

Broun (GA) Goodlatte  
 Brown (SC) Gordon (TN)  
 Brown, Corrine Granger  
 Brown-Waite, Graves  
     Ginny Grayson  
 Buchanan Green, Al  
     Green, Gene McCarthy (CA)  
 Burton (IN) Griffith  
     Griffith McCarthy (NY)  
 Butterfield Grijalva  
 Buyer Guthrie  
 Calvert Gutierrez  
 Camp Hall (NY)  
 Campbell Hall (TX)  
 Cantor Halvorson  
 Cao Hare  
 Capito Harman  
 Capps Harper  
 Capuano Hastings (FL)  
 Carnahan Heinrich  
 Carney Heller  
 Carson (IN) Herger  
 Carter Herseth Sandlin  
 Cassidy Higgins  
 Castle Himes  
 Chaffetz Hinchey  
 Chandler Hinojosa  
 Childers Hirono  
 Clarke Hodes  
 Clay Hoekstra  
 Cleaver Holden  
 Clyburn Holt  
 Coble Honda  
 Coffman (CO) Hoyer  
 Cohen Hunter  
 Cole Ingliis  
 Conaway Inslee  
 Connolly (VA) Israel  
 Conyers Issa  
 Cooper Jackson (IL)  
 Costa Jackson-Lee  
 Costello (TX)  
 Courtney Jenkins  
 Crenshaw Johnson (GA)  
 Crowley Johnson (IL)  
 Cuellar Johnson, E. B.  
 Culberson Johnson, Sam  
 Cummings Jones  
 Dahlkemper Jordan (OH)  
 Davis (AL) Kagen  
 Davis (CA) Kanjorski  
 Davis (IL) Kaptur  
 Davis (KY) Kennedy  
 Davis (TN) Kildee  
 Deal (GA) Kilpatrick (MI)  
 DeFazio Kilroy  
 DeGette Kind  
 Delahunt King (IA)  
 DeLauro King (NY)  
 Dent Kingston  
 Diaz-Balart, L. Kirk  
 Diaz-Balart, M. Kirkpatrick (AZ)  
 Dicks Kissell  
 Dingell Klein (FL)  
 Doggett Kline (MN)  
 Donnelly (IN) Kosmas  
 Doyle Kratovil  
 Dreier Kucinich  
 Driehaus Lamborn  
 Duncan Lance  
 Edwards (MD) Langevin  
 Edwards (TX) Larsen (WA)  
 Ehlers Larson (CT)  
 Ellison Latham  
 Ellsworth LaTourette  
 Emerson Latta  
 Engel Lee (CA)  
 Eshoo Lee (NY)  
 Etheridge Levin  
 Fallin Lewis (CA)  
 Farr Lewis (GA)  
 Fattah Linder  
 Filner Lipinski  
 Flake LoBiondo  
 Fleming Loebsock  
 Forbes Lofgren, Zoe  
 Fortenberry Lowey  
 Foster Lucas  
 Foxx Luetkemeyer  
 Frank (MA) Lujan  
 Franks (AZ) Lummis  
 Frelinghuysen Lungren, Daniel  
 Fudge E.  
 Gallegly Lynch  
 Garrett (NJ) Mack  
 Gerlach Maffei  
 Giffords Maloney  
 Gingrey (GA) Manzullo  
 Gohmert Marchant  
 Gonzalez Markey (CO)

Markey (MA) Snyder  
 Marshall Scalise  
 Massa Schakowsky  
 Matheson Schauer  
 Matsui Schiff  
 McCarthy (CA) Schmidt  
 McCarthy (NY) Schock  
 McCaul Schrader  
 McClintock Schwartz  
 McCollum Scott (GA)  
 McCotter Scott (VA)  
 McGovern Sensenbrenner  
 McHenry Serrano  
 McHugh Sessions  
 McIntyre Sestak  
 McKeon Shadegh  
 McMahon Shea-Porter  
 McMorris Sherman  
 Rodgers Shimkus  
 McNerney Shuler  
 Meek (FL) Shuster  
 Meeks (NY) Sires  
 Melancon Skelton  
 Mica Slaughter  
 Michaud Smith (NE)  
 Miller (FL) Smith (NJ)  
 Miller (MI) Smith (WA)  
 Miller (NC)  
 Miller, George  
 Mitchell  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Moran (VA)  
 Murphy (CT)  
 Murphy, Patrick  
 Murphy, Tim  
 Murtha  
 Myrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Neugebauer  
 Nunes  
 Nye  
 Oberstar  
 Obey  
 Olson  
 Olver  
 Ortiz  
 Pallone  
 Pastor (AZ)  
 Paul  
 Paulsen  
 Payne  
 Pence  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sánchez, Linda  
 T.

