

number on that order of magnitude, if they have a plan to restructure Medicare, to reform it, to bring the spending in total below 45 percent of general revenue, they can submit their plan to the chairman of the Budget Committee. The chairman of the Budget Committee will hold hearings to certify that the plan does, in fact, meet the Medicare trigger recommendations. And if it does, my understanding of the law is that those plans have to be brought to the floor; they have to be voted on by the House of Representatives. Now, I'm not clear exactly the procedure for the rules for bringing these proposals to the floor, whether every proposal is given a vote on the floor or whether there are only certain proposals that are certified by the Rules Committee, but my understanding is that all proposals that meet the budgetary cutoff do get an up or down vote on the House floor.

So, if you're a member of the majority, of the Democrat Party, and you've got an idea and you can get 70 Members to support it, your plan can be voted on. If a bipartisan group of Members bring a proposal, that plan can be voted on. If the Republican leadership, whom I'm doing this Special Order for, has a plan, it can be voted on. If the President can get 70 Members to sign under his plan, it can be voted on. I personally don't see any problem with having different plans on the floor. The bottom line is to vote on some plan that begins to restructure and reform Medicare. Again, not trying to cut people off the program, not trying to tell our senior citizens we're going to do away with Medicare; what we should be telling our senior citizens is that we want Medicare to be there not just for another 11 years, but we want it to be there for another 50 years, another 60 years, not for people that are just now over 60 and over 70, but for our children and our grandchildren.

This is a program that, again, in 1965, my recollection is it cost less than \$1 billion a year. This past year it cost over \$400 billion. And by 2018, it's going to cost over \$800 billion. And by 2036, it's going to cost more than the entire Federal budget today, which is over \$2 trillion.

So this is not something that we can just put on the back shelf and not do anything about. It is something that we need to take action on. And again, because of the Medicare trigger, we have the ability, under expedited rules, to put these proposals to the Budget Committee, the Budget Committee certifies its proposal will meet the cost savings requirement, those plans will come to the floor and be voted on sometime this year before we go home in October for the elections in November.

So, Mr. Speaker, I want to bring to the attention of the House the Medicare trigger language and that it does require the President to submit a proposal. He has done so. It does require the Budget Committee to meet on that

proposal and any other proposals that 70 Members of the body can put before the Budget Committee. And it does require that the House vote on the bill, or the bills, later this year.

We need to address it. The Medicare trustees have pointed out that for 2 years in a row the spending has exceeded 45 percent of the general revenues going into the program, and so it is time for us to begin to address it.

Mr. Speaker, I see no other Members present. So with that, I would humbly suggest that everybody begin to think about what to do to protect and reform Medicare.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1424, PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

Ms. CASTOR (during the Special Order of Mr. BARTON of Texas), from the Committee on Rules, submitted a privileged report (Rept. No. 110-538) on the resolution (H. Res. 1014) providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2857, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION (GIVE) ACT

Ms. CASTOR (during the Special Order of Mr. BARTON of Texas), from the Committee on Rules, submitted a privileged report (Rept. No. 110-539) on the resolution (H. Res. 1015) providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws, which was referred to the House Calendar and ordered to be printed.

ADMINISTRATION'S DISREGARD FOR CONGRESSIONAL AUTHORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, tonight I will discuss some serious examples of how this administration's contemptuous disregard for the authority delegated to Congress by the Constitution has impacted on how we do business here in Washington. This bad attitude has consistently manifested itself in a sophomoric resentment of Congress' constitutional role as an equal branch of government.

Ironically, Congress has proven itself far more willing to cooperate than

what Ronald Reagan found during the Cold War. The executive branch, however, seems too insecure to let Congress do its job, as the executive branch sees Congress basically, even with a Republican-controlled majority, as a rival. And they see us as a spoiler rather than as elected representatives of the American people playing a rightful role in establishing policy for our great country. So, unfortunately, we see that in this President of the United States.

But let me add that I have worked in the White House before. I worked in the White House at a time when Democrats controlled both Houses of Congress. And I have witnessed times when Congress itself, yes, has sought to undermine foreign policy initiatives of Presidents who are watching out for America's national security interests in a tumultuous time. That is not what I'm referring to and will be referring to tonight. But I mention this only to note that, yes, while I am condemning our President tonight, I recognize that in the past, many liberal left Democrats have been obstructionist in their relationship with the White House as today that I see the White House is being obstructionist to Congress.

Many congressional Democrats, especially those on the far liberal left of the party, fought President Reagan every step of the way as he maneuvered to thwart Soviet expansionism during the waning days of the Cold War. Whether it was building a missile defense system, which now, I might add, protects us from rogue states such as Iran, Korea and China, or whether it was supporting resistance movements against Soviet puppet regimes in Afghanistan and Nicaragua, many congressional Democrats not only voted against the policy, which of course is their prerogative, but went far beyond that in an attempt to actually undercut and undermine the implementation of President Reagan's Cold War strategy. Liberal left Democrats in the U.S. Congress, for example, visited Nicaragua to encourage that Soviet ally regime to hold firm against Ronald Reagan's pressure to democratize.

Even as the Soviets poured billions of dollars of military equipment into Nicaragua, Congress, at a very crucial moment, restricted aid to the resistance fighters who were struggling to pressure the Sandinistas, to what? To have democratic elections.

In order to save Central America from a hostile takeover, Reagan had to overcome Soviet support for these rogue regimes, like the Sandinistas and different insurgencies that were supported by Cuba and the Soviet puppets in Central America, but the President also had to overcome congressional undermining of this stand that he had taken.

