volunteers. We are joined by Senator JOSEPH BIDEN, Senator ARLEN SPECTER, and Senator ORRIN HATCH, who are introducing identical legislation in the Senate.

A positive, stable influence can make an incredible difference in a child's life, and we are lucky to have millions of Americans eager to serve their community. In 1986, as a young lawyer, I volunteered as a Big Brother and was paired with a wonderful seven year-old named ''David.'' That relationship has been one of the most rewarding and enduring in my life. It also taught me first hand the trust that we place in the adult in a mentoring situation. Groups like Big Brothers and Big Sisters, the Girl Scouts, and thousands of agencies, large and small, are doing amazing work for children across America. This bill is about giving them the tools they need to protect children and to accomplish their mission.

The Child protection Improvements Act will allow organizations that pair volunteers with children, whether as mentors, Little League coaches, or Scout Masters, to perform quick and accurate background checks through the FBI's fingerprint-based system. It will be simple for organizations to request a check, it will cost non-profits a maximum of 525, and they will receive a result in less than a week.

This legislation arose from the lessons we learned from a 2003 pilot program established in the PROTECT Act. The pilot gave certain mentoring and youth agencies the ability to submit fingerprints directly to the FBI to receive a determination if the volunteers criminal record made them unfit for the role. In 2003, and earlier, state law enforcement agencies have been able to access the FBI system, but as of today only one-third of states have the infrastructure in place for a mentoring agency to get an FBI background check in an affordable and timely manner.

The PROTECT ACT pilot demonstrated the need for background checks to protect children from predators. Six percent of checks conducted came back with serious criminal records, in many cases records that would not have turned up through a search of a state database or through a name-based, commercial search. There are cases around the nation in which applicants were sex offenders, repeat felons, and child abusers. The National Center for Missing and Exploited Children (NCMEC) reviewed tiles in which an applicant had a criminal record in four states, including a conviction for murder, which they didn't reveal when they applied to be a volunteer.

The pilot also taught us that youth serving organizations want to watch out for children and they want access to affordable, accurate, and prompt background checks. And that was exactly what the pilot provided, returning a fitness determination in an average of three to five days for less than $20.

The Child Protection Improvements Act also protects the privacy rights of volunteers. No criminal records will he transmitted to anyone other than NCMEC without the consent of the volunteer, so their right to privacy will be protected. If they believe their record contains errors, or if they disagree with the determination of NCMEC, they can challenge the completeness of the record or request its full release.

There is a clear and compelling need for this legislation. By passing the Child Protection Improvements Act, Congress will take an important step forward in protecting children and supporting the service of thousands of community-based youth serving organizations around the country.

20TH ANNIVERSARY OF SADDAM HUSSEIN'S ATTACK ON HALABJA, IRAQ

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. WOLF. Madam Speaker, I rise today to call the attention of the House to the 20th anniversary of Saddam Hussein's attack on the city of Halabja with chemical and biological weapons. On March 16, 1988, these weapons killed some 5,000 Kurdish men, women and children, as part of Hussein's Al-Anfal campaign to kill and displace the Kurdish population in northern Iraq.

According to a comprehensive study by Human Rights Watch, the 1988 Al-Anfal campaign consisted of approximately 40 gas attacks and resulted in the deaths of at least 50,000 and perhaps as many as 100,000 Iraqi Kurds. The worst in this series of attacks was on Halabja.

The attack in 1988 has left behind a cruel and persistent legacy on the village of Halabja, where inhabitants experience a high instance of life threatening medical conditions due to the persistence of noxious poisons in the food and water supply. I ask that our colleagues remember this day, which exemplifies the legacy of brutality and human rights abuses that characterized the regime of the late Saddam Hussein.

HONORING LOUVENIA POINTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize Louvinia G. Pointer who enjoyed a successful career on the Broadway stage. When Noel Coward heard Louvinia's voice, he wrote a part for her to sing in his musical, ''Set To Music,'' starring Beatrice Lillie. After that, she appeared with Alfred Lunt and Lynne Fontaine on Broadway in ''The Pirate.'' Highly esteemed among her peers as a singer, teacher and choral conductor, her fulfilling career includes work with some of the country's outstanding teachers including Rosalie Miller, Samuel Margolis, Sarah Lee, Modena Scoval, and her long-time friend, coach and accompanist, the late Sylvia Olden Lee.

