

of just what the gentleman is talking about than the pilgrims. There's a marvelous, huge mural down the hall in the Rotunda of the pilgrims having a prayer meeting with the Bible open to the beginning of the New Testament. And I know the gentleman from California's heart, and I know his Christian faith, and I know there are many of Christian faith here, and we don't try to push our religious beliefs on others, but you have to recognize what a part of our heritage they are.

Now, the pilgrims, being Christians, signed a compact, an agreement among themselves, because they thought we want liberty for everybody, but we're going to give that up, put that in a common pot, we're going to all own the land together, we're going to all bring into the common storehouse, and then we're going to divide equally.

Mr. DANIEL E. LUNGREN of California. How well did that work?

Mr. GOHMERT. It didn't work out so well. The first winter, nearly half of them starved to death. And as the gentleman from California points out, they came up with this incredible ability of the people in America to come up and innovate. They came up with this great idea. They said, okay, we nearly starved half the people out. What we're going to do from now on is we're going to divide the property up and give everybody their own private property, and then everybody works their own property; you're responsible for your own upkeep, and if you have some left over, it's up to you. You can give it away, you can sell it, you can trade it or whatever. Remarkably, that's where the liberties we derive came from. And when Jefferson said the natural course or progress of things is for liberty to yield and government gain ground, he knew what he was talking about. He knew our history.

Mr. DANIEL E. LUNGREN of California. It sounds as if they were talking about freedom or liberty with responsibility.

Mr. GOHMERT. That's it.

Mr. DANIEL E. LUNGREN of California. And I think we need to talk about both ends of it. If we are going to be a free people, we have to be a responsible people. If we are going to be a people who cherish freedom, we have to be a people who cherish responsibility. And we must ask of ourselves, each and every one of us, to be responsible in our actions, to understand there is something of the common good that requires something of all of us, but that if we, in fact, mistake that notion or misinterpret that notion such that we think that no longer are individuals free, and that only important questions can be decided by the Federal Government, and in the Federal context only by the Supreme Court, what we are doing is not only becoming dependent on others, in this case government, but we are undercutting the tremendous, as I say, vitality that this country has always had. And so we're not only cheating ourselves, but we're cheating everybody else, as well.

I think that every once in a while it is good for us to have a conversation on this floor about, some would say, huge concepts of freedom. I would say essential concepts of freedom, foundational concepts such as freedom, freedom which is spelled out in the Constitution and the Declaration of Independence.

And so, I would just hope that as we continue in the last days of this congressional year, and as we look forward to the next congressional year, that we not forget about freedom and that, in fact, as we try and meet the challenges of the present and the future, that freedom be our lodestar.

With that, I yield back the balance of my time.

WESTERN CIVILIZATION

The SPEAKER pro tempore (Ms. PINGREE of Maine). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the privilege of being recognized here on the floor of the House of Representatives. As I listened to the dialogue of my colleagues, Mr. LUNGREN of California and Mr. GOHMERT of Texas, I can't help but pick up a little bit where they left off.

I would like to address the situation of freedom, and then I hope to transition it into some other subject matters, all of them related to the subject matter that has been brought up by Mr. LUNGREN, who knows it well; and that is to propose a concept that's going on here that has to do with our western civilization. And as we studied western civilization, and maybe it has become a dirty word among the politically correct left, but it clearly has been a subject matter for hundreds of years in one way or another; and as we have watched what has happened across Europe and compare it to what happens here in the United States, there are those, especially on this side of the aisle, that believe somehow we're an appendage of the modern, forward-thinking, liberated, progressive Europeans who have become a social democracy and in many cases a post-Christian Europe.

I will argue, and I will to greater length, that we are a different country, that we're founded on Christian principles, Judeo-Christian values, and we've learned to assimilate people into this culture, but the foundation of our culture has been the law, the rule of law, and the values that flow from the religious foundation of the people that came here to settle this country. They are the ones that wrote the Declaration, they are the ones that wrote the Constitution, they are the ones that ratified it. And the core of the civilization remains the same.

I want to draw this comparison, this juxtaposition, if I might, Madam Speaker, and that is that in Europe for more than 100 years, they have had socialized medicine. It started in Ger-

many under Otto Von Bismarck. He did so for a political reason. It wasn't necessarily a reason of what was best for the German people, it was how Bismarck was able to expand and strengthen his political base. So he looked out across Germany and decided that if he is going to pacify the people, if he is going to get loyalty there, he was going to make sure that everybody had what they will call free health care in Germany.

And so he, I will say, adeptly, as from a political perspective, was successful in passing legislation that established socialized medicine in Germany more than 100 years ago. And that was contagious enough that it was adopted by, by now every country in that part of the world. And the country that I pay the most attention to and look back on historically has been the experience in the United Kingdom. They had a higher level of freedom when they went into World War II. And of course, they were looking at their enemy more in the eye than we were. And Winston Churchill helped lead them through that time. But in the aftermath of the all-out effort to expend every resource they had to preserve the British Empire, they also saw their economy with too much of a burden on it, and it was collapsing at the end of World War II. There were all kinds of stresses on it.

You can imagine, Madam Speaker, all the rebuilding that had to take place, the restructure of government, the lessons learned and the repositioning of assets, resources and conviction that takes place in a time of war. If you win the war, you don't undergo quite the changes as you do if you lose the war. But Great Britain was afraid their economy would collapse. And among the things that they did, just as we have knee-jerk reacted to an economic downward spiral here in this country and passed TARP legislation, \$787 billion in an economic stimulus plan—and I say “we” as this Congress, and I opposed those things—just as this administration, it actually started in the previous administration, began nationalizing huge economic entities in America, three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, Chrysler, about one-third of the private sector profits in the United States nationalized because we have fear of failure. Well, the British had fear of failure in the aftermath of World War II.