In the end, of course, Congress, after 1 year of eliminating all aid to the freedom fighters, or he would say the "democratic resistance" in Nicaragua, after 1 year, which drew, threw the entire Reagan strategy into a chaotic

state, Congress restored U.S. financial aid to the Nicaraguan resistance. All of this was in keeping with the fact that the liberal left of the Democratic Party at that time was trying their best not to cooperate with Ronald Reagan but to undermine what he was trying to do.

Finally, after Congress, by the way, restored money to the democratic resistance, the Sandanistas agreed and relented to a democratic election. And when it was held, the Sandanistas were trounced at the polls and thrown out of power for about 10 or 15 years, which of course must have surprised the liberal left Members of the U.S. Congress who had repeatedly dumped their vitriol on President Reagan as if he was supporting a terrorist group that was trying to implement a policy in Nicaragua that would lead not to democracy but to control of their government.

Well, don't let anyone tell you that bipartisanship won the Cold War. It did not. And from my point of view, and I saw it very firsthand, there was a lack of cooperation, an unwillingness to cooperate on the part of many liberal left Members of this body during the Cold War. And that's history. That's a long time ago. And it was not a shining moment for many congressional Democrats. And it is certainly not a great example, as many people say, of cooperation and bipartisanship during the Cold War.

Reagan's personal influence, however, enabled Congress and the executive branch to function even though there was a certain number of people here who were intent on obstructionism. Reagan respected disagreement, even if it was done in such a disruptive way. He respected the separation and the balance of powers at the heart of our Federal Government's structure and consulted often with Congress and had very significant changes of views with Members of Congress, even those liberal leftists who were trying to obstruct his policy. That same spirit from the top is, unfortunately, not evident in this administration.

The Cold War is history, yes, but currently, radical Islam has declared war on us. It is a threat that should strengthen our willingness to pull together and cooperate. Yet, the disdain and uncooperative nature of this administration towards Congress, including Republican Members, is so egregious that I can no longer assume that it is simply bureaucratic incompetence or some isolated mistake; rather, I have come to the sad conclusion that this administration is intentionally obstructing Congress' rightful and constitutional duties.

Tonight I will discuss some serious examples of this administration's contemptuous disregard for authority that was delegated to Congress by the Constitution. This bad attitude has consistently manifested itself in a sophomoric resentment toward Congress' constitutional role as an equal branch of government.

Ironically, Congress has proven itself far more willing to cooperate than what Ronald Reagan found in the Cold War. The executive branch, however, seems too insecure to let Congress do its job, and it is an executive branch that sees Congress, even when the Republicans held the majority, as a rival and a spoiler rather than as elected representatives of the American people, people who are playing a rightful role in establishing a policy for our great country.

Unfortunately, when the President of the United States rejects the legitimacy of congressional prerogatives, there are serious consequences. Tonight I will provide examples of how this administration, for the past 7 years, has undercut congressional investigations, had lied to Members of Congress, and has forged ahead with secret deals in spite of efforts and pleas by Congress to be informed, if not involved.

In the last Congress, I was chairman of the Oversight and Investigation Subcommittee of the House Foreign Affairs Committee. In that capacity, I learned that in the time immediately leading up to the bombing of the Federal building in Oklahoma City, convicted Oklahoma City bomber and murderer Terry Nichols had been in Cebu City in the Philippines. His stay in Cebu City coincided with another visitor, al Qaeda's terrorist leader Ramsey Yousef. Well, interestingly, both Nichols and Yousef used similar bombs and methods just 2 years apart to blow up two American targets. Yousef was the mastermind of the first attack on the World Trade Center in 1993. Fifteen years ago, 1993, the World Trade Center blew up. That was Ramsey Yousef who organized that attack.

□ 2015

Two years later Terry Nichols was a co-conspirator in the bombing of the Oklahoma City Federal Building. These two individuals, one an American, one an Arab, were responsible for planning two of the most lethal terrorist attacks in our country's history. We are to believe, however, that by coincidence they both ended up in an off-the-beaten-track city in the southern Philippines. Well, one doesn't have to be a conspiracy nut to understand that this coincidence is worth looking into.

The perfunctory investigation into this matter was not comprehensive. And, yes, there was a small investigation into this, but it left many questions unanswered. So I started a congressional inquiry to look at that investigation and to look into the issue myself. This inquiry was sanctioned by Henry Hyde, chairman of the International Relations Committee, and its purpose was to see whether Terry Nichols or his accomplice Timothy McVeigh had foreign help with their murderous bombing attack on the Alfred Murrah Federal Building in Oklahoma City in 1995. Again, in light of

the fact that Terry Nichols and Ramzi Yousef were both in Cebu City, some off-the-beaten-track city in the Philippines, and they were there at the same time and they had both committed hauntingly similar terrorist attacks, it was no stretch for a congressional investigative committee to look into the matter.

However, the Bush administration felt quite differently. To those I had to deal with, it was case closed, don't bother us, the matter has been looked into, and Congress should simply and blindly accept the conclusions that there was no Nichols-Ramzi Yousef connection. "Don't bother us" was the attitude I confronted. This at times was bureaucratic laziness. At other times it was clearly based on a disdain for congressional investigations and authority.

During my investigation, I secured Ramzi Yousef's cell phone records. The cell phone calls he made were documented. These were calls that he made in New York City, in that area, just months before he bombed the World Trade Center. The phone records clearly show that Yousef had made at least two phone calls to a row house in Queens, New York, basically at a time leading up to the bombing. Significant to my inquiry, that row house that Yousef, the bomber of the World Trade Center, was calling was occupied by the cousin of Terry Nichols' Filipino wife. Let me repeat that: the terrorist bomber of the first World Trade Center attack, the nephew of al Qaeda's 9/11 mastermind, Khalid Sheik Mohammed, made phone calls to the same row house that was occupied by Terry Nichols' cousin-in-law just 2 months before Ramzi Yousef exploded his bomb in the garage of the World Trade Center. What another coincidence. Just another coincidence.