NAYS—1  
 Minnick  
 NOT VOTING—14

Barrett (SC) Hensarling Sanchez, Loretta  
 Blackburn Hill Simpson  
 Cardoza McDermott Smith (TX)  
 Castor (FL) Miller, Gary Westmoreland  
 Hastings (WA) Pascrell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (Ms. FUDGE) (during the vote). Less than 2 minutes remain in this vote.

□ 1642

Mr. MINNICK changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Texas. Mr. Speaker on rollcall No. 174, I was unavoidably detained. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. PASCARELL. Mr. Speaker, today, March 31st, I was detained in my district and therefore missed the 9 rollcall votes of the day.

Had I been present I would have voted “yea” on rollcall vote No. 166 on Agreeing to the Resolution H. Res. 296—on Providing for the consideration of the Senate amendments to H.R. 1388.

Had I been present I would have voted “yea” on rollcall vote No. 167 on the Motion to Suspend the Rules and Pass, as Amended H.R. 1259—Dextromethorphan Distribution Act.

Had I been present I would have voted “aye” on rollcall vote No. 168 on the Motion to Suspend the Rules and Pass, as Amended H. Res. 282—Recognizing the 30th anniversary of the peace treaty between Egypt and Israel.

Had I been present I would have voted “yea” on rollcall vote No. 169 on the On Motion To Concur in the Senate Amendments to H.R. 1388—Generations Invigorating Volunteerism and Education (GIVE) Act.

Had I been present I would have voted “yea” on rollcall vote No. 170 on the On Mo-

tion to Suspend the Rules and Pass, as Amended H.R. 577—Vision Care for Kids Act of 2009.

Had I been present I would have voted “yea” on rollcall vote No. 171 on the Motion to Suspend the Rules and Pass H.R. 1253—Health Insurance Restrictions and Limitations Clarification Act.

Had I been present I would have voted “yea” on rollcall vote No. 172 On Agreeing to the Resolution H. Res. 279—Providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress.

Had I been present I would have voted “yea” on rollcall vote No. 173 on the Motion to Suspend the Rules and Pass H.R. 151—To establish the Daniel Webster Congressional Clerkship Program.

Lastly, had I been present I would have voted “yea” on rollcall vote No. 174 on the Motion to Suspend the Rules and Pass H.R. 1299—Capitol Police Administrative Technical Corrections Act of 2009.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,  
 Washington, DC, March 31, 2009.

Hon. NANCY PELOSI,  
 Speaker, U.S. Capitol,  
 Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 13101 of the HITECH Act (P.L. 111-5), I am pleased to appoint Mrs. Gayle Harrell of Stuart, Florida to the HIT Policy Committee.

Mrs. Harrell has expressed interest in serving in this capacity and I am pleased to fulfill her request.

Sincerely,

JOHN A. BOEHNER,  
 Republican Leader.

□ 1645

HONORING FOUR SLAIN OAKLAND POLICE OFFICERS

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 290) honoring the lives, and mourning the loss, of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, members of the Oakland Police Department in California who were brutally slain in the line of duty.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 290

Whereas, since May 17, 1792, when Deputy Sheriff Isaac Smith of the New York City Sheriffs Office was killed, more than 18,270 Federal, State, and local law enforcement officers have died in the line of duty;

Whereas, on Saturday, March 21, 2009, in Oakland, California, Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Dan Sakai, and Officer John Hege, all of the Oakland Police Department, were killed by gunfire while serving in the line of duty;

Whereas the senseless slaying of Sergeants Dunakin, Romans, and Sakai, and Officer

Hege represents the first multiple-fatality shooting incident of law enforcement officers in the United States in more than a year, and the first time in more than 15 years that 4 law enforcement officers were killed by gunfire in the line of duty in a single incident;

Whereas the killing of Sergeants Dunakin, Romans, and Sakai, and Officer Hege represents the deadliest incident involving California public safety officers since the infamous "Newhall Incident" occurred nearly 40 years ago in Los Angeles County on April 6, 1970, when 4 California highway patrolmen were killed in a gun battle with 2 heavily armed suspects, an incident so traumatic and shocking to the Nation that it galvanized the movement to reform police training procedures, firearms use, and arrest techniques;

Whereas the slaying of Sergeants Dunakin, Romans, and Sakai, and Officer Hege serve as a reminder that the risks assumed by police officers daily in serving and protecting their communities continue to be enormous, ever present, and lethal, even as the number of law enforcement officers killed by gunfire in the United States has steadily declined over the last 20 years;

Whereas the bravery, devotion to duty, and love of community of these fallen heroes has forever earned them a place in the hearts and memories of the citizens they willingly risked their lives to protect, an honor that comes at enormous cost to the people who knew them best, loved them most, and remember them simply as husbands, fathers, brothers, sons, and friends;