And so one of the things they did to try to provide a safety net for people would be to adopt a national health care act similar to Bismarck's national health care act in Germany. And that's socialized medicine. They passed it in 1948.

I sat reading through the *Colliers* magazines, the yellowed copies of that just a few years ago, that had been saved for me by a World War II veteran that had watched this national health care in the United Kingdom pass. And the things that they predicted that would happen before its passage and

implementation into law were the ones that came to pass within a year. The doctor said, we're going to have long lines, and I won't be able to treat all the patients with the care and the attention that I have in the past.

When the government sets the fee that you get for doing the work, and the people that are receiving those health care benefits don't have to pay for them, there's an overutilization of the service. It's human nature. It's kind of like former chairman of the Ways and Means Committee, Bill Thomas, said of the people that utilize Medicare the most in America. He said, well, the people there, they wake up in the morning and feel good, and since it doesn't cost anything, they go to the doctor to find out why. Well, some of that happened in Great Britain. And it has happened in Canada. It has happened all over Europe and most of the industrialized world except in the United States. Government supplanted one of the responsibilities of the people; and there was less reason for people to be cohesive and hold themselves together. If you look across Europe, this post-Christian Europe that I've talked about, the churches that were built when there was a dynamic faithful force, and I will say prior to, during and post the industrial revolution, if you look at just the churches, just the edifices, the gothic architecture that's there, you can see there was a powerful force. That force has been significantly diminished. And I will argue that it has been diminished in a real part because the role of our faith, the role of our families, the role of communities pulling together, the nucleus of which were the places of worship, the churches, has been replaced by the government.

□ 1645

So if the government can provide you with all the health care that you need and your own personalized health insurance premium, which is advocated by the people on this side of the aisle—on the opposite side of the aisle, I want to make that clear for the record, Madam Speaker. If government can take care of rent subsidy and heat subsidy and give you a childcare credit—so pay you for the children that you have—and if the government can pay you for the earned income tax credit so if you don't make enough money they cut you a check for that, if the government can replace all that the churches did with the check that comes unwillingly from the taxpayer, when all of that happens, then people slow down their attendance or they stop going to church. They forget about the core of their faith. They forget about the reason of the blessings that we have, and slowly, society falls back to a dependency class that settles upon the government that has replaced the need that the churches were fulfilling out of the willing giving of their membership.

I believe that one of the reasons for post-Christian Europe is because they

have replaced the responsibilities and the duties and the activities and the services that come willingly from the churches with a service that comes unwillingly from the taxpayers but guaranteed as an entitlement to the people. That is what we're poised to do in this country because the people on this side want to create a dependency class. If they can create a dependency class, then their goal is to expand the political class. That is the short version of the subject matter that I think was very well raised and articulated by the gentleman who spoke ahead of me, Mr. LUNGREN.

I would also ask my friend from Texas, Judge GOHMERT, if he was able to get everything off of his heart before he goes back to where his heart really is, which is in Texas.

So I yield as much time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank my friend from Iowa so very much.

The gentleman from Iowa makes such a great point; we think we're the be all and end all in this Congress. And as I said in here last week over the debate about the death tax, we have the power to pry money from someone's wallet when they're lying cold and dead. We have the power to do that; we do not have the moral authority to do that.

But we even hear people, as they did last week and have in previous debates, who play on some of our Christian faith and say, well, it sounds like the Christian thing to do would be for our government to help everybody, take care of everybody. But you could go throughout the New Testament and you will never find one place where Jesus ever said, Go ye, therefore, take from other people and give to someone else. He said, You do it. With your own money, what you've earned, what you've made, you take and you give from your own self. Don't go take somebody else's money just because you've got the power. You don't have the moral authority to do that. Do it yourself. And there is a great deal of blessing derived from individuals doing that and helping others, but it is tyranny when you use the power and abuse the moral authority and take from other people to do what you, yourself, want to do.

When you look at the bills we've been passing, including the bill passed today, "financial reform" so-called, it's not financial reform. It's like the health care bill wasn't a health care bill. It is a government takeover. I hear friends and very scholarly people say, well, this is a takeover by the government of one-sixth of the economy, of the health care. But the truth is, it's not even that. It's more than that. Because if you go to the trouble to try to get through the massive bill that's been brought here, it's about taking over and legislating and regulating restaurants. That's not health care. It's legislating vending machines. It goes into all kinds of things.

I read a provision where it is required that the Secretary of Health and Human Services shall do a study of businesses. Study of businesses? It goes on to tell them what you've got to study for. You've got to make sure that certain businesses are making good decisions that will allow them to stay solvent. Do you want Washington bureaucrats coming to your business in Iowa—I know they don't in east Texas—and sitting down with you that has never balanced a budget, never made any money on their own, have been living on government welfare, and then they're going to tell you you think you have too much inventory? What do you know about inventory? You've never been in this business.

It is kind of like the car czar and all these people that were appointed by the President, unaccountable to anybody. They made laws. They subverted the bankruptcy code. They just ignored the Constitution, the laws, and this Congress did nothing about it, let it go. The Supreme Court did nothing about it, let it go. They just supplanted all of those things and dictated things from behind.

Mr. KING of Iowa. If the gentleman will briefly yield, and reclaiming my time, I would make this point, that the bankruptcy courts through which the auto makers were pushed, when I listened to the witnesses that were before our Judiciary Committee and point-blanked them on this question? Do you believe that there was anything that changed throughout the course of the bankruptcy court as a result of the testimony or evidence that was presented to it, or was the deal, the proposal that was presented by the administration, as an investor in the car makers, did that proposal remain in tact all the way through the courts, or were the judgment of the courts applied to the final product? Their answer was, without equivocation, no. The deal was the deal, and the courts essentially rubber-stamped the deal. That's the testimony that I heard, but it is, of course, summarized in a nutshell for the benefit of this dialog.