I gave this information to the Department of Justice that had never been thoroughly investigated, and since that time I have repeatedly sought their help to investigate this matter. Time after time my requests have gone unanswered or flatly denied.

I also asked the Department of Justice on numerous occasions to help me investigate the name Samir Khalil. Now, this name is on the list, Samir Khalil, of unindicted co-conspirators in the 1993 bombing of the World Trade Center. I found that name. That name was there. A lot of people had overlooked that name. Why is it important? Because that is also the name of an Iraqi man in Oklahoma City who, at the time of the Oklahoma City bombing, employed an immigrant who was ID'd by many witnesses as a possible accomplice to the bombing. He was a look-alike. He may have been the person. He may have been John Doe II. He looked like what everybody described as John Doe II. That man's employer was Samir Khalil, and that same name happens to be on a list of unindicted co-conspirators for the World Trade Center bombing.

Well, let's look at this for a moment. Numerous witnesses at the scene of the Oklahoma City bombing and the truck rental company that provided the truck for the bombing described an accomplice they say had accompanied bomber Tim McVeigh. An FBI sketch was made, and this unknown suspect was labeled "John Doe II." You remember John Doe II. John Doe I was, of course, Timothy McVeigh. These witnesses described a man who, as I say, looked very much like this employee of another Arab immigrant, Samir Khalil.

I have repeatedly asked the Department of Justice to tell me if the Samir Khalil on the unindicted co-conspirators list of the 1993 World Trade Center bombing is the same Samir Khalil who employed this man who was originally identified as John Doe II by a number of witnesses. The Justice Department's answer: it would be far too burdensome for us to try to find out if this is the same man.

Further, we asked for help in finding the Arab immigrant, the John Doe II look-alike, who was employed by Samir Khalil. The guy who may well have been in the bombing of the Oklahoma City bombing. We traced this man to Boston, but we had no support and no cooperation in finding this very possible terrorist or at least a terrorist suspect.

By the way, we now know that this same man who worked for Samir Khalil, the same guy who looked like John Doe II, once he went to Boston, and this has not been proven yet but it is possible and it may well be true that he was working at Boston's Logan Airport on 9/11 of 2001, the day that a plane took off from that airport and was hijacked and then crashed into the World Trade Center. I guess another weird coincidence to the Oklahoma City bombing.

If we don't want conspiracy theories to run wild, these types of things should be investigated. Instead, no follow-throughs, no interest, case is closed, don't bother us.

Both Samir Khalil and his Iraqi employee now reside at this moment in the United States. And now let's not forget that there were eye-witnesses who described an accomplice at Tim McVeigh's side at the time of the bombing and when he rented the truck that carried the bomb to the Federal building there in Oklahoma City. These are witnesses who saw somebody, and the FBI after a very short time simply declared John Doe II to be nonexistent. He never existed, and thus that means that no more investigation would be necessary even if a congressional investigator comes up with names that seem to match the Oklahoma City bombing and a list of unindicted co-conspirators for the first World Trade Center attack. No, that is not worthy of investigating even then because that would be too burdensome.

Well, if it is true, of course, and it's not being investigated, that means

there are two terrorists. If this happens to be true, and we don't know it's not true because the Justice Department refuses to investigate and to help in our investigation, that means there are two terrorists out there who may still be active and, in fact, may have been active later on in other terrorist actions.

That is just a small taste of the deplorable lack of cooperation for a legitimate congressional investigation. And this, by and large, was a time when Republicans controlled the House. And it was no fluke, this lack of cooperation. I didn't happen to snag an uncooperative Federal employee. No, this was the level of noncooperation Congress now has learned to expect.

And, yes, let me acknowledge that Departments and agencies have limited resources. So maybe they have other uses, better uses, for their time of their investigators. I understand that. I can hear that. I can listen with a sympathetic ear. They probably want to use the time of their investigators to follow up on their own leads and their own cases rather than following up on leads provided by Members of Congress.

Well, I could buy that excuse except for the fact that there has been a total lack of cooperation that goes way beyond just not using their resources, committing scarce resources. Even when it costs no time and no resources, the administration has stonewalled my every effort to look into these so-called "coincidences."

For the past year, for example, I have repeatedly requested an interview with imprisoned terrorist Ramzi Yousef. This would have taken no time. It would have required no new resources to be committed from the executive branch, or it wouldn't use the time of any Federal employee. This request was well within my committee jurisdiction and didn't cost the executive branch any time or effort or money. And as ranking member of an investigative subcommittee on the House Foreign Affairs Committee, I certainly had the right and, yes, my committee has the jurisdiction to make such inquiries and to look into such issues.

This request that I made just to interview Ramzi Yousef, who is in prison, this request has been supported by the chairman of the investigative subcommittee on which I serve, that is, the chairman of the investigative subcommittee of the Foreign Affairs Committee, Mr. DELAHUNT; the chairman of the Judiciary Committee; the chairman of the Intelligence Committee. All of them are backing this request. This is a bipartisan request that DANA ROHRBACHER, who has been looking into this issue, who has an official investigation, who is part of an official investigative subcommittee, is being denied a simple request to interview a Federal prisoner.

Such attention by Congress should be welcomed by the administration. The legislative branch should be able to help bring new information to light.

We can actually, if we look into these things, lay to rest some conspiracy theories that have no validity. We can help inform the public.