Whereas Sergeant Mark Dunakin of Tracy, California, was an 18-year veteran of the Oakland Police Department, a graduate of Chabot College in Hayward, California, an experienced homicide investigator, and according to his captain, "a cop's cop," who was "absolutely committed to anything that he leads" and absolutely devoted to his wife Angela and their 3 children;

Whereas Sergeant Ervin "Erv" Romans of Danville, California, was a 13-year veteran of the Oakland Police Department, one of the most capable members of the Oakland Police SWAT Team, and highly respected for his work in the Narcotics Division of the Department, where he was responsible for solving several major drug cases;

Whereas Sergeant Daniel Sakai of Castro Valley, California, was considered by his peers and supervisors as a rising star on the Oakland Police SWAT Team, where he served as leader of the entry team and was beloved for his dedication to serving others, as evidenced by his previous work as a community service officer at University of California, Berkeley, escorting students around campus at night, and his tenure as an English teacher in Japan, but most of all by his devotion to his wife Jennifer and their young daughter;

Whereas Officer John Hege of Concord, California, was a 10-year veteran of the Oakland Police Department who graduated from St. Mary's College of California, taught at Tennyson High School in Hayward, California, loved both his dog and umpiring high school baseball games, and knew the incredible joy of realizing his cherished dream of becoming a motorcycle cop, and who could always be counted on by his colleagues to be one of the first to respond to requests for assistance or to cheerfully volunteer to help on departmental projects; and

Whereas in the face of this horrible loss, the people of Oakland, California, have come together and rededicated themselves to making Oakland the safe and peaceful community that Sergeants Dunakin, Romans, and Sakai, and Officer Hege sacrificed their lives to preserve and defend: Now, therefore, be it

*Resolved*, That the House of Representatives extends its condolences to the families and loved ones of Oakland Police Department Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege and stands in solidarity with the people of Oakland, California, their neighbors in the East Bay, and entire Bay Area community, as they celebrate the lives, and mourn the loss, of these 4 remarkable and selfless heroes who represented the best of their community and the future the people of Oakland are determined to create for their children, grandchildren, and generations to come.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

This resolution honors the lives and mourns the loss of four Oakland, California, police department officers. These honorable and brave officers were viciously slain by gunfire in the line of duty on Saturday, March 21, 2009. By way of this resolution, the House of Representatives extends its condolences to the families and loved ones of those police officers, and we join with the City of Oakland and the entire Bay Area in grieving the deaths of these exemplary public servants who gave their lives to protect the Oakland community.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution, H. Res. 290. This resolution honors the lives of Oakland Police Department's Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

Madam Speaker, just a little over 2 weeks ago on March 21, these peace officers were brutally slain while in the line of duty protecting the people of the State of California. These officers were valuable members of their police department, they were community leaders, and they were family men. They risked their lives every day to protect their fellow Californians, and at the end of the day, they were all killed for doing so.

Sergeant Mark Dunakin was an 18-year veteran of the Oakland Police Department and resided in Tracy, California. According to his captain, the experienced homicide investigator was absolutely committed to every inves-

tigation he led. He leaves behind his wife Angela and their three small children.

Sergeant Ervin Romans, "Erv" to his friends, was from Danville, California. He gave 13 years of service to the Oakland Police Department. He was a member of the police SWAT team and highly regarded for his work with the narcotics division in solving several complex drug cases in California.

Sergeant Daniel Sakai of Castro Valley, California, was also a member of the police SWAT team. While he's remembered for his outstanding work on the SWAT team, he's also remembered and respected for his love of serving other people, most notably during his time as a community officer at the University of California in Berkeley. And he also taught English in Japan.

He was a devoted husband and father to his wife Jennifer and their young daughter.

Officer John Hege of Concord, California, was a 10-year veteran of the Oakland Police Department and was known by his colleagues for his willingness to help out with any department projects. Before joining the force, Officer Hege was a high school teacher and spent his free time umpiring high school baseball games.

Madam Speaker, almost 40 years ago, four California Highway Patrolmen lost their lives in the line of duty in a single incident. Since that time, our Nation's law enforcement officers have made a considerable effort to reform police safety training programs and procedures. And because of that dedicated work over the past 20 years, we've seen a decrease in the number of police officers killed by gunfire.

Although there has been great progress in protecting the safety of these men and women who wear the uniform, the death of these four officers serve as a reminder to the whole country that our Nation's law enforcement officials still face dangerous and potentially deadly situations every day. When a peace officer puts on a uniform in the morning, they represent everything that is good and right about our country.

Today, we honor the lives and the commitment to protecting our community of these four peace officers.

I urge the adoption of this resolution.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am proud now to yield to the author of this resolution, the distinguished gentlelady from Oakland, California, the chair of the Congressional Black Caucus, Ms. BARBARA LEE, for as much time as she may consume.

Ms. LEE of California. First, Chairman CONYERS, let me thank you for your leadership and for helping to expedite the consideration of this resolution before us today. And let me commend the work of our staff—Danielle Brown, Karas Patterson of the Judiciary Committee, and Christos Tsentas and Gregory Berry of my office—for their excellent work on this resolution.

Also, I want to express my gratitude to Speaker PELOSI and Majority Leader HOYER and all of those who were able to make sure that we were able to honor our fallen police officers today.

I must say, the lives of four police officers who we lost were honored and were mourned at a memorial last week, and this memorial was so big—20,000 people—that we had to have the memorial service in the Oracle Arena in Oakland, California.

It's really with a very heavy heart that I introduce this resolution honoring their lives and mourning the losses of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege. All were officers of the Oakland police force. They were brutally slain in the line of duty 10 days ago.

Madam Speaker, the death of any law enforcement officer or first responder in the line of duty is a loss felt by so many people in so many communities. The tragic deaths of the heroes we honor in this resolution is no different. These wonderful men may have served and protected the people of Oakland, California, in my congressional district, but off duty they devoted their lives to improving the neighboring East Bay communities where they lived: Castro Valley, Danville, Tracy, and Concord, California. This resolution is cosponsored by the entire California Congressional Delegation, including Speaker PELOSI.

So I just want to thank them all for their support, especially Congresswoman TAUSCHER and Congressman MCNERNEY, each of whom represented one of the officers we honor today and with whom I worked very closely on this resolution.

As I said earlier, the number of persons seeking to pay their respects to the fallen officers was so great, more than 20,000, that the memorial service was held at Oracle Arena. Among those in attendance were Governor Schwarzenegger, Senator FEINSTEIN, and Senator BOXER, Oakland Mayor Ron Dellums and California Attorney General Jerry Brown. They were joined by thousands of fellow police officers and elected officials from around the country. President Obama also sent his condolences.

This is a small but fitting tribute, Madam Speaker, to four good men who routinely performed great deeds and who gave their lives in service to the people of Oakland, California. Their sacrifice increases by four the number of law enforcement officers who have died in the line of duty since May 17, 1792, when Deputy Sheriff Isaac Smith of the New York City Sheriff's Office was killed.

According to the National Law Enforcement Officer's Memorial Fund—an invaluable source, I might say, of historical and statistical information—that roll of honor now lists more than 18,270 names, each of which is engraved on the National Law Enforcement Officer's Memorial located in Washington, D.C.

In May, 2010, the names of Sergeant Mark Dunakin, Ervin Romans, Daniel Sakai and Officer John Hege will be added to those of their fallen brothers and sisters.

The senseless slayings of these officers represents the first multiple-fatality shooting incident in more than 1 year and the first time in more than 15 years that four law enforcement officers were killed by gunfire in the line of duty in a single incident.

Madam Speaker, this tragedy also represents the deadliest incident involving California public safety officers since the infamous Newhall Incident, which occurred nearly 40 years ago in Los Angeles County on April 6, 1970, when four California Highway Patrolmen were killed in a gun battle with two heavily armed suspects. The Newhall Incident so traumatized and shocked the Nation that it galvanized the movement that led to the reform of police training procedures, firearms use, and arrest techniques.

The slayings of these four officers remind us that the risks assumed by police officers daily in serving and protecting their communities continue to be enormous, ever-present, and, often times, lethal.

Their deaths also challenge us to redouble our efforts to ensure that law enforcement personnel have the training, the resources, and assistance and support needed to make our community safer, not only for the people who live there, but also for the people who serve those communities.

So, Madam Speaker, let me just say that the bravery, the devotion to duty, and the love of community of these fallen heroes has forever earned them a place in the hearts and memories of the citizens they willingly risked their lives to protect.

But that honor comes at an enormous cost to the people who knew them best, who loved them most, and remember them simply as husbands, fathers, brothers, sons, and friends.

Sergeant Dunakin of Tracy, California, was an 18-year veteran of the Oakland Police Department, a graduate of Chabot College in Hayward, an experienced homicide investigator. According to his captain, he was a "cop's cop," one who was "absolutely committed to anything that he leads" and absolutely devoted to his wife, Angela, and their three children.

Sergeant Ervin Romans of Danville, California, a decorated former Marine Corps drill sergeant, was a 13-year veteran of the Oakland Police Department. He was also one of the ablest members of the Oakland Police SWAT Team, and was highly respected for his work in the narcotics division, where he was responsible for solving several major drug cases.