I again yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate that so much.

The fact is, even on the health care bill, when the President had his town hall lady named Pam Stern—and I went and watched the video and typed this up myself—but she had pointed out she had a mother that was approaching 100 years old and she needed a pacemaker in order to have the other things she needed. And apparently the arrhythmia specialist—he had not met her—decided nobody at age 99 should need a pacemaker, but then her own doctor recommended he meet her. So he met Pam Stern's mother and said, Wow, this lady is alive and going strong. She deserves a pacemaker. So he put it in, and she is 105 right now and going strong.

And Pam Stern put this question, she said, Outside the medical criteria for

prolonging life for somebody who is elderly, is there any consideration that could be given for a certain spirit, a certain joy of living, quality of life, or is it just a medical cutoff at a certain age? And the President went round and round, Well, we're not going to solve every difficult problem in terms of end-of-life care, and he goes on and beats around the bush. And he finishes his answer by saying, Well, at least we can let doctors know and your mom know that, you know what, maybe this isn't going to help. Maybe you're better off not having the surgery but taking a painkiller. This is the government saying, you know, despite the Constitution talking about securing the blessings of liberty to ourselves and our posterity, this is the government saying not only are we not going to give you liberty, we're not going to give you what you need to have life. That is a government that, unless you committed a heinous crime, the government has no right to tell you that you can't get what you need to live of your own volition. And that is such a mistake.

And we think we can do it on our own. The gentleman before, our friend from California (Mr. LUNGREN) and our friend from Iowa is so articulate about these things. But when you go back to our founding, you see that the Founders knew very well they could not do it within themselves. They hired George Washington to fight the revolution for them, and it went until 1783.

Everybody knows about July 4, 1776, when the Declaration of Independence was made public. But he fought on as Commander, and he did something nobody in the history of mankind has ever done. He won a revolution, had the military under his control, could have been king, Caesar, emperor, generalissimo, czar—could have been “the” czar of America, but he did something, as depicted in a mural down the hall.

He came into the Continental Congress with his outstretched hand, depicted in that mural, with his resignation. He said, Here is all the power back, because they passed a bill December 27, 1776, giving him basically all the power. They had to make contracts to enter whatever agreements, pay whatever they needed to pay, but there he was, 1783, tendering it all back. And in his own words—called the founder of our country—and actually, the whole resignation was so profound it was printed up.

They got the resignation, printed it, and distributed it throughout the country because this was such an incredible document. This is what he thought; not the arrogance of people that say we know all. We do all. People in America are too stupid to do for themselves. They have to trust us in government because they're not smart enough. This is what Washington said—and this is not the whole thing because it would take too much time perhaps—but he said, “I now make it my earnest prayer”—he thought it was okay to pray

like that in public—“that God would have you in the state over which you preside in His holy protection.”

He goes on and he says, to entertain brotherly affection and love for one another, for their fellow citizens of the United States, particularly for their brethren who served in the field, and finally, “that He would most graciously be pleased to dispose us all to do justice, to love mercy, to demean ourselves with charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion”—he thought there was a blessed religion here and a divine author that he knew—“and without an humble imitation of whose example in these things, we can never hope to have a happy nation.” He signed it, “I have the honor to be, with great respect and esteem, Your Excellency's most obedient humble servant, George Washington.”

And then, of course, for 4 years the Articles of Confederation were created after Washington left. That was too loose of a web. The country was falling apart. The military tries to get Washington to come back and preside as a ruler, a king, and he refused to have any part of it. In 1787, they finally talk him into coming back because they convinced him truthfully that the 13 colonies will not come back unless George Washington agrees to come back. He comes back for nearly 5 weeks in Philadelphia, windows covered, meeting there privately, trying to come up with a constitution that would hold, something that would work, something that they could be proud of. They had met nearly 5 weeks and accomplished basically nothing.

And this is just the last point I wanted to share. I head back every weekend to my beloved east Texas, and will shortly, but after nearly 5 weeks, Benjamin Franklin stands up, recognized by President Washington, President of the Constitutional Convention—and most people that know history know that Benjamin Franklin did sow some wild oats, he did, and he did in France and England and somewhat here. But by this point he's 80 years old. He's about 2½ years away from meeting his maker, meeting the ultimate judge. He is just as brilliant, just as witty, charming, a real genius, but he has more thoughts toward the eternal.

And so after Washington recognizes him, he stands up—and we have the whole thing because James Madison, as Secretary, recorded it all—and he went through and said, you know, we've been meeting for nearly 5 weeks. We have more noes than ayes on most of these issues. We've accomplished nothing. And these are his words, as recorded by James Madison. “In this situation of this assembly, groping as it were in the dark to find political truth and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate understanding? In

the beginning contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection.”

Benjamin Franklin goes on and says, “Our prayers, sir, were heard and they were graciously answered. All of us who are engaged in this struggle must have observed frequent instances of a superintending Providence in our favor. To that kind of Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend, or do we imagine that we no longer need his assistance?”

Franklin goes on and he says, “I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth: God governs in the affairs of men, and if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, sir, in the sacred writing, that except the Lord build the house, they labor in vain that build it.”

□ 1700

Franklin said, “I firmly believe this; and I also believe that, without His concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be divided by our little, partial local interests, our projects will be confounded, and we ourselves shall become a reproach and a byword down to future ages.”

He went on and said, “I therefore beg leave to move that henceforth prayers of heaven imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning.”

He knew who governed in the affairs of men. They began unanimously having prayer. They had it every day as he moved, and it resulted in the Constitution that we still utilize today for those who still utilize it.

I would recommend, as I know my friend has so many times, for those who have not read the Constitution or who have not read it recently, read it. I love the way it ends: “Done in convention, by the unanimous consent of the States present, the 17th day of September, in the year of Our Lord, One Thousand Seven Hundred Eighty-Seven.”

