

want to do us harm. The next terrorist attack that happens in this country is not going to be because somebody lands over here at Reagan National Airport, gets off the plane and says, I wonder what damage I can do to America. It's not going to happen that way. They're going to probably just come across the border because it's easier to do that. And we should be very concerned about that issue because, you see, open borders, you get the good, you get the bad, and you get the ugly. And those terrorists are certainly bad and ugly.

So, Madam Speaker, we need the moral will, as a country, to enforce the rule of law. All those different groups that have a political agenda, or some other agenda rather than national security, have an influence over our national security issue. And maybe we need to deal with what is best for America. And we start with the basics. We secure the border and you make sure that people who come here come here the right way. We streamline the Immigration Service so people don't have to wait so long before they come here, whether they want to be a citizen or whether they want to work or whether they want to be a student. That's a whole other issue, the Immigration Service. But streamline that. Make it efficient. Make sure that we use documents, such as a passport, to come into the United States.

We protect the borders of other nations, Madam Speaker. We protect the border of Korea. We're over there protecting the border in Iraq. We protect the borders of other nations better than we protect our own border. Third World countries protect their borders greater than the greatest power that has ever existed protects its borders. Why? It's because we don't have the will to do it. We do a lot of talking about it, but we don't do much about it.

As I mentioned, I've been down to the Texas-Mexico border 13 times. Every time I go down there, it gets worse. A sheriff in one of the counties told me, I said, What's it like down here? He said, After dark it gets western. I said, What do you mean by that? He said, It gets western. It's violent. And while we were down there, we heard gunshots coming from the other side of the border. It's a serious situation, and Americans need to realize it. And I invite every Member of Congress to go down to the border and see what it's like. Because if we're going to make rules about immigration reform and border security and national security, we need to see what the war zone is like to make those decisions. And I invite them all to go down there. Go with me, because I'm going back.

So, we need to prosecute businesses that knowingly hire illegals. They shouldn't get a pass because they own the business. We go after the worker that's over here and try to deport them. That's the wrong method. The method ought to be, go after the busi-

ness, because if the business owner doesn't hire illegals, that person doesn't have a place to work and they'll go home. Oklahoma has already proven that with their State law.

We need to put America first. And Madam Speaker, we cannot continue to be blissfully ignorant of the truth on the border. This is a great country, a country, as we hear, that is made up of mostly immigrants, people who came here the right way at some point in time. And we want to continue to be a Nation of immigrants. But the rule of law needs to be followed. It has to be followed. And we need to enforce the security of our Nation rather than continue to talk about it.

It reminds me of what my grandfather used to say. He said, "When all is said and done, more is said than done." And that's true. We need to do whatever is necessary within the law. I, for one, believe that we ought to put the National Guard on the border; that would stop it. When the military is on the border, our military is on the Korean border, you don't cross that Korean border without the permission of the United States. Protecting somebody else's border, again.

Madam Speaker, it seems to me that open borders invites everyone to come in and invade the United States, and it's time that our country deal with this reality while we're dealing with the war in Iraq, while we're dealing with the war in Afghanistan, while we protect the borders of other nations. Let's deal with the issues of the border security of our own country, the border security on the southern border and the border security on our northern border. We will be a better country for it and a safer country for it.

And Madam Speaker, that's just the way it is.

#### PRESIDENT'S DEFENSE BILL VETO

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

Mr. BRALEY of Iowa. Madam Speaker, I was sitting at home over the holiday recess spending time with my family when I became aware of the fact that the President had vetoed the Defense Authorization bill that we passed in this body shortly before we adjourned. And like most of my colleagues, I was surprised by that veto and I wanted to learn more about the basis, the reasoning behind the decision of the President to withhold pay increases to our men and women in uniform who are serving us in very heavily conflicted areas around the world, and why the President would veto a bill that would increase funding for Veterans' Administration health care benefits to our Nation's aging veterans and our most recent veterans who are in serious need of those medical services. And so I got a copy of the President's veto statement and I read

it, and, quite frankly, I was shocked. I was shocked, Madam Speaker, because, as I saw the President's basis for the veto, I was taken back to a time several years ago when I was watching a 60 Minutes story about tortured U.S. prisoners of war from our first Gulf War. And when I learned that the basis for the President's veto was to keep U.S. POWs who had been brutally beaten and tortured by Saddam Hussein's thugs in the first Gulf War from receiving compensation for those injuries, I was ashamed for my country.

To give you some idea of what we're talking about, these were the words that Mike Wallace uttered on 60 Minutes at the beginning of the program on November 20, 2003: During the first Gulf War against Iraq in 1991, a number of American soldiers who were captured and became prisoners of war were brutally, brutally tortured by the Iraqis. Eventually, though, the POWs came home, put the pieces of their lives back together, and largely remained out of the public eye. But today, a different battle is being fought by some of those American POWs all these years after they returned. It was back in 1991 that the POWs came home from Iraq to a hero's welcome and were greeted by the then Chairman of the Joint Chiefs Collin Powell and then Secretary of Defense Dick Cheney.

□ 1730

"Your country is opening its arms to greet you," said CHENEY. Many of the POWs had suffered wounds both physical and psychological. Some of them suffer to this day more than a decade after they were captured and appeared on Iraqi TV.