In 1999, he was awarded the Oakland Police Department's highest honor, the Medal of Valor, for helping to save residents in a West Oakland fire. Sergeant Romans is survived by his widow and his three children.

Sergeant Sakai of Castro Valley, California, was considered by his peers and supervisors as a rising star on the Oakland Police SWAT Team, where he served as leader of the entry team. He was beloved for his dedication to serving others, as evidenced by his previous work as a community service officer at the University of California, Berkeley, escorting students around campus at night, and by his tenure as an English teacher in Japan. He leaves to cherish his memory a wife and a young daughter.

And then there is Officer John Hege of Concord, California. John was a 10-year veteran of the Oakland Police Department and a graduate of St. Mary's College in California. Before joining the department, he taught at Tennyson High School in Hayward. And how he loved both his dog and umpiring high school baseball teams was remarkable. Those who knew him well knew how happy he was to realize his dream of becoming a motorcycle cop.

Officer Hege could always be counted on by his colleagues to be one of the first to respond to requests for assistance or to cheerfully volunteer to help on departmental projects. He will be greatly missed.

Madam Speaker, in the face of this horrible loss and for the people of Oakland, California, we stand together in our resolve to make our city safer and peaceful, and we resolve that Sergeants Dunakin, Romans, Sakai, and Officer Hege, who sacrificed their lives, will be remembered and honored as those who really loved the community and did protect and defend it. Only by achieving our goals of peace, nonviolence, and resolutions of conflicts by peaceful means will we be able to achieve a truly peaceful community, and then repay the debt that we owe to these four remarkable human beings who made the supreme sacrifice to keep us safe.

Let me close with a passage from President Obama's statement on the tragic loss of our police officers.

□ 1700

He said, "Our Nation is grateful for the men and women of law enforcement who work tirelessly to ensure the safety of our citizens and our neighborhoods. They risk their lives each day on our behalf and ask little in return. And although the danger of their work is well-known, words still fail to explain the senseless violence that claims so many of them.

"As we honor their memories, I hope each of you will take comfort in knowing that their commitment to their fellow man will never be forgotten. We will always carry them in our hearts, and their legacy of service will inspire us as we work together toward a better Oakland, a better world."

Thank you, Chairman CONYERS, for your assistance with this resolution.

THE WHITE HOUSE,

Washington, DC, March 27, 2009.

I was deeply saddened to learn of the tragic loss of Sgt. Mark Dunakin, Officer John

Hege, Sgt. Ervin Romans, and Sgt. Daniel Sakai. Michelle and I hold their families and your community in our thoughts and prayers.

Our Nation is grateful for the men and women of law enforcement who work tirelessly to ensure the safety of our citizens and our neighborhoods. They risk their lives each day on our behalf and ask little in return. And although the danger of their work is well known, words still fail to explain the senseless violence that claims so many of them.

Sgt. Dunakin, Officer Hege, Sgt. Romans and Sgt. Sakai were taken from us far too soon, and their loss reminds us that the work to which they dedicated their lives remains undone.

As we honor their memories, I hope each of you will take comfort in knowing that their commitment to their fellow man will never be forgotten. We will always carry them in our hearts, and their legacy of service will inspire us as we work together toward a better Oakland, a better world.

Michelle and I offer our heartfelt sympathy. May their sacrifices be rewarded with eternal peace.

BARACK OBAMA.

Mr. CONYERS. Madam Speaker, I'm honored now to yield 1 minute to the distinguished Speaker of the House, NANCY PELOSI, the gentlewoman from California.

Ms. PELOSI. Madam Speaker, I thank the distinguished chairman for yielding, as I join my colleagues in commemorating and honoring the memory of the Oakland, California, police officers who were senselessly murdered while on duty. I associate myself with the remarks of Congresswoman BARBARA LEE, author of this resolution, and join Congresswoman TAUSCHER and Congressman MCNERNEY in again remembering these brave heroes.

Madam Speaker, our colleague, Congresswoman LEE, spelled it out so very well, the senselessness of these deaths, the heroism of these police officers, and the quality of their lives. As elected officials, our first responsibility is to protect the American people, whether in their homes, their neighborhoods and communities, or to protect our country as a Nation. This is not possible without the heroic courage of our public safety officers in our country.

Every day when they leave for work, they risk not coming home. I hope that their families don't think of that every day, but on a day in March, this fact was driven home very brutally to four families.

Madam Speaker, a giant pall hangs over the Bay Area in California. These deaths have hit people very, very hard, as you would expect, and I think you can feel some of that in this Chamber this afternoon because of these personal losses and individuals who were killed, and also because of the threat that this is to every public safety officer in our country.

I'm so proud to be able to speak about this resolution honoring the lives and mourning the deaths of four Oakland, California, Police Department officers. Their names have been mentioned, but I think they deserve

being mentioned over and over again: Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

I hope that it's a comfort to their families and to their friends that so many people throughout our country, starting with the President of the United States, the dignitaries that Congresswoman LEE said were at the service, and spoke, some of them, at the service. But probably more important than all of that are all of the people, the everyday people in the country, in Oakland, and the Bay Area, who feel this loss very, very personally.

In our resolution that has been put forth by the committee, we talk about these four brave officers and that "the senseless slayings of Sergeants Dunakin, Romans, and Sakai, and Officer Hege represents the first multiple-fatality shooting of law enforcement officers in the United States in more than a year." And, "whereas the killing of" these gentlemen represents the deadliest incident in California public safety since the Newhall Incident, which was referenced by Congresswoman LEE. That was a long time ago, 40 years ago, and these senseless killings "serve as a reminder that the risks assumed by police officers daily in serving and protecting their communities continues to be enormous."

It recognizes the bravery, the devotion to duty, and the love of community of these fallen heroes, and that they have forever earned a place in the hearts and memories of the citizens they willingly risked their lives for.

Congresswoman LEE went into the personal stories of Sergeant Dunakin, Sergeant Romans, Sergeant Sakai and Officer Hege. So I won't repeat that except to take pride in their personal lives, as well as their professional execution of their duties.

And whereas, in this resolution, we say, "in the face of this horrible loss, the people of Oakland, California, have come together and rededicated themselves to making Oakland" a better place as the Congresswoman referenced, I also want her to know that our entire State feels their pain, prays for the families of those who were lost, and also extends our sympathy to all of them.

I think I can say that without any fear of contradiction that, as Speaker of the House, I speak for all of us here when I say to those families, thank you, we're sorry, we're praying for you, and your loved ones will always have a place in our hearts and in history as heroes for our people.

Mr. POE of Texas. I reserve the balance of my time.

Mr. CONYERS. I'm pleased now to yield as much time as he may consume to the gentleman from California (Mr. MCNERNEY), a cosponsor.

Mr. MCNERNEY. Thank you, Mr. Chairman.

Madam Speaker, I rise in support of H. Res. 290, a resolution honoring the lives, and mourning the loss, of four

Oakland police officers who made the ultimate sacrifice in the line of duty.

Madam Speaker, these were men of flesh and blood, with dreams and hopes and families, and their lives were cut short by senseless violence this month. I just want to say a few words about each one of them in honor of their sacrifice.

Sergeant Mark Dunakin lived in my district and served in Oakland for 18 years as a police officer, the last 10 of which as a sergeant in the criminal investigation division. His work investigating homicides made our streets safer and more secure. Sergeant Dunakin, from Tracy, California, leaves behind a wife and three children.

Sergeant Ervin Romans, who was also a resident in my district, was considered one of the most skillful and knowledgeable members of the Oakland Police Department's SWAT team. Sergeant Romans, a former Marine, made a number of high-profile drug arrests during his tenure in the narcotics department. He was known for his dedication and work ethic. Sergeant Romans, a resident of Danville, also leaves behind a wife and three children.

Sergeant Daniel Sakai, only 35 years young, studied forestry at UC Berkeley, where he also served as a campus community service officer. He began his dedication in service to community as a Boy Scout, eventually obtaining the rank of Eagle Scout. He leaves behind a wife and a young daughter who will miss him dearly.

Officer John Hege recently achieved his dream of joining the department's motorcycle unit before that fateful Saturday. Before he joined the force, he was a teacher in Hayward. He continued to work with teens even after he became a police officer, serving as a high school baseball umpire. He was known for his cheerful attitude, friendly nature, and his eagerness to help those in need.

Madam Speaker, these officers represented the best our society has to offer. They will be sorely missed, but their dedication to duty is an example for all of us. I join all of northern California, and the Nation, in mourning their loss and honoring these heroes.

Mr. POE of Texas. I continue to reserve my time.

Mr. CONYERS. Madam Speaker, I'm pleased to yield as much time as he may consume to the gentleman from Michigan (Mr. STUPAK), who represents the Upper Peninsula and is a former law enforcement person himself.

Mr. STUPAK. Madam Speaker, I thank the chairman for yielding to me.

I rise in support of this resolution and to pay tribute to the four Oakland Police Department officers who were fatally shot in the line of duty on March 21.

Sergeants Mark Dunakin, Ervin Romans, Daniel Sakai, and motorcycle officer John Hege were brutally murdered on a Saturday afternoon during the course of what began as a routine traffic stop and resulted in a massive manhunt.

The shootings were the deadliest incident for U.S. law enforcement since 9/11 and the deadliest in California in 40 years. Although these tragic events occurred more than 2,000 miles from my district, the people of northern Michigan join Oakland, California, and the Nation in paying tribute to these true heroes.

Sergeant Ervin Romans, who died of gunshot wounds in the second of the two shooting incidents on that day, was the son of Chester and Sueko Romans of Ironwood Township in Michigan's Upper Peninsula.

Family and friends in Ironwood and across the Upper Peninsula have, in recent days, shared fond memories of Sergeant Romans. Although he was living and working in California as a SWAT team leader for the Oakland Police Department, Sergeant Romans grew up in Ironwood, where he graduated from Luther L. Wright High School in 1983 before leaving to become a decorated Marine.

After his service to our Nation in the Marine Corps and as an Oakland Housing Authority police officer, Romans dreamed of joining the Oakland Police Department. That dream came true in 1996. In 1999, Romans received the department's highest honor, the Medal of Valor, for helping save residents in a West Oakland fire.

He was promoted to sergeant in 2005 and worked narcotics cases and on the crime-reduction team, which was worked to combat street-level narcotics problems and associated violence. Ervin Romans was also a firing range master sergeant.

Sergeant Romans was one of the SWAT team members who on March 21 stormed the apartment where parolee and suspect Lovelle Mixon was hiding in a closet. Sergeant Romans was shot inside the apartment and died of gunshot wounds later that day.

Ervin, or Erv to his family and friends, was a son, husband and father of three. He lived in Danville, California, with his wife, Laura, and three children, Kristina, Justin and Kayla.

Childhood friends and family remaining in the Ironwood area will pay tribute to Sergeant Romans at a funeral service in Ironwood on April 4.

As a former Escanaba City Police Officer and Michigan State Police Trooper, the loss of a law enforcement officer is especially painful. When I came to Congress, I founded the Law Enforcement Caucus, which exists to advocate for police officers and their families all across our country. This shooting reminds us how men and women in law enforcement face unknown dangers every day to keep us safe and our families safer.

Like so many law enforcement officers across our country, Sergeants Romans, Dunakin, Sakai, and Officer Hege dedicated their lives to our safety. Madam Speaker, I join Congresswoman LEE and all of my colleagues in honoring these men for their service and sacrifice, and in offering the con-

dolences of the U.S. House of Representatives to their families and friends.

I thank the gentleman.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, not a day goes by that law enforcement officers do not face danger in the mission to keep us safe from crime, acts of violence, and even terrorism.

As founder and a co-chairman of the Congressional Victims Rights Caucus, I know unfortunately peace officers are also often victims of criminal conduct. After all, they are the last strand of wire in the fence between the law and the lawless.

Over my years as a prosecutor and a judge, I have known several police officers who gave their lives for the rest of us. Today, we are grateful for the families and to the officers of California who selflessly gave their lives while protecting the rest of us: Sergeant Dunakin, Sergeant Romans, Sergeant Daniel Sakai, and Officer John Hege.

Madam Speaker, on May 15, on the West side of the Capitol grounds, we honor all peace officers that have been killed in the line of duty in the United States. There will be thousands of peace officers from all over the United States, and the families of the slain will be not far from where we are today to honor those. This year we will honor four more from Oakland, California.

I would like to thank my colleague, the gentlewoman from California (Ms. LEE) for introducing this resolution and the chairman for expediting this legislation to the House.

Mr. HONDA. Madam Speaker, today, the House of Representatives considered H. Res. 290, a resolution honoring the lives and mourning the tragic loss of four Oakland police officers who were killed in the line of duty. I commend the valor of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege. These men were not just police officers, but fathers, sons, brothers, husbands, and friends. My heart goes out to those closest to them, that they may find comfort and peace in their friends and families.

Police officers risk their lives every day to keep Americans safe, and their heroic deeds do not go unnoticed by their communities. Candlelight vigils and prayer ceremonies throughout California as well as the huge swell of public emotion at the passing of these four brave police officers show that Americans understand and value the sacrifices made by police officers.

I stand in solidarity with these supporters, and vow that we will not forget these four brave men. We will keep them in our hearts as we strive to make cities and communities safer and bring crime rates down. We will keep them in our minds as we attempt to do a better job of reforming convicts and rehabilitating parolees. As we consider this resolution

today, let us rededicate ourselves to the protection of our communities and our law enforcement, so that the deaths of these four men will not have been in vain.

Mr. STARK. Madam Speaker, I rise today in support of H. Res. 290: Honoring the lives and mourning the loss of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, members of the Oakland, California Police Department.

On March 21, 2009, Sergeants Dunakin, Romans, Sakai, and Officer Hege were shot and killed in the line of duty, giving their lives to protect our community. This tragedy serves as a reminder of the great sacrifices police officers make to protect us, and underscores the need to end violent crime in our nation.

I extend my deepest gratitude for the service of Sergeants Dunakin, Romans, Sakai, and Officer Hege to the Oakland Police Department and my heartfelt condolences to their families, friends, and our community. I ask my colleagues to join me in supporting this resolution.

Mrs. TAUSCHER. Madam Speaker, I want to thank my good friend from Oakland, Ms. BARBARA LEE, for her tireless service and for introducing this resolution.

I rise today to honor the lives of four Oakland Police Officers, who were tragically killed in the line of duty on March 21, 2009. Officer John R. Hege, Sergeant Mark Dunakin, SWAT Sergeant Ervin Romans, and Sergeant Daniel Sakai.

I want to take a few moments to honor Officer Hege, a resident of Concord and California's Tenth Congressional district.

Throughout his life, John nurtured a love of sports and the outdoors. To his friends, he was "outgoing and friendly, an honest and fair-minded man." The Contra Costa Times described him "as a good-natured sports fan with a hearty laugh, nonstop energy and a heart of gold."

John was foremost a public servant. He attended Piedmont schools growing up, achieved the rank of Eagle Scout, and graduated from Saint Mary's College in Moraga in 1990. He began his career as a high school teacher, coaching and officiating basketball and football. He joined the Oakland Police Department Reserves in 1993 and became a full-time officer in 1999.

He continued his passion for teaching as a police cadet instructor. Officer Hege's lifetime of service continued until the final moments of his life. He underwent surgery to donate his organs to save the lives of four others. He is survived by his parents, John and Tamra Hege.

The brazen assault on the Oakland Police Officers is a tragic reminder of the lengths our police officers go to keep our families and communities safe. I ask all Americans to join us in honoring the life and achievements of Officer John R. Hege and his fellow officers.

Mr. POE of Texas. I yield back the remainder of my time and urge the adoption of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 290.

The question was taken.

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

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1715

#### FREE FLOW OF INFORMATION ACT OF 2009

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 985) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 985

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Flow of Information Act of 2009".

#### SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any matter arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information obtained or created by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than the covered person) of the testimony or document;

(2) that—

(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—

(i) there are reasonable grounds to believe that a crime has occurred; and

(ii) the testimony or document sought is critical to the investigation or prosecution or to the defense against the prosecution; or

(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is critical to the successful completion of the matter;

(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—

(A) disclosure of the identity of such a source is necessary to prevent, or to identify any perpetrator of, an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm;

(B) disclosure of the identity of such a source is necessary to prevent imminent death or significant bodily harm with the objective to prevent such death or harm, respectively;

(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—

(i) a trade secret, actionable under section 1831 or 1832 of title 18, United States Code;

(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), actionable under Federal law; or

(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Bliley Act (15 U.S.C. 6809(4)), of any consumer actionable under Federal law; or

(D)(i) disclosure of the identity of such a source is essential to identify in a criminal investigation or prosecution a person who without authorization disclosed properly classified information and who at the time of such disclosure had authorized access to such information; and

(ii) such unauthorized disclosure has caused or will cause significant and articulable harm to the national security; and

(4) that the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information.

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

(c) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall—

(1) not be overbroad, unreasonable, or oppressive and, as appropriate, be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and

(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, non-essential, or speculative information.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as applying to civil defamation, slander, or libel claims or defenses under State law, regardless of whether or not such claims or defenses, respectively, are raised in a State or Federal court.

(e) EXCEPTION RELATING TO CRIMINAL OR TORTIOUS CONDUCT.—The provisions of this section shall not prohibit or otherwise limit a Federal entity in any matter arising under Federal law from compelling a covered person to disclose any information, record, document, or item obtained as the result of the eyewitness observation by the covered person of alleged criminal conduct or as the result of the commission of alleged criminal or tortious conduct by the covered person, including any physical evidence or visual or audio recording of the conduct, if a Federal court determines that the party seeking to compel such disclosure has exhausted all other reasonable efforts to obtain the information, record, document, or item, respectively, from alternative sources. The previous sentence shall not apply, and subsections (a) and (b) shall apply, in the case that the alleged criminal conduct observed by the covered person or the alleged criminal or tortious conduct committed by the covered person is the act of transmitting or communicating the information, record, document, or item sought for disclosure.

#### SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or

document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—

(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and

(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term "communications service provider"—

(A) means any person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).

(2) COVERED PERSON.—The term "covered person" means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public for a substantial portion of the person's livelihood or for substantial financial gain and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—

(A) any person who is a foreign power or an agent of a foreign power, as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(B) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(C) any person included on the Annex to Executive Order No. 13224, of September 23, 2001, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section;

(D) any person who is a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(E) any terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

(3) DOCUMENT.—The term "document" means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term "Federal entity" means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.

(5) JOURNALISM.—The term "journalism" means the gathering, preparing, collecting,