A great way to end a great document. I thank you and I yield back to my friend from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

It is interesting to me, Madam Speaker, to listen to this presentation and to think about the impact of the core of the faith on our Founding Fathers. Clearly, Ben Franklin was a leader of them. Part of me is a little curious about what it would have been like to have heard his entire confession, but it was interesting to hear the statement that he made.

I'd reflect also that, for 60 years, the Founding Fathers and their successors

and the leaders of this Nation and others would come in, and they went to church in this very Capitol building. For 60 years, they worshiped in this Capitol building on a regular basis.

The first Black man to speak in the United States House of Representatives was a pastor who came here right at the end of the Civil War to speak about the passage of the 13th and 14th and 15th Amendments.

As I watch things transition here in the House, I'd like to say also, as another word to add to this discussion, that George Washington's Thanksgiving proclamation said—and it was a prayer—God grant this Nation the degree of prosperity which he alone knows to be best.

I think that's consistent with the presentation from the gentleman from Texas.

You know, this isn't exclusively about how we make a lot of money. It isn't exactly how we are able to turn this economy around and to put a lot of cash into people's pockets. There's something more important than this. I've long said that, if I have to choose between an education without a moral foundation and a moral education without the best academic foundation, I'm going to take the moral education. That's what I want my children to learn, and that's what I want my grandchildren to learn, and that's what I want this Nation to learn.

There is something about prosperity, but I look back a decade or more ago, and there was a very well-educated Unabomber who didn't have a moral foundation. We have smart people with good educations and not moral foundations. They are destructive with their educations, their academics and their brilliance. We want a society where we have the opportunity to get back to the point where we don't lock our doors anymore.

Madam Speaker, did you ever think, when you forget your car keys and you can't get in and you're standing out there and it's January and 20 below, why is your car is locked? Well, it's because of the people in society who don't have a moral foundation. It's because of the thieves. Why do you lock your house? It's the same reason. It's not just simply endemic that we have to build cars with keys or houses with locks or dead bolts and bars across them. We do that because it's a sign of the erosion in our moral foundation. There are still places in America where people don't lock their doors. There's a place in America where I live.

Yet, today, standing on the streets of Washington, D.C., it happened to me, and it wouldn't have been hard for many others to have experienced the same thing. When an ambulance goes by, people on the street will stop talking because the siren is too loud, and some of them are irritated because the siren has interrupted their conversations. That's the level of compassion that emanates from the curb sometimes in the cities of America to the

ambulance, itself. Where I live, if an ambulance goes by my house, we already know who is inside, and we know who the family members are who are reached by it. That's that neighborhood component. Those neighborhoods exist within the cities, too, Madam Speaker. I don't mean to imply that they don't.

When people are in a transitional stage and the more there are and the more it erodes the moral foundation, the more we need to take our resources to defend ourselves against the people who would steal our property and who would assault our very families and individuals. That's the lack of a moral foundation. If we get that right, then at least, in theory, we won't need nearly as much for, let's say, the police force, which could go out and serve papers and could do those things. They won't need to be occupied in fighting off violence all the time as they are.

THE SUPREME COURT AND THE DETAINEE TREATMENT ACT

Now we have a situation here that is also of great concern. Madam Speaker, yesterday, Mr. GOHMERT and I and a number of others did a press conference over in front of the Supreme Court building. We did that to take up the issue of Guantanamo Bay—the Gitmo detainees, the enemy combatants, the radical Islamist jihadists, who have declared war against the United States, who have committed their training and their lives and their assets and their resources into killing us, and who have succeeded to a significant level, particularly on September 11, 2001.

I've been to the locations of ground zero in New York and at the Pentagon here in Washington, D.C., and I've seen the impact of the attacks on our Nation. I've been down to Guantanamo Bay, Madam Speaker, and I've talked with and have observed the detainees down there. We've had over 800 detained in Guantanamo Bay. We tried to get as many of them released and sent back to their home countries as we could. We still boiled it down to, at that time, about 241 enemy combatants, radical Islamist jihadists—the worst of the worst—who didn't have a place to go. We didn't have a process to deal with them. They were committing acts of war against the United States. At least that's the evidence that we have.

So President Bush started this fairly early in the process, and Congress passed legislation called the Detainee Treatment Act, which set up military tribunals to try these enemy combatants, is what they were called if I remember correctly in legislation, and established those parameters—all consistent within internationally set standards, all consistent within Geneva Convention standards.

Then they also set up an appeals process in the event that an individual who was to be tried or who was tried under the Detainee Treatment Act were to appeal that decision or to appeal even being tried before the De-

tainee Treatment Act, their appeals would go to the U.S. Circuit Court of D.C., the District of Columbia Court of Appeals.

That's what happened in the Hamdan case. The Hamdan case is a landmark precedent case. That's the case of Osama bin Laden's chauffeur, who argued that he should have some constitutional rights and that the limitations that were set by the Detainee Treatment Act were too broad. So he took the case—his attorneys—and I don't know that these were pro bono attorneys, but I know there are dozens—and I'll say—scores of pro bono attorneys who are seeking to establish new precedents. They took the case to the D.C. Circuit, which upheld the Detainee Treatment Act that had been passed by Congress, signed by President Bush. They upheld it to the letter in the D.C. Circuit.

The Supreme Court, by the way, had been forbidden from hearing a case which came out of the Detainee Treatment Act because, under article III, section 2 of the Constitution, this Congress stripped that authority from any court other than from the District of Columbia Circuit. Even though the D.C. Circuit upheld the letters of the law and the content of the statute, after the decision of the D.C. Circuit and outside of the bounds of the law, itself, of the article III, section 2 language which stripped the Supreme Court of jurisdiction, the Supreme Court reached over and heard the case anyway. They got outside their zone. They went across the fence, and decided they were going to graze in the pasture that was set aside exclusively for the D.C. Circuit. They overturned some components of the Detainee Treatment Act.