Nevertheless, the Department of Justice, consistent with its treatment of congressional inquiries mainly during the tenure of this President, has dismissed our request, this valid request. It has treated the request with what I can only describe as contempt and condescension. The point is, unfortunately, that this rejectionist attitude is typical of this administration, not just for Democrats but for Republicans alike.

So why should this administration obstruct congressional inquiries such as this? Remember, Ramzi Yousef was the mastermind of several devastating terrorist plots against America. He led the first murderous attacks on the World Trade Center in 1993. And after fleeing to the Philippines after that explosion, he and two other terrorists plotted to kill thousands of Americans by blowing up 12 commercial airliners over the Pacific. This was known as the Bojinka Plot. It was within 2 weeks of being executed when it was discovered and thwarted by the Philippine police.

Now, interestingly, the terrorist operation that we're talking about, the Bojinka Plot, the blowing up of these airliners, was to take place about the same time as the Oklahoma City Federal Building was to be bombed. Perhaps it was to be happening on the same day, but we don't know, of course, because we're stonewalled and blocked from looking into this. Perhaps we should know if the Bojinka Plot was originally scheduled to happen on the same day that the Federal building was blown up in Oklahoma City.

In fact, when Philippine police arrested Ramzi Yousef's right-hand man at the makeshift bomb factory in the Philippines, Yousef fled the Philippines immediately, left the country. But he wasn't the only one to flee the country once that bomb-making factory had been captured by the Philippine police. The very next morning after it was learned that that bomb factory had been broken into and people had been arrested there by the Philippine police, Terry Nichols, who was down in Cebu City in the southern Philippines, cut short his scheduled visit to the Philippines and took the first available flight out of the country. This after just a day or two after he had extended his passport with the explanation that he wanted to stay a few more weeks in the Philippines.

□ 2030

Yousef has been a Federal prisoner for over a decade. He is a prisoner with a unique understanding of al Qaeda terrorist structure. He is the nephew of Khalid Sheikh Mohammed, the mastermind of 9/11.

In 2006, when I was chairman of the Oversight Investigation Subcommittee,

2006, I was investigating Yousef's moments and activities not only in the United States, but also in the Philippines. I even traveled to the Philippines to question the authorities who had captured Yousef's roommate and coconspirator in the Bojinka plot. In spite of the fact I was looking into Yousef's terrorist activities, and in spite of the fact that I had obtained new information about Yousef's phone calls and some of the people he was associating with while he was in the United States prior to the bombing of the World Trade Center, the first bombing, the Department of Justice still dismissed this effort, just dismisses it. More than that, they are obstructing a legitimate congressional investigation by refusing to permit this elected Member of Congress, who is a ranking member of a congressional investigative committee, to interview a Federal prisoner. They refuse access to Yousef, claiming there is an "ongoing investigation". I have been told by people in the Justice Department, people who had worked for the Justice Department in high levels, that this is nothing more than a vehicle, without any justification, for turning down any requests made by a Member of Congress.

The arrogance of this ongoing investigation answer has to be understood. As I say, I was told by a high level Justice Department official that this was just the standard tactic to dismiss a Member of Congress, even though there was no validity and there was no even looking into whether or not there really was an investigation. It was without substance; a phrase that is used simply to turn down Members of Congress and to shut the door on inquiry.

Let me note, an ongoing investigation. They expect us to believe that? This prisoner has been in jail for over ten years. More likely what we have here is an ongoing coverup. Not an ongoing investigation, an ongoing coverup. It is outrageous and, unfortunately, it is not atypical of this administration.

By accepting this behavior, or perhaps, more accurately, acquiescing to it, we Republicans are permitting this administration to set a terrible precedent. Doesn't Congress have the right to talk to Federal prisoners? Is that the rules of engagement that we want to lay down and accept for our government? That is apparently what the Bush administration is trying to establish as the executive branch's rightful authority to deny congressional investigators access to Federal prisoners.

What happens when a Democrat President engages in such stonewalling and obstructionism of congressional oversight? My fellow Republicans need to take this very seriously. This is an issue that goes way beyond Republicans and Democrats. This is a matter of the legitimate congressional oversight authority and whether or not we are going to permit this administration to basically undermine an important

element of our right of oversight, and that is to go to Federal prisoners and to interview them ourselves to try to find information about what is going on in the Federal Government.

Again, the attitude in its treatment of a legitimate request by a congressional oversight committee is not an aberration. It is not nonrepresentative of the way this administration has exercised its authority. It is actually representative of the way they have handled themselves.

This request was first made and denied when Republicans controlled Congress, and I was then the chairman of the Investigative Subcommittee. The Congress now has a Democrat majority. In my position as ranking member of the International Organizations Human Rights and Oversight Subcommittee of the House Foreign Affairs Committee, I have seen this time and again.

Our current subcommittee chairman, now that the Democrats have taken control of the House, is Congressman BILL DELAHUNT from Massachusetts. He read in the paper that our President is negotiating a secret agreement with the Iraqi Prime Minister that will govern the future relationship of our countries. Let me say that again. The chairman of the Oversight Subcommittee of the House Foreign Affairs Committee is getting his information about a hugely important bilateral security agreement from the newspaper.

So, Chairman DELAHUNT rightfully decided to conduct a hearing and find out as much as he could about the agreement and invited the administration to testify before Congress. How did the administration respond? They ignored the request. So the hearing was held with private witnesses. Yes, the public has a right and an obligation to fully understand what commitments are being made by our President in our name. But the President and this administration did not feel compelled to come and tell us anything about those agreements.

In a democratic society, policy is made after having open dialog. This administration has had to have been dragged, kicking and screaming, into open dialog because this President was elected President. George Bush was elected President. Perhaps he thinks he was elected king.

In another attempt last month, our subcommittee held another hearing on this Iraqi security agreement and again we invited an administration witness to come to the panel, and the response was silent. The subcommittee held another, a third hearing on the topic, and again the subcommittee invited a Member of Congress to tell us what is going on in these negotiations about an agreement, status of forces agreement, and other agreements, with the government of Iraq, which may or may not commit us to future military involvement in that country. Even our full committee chairman wrote letters asking the administration to partici-

pate, and all the requests to this administration by our committee were ignored, except in one instance Chairman DELAHUNT's subcommittee was told by a White House staffer, and this went to one of the committee staffers that were looking into this, that the administration was unwilling to participate because, "There's nothing to talk about because we haven't put pen to paper." Haven't put pen to paper on this security agreement.

When confronted with the fact that the New York Times had written a story saying that a 17-page agreement was being passed around, that 17-page, and I might say, first draft of the agreement was being passed around, this same White House staffer backtracked and quibbled. This, Madam Speaker, is unacceptable. It's dishonest, and it is typical.

For an update, the stonewalling prevailed until a few weeks ago when Secretary of State Condoleezza Rice, a person who I dearly admire, testified at a hearing of the full International Relations Committee. When asked, she pledged, now she was asked directly by Chairman DELAHUNT, she pledged that in the future, witnesses dealing with the Iraqi agreement would be forthcoming.

Well, today our subcommittee held another hearing, and at long last, at long last, the administration sent two witnesses, one from the State Department and one from the Defense Department, to come and talk to us about the ongoing negotiations and the ongoing development of different plans, the status of forces agreements and such dealing with Iraq, agreements that might bind us in some way to future ties with Iraq, and we had a long and positive discussion. That should have happened a long time ago. But we had to force the administration, after months, after months, to have an open discussion of this issue. And it took Condoleezza Rice herself to overcome the bad attitude that was preventing that. So, thus, we have to assume that that bad attitude was coming from someone higher up than Condoleezza Rice.

Sadly, this administration's antipathy to the constitutional responsibilities of the legislative branch of government does not stop and end with the efforts of my Subcommittee on Investigations. In October of last year, 22 Members, 22 colleagues and I wrote a letter to the Acting Attorney General regarding former National Security Advisor Sandy Berger. In 2005, Sandy Berger pled guilty to mishandling and destruction of classified documents. He admitted to unlawfully removing and subsequently destroying classified documents from the National Archives. These documents dealt with the failure of our intelligence agencies during the Clinton administration to prevent the horrendous attacks of 9/11.

As part of his plea deal, Mr. Berger agreed to take a lie detector test, which was to be given by the Department of Justice. This would verify

what documents had been stolen by Mr. Berger. We are still waiting, Madam Speaker, for that lie detector test to be administered. We need to know what documents this man took from the Archives. It is important for us to know who is responsible for 9/11, what mistakes were being made, and what is being kept from the American people. As a senior member of the House Foreign Affairs Committee, I was and still am rightfully concerned that this lie detector test has not been given and we haven't verified what documents have been stolen.

Well, on October 10, I and, as I said, 22 of my colleagues sent a letter to the DOJ, the Department of Justice. We received a letter back on October 22. It acknowledged the DOJ's receipt of our inquiry, and it was signed with an illegible signature so we weren't able to find out who the heck was answering us. And we were given a tracking number so we could track further correspondence.

Well, in spite of the fact that we were treated with this insulting computer-generated response, as well as a tracking number, what we have here is an official inquiry by 23 Members of Congress, and we had hoped that in time our request would at least be answered by a responsible party at Justice. Well, we got our wish. On January 24, 2008, 94 days later, we received a response, a dismissive short letter that explained that the Department of Justice saw no reason to polygraph test Sandy Berger. No reason whatsoever.

Madam Speaker, I have been a Member of Congress now for over 19 years, and I have never seen such a pattern of blatant disregard and outright disdain for Members of Congress. If Sandy Berger is not to be polygraphed to verify what documents he stole from the Archives, we need to know why such verification is not being done. We don't need to be dismissed with short letters and form letters. Twenty-three Members of Congress made a request, a legitimate request, and this administration thumbed its nose at these Members of Congress, and thus was thumbing its nose at congressional oversight and our congressional prerogatives as elected representatives of the people. This administration wouldn't even give a respectable answer to a rightful inquiry of Members of Congress.

Of course, on the other hand, the President thinks he has a right to make demands on us. In his State of the Union address, Mr. Bush demanded that Members of Congress must act on certain issues, we must do as he wishes, we must pass legislation that is necessary. Yes, we must do things; yet, when 23 Members of Congress, most of his own party, write to his Justice Department a serious letter of inquiry about a national security issue or we make a request to see a Federal prisoner, we get a computer-generated letter, or just a disdainful, contemptuous turndown.

By the way, one of the responses I received, obviously looking into this, all of them, not just one but all of them were basically, one was an old letter, a copy of an old letter that had been sent to another Congressman. This bad attitude that I am detailing is pervasive.

The handling of a proposed totalization agreement with Mexico is yet another example of the type of bad attitude and secrecy of this administration. The totalization agreements with Mexico have to be looked at very closely. Totalization agreements in and of themselves can serve a useful function. Large corporations in both the United States and elsewhere, in Europe, for example, assign personnel to work overseas, and during these years when these employees are overseas, they are double taxed. They pay both Social Security and the equivalent tax in their native countries.

So allowing the Social Security Administration and foreign agencies to give credit to one another towards their retirement systems makes sense when it involves a limited number of persons working legally and temporarily in another country.

□ 2045

So the concept is not itself alarming. However, this is not the case with illegal immigrants.

We have 20 million people living and working illegally in the United States, with Mexicans by far making up the largest chunk of this illegal immigrant population. This is not a limited number of Swedes or Japanese executives who will work here for several years and then go home. We are talking about millions and millions of people who can make or break our Social Security system if this issue is not handled responsibly.

Knowing the volatility of both the Social Security and illegal immigration issues, the totalization negotiations with Mexico have been kept strictly under wraps. Remember, these negotiations started in 2002. That is when Republicans controlled Congress. One would think that a Republican administration would at the very least advise Congress, perhaps a status report, concerning such significant diplomatic efforts as the totalization negotiations with Mexico. Well, Congress did not know the details about this negotiation until it hit the press.

Now, I just detailed for you a few moments ago how the President of the United States and this administration is keeping things from this Congress, tried its very best not to send witnesses to help discuss a grievance that is being made with the Government of Iraq. Well, that is not new. What I am telling you now is that it also manifested that very same lack of openness and secretiveness in these talks with Mexico over a totalization agreement.

And it wasn't just secrecy. Worse, the press releases about the negotiations that were going on were misleading, and it appears that Congress was being

misled as to exactly what it was the administration was agreeing to concerning Social Security benefits for Mexican nationals who are working illegally in the United States.

This issue is of the utmost concern to my constituents, who are suffering from the uncontrolled flood of illegals pouring into our country. In California, our schools, our health care system, our criminal justice system all are at the breaking point. All we need is to attract millions more illegals into our country by giving them access to our Social Security system.

I have in fact proposed legislation to ensure that no work done while someone is in this country illegally should count toward a Social Security benefit. That is not what President Bush believes, however. In the totalization agreement negotiations, the Bush administration agreed that illegal aliens from Mexico will be eligible for the same treatment under Social Security as U.S. citizens, without ever becoming a legal resident or citizen of our country.

It took a long, drawn-out battle in the form of a Freedom of Information lawsuit to get the details of this agreement from this administration. Again, another example of secrecy, of deceit. Again, the administration was stonewalling and concealing information from the American people and from Congress, information Congress and the American people had a right to know.

Please remember, the danger from this agreement has not passed. While due to public outrage it has been put on the back burner, our President at any time can still submit this agreement to Congress, and he just might do it, just to show us who is boss.

Now, what I am describing is a pattern of arrogance and contempt that is especially true not just with Social Security, but with the broader issues related to illegal immigration and with issues dealing with Mexico. The tragic case of wrongly imprisoned Border Patrol agents Ignacio Ramos and Jose Compean exemplifies the worst aspects of this attitude and this problem, and it will forever leave a black mark on this administration.

President Bush has himself made decisions that directly led to this ongoing travesty, which sees these two Border Patrol agents languishing in solitary confinement. They could have been sent to a minimum security prison, but the decision was made at the highest levels, no, that would mean they would be treated differently than other prisoners.

Of course, they are law enforcement officers. At a medium security prison, their lives are in danger, but they are not permitted, and this was made probably in the White House, they couldn't go to a minimum security prison. They would have to stay in a medium security prison. One of them was attacked, as was very predictable, and beaten half to death, and now they

have been sent to solitary confinement, a punishment that usually goes to horrible criminals and to terrorists. Even the terrorists in Guantanamo aren't treated like this.

But yet Ramos and Compean, two men with perfect records, whose crime was they discharged their weapon at a fleeing suspect who they had interdicted while trying to put \$1 million worth of drugs in this country, and they didn't report it right, which should have meant a reprimand, instead, the book was thrown at them. And not only was the book thrown at them, once they were in prison, the administration decided they would not be able to go to minimum security prison, which has led directly to the fact that they are languishing in solitary confinement and have been in solitary confinement almost a year. This is a disgrace. It is a horrendous, horrendous disgrace.

In this clearly questionable case, President Bush deliberately dug in his heels to protect his good friend and young protégé, prosecutor U.S. Attorney Johnny Sutton. Rather than entertain the probability that a tangible injustice was in progress and to instruct the Justice Department and the Department of Homeland Security to cooperate so that Congress could get to the bottom of this nightmare, this President has thumbed his nose at congressional concerns and initiated a policy of obstruction and denial in our efforts to get to the bottom of the Ramos and Compean case.

Let's note here that Members of Congress have pleaded with President Bush personally on this issue. We in the House even voted to take money for Ramos and Compean's imprisonment out of the DOJ budget. Not only will President Bush not entertain the possibility that an injustice is being done, his administration has obstructed congressional inquiries and lied, let me repeat that, has lied to Congress on this matter.

Since the Ramos and Compean case was brought to my attention in September of 2006, I have written over a dozen letters to this administration requesting various documents regarding the harsh, harsh prosecution of Ramos and Compean. I have been joined by several Members of Congress in this effort, in fact, many Members of Congress. In fact, a majority of Members of Congress have expressed themselves in the Ramos and Compean case, expecting that this travesty would not be permitted to go on.

Some of the Members who are most active have been Congressmen POE, CULBERSON and MCCAUL. These three Members from Texas, in fact they are all former lawyers, prosecutors or judges themselves, attended a briefing about the Ramos and Compean prosecution conducted by the Department of Homeland Security Inspector General's Office on September 26, 2006.

At that briefing, serious questions were raised by these Members about

the fundamental justification for the prosecution of Ramos and Compean. The President and his lapdog prosecutors would like us to believe that they had no discretion. But the actual charges being brought against Ramos and Compean were totally at the discretion of the prosecutors.

What were the grounds for charging these men with crimes like attempted murder? Here is a drug dealer that they had just been in a physical altercation with who was escaping the scene of a crime, and they are charged with attempted murder for discharging their weapons at this fleeing suspect?

Assault with a deadly weapon, the unlawful discharge of a firearm during a crime of violence and a civil rights violation. These charges have put Ramos and Compean in prison for a minimum of 11 years. These were the charges that were made, and the jury was not permitted to hear all of the evidence, and they were convicted.

But what they were charged with was totally at the discretion of the prosecution. Did this fit the crime? Two men with a perfect record, two men who had an unblemished record. One of them, one of them, Officer Compean, it might have been Officer Ramos, but was up to be Border Patrol Agent of the Month. He was nominated for that the month that this incident took place.

They had nothing on their record that showed any misuse of firearms. Yet they did not report the incident correctly. They had wounded a fleeing suspect, although they didn't know they had wounded him. And who was the suspect? He was someone who they had who was a drug dealer, an illegal alien drug dealer who was smuggling \$1 million worth of drugs into our country and was now escaping the scene of his crime after assaulting a police officer who had intercepted him. This, again, was not someone who was out having a picnic; not some person they discharged their weapons and shot who was an illegal alien just trying to cross the border. This was a drug dealer who was trying to bring \$1 million worth of drugs into the country. And although these laws were never intended by Congress to be applied to law enforcement officers, who have to carry a gun and have to make split-second decisions, the gun law mandatory prison sentence was applied to these police officers, these law enforcement officers.

So, remember, we send a message not only to all the Border Patrol agents, but to law enforcement all around the country, that if in the middle of an altercation they discharge their weapon because they think their life is in danger, they may end up in prison, maybe even in solitary confinement.

Again, this is a travesty. The prosecutors knew that charging law enforcement officers in situations like this was not the intent of Congress, but they threw the book at the agents anyway. The charges made against Ramos and Compean, again, they require a 10-year mandatory imprisonment. Filing

those charges was totally at the discretion of the prosecutors. They went ahead anyway.

President Bush has supported these prosecutors and backed them up in this grotesquely wrong decision. He has backed them up even when they have crossed the line of both legality and propriety. Let me repeat that. President Bush has backed up his prosecutors even when they have crossed the line of legality and propriety.

When Congressmen POE, CULBERSON and MCCAUL in their official briefing asked why the most serious charges that could be leveled at the Border Patrol agents were initiated by the prosecutors and why the prosecutors took the word of the drug smuggler that he had no weapon, and by the way, the Border Patrol agents said that they thought he had a weapon, of course, the drug smuggler, who got away, claimed he didn't have a weapon, the prosecutors took the word of the drug smuggler.

This was asked: Why would the prosecutors take the word of the drug smuggler over the word of two law enforcement officers? The Department of Homeland Security officials who were briefing the Congressmen said and proclaimed that this was a legitimate and righteous prosecution. These were, according to the Department of Homeland Security briefers, rogue cops. Remember, Ramos and Compean, clean records, and they are called rogue cops. In fact Johnny Sutton later went out and charged that they were corrupt cops. And as soon as he was, of course, brought to task, they said what corruption were they charged with, he had to backtrack on that, after he had already tried to smear these two guys in public.

Yes, they were labeled as rogue cops. And the Congressmen being briefed were told that these guys had actually confessed. Ramos and Compean confessed that they knew the drug smuggler was unarmed and that the agents didn't feel threatened.

Now, tell me, does that make sense? The agents are just going to say, Oh yeah, we shot at him, but we knew he didn't even have a gun and we didn't even feel threatened. Is that what the Department of Homeland Security was telling these three Members of Congress, all three of whom had been prosecutors or judges?

Of course, the biggest lie of all came out at this point when the Department of Homeland Security briefers insisted that Ramos and Compean had told their fellow officers the day of the incident that they wanted to go out and shoot a Mexican. That charge raised eyebrows. Certainly, how could anyone believe that? Ignacio Ramos and Jose Compean are themselves Mexican Americans, married to Mexican American wives with Mexican American children. Sure, they just wanted to go out and intentionally shoot some Mexicans. Sure they did. This is what Members of Congress were told at an official briefing.

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It takes a lot of chutzpa to give that kind of lie to Members of Congress. Asking for proof, the three Congressmen being briefed were told the charges were documented in the reports of the investigative officers. The Department of Homeland Security promised to provide these reports as proof that Ramos and Compean actually intended to go out that day and kill a Mexican.

The proof, of course, never came. The Congressmen kept asking. The calls weren't returned. It is called stonewalling. The DHS stonewalled for 5 months.

Members asked for copies of the completed report of investigation, which should have backed up these alleged facts that were being told to the Members of Congress during their September 26 briefing. Months passed, and nothing from the Department of Homeland Security. After several letters and public pressure, the Department of Homeland Security finally releases a redacted version of the official report in February 2007. Surprise, surprise, the alleged confessions by Ramos and Compean were not to be found. The documentation for the charge that they had brazenly proclaimed their intent to kill a Mexican was not there. How could this be?

The Department of Homeland Security officials had assured Members that it was a solid prosecution and they were guilty, that they wanted to shoot a Mexican. But these were flat out lies told to Members of Congress.

During a DHS Subcommittee hearing on February 6, 2007, DHS Inspector General Richard Skinner was questioned by Congressman CULBERSON about this issue. Under oath, Mr. Skinner acknowledged the information given to the Texas Congressman was in fact false, but smugly justified this blatant and willful lying by calling it "a mischaracterization, unfortunately repeated at the briefing." No, Mr. Skinner, it wasn't a mischaracterization. It was a lie, no matter how colorful the euphemism. Ollie North was prosecuted for far less an egregious act. Ollie had given some misinformation to congressional staffers who were not even part of an official briefing to Congress.

To this day, absolutely nothing has been done about this crime, the crime of lying to Congress. Administration officials deliberately misled Members of Congress in order to discourage them from pursuing the Ramos and Compean case, and no one has been held accountable for it.

U.S. Attorney Johnny Sutton himself was publicly labeling these two brave men who risked their lives for us as corrupt. Johnny Sutton lives behind a gated community. Johnny Sutton, who has no track record of experience and service to his country as these two men who put their lives on the line for us every day, yet Sutton dishonestly claimed them to be corrupt. He also

felt compelled to expose one of the men who had a family altercation a few years before that had nothing to do with his job; yet Mr. Sutton had to expose that family altercation of one of these, Ramos and Compean, to the public.

Well, Ramos and Compean is a case that stank from day one, and that stench is coming straight from the White House. The President, instead of looking into this matter, has dug in his heels, permitting his appointees to slander these two agents.

I would suggest that what we see in Ramos and Compean and the other issues that I brought up tonight demonstrate a pattern that is unacceptable. The American people should understand the attitude that is going on here in Washington. We should look closely, and we should demand a higher standard from this administration.

Even worse, the President has personally made decisions that have resulted in these two agents languishing in solitary confinement. Again, to say this is a mean-spirited vindictive prosecutor is to put it mildly. Importantly, President Bush is backing this malicious and unjustified prosecution to the hilt.

This case demonstrates why hearings are an integral part of the checks and balances system. It is in this venue that the Executive Branch is held accountable for their actions, under oath. It was only when an Administration official was under oath that the lies about Ramos and Compean were admitted. But this Administration has decided to thumb its nose at that obligation to make its case under oath at a public hearing.

Chairman WILLIAM DELAHUNT graciously approved my request to hold hearings on the Ramos and Compean case. In doing so, an official Subcommittee investigation into the case in preparation for the hearing was authorized.

During the course of this investigation, the resistance from the Departments of Justice, Homeland Security and State was consistent with the arrogance and obfuscation that flows through this Administration from the top down. Our hearing had to be postponed for months because of the Administration's refusal to provide requested documents or to send the necessary witnesses to testify before the Subcommittee, citing the Committee did not have proper jurisdiction. Therefore, U.S. Attorney Johnny Sutton, DHS Inspector General Richard Skinner or any of his investigators refused to appear. That decision was, clearly, made in the White House.

Our government provided a flawed immunity agreement, free health care, and unconditional border crossing cards to an illegal alien criminal in exchange for testimony that sent border patrol agents Ramos and Compean to prison.

Our government kept secrets from the jury that the drug dealer intercepted by Ramos and Compean had hauled another shipment of drugs across our border, this, while on a government issued border cross pass. Clearly, this is well within the jurisdiction of an oversight committee responsible for overseeing relations with other countries, including Mexico, including international drug smuggling. Clearly, the public has a right to know about these things. This Administration apparently believes there is no obligation to answer questions in

public and under oath about actions and policies of the Administration. It's a travesty.

How bad is it? In preparation for the Ramos and Compean hearing, we made request after request, countless phone calls and even a FOIA lawsuit by the watchdog group, Judicial Watch, and the Administration still refused to release copies of the border crossing cards issued to the drug smuggler in this case, claiming the smuggler is protected under the "Privacy Act." I was instructed by the Justice Department to obtain a privacy waiver in order for that information to be released. A privacy waiver from an illegal alien criminal? This absurd contention is just another example of a condescending and dismissive attitude. Such obstructionism, however, is the rule, not the exception with this Administration.

By the way, due only to a bureaucratic fluke we finally obtained those border crossing cards. Our repeated requests for documents were taken so nonchalantly that I actually received an official response letter from the Department of Justice, dated March 16, 2007, addressed to "Congresswoman ROHR-ABACHER." That was just one of several insulting form letters sent in response to Member letters regarding the Ramos and Compean case.

Plea after plea from Members of Congress, for the President to intervene on behalf of Ramos and Compean by either pardoning or commuting their sentences, have been ignored. Last year, I personally reached out to the President to take the pressure and confrontation out of this issue. I suggested that the President direct the Justice Department to request that Ramos and Compean be permitted to remain free on bond, pending their appeal. Even common criminals get that kind of leeway. What was the response? A White House press release was issued the next day, proclaiming that the Administration opposed letting Ramos and Compean out pending appeal and that no special consideration would be granted to anyone, much less these two border patrol agents, sounds righteous—a position of not making any exceptions. Except, of course, for the fact that a short time later, White House aide Scooter Libby, had his sentence commuted by the President in a heartbeat. For the record, I believe it was proper to commute Scooter Libby's sentence. He got a raw deal. Unfortunately, this incident suggests that only the members of the President's clique gets such consideration. Of course, in the meantime, the President has pardoned or commuted the sentences of dozens of convicted criminals, including drug dealers.

It is truly with a heavy heart Mr. Speaker, that I stand here reciting example after example of the maliciousness and condescending attitude exhibited by this Administration. It is a problem flowing from the top.

When I hear my friends on the other side of the aisle accusing this Administration of stonewalling, of cover-ups, or of thwarting investigations, I sadly must concur with them. This White House exemplifies needless hostility, turf jealousy and obstructionism. The American people should know it, and should know that this charge comes not from a partisan Democrat, but from a lifetime conservative Republican.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: