

are more interested in making a profit than following the law or protecting our children. Statistics show that 60 percent of guns used in crimes can be traced back to just 1% of the Nation's 80,000 gun dealers. This means that a tiny percentage of criminal gun dealers are responsible for the bulk of guns used in the crimes that terrorize our communities. Yet, this legislation makes it harder to shut down these criminal outliers.

In 2003, the ATF issued only 54 notices of license revocation to shut down rogue gun dealers. That represents .06 percent of all gun dealers. Under the proposed legislation, this small group of dealers would be allowed to stay in business, and pay only a minor fine.

This bill would also weaken the record-keeping requirements that gun dealers must follow currently. This would allow criminal dealers to hide their illegal sales and missing firearms. Rather than being required to properly maintain their gun sale records, this legislation would simply allow them to keep such records in a box or a storage room, and would make it very difficult for the ATF to investigate and uncover dealer violations.

I oppose this flawed legislation. I believe strongly that the ATF needs the authority to prosecute and eventually revoke the licenses of corrupt and criminal gun dealers. I am not alone in this view. This legislation is also opposed by the International Association of Chiefs of Police, The American Bar Association, The Major City Chiefs, the International Brotherhood of Police, Mayors Against Illegal Guns, The Brady Campaign to Prevent Gun Violence, The Violence Policy Center, the Coalition to Stop Gun Violence, Former Director of the ATF Rex Davis, New York City Mayor Michael Bloomberg, and Boston Mayor Thomas Menino.

I urge my colleagues to join me in opposing this dangerous bill.

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mrs. MALONEY. Mr. Speaker, I rise in opposition to H.R. 6143, Ryan White HIV/AIDS Treatment Modernization Act of 2006. While I fully support this program and believe we must do everything we can to assist those living with and affected by HIV/AIDS, H.R. 6143 will destabilize established systems of care and will be devastating for New York. While the HIV/AIDS epidemic has expanded, more than 1/2 of all people living with AIDS in the United States reside in just 5 States: New York, California, Florida, Texas, and New Jersey. Under this bill's flawed formula, 3 of the highest prevalence States, including New York, will lose significant funding. New York City predicts a possible \$17.8 million loss in the first year of implementation of this bill and potential increasing losses in each of the remaining 4 years of the reauthorization. In total, New York State expects losses of up to \$78 million in the first 4 years of reauthorization. Of course, New York is not opposed to other regions of the country receiving more funding, but it

should not be at the expense of New York. Instead, we should increase the authorization of appropriations for the program so that we do not pit states against each other.

I urge my colleagues to vote against this bill so that the Committee can find a compromise that will not result in reduced funds for anyone State.

ELECTRONIC SURVEILLANCE MODERNIZATION ACT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. UDALL of Colorado. Mr. Speaker, I support changing current law on electronic surveillance to remove obstacles to vigorously fighting terrorism, and I believe we can do so in a way that protects the constitutional rights of our citizens. This bill attempts to strike the right balance, but it has serious flaws that could and should have been corrected—and because of those flaws, I cannot support it as it stands.

I believe the American people should know that on this very important subject, for the most part, we are being asked to legislate in the dark. It is only because of leaks to the news media that we became aware that after the terrorist attacks of 2001 the administration decided not to follow the procedures of the Foreign Intelligence Surveillance Act, FISA, with regard to a new, wide-ranging surveillance program.

Since it became public, that decision has been controversial and has been challenged in the courts, but the administration has consistently maintained that this surveillance program is lawful—although it has been less consistent in its reasons for reaching that conclusion.

Like many of our colleagues, I have found some of their arguments strained and far from fully convincing.

Nonetheless, I do think it makes sense to further revise FISA to reflect both the latest technology and the realities of the current threats to our country. And events since the revelation of the administration's decision not to comply with FISA have made it clear that there is a definite need for better oversight by Congress, which can occur only if we require more reporting by the executive branch.

So, I react favorably to some points made by this bill's author and supporters in support of the way it addresses both of these concerns. They point to provisions described as designed to update FISA's definition of electronic surveillance to make it technology neutral as well as those they say are intended to enhance congressional oversight not only of electronic surveillance, but also of U.S. intelligence and intelligence-related activities generally.

While these positive aspects of the bill are encouraging, they are unfortunately overwhelmed by the bill's more serious defects.

Overall, this legislation goes very far toward making warrantless surveillance of communications here in the United States the rule rather than the exception and toward allowing the executive branch to conduct electronic surveillance of telephone calls and e-mail in the United States without adequate, meaningful oversight.

The bill makes sweeping alterations to the current definition of "electronic surveillance" and how to define an "agent of a foreign power." The bill redefines the term "surveillance device" in a way that would allow the government to conduct unregulated data retention and data-mining operations on all the information collected through the warrantless surveillance that this bill authorizes.

My concerns about these provisions are shared by others, including former Representative (and former House Republican leader) Dick Armey, as expressed in a September 26th letter in which he says:

The explosion of computers, cameras, location-sensors, wireless communication, biometrics, and other technologies is making it much easier to track, store, and analyze information about individuals' activities. Unfortunately, the legislation may promote additional government intrusions into individual lives by exempting such data mining from requiring court orders . . . It is not evident that such legislation will necessarily prevent the next terrorist attack. But . . . failure is unlikely to lead to a halt in federal data mining. Instead, it will probably just spur the government into an ever-more furious effort to collect ever-greater amounts of personal information on ever-more people in a vain effort to make the concept work. We would then have the worst of both worlds: poor security and a vast increase in the information about individuals collected by the government that would destroy Americans' privacy and threaten our freedom.

I also am concerned that while the bill would explicitly allow essentially unlimited surveillance in the event of an "armed attack" a "terrorist attack," or an "imminent threat of attack," those terms are not adequately defined. I think this means that there is an unacceptably large chance that these sweeping exceptions would give the Executive Branch unlimited authority to conduct surveillance whenever and however it prefers.

These concerns are heightened by the fact that the bill does not include an explicit reaffirmation of the principle that FISA, including the revisions that would be made by the bill, is the exclusive means for conducting electronic surveillance in the United States. Such a provision would help make sure that every president—now and in the future—complies with the law.

This is not a theoretical matter, because the Bush administration has never indicated that it will comply with FISA—even as it would be revised by this bill, which was proposed by a member of his party and has the support of that party's leadership here in the House of Representatives. Indeed, the Bush administration has indicated it will appeal the recent decision of a federal judge that its ongoing surveillance program—which the administration candidly says does not comply with the current version of FISA—is illegal.

That was one of the reasons I voted for the motion to recommit, which would have added language to reiterate that FISA is the exclusive means by which domestic electronic surveillance for foreign intelligence purposes may be conducted, unless Congress amends the law or passes additional laws regarding electronic surveillance. It also would have made clear that the Authorization for the Use of Military Force, AUMF, passed after the 9/11 attacks and that was the basis for our military actions in Afghanistan—a measure I supported—does not constitute an exception to that rule.

If the motion to recommit had been adopted, the result would have been to approve an alternative version of the legislation so it would update FISA to provide intelligence agencies more flexibility in emergency situations and less bureaucratic red tape when applying for warrants, while still requiring court orders for domestic surveillance of Americans.

That better alternative would have extended from 72 hours to 7 days the amount of time allowed to initiate surveillance in an urgent situation before going to the FISA court for a warrant. This authority can be used to thwart imminent attacks.

The alternative also would have made clear that foreign-to-foreign communications are outside of FISA and don't require a court order, and would have provided that a FISA order for electronic surveillance shall continue to be in effect for the authorized period even if the person leaves the United States. It also would have removed redundant requirements in the application process and made other changes to streamline the FISA process, including adding judges to the FISA court while authorizing that court, the Department of Justice, the FBI, and the NSA to hire more staff for the preparation and consideration of FISA applications and orders. And it would have made clear that in addition to a "declaration of war by the Congress," an "authorization for the use of military force, AUMF," can also trigger the FISA "wartime exception" for purposes of allowing 15 days of warrantless surveillance.

I think that alternative had the best features of this bill without its defects. Unfortunately, it was not adopted and those changes were not made.

As a result, I do not think this bill as it stands should be approved. But while I cannot support it tonight, I recognize that it is not being sent to the president for signing into law. Instead, if it passed tonight it will go to the Senate, where it will be subject to further debate and revision.

My hope is that if it does pass tonight, and the legislative process continues, the result of that process will be a revised version that will deserve enactment.

RECOGNIZING CRESTWOOD ELEMENTARY SCHOOL'S 50TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Crestwood Elementary School in Fairfax County, Virginia as it prepares to celebrate its 50th anniversary.

Since its establishment in 1956, Crestwood Elementary School has committed itself to lofty standards of academic and extracurricular excellence. Over the years, as the Springfield area has expanded and diversified, Crestwood has followed the community's example.

In 1950, the Springfield area consisted of nothing but woods and a few farms and houses. Edward Carr bought much of the land and in 1950 started to build the first planned community in northern Virginia. He gave some land to the community for the school and the first community pool was built here because of

the land he donated. The area grew slowly, with few community resources. Little League was started in 1955. There were no schools here until 1956. All of the school children had to go out of the area. In those days, Springfield was the outermost edge of the Washington area.

Since its inception, Crestwood Elementary has been an integral part of the Springfield, Virginia, community. Originally costing \$595,585, when the school was constructed there was one telephone booth per street, milk and bakery items were delivered weekly to residents, and the primary mode of transportation was the train. Over the past 50 years, the Crestwood community has become a very progressive community in the heart of the Springfield area and educates hundreds of students each year. With the addition of the Family Resource Center, Crestwood is a true community school working with parents and children building a better future for the entire Crestwood community.

The mission of Crestwood Elementary School is to offer each student the skills, knowledge, and experiences necessary to be successful students and productive members of society. The staff envisions a school where academic excellence is paramount, the arts are celebrated, cultural and linguistic diversity is honored, and all learners meet their personal academic goals. Over the years ethnic and cultural diversity have brought a unique spirit to the school, as it continues its commitment to academic excellence.

Mr. Speaker, in closing, I would like to thank Crestwood Elementary School faculty and staff for the immeasurable contributions they have made to the community by shaping today's youth and tomorrow's future. I congratulate the school on its successes over the last 50 years and I wish it more successful years in the future. I ask that my colleagues join me in applauding this outstanding and distinguished institution, as well as the committed faculty and students.

PAYING TRIBUTE TO KENNETH MAHAL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Mr. Kenneth Mahal for his outstanding service to his community and to his country.

Ken is a retired architect who is licensed to practice in 50 States, District of Columbia, Virgin Islands and the United Kingdom. He has a wealth of academic experience, having graduated from the University of Minnesota, the Architecture at Chicago Technical College, and the Harvard International Business School in Vevey, Switzerland. Ken has also served in the military during War II as a fleet radar countermeasures director on aircraft carrier USS *Ticonderoga*.

At age 30, Ken served as a volunteer to the Bloomington Planning Commission, where he served as vice chairman for 6 years. During his tenure with the planning commission, Bloomington, Minnesota, won the Best Cities Award twice. Because of his insistence for strong zoning, a strategic piece of land was

saved until the world renowned Mall of America was built there.

As former C.E.O. of Ellerbe Architects and Engineers, the 8th largest firm in the U.S., Ken developed sales and marketing of architectural and engineering services, creating the first professional firm in this field. The firm developed sales projection marketing plans, which computerized fee projections.

Ken also owns L.K. Mahal & Assoc., a consulting firm specializing in concept design to real estate search. The firm provided full service design and construction oversight, plus served as a consultant to the Children's World Day Care centers and franchise project development. For 25 years, the firm represented the University of Notre Dame. Some other clients include the NIH Medical Center Washington, DC, Mayo Clinic as well as assisted in the UNLV Medical Center expansion project.

Presently, Ken is president of the Nevada Seniors Coalition, NSC, and writes a monthly column for Vegas Voice. As president, Ken focuses the organizations efforts on local growth issues such as air, water and traffic concerns. NSC also works on State and national issues for seniors, their children and grandchildren, enhancing the conditions of our senior citizens.

Mr. Speaker, it is with great pleasure that I honor my good friend Mr. Kenneth Mahal for his steadfast commitment to his community and to his country. I wish him luck with all of his future endeavors.

MILITARY COMMISSIONS ACT OF 2006

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2006

Mr. UDALL of New Mexico. Mr. Speaker, today, as we consider passage of H.R. 6166, we stand on the verge of undermining our Nation's own moral standard, and risk further eroding the moral authority we have already jeopardized with our unilateral action in Iraq. H.R. 6166 must be defeated.

Former Chairman of the Joint Chiefs of Staff and former Secretary of State Colin Powell has written that the kinds of proposals included in H.R. 6166 add to the worldwide doubts of "the moral basis of our fight against terrorism" and "would put our own troops at risk." Nearly all of the military's top attorneys have publicly expressed strong opposition to the proposals, saying that they not only go against the historical standards of conduct we have previously followed, but that the acts of torture and coercion are actually counterproductive, and in fact damaging, to the ability of our military to fully fight terrorism.

It has been said that we must develop new ways to fight the enemy we now face, that the enemy confronting us does not care for human life and therefore we must not be restrained by unclear or antiquated laws. And Mr. Speaker, there is some truth to that. We do need to pass legislation that will provide the President with a tough and fair system of military commissions that will ensure swift prosecution of terrorists and protect our men and women in uniform. However, we must do so within the boundaries of our own standards