So we came back to this Congress again, and I argued we should have ignored the court because they didn't have jurisdiction to hear the case and that Congress had said so, and it's clearly a component in the Constitution—article III, section 2 stripping—but the Supreme Court heard the case anyway, and it came to a decision. Here is the article III, section 2 language that was designed to prohibit the Supreme Court:

It says, "In all the other cases before mentioned"—that would include the Hamdan case, and I'm quoting from the Constitution now again—"the Supreme Court shall have appellate jurisdiction both as to law and to fact—" so far, the Supreme Court would be okay, Madam Speaker, but this is the part to pay attention to—"with such exceptions and under such regulations as the Congress shall make." Congress made exceptions and Congress made regulations. Congress essentially forbid the Supreme Court from hearing such a case on the Detainee Treatment Act. They did so anyway.

I read that decision through carefully—about this thick, Madam Speaker—and it took a while. The case came out on a Thursday. I got my hands on

the printed document on Friday. On Saturday morning, I went out. This must have been June because I remember sitting in my backyard, reading carefully down through this Supreme Court decision called Hamdan. I marked up the margins with all of my opinions. When I got through that stack of paper, it was a little thicker because it was wrinkled up a little bit, and it always swells a little when you write on it.

I looked up at the sky, and I thought, My gosh. The Supreme Court has defied Congress and the Constitution. They heard a case they didn't have any business hearing, and now they've issued this decision, this opinion, which as I said is all it was, which is now going to redirect Congress to go back and to redefine the Detainee Treatment Act.

So my position was that Congress should simply pass a resolution that we restate the Detainee Treatment Act and ignore the Supreme Court because they were outside the bounds of the jurisdiction that's offered to them in the Constitution.

I would agree with Justice Scalia that the cases of article III, section 2 stripping are legion. That was the word that Justice Scalia used. Those cases are legion. Yet, by the time I had analyzed the case—and not that I had the leverage that was going to turn this thing around the other way—the Chairs of the Judiciary Committee in the House and the Senate and the President of the United States, President Bush, all had conceded to the Supreme Court, and had said, Now we are going to comply.

So, at that point, it was too late to put the toothpaste back in the tube. It was too late to reel this back in again and to cast it out and get it right. So Congress came back and passed new legislation, new legislation on the heels of the Detainee Treatment Act which set up enemy combatant review tribunals. Then it was adjusted for the decision of the Supreme Court. We tried again. Along came the Boumediene case. Then it narrowed somewhat our ability under those decisions of the Supreme Court if we conceded those positions which the majority of Members of Congress did and the administration did, but it left intact the ability under military tribunals to try these detainees, these enemy combatants, these radical jihadists, who we are faced with.

So we continued forward then with the development of Guantanamo Bay, with the housing of these detainees down at Guantanamo Bay. We had built the courtrooms. We had built up secure rooms and had set up a place where the family members could observe the trials and where the press could observe the trials. There was a microphone that projected to them with a bit of a delay and an officer sitting there with his ear tuned to anything that came out which would be classified/secret information that could put the people of the United States in

jeopardy. He was the person who could put his finger on the mute button of that microphone and could delay things so that the observing rooms could be cleared of reporters and family and so that we could go to the classified types of information that would be part of the trial.

The facilities down at Guantanamo Bay are perfectly suited for the task at hand of trying these enemy combatants. They were built for that. There are not any facilities anywhere in the world which are custom-built to try enemy combatants other than Guantanamo Bay down in Cuba.

I went down and visited the place one weekend shortly before Easter of this year. I would say that that location might be the best place you could be if you were going to be someone who is an enemy combatant, which is similar to being a prisoner of war. I don't believe there have been prisoners of war, prisoners who have been picked up in armed conflicts, who have been treated as well as the detainees at Guantanamo Bay.

□ 1715

I don't know how they could be treated as good as the detainees at Guantanamo Bay. They are living down there in private cells. They each have their own room. There are some exceptions, but essentially they each have their own room. They have got their bunk and their personal possessions. They each get their own personal Koran. The Koran comes to them in a zip-locked bag all carefully packaged up so that no, and I put this in quotes, no "infidel" has touched the Koran and desecrated it by the hand of an infidel.

They get their own sterile Koran delivered to them. They get a prayer rug that's embroidered, fancier than anything in my house and fancier than anything I have seen in anybody's house. They get their own personal little skull cap or prayer cap that they wear.

They get a menu to choose three squares a day, nine items, all of them approved for Islamic meals. They have a little arrow in the bottom of every cell or maybe under the mattress that points east to Mecca, wherever that's dialed in on the compass of the world. As you move around, it's a little bit different direction to point to Mecca.

You will notice if you go, Madam Speaker, into the Middle East, and you look up on the ceiling of a hotel room, there will often be an arrow there. That's the arrow for which direction to Mecca, which direction to pray, if you are a Muslim. They have an arrow in each of the cells that tell them which direction to pray.

The thermostat is set at 75 degrees in their air conditioned, Caribbean prison, because they claim that 75 degrees is their cultural temperature. I would suggest that it ranges up over 140 degrees myself, but 75 degrees, they claim, is their cultural temperature. That's the climate control that they get.

They are not even exposed to the elements unless they volunteer to go out. They are in that 82- or 83-degree temperature that is very stable, especially during the day in the Caribbean. It seldom goes down below 60 degrees at night. They are in a perfectly controlled environment in the best location you could ask for to be able to have an outdoors environment.

The attacks on Americans in Guantanamo Bay average about 20 a day. About half of those attacks are these detainees throwing human waste in the faces of our mostly Navy guards. These guards are trained to restrain themselves from retaliation, and they take pride in restraining themselves from retaliation. That's about 10 times a day they are throwing human waste in the faces or were trying to rub it in the faces of our guards.

The other 10 times a day, out of the 20 assaults, come down to physical assaults with their cuffs or their chains, an assault, or they are trying to physically injure the guards, about 20 attacks a day. Now if that happens in a maximum security prison in the United States, they will go into solitary confinement. There will be charges brought against them.

If found guilty—and of course if they're guilty, we likely will find them guilty—then these prisoners in American prisons would get an extended stay in their maximum security prison. They would watch their diet be dialed down to fewer calories per day and they would go into solitary confinement for a period of time.

That, Madam Speaker, that is what happens in an American prison. Down at Guantanamo Bay, with these worst of the worst, the most vile American haters, the planner and the planners of the September 11 assault on the United States, the worst thing we can do to them, if they should get a guard down and injure that guard and rub human waste into his face and perhaps nearly strangle the guard, the worst thing we can do to Khalid Sheikh Mohammed if that happens is, we reduce his outdoor exercise time down to 2 hours a day. It's the worst penalty we can do.

They get their air-conditioned cell, their private room. They get a menu that's designed to fit their religious beliefs. They get their Koran and their skull cap and they get their rug. Oh, and by the way, out of the 800 or so that were down at Guantanamo Bay, one of them asked for not a Koran but a Bible. When the word got out that there was an individual there who wanted a Bible, the ability to keep order down at Guantanamo Bay became very precarious. There was going to be such a rejection of the idea that there would be a Bible in the hands of someone down there, that they denied this inmate a Bible.

We are promoting religious freedom to the people that are there and giving them all of the trappings that they require, with arrows to pray towards, and Korans, and skull caps, and prayer

rugs. But if there is a Christian in the mix, they are denied their equal rights, their right to faith and religion.

The temperature is set for the cultural temperature, at 75. That's Guantanamo Bay. Perfectly set up, though, to try these enemy combatants, to house them. Some of them need to be locked up for life, and some of them need to be executed.

We can't get there because the world has said we think that you were hard on these prisoners down there. So we are adjusting American policy because of critics in places like Europe, critics that are international, let's see, what do we have, Amnesty International, and other global Web sites that allege the United States is cruel and inhuman.

No one could have been any less cruel or any more human in dealing with these detainees than the United States has. I have gone there to see it, Madam Speaker, and it is a place where you would want to be if you had to be locked up.

Now, because of the politics of this, the Obama administration has decided that they have, the President, 2 days after he was inaugurated on January 22 of 2009, issued an executive order that said we are going to close Guantanamo Bay. It's 7 pages long, it's written in English, but it's posted on the bulletin board down in Guantanamo Bay in Arabic and in English, a bulletin board cover with Plexiglass in the middle of the commons area, right over by their foosball table.

So they can take a break from their foosball and read the promise from the President that they are not going to be there a day after January 22, 2010. I don't know if the President can keep that promise, but that's certainly the promise that's made to the detainees.

That number has been reduced a little bit. We had the Uyghurs, some of them were sent to Bermuda. There have been others that have been infiltrated back out to the rest of the world.

Madam Speaker, I want to make this point that of those who were released, and the numbers of those who were released is a number greater than 500 by the Bush administration, there is about a 1 in 7 incidence of recidivism. Of those that were released—these were not the worst of the worst that were released, these were the best of the worst that were released—it was more than 500.

That more than 500 went back around the world and at least one out of seven went back and began to plot against or attack the United States. That's a lousy recidivism rate. Some will say, well, we have a greater rate of that when we release people from the prisons in the United States.

We have a closer eye we keep on them too, Madam Speaker. At least in America we have a police force out there that when people break the law we have a tendency to go find out who they are, where they live, and pick

them up and try them again, and lock them up again. But when you turn somebody loose in the world, and they go back into the mountains of Pakistan or Afghanistan, and they train and plot to attack Americans, it's kind of hard to catch them a second time.

If we do that with one out of seven, then what happens with the worst of the worst? What happens with these 241 that are now down around 220. If they get released into the world, these are the most dedicated killers of freedom-loving people that exist on the planet, at least in incarceration. They are going to make common cause with the others that they can find around the world, and they will turn around and attack the United States.

It is inevitable, and the equation that the President of the United States and Eric Holder, the attorney general, needs to understand, Madam Speaker, is, that of these 221 detainees that they are looking desperately to try to find a way to bring them to the United States, or at least a large share of them to the United States, if they are adjudicated in civilian courts, as they propose will happen with KSM, Khalid Sheikh Mohammed, whom I have laid eyes on and watched him operate and read his documents—he blamed the attacks of September 11, 2001, on us, Madam Speaker. He wrote that in his defense document. You would think in his defense document he would try to defend himself. Instead, he attacked us.

He said, it's your own fault, America. We told you that we hate you. We declared war on you. We said we were going to come and kill you. You failed to defend yourselves from us, and so, therefore, it's your fault that 3,000 Americans were killed September 11. You had to know we were coming because we said we would, and you didn't defend yourselves. That's Khalid Sheikh Mohammed. That's how evil he is.

Now the President has said, and Eric Holder has said, that we will feel better when they are prosecuted in the United States and when they are executed. I will say the President and the attorney general have repeatedly said that KSM will be constricted, and I will say it opens up a whole array of new appeals to think that KSM, while it would be announced that he would be convicted and implied, at least, that he would be executed, by the President of the United States, who is a lawyer, a Harvard lawyer, an instructor of constitutional law at the University of Chicago, even though he was an adjunct professor, that's the announcement from the President of the United States and the Attorney General that says essentially this, that some say it's the Old West story. I say it's a Mark Twain story; first we will hang them, then we will try them.