Louvinia's exceptional work as choral director of the National Youth Administration Radio Workshop won praise from notables such as Harry T. Burleigh, Fritz Mahler, Robert Hufstadder, Hall Johnson, Eleanor Roosevelt and Mary McLeod Bethune. Mrs. Pointer took her love of music to the New York City School system, where for many years, she was privileged to share her love of music and teaching gifts with the children of New York City. She taught in Public School 21, Lefferts Junior High School, Girls High and Tilden High Schools. During her 26 years teaching, she received numerous awards for her outstanding work.

Now retired, Mrs. Pointer is committed to the revival and preservation of the ''Nego Spiritual.'' Her dream of establishing an organization to preserve the Negro Spiritual became a reality in 1987 when the Great Day Chorale was formed. Now in its twentieth season, the group, through the positive messages of these songs, has been an inspiration to listeners everywhere.

In 1994, Mrs. Pointer was chosen to take part in the Crown Heights Project, which was a collaboration of the Brooklyn Children's Museum, the Historical Society and the Society for the Preservation of Weeksville and Bedford-Stuyvesant History. Among her many awards, she received citations from the Honorable Howard Golden, former Borough President and the present Borough President, Marty Markowitz. Louvinia has been awarded for her work with Brooklyn-based arts organizations, including Celebrate Brooklyn, BACA, Welcome Back to Brooklyn, the Brooklyn Museum, Brooklyn Botanic Garden, Brooklyn Philharmonic Orchestra, and as a member of the board of the Brooklyn Music School.

Madam Speaker, I am pleased to honor Louvinia G. Pointer for her remarkable achievements and luminous career in the musical arts. She has directed two albums and even arranged the song, In the Garden by Bob Dylan on his album ''Gotta Serve Somebody.''

STEPHANIE HULL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stephanie Hull of Liberty, Missouri. Stephanie is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Stephanie has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Stephanie has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Stephanie Hull for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

INTRODUCTION OF THE STATE SECRET PROTECTION ACT OF 2008 PROTECTING NATIONAL SECURITY AND THE RULE OF LAW THROUGH SAFE, FAIR, AND RESPONSIBLE PROCEDURES AND STANDARDS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. NADLER. Madam Speaker, the state secrets privilege is a common law doctrine that allows the Government to protect sensitive national security information from harmful disclosure in litigation.

This privilege was first recognized by the U.S. Supreme Court in the 1953 case of U.S. v. Reynolds, a case brought by the widows of three civilian engineers against the U.S. Government for negligence in a military airplane crash. The Government refused to produce an accident report of the crash, claiming that disclosure of the report would reveal secret military information harmful to national security. The Court accepted the Government's state secret claim and allowed the Government to withhold the report without ever reviewing it. When the report was discovered through an internet search 50 years later, it did not reveal any secret military information but, instead, showed the Government's negligence in the crash.

Unfortunately, Reynolds is not the only instance where the secrecy claims have been abused. Exaggerated claims of national security were made in an effort to conceal information about U.S. conduct in Vietnam and the bombing of Cambodia in the ''Pentagon Papers'' case and to prevent prosecution for the unlawful sale of arms to Iran and the funneling of proceeds from those sales to the Nicaraguan Contras. In the ''Pentagon Papers'' case, N.Y. Times Co. v. United States, 403 U.S. 713, Solicitor General Griswold warned the Supreme Court that publication of the information would pose a ''grave and immediate danger to the security of the United States.'' Eighteen years later, he acknowledged that he had never seen ''any trace of a threat to the national security'' from publication of the information and that ''there is very rarely any real risk to current national security from the publication of facts relating to transactions in the past, even the fairly recent past.''

What these examples teach is that when a government is allowed to escape accountability by hiding behind unexamined claims of national security, it often will, making judicial oversight of state secrets privilege claim critical to our constitutional system of checks and balances. Unfortunately, in the years following Reynolds, courts have proven reluctant to test Government claims of secrecy, often failing to examine evidence independently and accepting the Government's secrecy claim at face value.

Concerns about the lack of judicial oversight of the state secrets privilege have increased as the current administration has responded to cases challenging the most troubling aspects of its '' war on terror''—including rendition, torture, and warrantless wiretapping—with blanket claims that these cases must be dismissed outright, before any discovery can proceed. As a result, injured plaintiffs have been denied justice and the courts have failed to address fundamental questions of constitutional rights. Take, for example, the case of Khaled el-Masri, a German citizen who was kidnapped, rendered to a CIA black site, and tortured before the administration realized that it had the wrong man. There is extensive public evidence supporting Mr. El-Masri's case, including a Council of Europe report verifying the accuracy of Mr. El-Masri's claims and the administration's public disclosure and defense of the rendition and interrogation of terror suspects as a valuable tool in its ''war on terror.'' Yet the administration successfully argued that Mr. El-Masri's case should be dismissed before any discovery could occur based on the state secret privilege.

The transformation of a governmental privilege to withhold specific items of evidence into a claim of absolute immunity, and the overall lack of consistency in how courts handle state secret claims, requires Congressional reform. In 1980, Congress enacted the Classified Information Procedures Act—known as CIPA—to provide courts with clear statutory guidance on handling secret evidence in criminal cases. Congress also authorized courts to review and rule upon sensitive materials under the Freedom of Information Act and the Foreign Intelligence Surveillance Act. For the past several decades, courts have effectively and safely applied these laws—under the procedures and standards articulated by Congress—to protect sensitive information while also respecting the rule of law and providing fairness and justice to litigants.

It is time to enact procedures and standards for civil cases similar to those that we already have provided for criminal cases. Many have called for this reform, including the American Bar Association, which recently issued a report calling upon Congress to enact procedures and standards that promote meaningful, independent judicial review and ''bring uniformity to a significant issue on which courts have adopted divergent approaches.'' The bipartisan Constitution Project has similarly urged us to ''craft statutory language to clarify that judges, not the executive branch, have the final say about whether disputed evidence is subject to the state secret privilege,'' reminding us that ''reforms are critical to ensure the independence of our judiciary and to provide a necessary check on executive power.''

In a recent hearing held by the Judiciary Committee's Subcommittee on Constitution, Civil Rights, and Civil Liberties, which I chair, experts like retired Federal judges Patricia Wald and William Webster supported legislative efforts to require independent judicial review. According to Judge Webster:

''As a former Director of the FBI and Director of the CIA, I fully understand and support our government's need to protect sensitive national security information. However, as a former federal judge, I can also confirm that judges can and should be trusted with sensitive information and that they are fully competent to perform an independent review of executive branch assertions of the state secrets privilege. Judges are well-qualified to review evidence purportedly subject to the privilege and make appropriate decisions as to whether disclosure of such information is likely to harm our national security.''

The State Secret Protection Act of 2008 provides much-needed reform by establishing rules and standards for determining state secret privilege claims. The act will strengthen national security by ensuring that legitimate secrets are protected from harmful disclosure, and it will strengthen the rule of law by preventing abuse of the privilege and maximizing the ability of litigants to achieve justice in court.

Modeled on CIPA, but adjusted for civil litigation, the State Secret Protection Act provides for secure judicial proceedings and other safeguards to protect valid state secrets. Under the act, a judge may not blindly rely upon assertions of secrecy and harm contained in an official's affidavit. Judges must review the information that the Government seeks to protect, along with any other evidence or argument relevant to the claim, to determine whether the harm identified by the Government is reasonably likely to occur. Where this standard is met, a judge may not order disclosure of the information. The judge must, however, consider whether a non-privileged substitute can be created that would allow the litigation to continue.

If a substitute is possible—for example, a redacted version of a document or a summary of the information—the government has the choice of producing the substitute or having the court resolve the issue to which the evidence is relevant against it, as happens in CIPA. Where there is no possible substitute, the judge may issue appropriate orders, including dismissing a claim or finding for or against a party on a factual or legal issue. The act allows the Government to raise a claim of privilege to avoid answering allegations in a complaint but prevents premature dismissal of claims before all issues of privilege are resolved and the parties have the opportunity to conduct non-privileged discovery.

Through these procedures and standards, the act allows parties the opportunity to make a preliminary case and provides courts with the flexibility to craft solutions that protect valid state secrets from harmful and serve the interests of justice. Congress has clear constitutional authority to establish rules of procedure and evidence for the courts, and reform of the state secrets privilege in civil litigation is long overdue. I urge all of you, my colleagues in the House, to join us in this important effort.

IN RECOGNITION OF THE CENTRAL VALLEY HEALTH NETWORK

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. CARDOZA. Madam Speaker, it is with the greatest pleasure that I rise today in recognition of the Central Valley Health Network as they celebrate their tenth anniversary. Comprised of 13 private, non-profit community health center systems, the Central Valley Health Network currently operates 116 clinic sites throughout 20 counties in California, providing high quality health care to those most in need.