And, Madam Speaker, to put a human face on these tortured American POWs, I am going to put up a photograph of Commander Jeffrey Zaun, who was a tortured Gulf War POW, who had a very visible presence on TV because of the attempt by Saddam Hussein's government to use him as an example and try to convince the American people to give up the cause that was the purpose for defending the invasion of Kuwait from the aggression of the Iraqi army. Commander Jeffrey Zaun was one of those POWs who was brutally tortured by the Iraqis and was part of a group of POWs who took action to try to hold the Iraqi Government accountable and to serve as a deterrent to other nations like Iraq who would dare to use American hostages and American POWs as a way of exacting their political agenda through torture and abuse in violation of international law, in violation of international treaties.

So how did we get to this point? During the Gulf War against Iraq, these captured POWs that we've been talking about were subsequently tortured, beaten, starved up to electric shock devices, and subjected to other horrendous acts by Saddam Hussein's regime. At the time these acts occurred, the United States Department

of State had classified Iraq as a state sponsor of terrorism. Madam Speaker, during the Gulf War, this very Congress that I stand in today had passed two resolutions by unanimous consent, stating the intention of the Congress to hold Iraq accountable for the torture of American POWs. Yet when these same brave American POWs returned home after the Gulf War ended, what did our current Vice President and then Secretary of Defense DICK CHENEY tell them? "Your country is opening its arms to greet you."

Well, where I come from in Iowa, opening your arms to take care of tortured and wounded people means doing a lot more than ignoring their needs. And yet that is exactly what happened to these unfortunate POWs. They have suffered long-term physical, emotional, and mental damages as a result of brutal state-sponsored torture. And in 1996 Congress, responding to their concerns, raised by these international law violations, passed an amendment to the Foreign Sovereign Immunities Act so that torture victims like the American POWs we are talking about could seek compensation for their injuries from terrorist countries including Iraq.

On April 4 of 2002, 17 POWs and their families filed claims in the United States District Court for the District of Columbia, seeking compensation for damages related to their torture and abuse by the government of Iraq. These POWs included many decorated officers in this Nation's military, people like Colonel Clifford Acree, Lieutenant Colonel Craig Berryman, Sergeant Troy Dunlap, Colonel David Eberly, Lieutenant Colonel Jeffrey D. Fox, Chief Warrant Officer Guy Hunter, Sergeant David Lockett, Lieutenant Colonel Michael Robert, Lieutenant Colonel Russell Sanborn, Major Joseph Small, Staff Sergeant Daniel Stamaris, Lieutenant Colonel Richard Dale Storr, Major Robert Sweet, Lieutenant Colonel Jeffrey Tice, Lieutenant Colonel Robert Wetzel, and, of course, Commander Jeffrey Zaun.

I am on the floor tonight with some of my colleagues in the freshmen class so that these names do not fade into history and the abuse that they were subjected to does not get lost in the politics of a Presidential veto.

In 2003, after the Government of Iraq repeatedly refused to participate in arbitration on these damage claims and after hearing evidence about how these POWs had been repeatedly tortured, a judge awarded them damages and indicated that the purpose of deterring torture of POWs should be one of the highest priorities of our government.

And, Madam Speaker, the reason why what we're talking about is so important is because the United States, like many countries, is a signatory to international treaties designed to protect the treatment of U.S. POWs and other prisoners of war and the most important treaty is the Third Geneva Convention that was entered into on August 12 of 1949.

One of the most important provisions that came out of the Third Geneva Convention is Article 131, and the reason that I am so outraged by the President's veto, Madam Speaker, is because Article 131 prohibits the very conduct that the President engaged in in vetoing this legislation because the Geneva Convention Article 131 provides no country shall be allowed to absolve itself or any other country of any liability related to prohibited treatment of prisoners of war. And there is no doubt, there is no question, that the abuse of American POWs by Saddam Hussein's regime constituted the type of torture prohibited by the Third Geneva Convention.

I am proud to welcome to this hour the president of our freshmen class, the majority makers, my good friend from the southern part of Minnesota who has been a terrific leader in our class, who has been a passionate spokesman on fighting for veterans, fighting for our men and women in uniform, and he brings a very personal perspective to that based on his longstanding service in the National Guard of this country. And without further ado, I am going to yield to my friend and colleague, Mr. WALZ from Minnesota.

Mr. WALZ of Minnesota. I thank the gentleman from Iowa for yielding.

And, Madam Speaker, I think it's critical to point out that the gentleman from Iowa has been a passionate voice for civil liberties, has been a passionate voice of making sure this country adheres to that great tradition that so embodies each and every one of us. And I think it's important to understand that Mr. BRALEY from Iowa comes from a family that has served this Nation proudly. He's got a grandfather that fought on the sands of Iwo Jima. And in bringing this fight and understanding what needs to be done to protect our soldiers in this conflict and future conflicts, he's brought a very, very important point out about the President's disregard in vetoing the Department of Defense authorization bill. And I would have to say his voice has been somewhat lone in the wilderness on this. I don't hear the outrage that should be there. So I thank the gentleman for giving me the opportunity to stand with him tonight to bring this important issue forward.

I spent the last 9 days prior to this week traveling throughout Iraq and Afghanistan, talking to our soldiers, talking to our airmen, talking to our Marines, talking to our sailors, and getting a feel for how things were going as far as how their medical care was going and those types of things. And without fail every single one of these individuals with high morale and a pride in what they are doing for their Nation did bring up the question and asked me, Why is our raise being held up? Why can't Congress get the simplest thing done to move forward a raise? And I ask this and in talking to them and talking to other Americans, Madam Speaker, the question comes,

and we hear it time and time again, why can't Congress get along? Why can't Congress get things done? And I think Mr. BRALEY from Iowa has highlighted exactly what it is and exactly what we are up against.

This President chose to hold our warriors hostage their pay raise. And the President may not think 3½ percent is much. I'm sure it's nothing to him. What I can tell you is that it's a lot to a family back home. It's a lot when the mother and father are deployed down range or in a war zone. It's a lot to have that 3½ percent given. But the President didn't concern himself with that, all the good things that Mr. BRALEY talked about that was in the Department of Defense Authorization Act, a very important one was the ability of our POWs, those that fought so bravely to make claims and make amends according to law, according to international law, to amend what had been done to them.

Now, the President tells us we'll get frivolous lawsuits out of this. We will hamper Iraq's fledgling government's ability to rebuild itself.

Now, there are several big fallacies in that statement. The first is the assumption that the fledgling government is doing anything to get itself back and rebuilding. And I offer the fact that Iraq said last year they would put in \$10 billion of their own money to put into reconstruction. An audit at the end of last year indicated they spent 4.4 percent of that. Spent it. It doesn't necessarily mean that it went to reconstruction, which basically says 95.6 percent never made it out of the bureaucracy, never made it to the Iraqi people, never did any of that.

Mr. BRALEY of Minnesota. Reclaiming my time, I want to share a personal experience I had serving on the Government Oversight and Reform Committee when we investigated the very problem that you're identifying. And we saw the photograph showing fork trucks carrying \$2.1 billion of cash bundled up on pallets as part of the largest 1-day transfer of cash in U.S. history that led to the missing funds you're talking about. Over \$2.1 billion of cash sent in 1 day, and yet the Iraqi people who are in need of the assistance are unable to identify where that money went to. There's a similar problem with our inability to identify large amounts of weapons that are unaccounted for in Iraq. And I think it gets back to the much deeper question of whether the American taxpayers are getting their money's worth for the contributions that this country has made investing in the rebuilding of Iraq. And I just wanted to offer that and offer it up as an opportunity for you to comment.

Mr. WALZ of Minnesota. Absolutely. And the point that the gentleman from Iowa has brought up is exactly this: When you dig into this and you start peeling back the onion of what's happening here, you start to see a pattern. And the issue here is this administration, as much as they want to talk

about the rule of law, as much as they want to talk about giving people recourse on this, they have slammed the door into 17 brave warriors, slammed the door in their face, of saying they should have the ability to recoup some of what they gave up for this Nation. And it wasn't our Nation paying for it. It was the Iraqis who were responsible for that torture, for that mistreatment.

And I think many of us ask the question, what message does this send to the people who are fighting around the world? What message does this send to them? You can torture the Americans and if you cut a good enough deal, there will be no recourse. There will be no recourse against the people who carried it out. There will be no recourse to allow for those people to receive compensation. I think it sets an incredibly poor precedent. It disrespects the service of these brave warriors, and it sets us up for failure in the future of these things starting to happen. So when we see this and when the American people ask us, why didn't anything get done? I'll have to tell you today's a pretty sad day. The President did sign the DOD authorization when this provision was taken out. And I think many of us who voted on this in the first place put together a good compromise bill. We find out that when any legislation goes up the street to Pennsylvania Avenue, the people's will in this House matters nothing, the people's will to make sure that this was righted. The 17 families that have asked for recourse on the damages that were done in the name of this Nation were wiped away with a single signature by the President, and this House is left at the horrible choice of do we continue to hold up the research funding for warriors' injuries? Do we continue to hold up the funding for weapons systems to protect them? Do we continue to hold up the pay raise to these soldiers and to their families who are fighting, or do we make the compromise to move that forward and fight another day?

And I quite honestly have to commend my colleague from Iowa. He will fight every day for what's right. This is a question of justice. This goes at the heart and soul of our rule of law and our justice system and a citizen's right to recourse, to petition, to be able to go to a court of law to hear their discussion in a public court of law, to have their peers make a decision. But as we know, this administration, given the opportunity, would shut those same doors to justice to many of us here.

We hear about clever arguments on tort reform, and I know my colleague from Iowa is very familiar with this, but it's pretty much the same thing; that if you are injured in a reckless manner, if you're injured or something is done to you, your ability to go and tell your story in front of a jury of your peers and to trust in your peers to make the right decision, they want to limit that, and they say it's all in the

name of frivolous lawsuits, as if we could trust the corporate entities over our neighbors, over our fellow citizens. And in this case we told our fellow citizens, 17 of them that are warriors, well, Iraq needs to rebuild and needs to keep that money, which, by the way, as I think the gentleman noted, upwards of several billion dollars that have gone missing.

I will note that payment to Iraqi legislators has come on time every single month. The lifestyle of Iraqi legislators as they took off a month in the heat of August during some of the most fierce fighting that our soldiers were fighting and dying for as they left to their villas is something that I think Americans should take great notice of. So, once again, I think that this was a huge mistake. I think the President put a very narrow special interest ahead of the needs of our fighting soldiers and has set a precedent that I'm afraid we're going to have to deal with in a much bigger manner down the road.

□ 1745

Mr. BRALEY of Iowa. I think you have hit a very important point in talking about what this law was originally designed to accomplish. This law was not designed to open the floodgates for any potential claim arising from persons engaged in armed conflict around the world against the countries where that conflict occurred. In fact, this law that allowed these claims to be pursued in the first place set a very high bar before you could even begin to pursue them.

Number one, there had to be a declaration by the State Department that the nation involved in torture was a state sponsor of terrorism, which, as you know, that is an incredibly harsh accusation to make in the world community. So in order for the State Department to reach that conclusion, they would have to be presented with overwhelming evidence that a country was engaged in the state sponsor of terrorism. And when the Saddam Hussein regime in Iraq invaded Kuwait, that is when the State Department acted to declare, based upon what was happening and what was outraging people all over the world, that indeed that government was a state sponsor of terror at that time. So that was the first threshold that these hostages and POWs had to meet.

The second was that they were tortured under the definitions of international law, which is much more egregious than simply being involved in a firefight and being wounded or having something that is expected to happen in the normal course of conflict, which is always an impossible arena to control. But we are talking about a deliberate decision to torture individual citizens in violation of all accepted principles of international law.

And then after you pass those two hurdles, these victims of torture also had to prove that the acts that they

were being tortured for would be the type of claims that they could pursue in the courts of law of this country.

And the gentleman from Minnesota, Madam Speaker, made another excellent point, and that is this is consistent with the pattern of behavior we have seen from this administration for the past 7 years to take away the rights of individuals who have been harmed due to no fault of their own and to substitute the judgment of this body and State legislatures for what juries have been doing in this country since before it was formed. And what I like to remind my colleagues is there is something that we all take an oath to defend when we serve in this body. It is called the United States Constitution. And part of that Constitution is something we hold and cherish, which is the Bill of Rights. And it includes the freedom of speech that we all cherish every day on this floor. It includes the freedom of religion, the freedom to associate, the freedom of the press. It includes the right to bear arms. But it also includes the seventh amendment to the Constitution that guarantees that juries get to determine facts like what the issues are we are talking about here today, what is fair compensation for someone who has been subjected to torture.

Madam Speaker, one of the things that I think is most disturbing about the issues we are talking about on the floor tonight is that the President and his spokesperson don't like to talk about what happened to these POWs. It is unpleasant, and it brings to mind in the hearts of all Americans, how could we let this happen to people serving this country who have put up with so much and been through so much and then get them to the point where they can hold their offenders accountable, and who comes in and pulls the rug out from under them? Not the Iraqi Government, but the President of the United States who directed his Attorney General to intervene in these claims and see that the assets were not available to satisfy them.

Let's just take a moment, Madam Speaker, to talk about one of those victims that I mentioned earlier, Colonel Cliff Acree. Here is what he said in that 60 Minutes interview that I referred to earlier: They had broken my nose many times and I was just getting used, you just kind of get used to it.

Colonel Acree was shot down the second day of the war. The interrogations always began the same way, and these are his words: They would have these six or eight people just beat you for 10, 15, 20 minutes. Just no questions asked. Bring you into the room and beat you with fists, feet, clubs, whatever.

One of the other victims, Dale Storr, that I mentioned, who was serving in the National Guard at this time said: Hearing Cliff talk about it, we never really talk like this before in such detail. But it brings back memories. It is almost like I am back in my cell again.

Another victim, Jeff Tice, who was captured after his F-16 was hit by a

surface-to-air missile, and, Madam Speaker, he was tortured with a device called the "talkman." And what they would do is they would wrap a wire around the ear of one of these prisoners, another wire underneath their chin, then wrap it around the other ear and hook it up to an electrical device. Then they would start to question him. And this is what Jeff Tice said: They would turn on the juice. And what it does is it creates a ball of lightning in your mind or in your head, drives all the muscles simultaneously together, and it drives your jaw and everything together, and of course I am chained to a chair. I can't move freely. So everything is jerking into a little ball, and your teeth are being forced together with such force, I am breaking pieces and parts off.

Jeff Tice's jaw was dislocated so many times that he was lucky, as he said, that they were able to put it back into place.

And now, I am going to yield to my colleague from Minnesota. After hearing some of these descriptions and having had the experience of having young students of yours that you taught in Minnesota join the Minnesota National Guard, which along with the 133rd of the Iowa National Guard has served the longest single deployment of any combat unit in the war in Iraq, what type of message does that send to those young men and women who you helped to train, you helped to educate, and who are going off to serve their country, knowing that if they get captured and held as a POW their Government is not going to be there for them?

Mr. WALZ of Minnesota. Well, anyone who listens tonight, Madam Speaker, to the gentleman's accounts is horrified. And I think to put it into context, make no mistake about it, what happened today in the signing of the Department of Defense authorization bill with these provisions taken out to allow recourse on this is, it is pretty difficult for me to see any way that a decision was made to side with the monsters who carried out this torture and not with those brave Americans who went at this country's call, did our bidding, and then came home to the so-called open arms. And as the gentleman said, having spent 24 years in the National Guard, having trained countless soldiers, many, as you said, served in my unit. I taught them in school. I coached them on the football field. One of the things that was very clear in part of our training, because, of course, it held to those core values of being an American, was the respect for the Geneva Convention.

The Geneva Convention did several very important things. As I said, it upheld those principles of, even in a conflict situation, that the humanity and the humane treatment of other individuals was absolutely paramount to keeping with the ideals of this Nation. There was also something else very, very important with the Geneva Convention that many of us as soldiers al-

ways came to rely upon is knowing that if you adhere to these things, that if other combatants, the enemy you were fighting understood that, one of the things you could do was you could convince people that it might be better to give up the fight. It might be better because you know you will be treated humanely. And there was always great comfort, because it is not the fear of injury, it is not the fear of battle which is there amongst all these soldiers, it is the fear of capture and torture and saying something that may hurt your fellow soldiers that has everyone terrified.

So the idea is that the Geneva Convention was held in the highest esteem. The principles that it was set by were there to make sure that even at the base emotions of war amongst human beings that there was a respect for basic human life. There was a respect when someone was unarmed and unable to fight, that when someone was captured, they would be treated as humanely as possible. And with that being pulled back, I have to tell you, it terrifies me.

And these forgotten warriors are forgotten because they happen to be an inconvenience now. They happen to be an inconvenience to a political ideology. They happen to be an inconvenience because this administration doesn't want to follow the Geneva Convention. This administration, I believe, and members of this administration have called it a quaint, outdated notion that is no longer there. I would argue that soldiers don't see it that way. Soldiers see it as a necessity.

And for many of us, as my colleague has pointed out, it is hard to fathom that an administration that has talked so much about our soldiers would so callously brush aside 17, in this society, 17 warriors held in the highest esteem as a prisoner of war for their Nation and to cast them aside and cut their rights off to any type of recourse. And I can't help but see a pattern here of where the administration's loyalties lie. As Americans are struggling, and we hear about it every day, the economic crisis, they are struggling to make ends meet, and they see \$102 a barrel oil. But I don't know where that is able to be rectified in their mind when they see the President walking hand in hand with the Saudi Prince and knowing that every bit of that \$102 is going into the pockets of the Saudi Princes, going into nations and going into, in this case, a regime that committed the grievous atrocities against our soldiers and was totally absolved down on Pennsylvania Avenue against the wishes of the 100 elected Senators, against the wishes of the 435 elected Members of this body. And yet tonight, several of us stand here. And I think the outrage and the passion that my colleague from Iowa has shown should be reassuring to the American public that there is a voice there. There is a voice in the wilderness. There is a voice that says this is wrong. This is a

wrong that should not be allowed to stand. This is a wrong that I think they want to see, my colleague from Iowa, myself and our colleagues here, stand and speak for what is right.

So again, I can only come to the conclusion, and I ask my colleague if he can find another way of seeing this, what was the benefit of the administration's decision to side with the Hussein regime over U.S. POWs who were tortured? I am still trying to find where there is justification. It doesn't go back to "we can't hamper the Iraqi from rebuilding," because they are not doing that as it is. It can't go back to any precedence. It is in violation of the Geneva Convention, and it flies in the face, as my colleague said, of our basic principles of our Constitution. So I am trying to figure how we would be able to sell this to the American public.

Mr. BRALEY of Iowa. Well, Madam Speaker, I think my friend from Minnesota has hit this one on the head, because one of the things you were talking about is the administration's interpretation of what our treaty obligations are under the Geneva Convention. And maybe it all boils down to this very simple question: When is torture torture? Because you brought up the fact that our own Government, our own Justice Department, seems to have a difficult time interpreting acts such as waterboarding, that I think every American who has seen the video illustrating what that is would conclude that it constitutes torture in violation of the third Geneva Convention. And yet it is hard for us as a people and as a government to try to say, we need to stand up to other countries who are torturing our POWs if we can't get it ourselves in terms of our obligations under the Geneva Convention. I think it gets to a much more fundamental question, which is, are we going to be the type of country that stands by our word when we enter in these international treaties? These treaties are designed not just to protect American prisoners of war but to make sure that the countries that we may be in conflict with have the same respect for human rights, human dignity and human decency for captured prisoners that we would expect our men and women in uniform to be subjected to.

To give you some idea of how this plays out in the real world, I would remind my friend from Minnesota of what happened to Lieutenant Colonel Berryman, one of the people I identified as the POWs that brought this claim.

□ 1800

This really gets to the heart of many of those constitutional protections I talked about earlier.

Lieutenant Colonel Berryman was inspected after he was captured to determine whether he was circumcised and was questioned about his religion. When he answered he was a Baptist, his captors called him a lying Jew. A guard then hit his left leg below the

knee that felt like a heavy club. Lieutenant Colonel Berryman immediately collapsed in excruciating pain because the blow had broken the fibula, one of the bones in his lower left leg.

Another guard used a similar club to attack his right leg, and the two guards continued beating him as he rolled on the floor to protect his leg. As he continued to resist answering questions, which is exactly what my friend mentioned, Lieutenant Colonel Berryman was told that if he did not answer their questions, they would break his other legs. Two guards pinned him to the wall and one kicked him in the left leg causing him to collapse to the ground in pain. The others began kicking and beating him. And one guard used a steel-towed boot to kick a piece of flesh out of Lieutenant Colonel Berryman's leg exposing the bone.

Then a lit cigarette was pressed several times against his forehead and then pressed against his nose and each ear and then was crushed out in an open wound on his neck.

What American listening to that testimony would not be overwhelmed with rage and with a sense of passion and compassion for the person that was subjected to that?

That's why, in my humble opinion, Madam Speaker, when we set policy on this floor about how we are going to stand up for the people who serve this country who may become prisoners of war or who may become hostages, it's important that we keep in mind that the rule of law will only be respected if we in this country stand up for it and say that the rule of law is what we are all about in the way we are going to take care of our citizens.

And with that, I would like to yield to my colleague from the great State of New Hampshire (Ms. SHEA-PORTER) and ask what your reaction is to some of the things we've been talking about tonight. What do you think the good people of New Hampshire would think if they knew their President and their government had done what we have done to deny the opportunity to compensate these victims of torture?

Ms. SHEA-PORTER. Thank you for asking that.

I come from a family who has served. I had my father serving in World War II. My uncle was a career Air Force officer in several wars. I had a grandfather in war and my brothers who fought, and I also had my husband who was in the military, and I was proud to be a military spouse, and now a member of the armed services; and always I believed that the Commander in Chief was going to be there to protect our troops. Always I thought it would be the Commander in Chief who would be a tough advocate for us all and he would be watching out and speak to other nations in as tough a manner as necessary to protect our troops. That's what I believed. That's why I'm here on the floor tonight.

I'm here on the floor trying to understand how the President of the United

States has failed these prisoners of war, these men who went to Iraq and were seized by a hostile nation, who were tortured and then had to come back and go to court to receive just compensation. And when they won, then the President of the United States stepped in, not to make sure that they received what they had won, but to make sure they didn't receive it; and that's the part I can't understand.

The President said that Iraq needed this money, the Iraqis needed it to rebuild. We give \$10 to \$12 billion a month to the Iraqi government. I think that the President should take a look at how the money is being spent in Iraq and see and hear the stories that I have heard as a member of the Armed Services Committee and recognize that our money's being wasted over there. And yet he's protecting their assets and protecting them when our troops were the ones who went there.

Our troops were the ones who fought for our freedom in that first gulf war, and we had troops who suffered at the end of this government.

I can't understand it. And the President was so determined to do this that he held up the authorization bill. Now what is so important about that is there are a lot of programs in there. But one thing in particular just infuriated me.

There was a pay raise for our troops, for our troops who were in Iraq right now, who were in Afghanistan and who are all around the world and America protecting us. And the story about the pay raise is relevant, also.

The President says he supports the troops, but he only wanted a 3 percent pay raise. And so when Congress voted for a 3½ percent pay raise, the President thought that was too much. He said a 3 percent was sufficient. Obviously, the President has never had to live on military pay, but I have and so many do today. And I know that 3½ percent might not seem like a lot. It certainly isn't. But they need it, and they deserved it, and they earned it.

So now we have a problem that today's troops are suffering at the hands of the President's stubbornness here, and then we have the POWs who are suffering because they're not allowed to collect what they justly earned for their suffering.

And I can't understand it, but I do know that the people of New Hampshire are furious also that those veterans who went there in complete trust and faith in this country and in the President have to be devastated now to know that if they were injured, if they were tortured abroad, that they could not be certain that the Geneva Conventions would be upheld. They could not be certain that the Commander in Chief would be there for them. They could not be certain that all of the guarantees that were made when they signed and stepped forward to service would be honored, and I think that's the real shame here today and the real disgrace here today that we are not standing up for our soldiers.

So I would say that the people in New Hampshire are insistent that those who suffered for our country need to be justly compensated.

Mr. BRALEY of Iowa. One of the things I would like to ask both of my friends to comment on is how the Bush administration has known about this problem dating clear back to 2003 when the CBS 60 Minutes story aired, and what has happened since that time and what the attitude of the administration is in trying to justify it, this veto.

One of the things that we know is that a number of Members of Congress and a number of influential Members of Congress in both parties were outraged because of the fact that some of these POWs were constituents of theirs, and when the White House moved to intervene and make sure that these judgments could not be collected, took very strong action and took and used very strong language to try to convince the administration not to do this.

One of those individuals is someone we all know who is the current majority leader of the Senate, Senator HARRY REID from Nevada. And when this story aired in November of 2003, Majority Leader REID said, I hope George Bush, the President of the United States, doesn't know about this because if he knows about it, if he knows about it, it is a pox on his house, his White House. This is wrong.

Well, that was in 2003. And now we are 5 years later. There can be no doubt that this President knew what he was doing when he issued this veto, and yet when his press secretary has been questioned as to why the administration felt the need to take away the rights of victims of torture to full and fair compensation, they say the same thing over and over again which is, no amount of money could compensate these victims for their terrible injuries.

Well, when the judge who heard this case issued his decision awarding damages, he noted that, and yet that's not what this case is about. This case is about putting some measure of value on what these torture victims went through, what their families went through who were watching these shots on TV of their loved ones, who were hearing these tales of torture and fearing for the lives and safety of their loved ones. Why would our government, why would our President say that the value of the Iraqi people was greater than the value of these tortured Americans? That's what the fundamental question is we are here to talk about tonight.

And I would yield to my friend from Minnesota.

Mr. WALZ of Minnesota. It's interesting on the day that reports are coming out about the 900-plus misstatements leading into the war that were made by this administration that the idea that this had been known for 5 years, that it had been very clear. And I would quote former Republican Senator Allen and current Republican

Senator COLLINS when he said, Protection of American POWs is a vital national security interest, and the goal of rebuilding Iraq should not be viewed as inconsistent with that goal.

Now, what the gentleman from Iowa has so clearly pointed out and the gentlewoman from New Hampshire alluded to is in this idea of this global war on terror, the winning the hearts and minds of the rest of the world, one of the things is what those core beliefs and core values of the United States stand for.

And the gentleman mentioned and talked about on the floor of this sacred ground of democracy, Members of this body have clearly articulated in the exact words that waterboarding is a useful tool; turning someone upside down, stuffing a rag in their mouth and pouring water in their mouth under a circumstance where they believe they are going to drown is acceptable.

Now the idea of me being a history teacher coming to this body out of the classroom that I would ever stand here and speak of things seemed incredible.

But to think that I would stand here and have to define what torture is to other Members of this body is incomprehensible to me. And I tell a story about why this is so important and why we understood Geneva Convention, why we understood that by adhering to these things, it pushed our values forward.

I was teaching a ninth grade history class, and one of the assignments was to go back and interview a family member who had had some type of context in the Second World War, if they could find a grandparent or great uncle or someone. And the ninth graders came back and reported. And I remember a young man named Bill Wilbrand came forward, and he was telling an incredible story of battle, of heroism, of incredible terror and talking to his grandfather, telling him the story where he was captured by the enemy and he was taken away and he was shipped a long distance and put into a POW camp.

And the other ninth graders are like, Wow. That was your grampa? What happened? Well, it was kind of cold and the food was not great but not too bad and, you know, things were okay. And they said, Well, what happened afterwards? Well, he stayed here. He was a German and he was a prisoner of the Americans, and they brought him to Western Nebraska to a prisoner-of-war camp. And he was treated so well, he said, I will stay here and bring my family here, and his family, of course, is American.

The idea was he saw the values. He saw the dignity. He understood what those American soldiers were. They disagreed with the tyranny of the Nazi regime. They disagreed with what was happening, and they would fight and give their lives to stop that. But when an individual came under their care, they were treated with dignity.

And there was a sense of, that word swept through. That's why you had en-

tire units say this is what is happening. The rest of the world saw America as righteous in fighting for the right causes.

Now we are in a situation where we have absolved a stated terrorist state, the regime of Saddam Hussein, and those people who took and tortured American soldiers and said, You know what? It's okay. We will just brush it under the carpet and hope it goes away.

And those 17 families, well, you know, we can't repay up. We will say thank you a lot. We'll stand in front of flags, and we'll pat them on the back. But we won't let them go through the recourse of the courts. We won't let them adhere to the basic values that the gentleman from Iowa said that predated this country, the idea of being heard by a jury of your peers, by getting recourse no matter where you stand in the hierarchy, no matter where you are economically.

But not these 17. They volunteered. They fought to defend this Nation. They served honorably. And they endured some of the most excruciating things that have been described here. And in one easy stroke today, they have been let down.

I don't know what to say when I hear the story of Colonel Berryman. And I think of his family, Madam Speaker. I don't know what words can come off this House floor to tell them the wrong that has been done to them. And it's all going to be done in the name of supporting the troops. It's all going to be done in the typical fashion that it is just us not able to get anything done.

When we made that horrible decision to fund veterans health care, to fund the vehicles that will protect them in combat and to give them a pay raise, to maybe hope that that mother sitting at home can take kids out to the movie on Saturday while Dad is in Iraq fighting for the Nation, we weren't going to hold that up so that was the choice we were given. So I can tell the Berrymans and others like him, Madam Speaker, that I'm sure not proud of that decision, but that's what we are dealing with coming down from Pennsylvania Avenue.

Mr. BRALEY of Iowa. I want to thank you for sharing that story. It is not in my district. It is in Congressman LATHAM's district. It's the largest geographic county in Iowa, and it borders on your district.

And one of the things that's unique about the county seat of Kossuth County is that it was also a prisoner-of-war camp for German soldiers who were captured and transported to the United States during World War II. And to this day, the townspeople of Algona cherished the crèche that was built by German POWs that they used every year during their Christmas celebration as a symbol of exactly what my friend is talking about which is this: It is nothing more simple than the Golden Rule that you treat other people the way you would like to be treated.

And one of the things that has been missing from our foreign policy is an appreciation for the role that this country plays as the sole remaining superpower to set the standard, the gold standard, for how we live up to the responsibilities we willingly entered into as part of the a Nation and a community of nations that come together and enter into treaties for our mutual benefit.

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I look forward to hearing from another friend of ours in the freshman class who will be talking to us in a few minutes who has a deep and abiding appreciation for the importance of these concepts in the real practical reality of dealing with this in a global world full of problems that need the might and the force of the U.S. military to be a pacifying presence.

I recognize my friend from New Hampshire, and I would like to ask her specifically, as someone who serves on the Armed Services Committee here on the House, and having heard through the past year the problems with our readiness standards for our men and women in uniform and the problems of torture that we have been talking about here tonight and what symbol we send to the rest of the world based upon our own conduct, what lessons have we learned as a country that you have become aware of during your service on the Armed Services Committee that have relevance to the topic we are talking about this evening.

Ms. SHEA-PORTER. Thank you.

First, I would like to say that I mentioned that my father's brother had served, and he was in the Air Force. He flew daylight bombing missions over Germany. He talked about the fear during the day flying those bombing missions over Germany, but he never talked about fearing the U.S. Government, that the U.S. Government would not be there for him.

Then my brother served in Germany, and my brother-in-law served in Germany. And Germany treated the United States troops very, very well in the 1960s and the 1970s and the 1980s. The reason for that was because we had shown that we were not the kind of country that tortured, that when we received prisoners of war from Germany that we treated them the way we would want to treat any human being.

So it was a long distance from my uncle flying over Germany during World War II bombing missions with that great fear about what would happen to him and then the experience that my brother and my brother-in-law had in Germany, welcomed as allies, welcomed with the reputation that we have had of treating our prisoners of war with compassion and with a sense of humanity.

My worry now on the Armed Services Committee is that countries that wish to do us harm but might be held back from torturing our individual troops because they have a Geneva Convention to uphold, they will have world

opinion against them, because the world actually believes that we should not torture each other's soldiers. They only understand not only that we have to have some rules of engagement and war and conduct for our POWs, but we also understand that if you don't want anybody to torture your troops, that you have to respond the same way.

So we have to hold ourselves to a standard, a standard, by the way, that the United States has led and been proud to show the rest of the world and our own good behavior through history. The world understands that when you receive a U.S. soldier and you torture, you will pay a price; at least that's what they understood before.

Our soldiers understood that if they were harmed when they were being held by another nation they would pay that price. So the change now, Congressman, is what does this mean? If we don't have the President of the United States, the Commander in Chief, stand up for our troops, what does that mean and how will other nations view this? That's my great worry.

Mr. BRALEY of Iowa. I thank you for those insightful comments. As our class president has stated on many occasions, we are blessed in this freshman class with incredible people who have had incredible life experiences that they bring to this body. One of my friends and mentors on the issues that we are talking about here today is my friend from Pennsylvania who has more real-world knowledge about how these international treaties impact the role of our military around the world than anyone else that I personally know.

I would like to recognize my colleague from Pennsylvania, JOE SESTAK, and ask him this question: When we are trying to teach the brave men and women who serve this country about their role in combat and about their role as potential POWs, what type of message do we send them when we have a President who has taken the action that this President has that goes against everything we believe and about the role of the rule of law and its strong force in preventing other states or nations from terrorizing and torturing our citizens?

Mr. SESTAK. I appreciate the opportunity to speak. What occurred in this defense bill by the veto of this President I honestly think is almost unprecedented. Take Vice Admiral Stockdale, the senior prisoner of war in North Vietnam. When he was asked, Did you ever think that you would return to the United States, he said, I never lost faith in the end of the story, that I would prevail, that I will win at the end and return to my home, to my home, America.

If there is anything I learned in the military, and as I went about the world those 31 years in the Navy, we are respected for the power of our military, respected for the power of our economy. We are admired for the power of our ideas.

My wife, who worked on a project for the office of Missing in Action/Prisoners of War in the office of the Secretary of Defense, she speaks Russian, and so she went to Russia to dig a bit to see about how they were going about their archives in Russia, looking for records of those that we may have lost or we are still missing, potentially, even back to World War II, Korea, the Korean War, Vietnam. The Russian general said to her, Why do you care so much in America about those you may have lost long ago?

Here we have men and women who wear the cloth of this Nation. They went to war for this Nation in the first Gulf War. They were tortured, close to giving the ultimate sacrifice, and they came home. Under the rule of law, which this Nation stands for above everything else, the rule of law and its ideals, they correctly won judgment against the Iraqi Government that is, as you said before, obligated for the prior Iraqi Government's actions. And the President vetoed a bill, not because it would have any harm on the reconstruction efforts of this government, but because they threatened this Government of Iraq to pull \$25 billion out of our trillions of dollars of markets in the economy, \$25 billion.

We spend close to \$12 billion a month for our war in Iraq. Two months. These men and women gave something that's priceless, the opportunity that their lives might be given in support of this Nation. I wish this Congress had voted to try to override that veto. I thank you, above all else, for submitting this bill that we will have another attempt to right this wrong.

We are very fortunate that there are those who recognize that great portrait that sits across from the Secretary of Defense's office. And there is a young servicemember in this picture, that is kneeling in church with his young family next to him. It's very obvious he is about to go away for another 6 months, 8-month deployment, leaving home again.

Under it is this wonderful saying from the Book of Isaiah, where God has turned to Isaiah and says, Whom will go for us, whom shall I send? Isaiah replies, Here am I, send me. Here am I, send me.

How we treat those who somehow grow up in America to go and say, Here am I, send me, how we treat them in their adversities when they return home I honestly think will either continue those to say, Here am I, send me, or it may damage it. In this case it was wrong of this President, and I thank you so much for trying to prevail in the end with this bill.

Mr. BRALEY of Iowa. I thank my friend so much for those eloquent words. It's amazing how much we can learn from our former enemies, the words you shared. Why do you care so much for those you lost long ago? I am just going to close with two examples from my district.

While I was home over the holiday recess, the remains were brought back

from North Korea of an Iowan from Buchanan County who had been lost long before I was born, and to see the touching way that his family and his friends placed those remains in the frozen Iowa soil is a poignant reminder of exactly why this country cares and won't forget.

The other example, which is an actual positive benefit from this defense authorization bill is that when I was a college student during the Iranian hostage crisis, one of the best-known hostages was a woman who grew up in my district in Bremer County, Kathryn Koob. For people like Kathryn Koob and other Iranian hostages, there will be an opportunity to get the compensation they deserve for what they went through that no American should have to put up with.

But it's also a reflection of this administration's foreign policy that we allow those claims to be pursued against a state-sponsored terrorism act that occurred in Iran, but we have taken away the rights of U.S. prisoners of war to recover compensation from state-sponsored terror in Iraq. Maybe that makes sense to some people, but it just doesn't pass the smell test in Iowa.

With that, I would like to thank all of my colleagues, and I would also like to recognize my friend and roommate from Colorado, who I wasn't aware was with us. Mr. PERLMUTTER, we would like to have you close us out for the remaining time with your thoughts on this topic.

Mr. PERLMUTTER. I thank my friend from Iowa and my friends who have shared today because you have talked about just fundamental values of what makes America great, whether they are biblical or just precepts of our Constitution.

I am going to step back and just be a little more businesslike about this. These gentlemen, these servicemen and women were tortured, harmed, beaten, bashed, broken. They brought a claim against Saddam Hussein and his regime, and they had, that regime had assets. Those assets were here in the United States of America. They have a claim against those assets.

We are not making a claim against U.S. assets. We are not making a claim, they are not making a claim against the new regime's assets, but the old regime. Now, they have a claim. They can't just turn it back. They were hurt. They were tortured. They should be compensated. That's the bottom line here.

Now, if the President has chosen to say you cannot sue the old regime, you don't have a claim against the old regime, then there should be other compensation due to these gentlemen for the torture that they have suffered.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. HOYER) for January 22.