I would point your attention, Madam Speaker, to a writing by Mark Twain called "Roughing It," sometime about the turn or the middle of the 19th century Mark Twain wrote a story,

"Roughing It," about a Captain Ned Blakely. Ned Blakely, who sailed off to the Chinchas Islands to get a load of whatever the product was there.

As he sailed into the bay, he had the meanest man on the islands come aboard, named Bill Noakes. They had a big fight, and Captain Ned Blakely won that. Bill Noakes came back another time, they had another big fight. Even though Captain Blakely won that over a period of time, this mean Bill Noakes shot and killed the first mate of Captain Blakely.

The first mate happened to be a Black man, a Black man whom had great favor of Captain Ned Blakely, a Black man who was trying to get away from the confrontation, was actually running, and he was chased down and shot to death by Bill Noakes in the narrative by Mark Twain. So no one wanted to take on Bill Noakes. He was too mean out on the island. There were about a dozen ship's captains that were part of what we would say would be the law in that era. Ned Blakely went and arrested him and planned to hang him in the morning.

When the other captains found out about it, they came to see Ned Blakely, Captain Blakely, and said to him, You can't hang this man; he has to have a trial. Captain Blakely said, Fine, let's have the trial. I will help you with the trial. I will help you prosecute the man. How soon do you think you could do it? They said, Well, we think we could have the trial in the morning.

But Captain Blakely said, Well, I am going to be a little busy in the morning with the hanging and the burying, so let's do the trial in the afternoon. That's how Mark Twain described this. First we will hang him, then we will try him. Actually, he said, First we will hang him, then we will bury him, then we will try him.

That's about the message that came from the President of the United States and the Attorney General of the United States. He essentially declared Khalid Sheikh Mohammed and his four other compatriots to be guilty and subject to the death penalty, and predicted that they will be convicted and executed, an unbelievable prediction for the President of the United States and the Attorney General of the United States, to take that position.

We are doing what? We are bringing these Gitmo detainees to the United States, not because there is any logical reason to do this; there is no rational reason to bring these enemy combatants to U.S. soil. There is no constitutional reason, Madam Speaker, there is no statutory reason, there is no rational, logical reason. There is no strategic or tactical reason. We don't get more safety with bringing them here, we don't get the odds of a conviction with bringing them here.

KSM has confessed his own guilt and asked for a death penalty. As Scully Simpson said yesterday, take the plea, attorney general, take the plea, Mr. President. If he wants to plead guilty

and submit himself to the death penalty, why would you bring them to the United States and bring them within six blocks of Ground Zero in New York City and subject them to the circus of a civilian court? We know what that looks like. O. J. Simpson's circus court comes to mind, that media circus that would come.

For what purpose? Not because it's constitutional, statutory, logical, reasonable or tactical, none of that. Madam Speaker maybe, just maybe, if we want to be charitable we could say maybe the President and the Attorney General would want to demonstrate to the world that America has a legitimate civilian court and that equal justice will be provided under the law for anyone on the entire planet, not just people that have set foot in the United States, our citizens of the United States or our Americans.

Madam Speaker, if that is the motivation for the President and the Attorney General to express to the world that we are equal justice under the law and an open judicial system, that we have the courage and the confidence and the wherewithal to try these enemy combatants in a civilian court, so now the rest of the world is going to like us, because we have done something that isn't really smart, and may be the most colossal blunder in this administration? It could be the most colossal blunder of many administrations, Madam Speaker.

□ 1730

All for what? All to ask the rest of the world to like us, to trust us, to respect our judicial system? Could that be the reason? And if it is the reason, and it's the only one that seems to be threaded with anything that one could construe as logic in this decision, that it had to be approved by the President and announced by the Attorney General, if the rationale is the rest of the world will lift their criticism of how we've dealt with these enemy combatants if we just bring them out of the military tribunals, this court system, and put them in the civilian court, I will submit that if that were a sound logic and it had any chance of being effective and it would be good for the public relations of the world, they've already messed it up; they've already destroyed any benefit that might come from trying KSM in a civilian trial within six blocks of Ground Zero in New York City because the President of the United States and the Attorney General of the United States have both announced that KSM and his four co-conspirators are guilty and that we're going to prove it in an open court, without cameras, but prove it in an open court, and we're going to sentence them to death.

Now how in the world is anybody around the world going to believe that this was an objective decision, that it actually is the result of a court when the verdict is already announced by the President of the United States and the Attorney General?

Madam Speaker, this is self-defeating logic here, and I think that they have actually defeated their own rationale.

I want to, in the moments that are left, just go through some pieces of this rationale so that it goes into the RECORD. And that is this:

The Obama administration is acting dangerously by bringing foreign terrorists to our shores from Guantanamo Bay. This is a direct threat to our national security. And by doing this, the Obama administration is opening us up for another terrorist attack.

You've heard a host of other concerns from my colleagues. I'm the ranking member of the Immigration Subcommittee, and I will focus a little bit on immigration, Madam Speaker. The truth is if we bring these terrorists to U.S. soil, we may not be able to keep them in detention. Even worse, we may not ever be able to deport them. So if we manage to convict these terrorists, which is a question, they may one day become our constituents' new neighbors. And how? Well, because of the confluence of two factors: One of them is the Convention Against Torture, and the other one is the Supreme Court 2001 decision called *Zadvydas*.

First, the Convention prohibits the return of aliens to countries where they may be tortured. So if we could release any one of these detainees, we would send them back where? We can't send them back now because of that fear. The U.S. Department of Justice regulations implementing the convention, the Convention Against Torture, that is, made no exceptions whatsoever for anyone's activities. Whether they be rapists, murderers, participants in genocide, or terrorists, they're all equally protected. Hundreds of criminals have already received relief from deportation as a result of the Convention Against Torture, and so has an alien involved in the assassination of Anwar Sadat. Osama bin Laden himself could probably frustrate deportation by making a torture claim under this convention. I mean, after all, the more heinous a person's actions and consequently the more hated they are in their home countries, the more likely they are to be subjected to torture, so the stronger is their claim that they couldn't be returned to their home country for fear they would be tortured when they arrive.

So the ability of terrorists to frustrate the deportation process might be tolerable, but if we were certain that we could keep these terrorists detained, that would be the condition by which it would be potentially tolerable. But this may not be the case because section 412 of the PATRIOT Act does wisely provide for the indefinite detention of terrorist aliens, indefinite, regardless of whether they qualify under the Convention Against Torture or whether they have other available relief from removal. However, it's very possible that the intervening Supreme Court will rule this provision unconstitutional and there would go the indefi-

nite detention section under the PATRIOT Act.

In *Zadvydas*, the Supreme Court ruled that under a different law, aliens who had been admitted to the United States and then ordered removed could not be detained for more than 6 months if for some reason, such as the Convention Against Torture, they could not be removed. In the *Zadvydas* case, the Supreme Court made a statutory interpretation, but they also put up a warning and said to us that they were interpreting the statute to avoid a serious constitutional threat. So the Court believed that a statute permitting indefinite detention of an alien would raise a serious constitutional problem.

So already, *Zadvydas*, that decision, has resulted in the release of hundreds of alien criminals into our communities. Jonathan Cohn, the former Deputy Assistant Attorney General, testified, and I quote, that "the government is now required to release numerous rapists, child molesters, murderers, and other dangerous illegal aliens into our streets. Vicious criminal aliens are now being set free within the U.S."

It seems incredible that the administration would intentionally bring alien terrorists into the United States knowing that we may never be able to deport them or even detain them on a long-term basis, and that's the immigration component of this argument, Madam Speaker.

This is a very serious decision on the part of the President and the Attorney General. And if allowed to set foot in the United States, it establishes a precedent, a precedent that will be very difficult to reverse. It establishes a precedent that any enemy combatant that we would pick up anywhere in the world may have to be read their Miranda rights. Remember, Madam Speaker, they are reading Miranda rights to enemy combatants in Afghanistan as we speak. They are being asked to pick up battlefield evidence out on the battlefields. It's an entirely different process to prepare for a military tribunal than it is for a civilian prosecution. The chain of evidence and the introduction of hearsay evidence are under different types of rules. And that's for a wise reason because, laying this out, this Congress understood the difference between war and criminal actions. This Congress understood the difference. Our previous President understood the difference. This President seems to believe that this war on terror is fighting a criminal action, not an enemy war on terror action. So it brings forth this idea of bringing these enemy combatants to the United States.

This point needs to be understood, Madam Speaker: Of the 221 or so that might be brought to the U.S., and I reject the idea of allowing any of them to set foot on our soil, could we presume that they're all facing a death sentence? Could we presume that they will all be convicted? Could we then presume that they would all face that sentence and be executed so they were no

longer any trouble to us and they could be the martyrs that they wish to be and set the example for others that might attack innocent people under the banner of al Qaeda, this hateful organization?

In closing, Madam Speaker, I will submit that some will be released and some of them will attack free people. Some of those victims are likely to be Americans.

I reject al Qaeda KSM coming to the United States, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BALDWIN (at the request of Mr. HOYER) for today on account of illness.

Ms. BORDALLO (at the request of Mr. HOYER) for December 10 until December 15 on account of official business in the district.

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of attending a funeral in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LANGEVIN) to revise and extend their remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 18.

Mr. JONES, for 5 minutes, December 18.

Mr. BURTON of Indiana, for 5 minutes, today and December 18.

Mr. MORAN of Kansas, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until Monday, December 14, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5006. A letter from the Regulatory Liaison, Department of Agriculture, transmitting the

Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2006 Tariff-Rate Quota Year November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5007. A letter from the Regulatory Liaison, Department of Agriculture, transmitting the Department's final rule — Technical Assistance for Specialty Crops (RIN: 0551-AA71) received November 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5008. A letter from the Division Chief, Division of Legislation and Regulations, Department of Transportation, transmitting the Department's final rule — U.S. Citizenship for Contracts on RRF Vessels [Docket No.: MARAD 2008 0076] (RIN: 2133-AB73) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5009. A letter from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2009-OPE-0004] received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5010. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-65 pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5011. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-56, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5012. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-64, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5013. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-55, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5014. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-62, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5015. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-09 informing of an intent to sign a Project Agreement with Federal Republic of Germany; to the Committee on Foreign Affairs.

5016. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 127-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5017. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations; Iranian Transactions Regulations received November 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5018. A letter from the Director of Legislative Affairs, Office of the Director of Na-

tional Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5019. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Baker-Perkins Company in Saginaw, Michigan, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

5020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-1026; Directorate Identifier 2009-NM-197-AD; Amendment 39-16084; AD 2009-23-10] (RIN: 2120-AA64) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of the New York, NY, Class B Airspace Area; and Establishment of the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area [Docket No.: FAA-2009-0837; Airspace Docket No. 09-AWA-2; Amendment Nos. 71-34, 93-94] (RIN: 2120-AJ59) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5022. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance- Dependent Coverage (RIN: 2900-AN39) received November 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5023. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 108 Reduction of Tax Attributes for S Corporations [TD 9469] (RIN: 1545-BH54) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5024. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2009-52) received November 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5025. A letter from the Assistant Secretary, Legislative Affairs, Assistant Secretary of Defense, transmitting letter of issuance of certification, pursuant to Public Law 111-83, section 565; jointly to the Committees on Armed Services and Oversight and Government Reform.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

The Committee on Ways and Means discharged from further consideration. H.R. 2194 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker: