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No. 137

Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, December 7, 2004, at 9:30 a.m.

House of Representatives

MONDAY, DECEMBER 6, 2004

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 2004.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before December 10, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 20, 2004, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Monday, December 20. The final issue will be dated Monday, December 20, 2004, and will be delivered on Tuesday, December 21, 2004.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At this time of the year from across the world arises Handel's Song of Isaiah's text. Today the same vigorous words are laid tenderly, like the music, upon this House of Representatives:

"Comfort my people. Give comfort to my people, says your God. Cry out to the nation that her warfare is accomplished; that her iniquity is pardoned. The glory of the Lord shall be revealed, and all flesh shall see it together: for the mouth of the Lord hath spoken it."

Lord, may this seasonal song strengthen Your people in their desire for lasting peace, and may justice and right judgment in this Chamber be a comfort to Your people now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 29, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 24, 2004 at 6:10 p.m.:

That the Senate Concurs in House Amendments to Senate Amendment to H. Con. Res. 529.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES
Washington, DC, November 29, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 24, 2004 at 6:30 p.m.:

That the Senate passed without amendment H.J. Res. 115.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker Pro Tempore WOLF signed the following enrolled joint resolution on Monday, November 29, 2004:

H.J. Res. 115, making further continuing appropriations for the fiscal year 2005, and for other purposes.

TRIBUTE TO JEFF OLSEN ON OCCASION OF HIS RETIREMENT AS MINNESOTA COMMISSIONER OF VETERANS AFFAIRS

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today to recognize the contributions of Minnesota Commissioner of Veterans Affairs, Jeff Olsen, on the occasion of his retirement.

Jeff Olsen was appointed Commissioner of Veterans Affairs by Governor Ventura in January 2001 and has continued to serve the veterans community proudly. Throughout the past 4 years, Jeff has been a tireless advocate and representative for Minnesota's 450,000 veterans. By working closely with groups such as the Veterans Service Organizations of Minnesota and the Minnesota Association of County Veterans Service Officers, Jeff has remained constantly in touch with the issues of concern to the men and women he represents.

No stranger to those issues himself, Jeff began his career as a member of the United States Army, attached to the United States Armed Forces Courier Service, a joint services mission responsible for the preparation and transportation of top-secret materials

throughout the world. This experience has continued to inspire Jeff and motivate him to serve his fellow veterans with honor and respect.

Jeff's dedication to the veterans community will continue to shine through the legacy of his accomplishments. Thank you, Jeff, for the example you have set. Your fellow veterans will miss you. We wish you the best in your next chapter of life.

HOUSE MUST PASS 9/11 LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the House today and tomorrow has one, one, simply one chance to do what is right, and that is to pass the 9/11 Commission report legislation. It is not a question of whether this is a bad bill; it is a question of whether or not we can put aside special interests and do our jobs.

Frankly, the issues that are standing in the way now are issues that can be addressed very well in the 109th Congress. In fact, I look forward to comprehensive immigration reform. I am delighted we are working through the issues concerning our military. And in fact, we have been informed by those in charge of the military in the Pentagon that these issues are resolved.

It is a shame when we hear the former, or soon-to-be former, Secretary of Health and Human Services tell us that our food supply may be in jeopardy. Human intelligence is vital. The 9/11 Commission legislation will address that.

With homeland security as the backdrop of our work, we need more work with the Transportation Security Administration, more training and testing of cargo on airplanes. There is so much work to be done. We must pass the 9/11 Commission legislation now. Only then can we begin the work of securing the homeland seriously.

MR. DENTON GOES TO SENATE

(Mr. WILSON of South Carolina) asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, with the conclusion of a session, there is a normal shuffling of staff positions, and for the office of the Second District of South Carolina we will miss Wesley Denton, who has served for 3 years as communications director.

I have mixed feelings, personally, about this move; but I am thrilled Wesley has been selected to serve with Senator-elect JIM DEMINT of South Carolina. Congressman DEMINT is a person of high integrity and competence, which is reflected by his choosing Wesley.

Wesley will be a part of history, in that South Carolina has not had two

Republican U.S. Senators since 1877. Beginning in January, we will have the achievement of U.S. Senators LINDSEY GRAHAM and JIM DEMINT. With Wesley's congressional experience, his training with Ed Meese at the Heritage Foundation, and his work with the House Committee on Armed Services, Wesley will assist the Senator to best represent the people of South Carolina.

Wesley Denton, one of five sons of Cassy and Dan Denton of Beaufort, South Carolina, and the newlywed husband of the former Kari Brooks, is a credit to the people of South Carolina, and I wish him Godspeed.

In conclusion, God bless our troops and we will never forget September 11.

BIPARTISAN INTELLIGENCE REFORM BILL

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. Speaker, today I rise to ask for the opportunity to vote on the 9/11 intelligence reform bill, supported both by Republicans and Democrats. Smart, effective intelligence reform, such as this piece of legislation before Congress, will help to strengthen our intelligence agencies and better protect Americans against terrorism.

Unfortunately, extreme conservatives are playing politics with America's security. They have prevented us from making America safer for our families because they continue to insist that the House-passed controversial immigration provisions need to be included. The 9/11 Commission has stated, and I quote, "We believe strongly that this bill is not the right occasion for tackling controversial immigration and law enforcement issues."

I believe with the 9/11 Commission. The legislation before us has the support of the President, the support of congressional leaders in both the House and the Senate, and it is the will of the 9/11 Commission and the wishes of the 9/11 families that Congress pass this legislation.

Let us make America safer and pass this bipartisan compromise.

ONE-YEAR ANNIVERSARY OF MEDICARE MODERNIZATION ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, we come up on the 1-year anniversary of the President signing the Medicare Modernization Act. This is truly an accomplishment of which this Congress can be proud. We begin the process of the transformation of Medicare.

Mr. Speaker, with the advances in medical science, and those that are to come in fields such as genomics and proteomics, we are going to see improved longevity and improved health outcomes. Medicare, for the first time,

will pay for wellness instead of compensating for disease.

In our bill, we allowed the expansion of health savings accounts. Health savings accounts will change the way the next generation approaches paying for health insurance, giving them far greater power over their own health decisions. Mr. Speaker, today's seniors, next year, will have the missing piece of Medicare when coverage for prescription drugs begins.

Mr. Speaker, this was indeed landmark legislation that passed this House a year ago, and I salute those on the committees of jurisdiction that had a hand in getting this legislation passed. Every Member of this Congress and their staffs can be proud of their accomplishment.

ADMINISTRATION MUST BE HELD ACCOUNTABLE FOR UNJUST WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, nearly 1,300 brave American men and women have sacrificed their lives in Iraq. Yet the central reasons for the U.S. invasion have fallen apart: Iraq had nothing to do with 9/11, Iraq had no weapons of mass destruction, there is no proof that Iraq was instrumental with al Qaeda's role in 9/11, and Iraq was not trying to get nuclear materials from Najir.

This administration misled the Congress, misled the American people, violated international law, directed the bombings of populated areas causing the disruption of water, sewer, and electrical service, ordered house-to-house fighting, and now, the civilian toll, by one account, is over 100,000 Iraqi civilians perished. Why?

Freedom, if it is to be obtained anywhere, must be advanced under the standard of truth. The Iraqis will not be handed freedom based on lies, nor will our own Nation preserve our freedoms if we continue to accept the basis for our occupation of Iraq.

This administration must be held accountable under international law for the disaster it visited upon Iraq. Only the truth can clean the stain on our Nation's conscience.

COMMUNICATION FROM DISTRICT CHIEF OF STAFF OF HONORABLE ILEANA ROS-LEHTINEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Debra Musgrove Zimmerman, District Chief of Staff of the Honorable ILEANA ROS-LEHTINEN, Member of Congress:

HOUSE OF REPRESENTATIVES,
November 24, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules

of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
DEBRA MUSGROVE ZIMMERMAN,
District Chief of Staff
for Ileana Ros-Lehtinen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 528, and that I may include tabular material on the same.

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

There was no objection.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORREC- TIONS IN ENROLLMENT OF H.R. 4818

Mr. YOUNG of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 528) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

The Clerk read as follows:

Senate amendment:

At the end of the resolution, insert the following:

Strike Section 222 of Title II of Division H.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

□ 1415

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H. Con. Res. 528, directs the Clerk of the House to make technical corrections in the enrollment of the bill H.R. 4818, the Omnibus Appropriations Act for Fiscal Year 2005. Members

may recall that the House passed this resolution, H. Con. Res. 528, along with the omnibus appropriation bill on November 20, 2004. Today we are considering an amendment which was added by the Senate to the concurrent resolution that would make a further correction to the omnibus appropriations bill by deleting section 222 of the bill which deals with IRS oversight.

I think it is important to take just a minute or two to say some things about this provision. I explained why this provision was included, and I included this statement in the CONGRESSIONAL RECORD in part of the debate on the last continuing resolution. I want to be clear, though, that the Committee on Appropriations never had any intention to review or investigate individual tax returns. That is the prerogative of the Committee on Ways and Means in the House and the Committee on Finance in the Senate.

However, it is important to note that the IRS had requested an increase of \$500 million, a half a billion dollars, for their programs and functions in the IRS. The Committee on Appropriations does have an obligation to review and provide oversight of that kind of an expenditure. That was the purpose of the language. It was never intended to have anything to do with individual income tax returns.

I stated this very clearly in a colloquy with the chairman of the Committee on Ways and Means. I will also point out that section 203 of the same division of the bill includes an IRS general provision which has been carried for years. The section reads, "The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information." IRS would have had the authority they needed to protect taxpayer privacy.

It is an unfortunate set of circumstances that have led many to misinterpret the section in question and the intent of that section, section 222, of the appropriations bill. However, in order to eliminate the confusion that has been created around this issue, I ask that the House agree with the amendment by the Senate to this concurrent resolution and ask the Members to support it.

Before the Omnibus Appropriations bill, which has been passed by the House and the Senate, but before it can be sent to the President for his signature, this concurrent resolution has to be passed.

I would like to read for the RECORD the colloquy I just referenced.

Mr. THOMAS said, Mr. Chairman, I understand section 222 of the Transportation, Treasury and Postal title provides the Committee on Appropriations with proper access IRS facilities for oversight purposes but not the ability to examine individual tax returns, data, or information and that it is the intent of the Committee on Appropriations that all access to taxpayer information would remain governed by the disclosure and privacy rules of section 6103 of the Internal Revenue Code. Is that correct?

I responded by saying the gentleman is correct. The Committee on Appropriations needs access to IRS field facilities to do our oversight work. That work does not require the Committee on Appropriations to review individual tax returns under section 6103, but it does require access to the facilities.

This colloquy can be found on page H10191 of the CONGRESSIONAL RECORD of November 20, 2004.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I do not stand here to get involved in a jurisdictional fight between the Committee on Ways and Means and the Committee on Appropriations, and there is not a Member of this House that I have more respect for than the chairman of the Committee on Appropriations. We have served together over the years, and sometimes even forgot we were Republican and Democrat because he has been such a gentleman even when we disagreed on issues.

I am just surprised there is not more outrage on the process. Whether it is Ways and Means or Appropriations, the whole idea that a staff member can contact the Internal Revenue Service, and the Internal Revenue Service drafts a provision of law and then somehow it finds itself in a conference report is something that takes away the integrity, and not of the tax-writing committee or the appropriation committee, but the United States Congress, the House and the Senate. This is outrageous when we are talking about such a sensitive issue.

The United States is one of the few republics which has a democracy which has a volunteer system for the filing of income tax. True, we have the threat of what happens if a taxpayer is so unlucky that they are audited and found to have done something wrong, but the whole basis of the system is having confidence that what you are telling them is being held private. It is not too unusual to find things coming into conference reports that did not pass the House and did not pass the Senate, but at least the majority has the chutzpah enough to waive points of order. At least they say they are cheating and have already waived the authority of the minority to have any input in what they are doing in the conferences wherever they are held. But to say that the privacy of filing income tax, and some people say they do not know how it got in here, but the IRS certainly knows how it got in here, and the appropriations staff person certainly knows how it got in here, the only people who do not know how this happened are Members of Congress because we have reached a point where we do not read your bills anymore, we just take your word for it.

Mr. Speaker, I hope as the gentleman from Florida (Mr. YOUNG) leaves the leadership of this committee that we might find more outrage when things like this happen, regardless of which committee it is. We have to find some way that staffs cannot legislate for the House, for the Senate, and for the Congress. We cannot blame staff when we give them the authority to do such a thing. I do not care whether it is the Committee on Ways and Means, Committee on Appropriations or what committee it is, we are losing each and every day a lot of confidence from the voters, and if we start losing them in the taxpayers and, we have a taxpayers' revolt as well as a political revolt, there will be no winners in this House, Republicans or Democrats.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will say to the gentleman that unlike some committees in this House who do their work in secret, this committee does its work in public, in the open. We may have to work late hours, all night long, weekends, and that is a fact. The fact of the matter is this provision, along with every other provision of that section that we are concerned about here, was read word for word, comma by comma, period by period, by 17 staff members who supposedly reported to their chairmen and their ranking members. These 17 staff members were Republicans, they were Democrats, they were from the House committee, and they were from the Senate committee, and they read the entire section, and they reported to the leadership of their respective committees. It was done in public. We do not do our bills in secret.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I would like to say to the gentleman from Florida (Chairman YOUNG), stealing in public to me is no different than stealing in the middle of the night. If this thing is so repugnant that it is on the suspension calendar to take it out, why is the gentleman so proud that you put it in?

What I am talking about is not the gentleman and not this committee, but a process that is repugnant to everything that a House Member or Member of Congress should believe in. I do not mean to take this out on the gentleman from Florida personally. I said Members should not allow staff to do this. If it was read at 3 in the morning or 3 in the afternoon, what difference does it make? We are taking it out now, and that means it was wrong to put it in there, and we are proud to take it out.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

The problem is not in the House. This issue was discussed openly in a colloquy with the chairman of the Committee on Ways and Means. We discussed this issue thoroughly, and we

made it clear what the intent was. Why we are removing the provision today is because the other body amended our resolution and said they wanted it out. We are a bicameral legislature, and we have to work with the other body.

In fact, this whole comedy of errors of an omnibus appropriations bill would not have happened if the other body, and I am not allowed by the House rules to say who or what or why, but the other body did not pass their bills.

I really get offended when I hear the news media reporting the Congress did not get their job done. The House did. The Committee on Appropriations passed all of its bills. By the end of July, we had all of our bills reported, and we had all but one through the House floor, and that one could have gone through the House floor, but we were not given time to do it on the floor. The other body did not do their job, so we had to do this omnibus package rather than doing 13 separate bills. There is the answer to the gentleman's question.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, it is ironic that we have an argument going between two gentlemen, neither of whom had any responsibility for the problem that occurred.

The responsibility for this problem lies squarely on the shoulders of the majority party leadership because they knew that they could not bring their appropriation bills to the floor in the Senate and pass them before the election, so they created the situation in which, after the election, all of these appropriation bills were jammed together. They were then dealt with by the staff night after night. The staff worked with no sleep, and, as a result, language that should have been caught and corrected was not corrected.

That is what happens when Members do not respect the processes of the House. That is what happens when you do not give Members of the majority or minority enough time to actually know what they are doing. The House has egg on its face because the majority party leadership had an agenda on appropriation bills that precluded their ability to get votes for them in the other body until after the election. That is a sad fact as to what happened, and the way to correct this is to see that we have enough time to do our jobs, that we quit suspending the rules around here so Members have enough time to read conference reports, and we make compromises ahead of time so the House can get its appropriations work done in an orderly way. That is what has been sadly lacking over the past year.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to oppose a series

of legislative provisions that were included in the Transportation and Treasury section of the Omnibus Appropriations Act without consulting or even notifying the committee of jurisdiction, the Committee on Government Reform.

We strenuously oppose section 522 requiring that each Federal agency have a privacy officer to carry out duties relating to the privacy and protection of personally identifiable information. These Federal information security functions are an intrinsic part of existing Federal information policy.

They are the responsibility of the agency chief information officer in the agencies. Therefore, privacy officers are unnecessary. They are duplicative, and it is confusing.

Further, section 522 attempts to address information security concerns that are already addressed in the Federal Information Security Management Act, the Clinger-Cohen Act, the Electronic Government Act, and the Paperwork Reduction Act. These laws are currently implemented by Federal agencies.

Section 522 merely creates a layer of bureaucracy that contradicts existing Federal information policy currently executed by the CIOs.

The Committee on Government Reform and Federal agencies have worked hard to ensure the Federal Government has coherent information security policies and guidelines in place. Section 522 reverses the progress the Federal Government has made to modernize itself in order to function more efficiently and cost-effectively in a digital age.

In addition, this section is a fine example of legislating on appropriation bills. But worse, there was no attempt to even discuss this provision with our committee, the committee with jurisdiction over Federal information policy. For years we have performed an aggressive legislative and oversight agenda.

We have introduced a bill now to repeal this section, but the disregard for the committee of jurisdiction in this section of the omnibus did not stop there. In July, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Connecticut (Mr. SHAYS) on behalf of the Committee on Government Reform raised and the Chair sustained 12 points of order against legislative provisions in the Transportation and Treasury Appropriations Act. Nine of these were rewritten in the omnibus, in violation of House rules, without consulting our committee, and despite our requests that these provisions not be reinserted including:

1. An amendment that runs contrary to the reauthorization of the Drug Control Policy Act passed by the House last year; and

2. Several legislative provisions that will add unneeded red tape and expense to the Federal procurement process.

What does it say about our institutional integrity, our rules, our state of affairs, when points of order are sustained and subsequently ignored.

My concerns have been overshadowed by a certain tax provision that also appeared in the Omnibus. But they are symptoms of the same disease.

It is the willingness of appropriators and their staff to legislate on appropriations bills without consulting the committees of jurisdiction that caused the mess over the ill-considered tax provision and this trend is the basis of my concern as well.

The authorizing committees are Congress's experts on the law, and the appropriations process should not be used as an end-run around their consideration.

I recognize that politics and process will sometimes require that legislation be included in appropriations; and,

I have always been willing to work with appropriators to include suitable legislation in their bills. Looking forward to next Congress, it is my hope that this episode will inspire a greater willingness on the part of the appropriators and their staffs to consult and cooperate with the authorizers before legislating on appropriations acts.

Finally, I ask for the appropriators support in repealing the badly considered Chief Privacy Officer provision that was surreptitiously included in the Omnibus at the 11th hour.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank our distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time and once again commend him and the gentleman from Florida (Mr. YOUNG), our chairman, for their service and leadership to our country and this Congress.

Mr. Speaker, 16 days have come and gone since this House passed the omnibus appropriations bill. Yet not one Member of Congress is willing to take responsibility for jeopardizing the privacy of more than 180 million American taxpayers. Instead, a Republican staff member came forward late last week stating that he inserted the provision without mentioning it to the Republican Member of Congress who employed him. Success, it is said, has many fathers, but failure is an orphan.

Let us be clear, this assault on the privacy of America's taxpayers has failed because it is an outrage to the American people and to most of the Members of this body. From the Constitution's protections of freedom of association and political expression to its protection against unlawful searches and self-incrimination, our citizens expect and deserve a government that respects their privacy and does not discriminate against them on the basis of political beliefs.

Yet the provision we are repealing today would have granted sweeping authority to the appropriations committee chairmen and their staffs to review individual tax returns without the restrictions in current law that make it a crime to use private tax information improperly. As a result, private

taxpayer information would be vulnerable to unwarranted scrutiny, and taxpayers would have no resource or assurance against the improper use of their private financial information. This sweeping disregard for the protection of taxpayer privacy is deeply troubling and all too familiar.

Just 30 years ago, the Judiciary Committee of this House, on a bipartisan basis, voted to impeach President Nixon for violating the Constitution, including using the Internal Revenue Service to persecute those on his enemies list. Article two of the Articles of Impeachment specifically stated that President Nixon endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns.

This disgraceful episode is a sad part of our history, but it was not all that long ago. Many of us remember. In fact, the distinguished ranking member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), and the distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), were both serving on the Judiciary Committee in 1974, and they continue to serve here, obviously, today. We are grateful for their steadfast courage and determination in defending our Constitution. They know that it is our constant duty to protect and defend our civil liberties, our freedoms, and the Constitution of the United States. That is the oath of office that we take, and we must never let our guard down.

Lacking the support of a majority of this body, this assault on taxpayer privacy was possible only because of the Republicans' repeated willingness to abuse their power. My colleagues, as we all know, the rules of this House mandate that Members be given a minimum of 3 days to review legislation. That is a rule of the House. Yet the Republican leadership frequently resorts to the use of martial law to push through legislation by requiring a same-day vote. In the 108th Congress alone, the Republican leadership proposed same-day votes nearly 30 times. This excessive use of martial law rules subverts the will of Congress by denying Members the opportunity to examine critical legislation, thus allowing egregious measures such as the taxpayer privacy persecution provision to pass. It was only caught in the Senate because they had more time to review the legislation.

Mr. Speaker, the Supreme Court noted in an 1886 forfeiture case that illegitimate and unconstitutional practices get their first footing by silent approaches and slight deviations from legal modes of procedure. Before us today is a glaring example of what can happen when slight deviations from legal modes of procedure are allowed to go forward. To prevent future instances of hasty and dangerous decision-making, the House of Representatives must

obey its own current rules that require Members of Congress be given at least 3 days to read legislation before voting on it. That is a rule of the House for all legislation. Why would it not be even more important for a 3,000-page bill containing nine appropriations bills, the omnibus bill, that had other extraneous matter in it as we can see? Before us today is again what can happen when slight deviations from legal modes of procedure are allowed to go forward.

I urge my colleagues to remove this taxpayer privacy persecution provision and to demand an end to the irresponsible use of martial law rules. Only if we determine to obey the rules of the House can we truly expect the American people to think that we realized what happened in this bill was wrong and we are determined that it will not happen again.

Mr. Speaker, I urge our colleagues to support the provision that is before us today.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is an extremely regrettable incident. The House is gathered here today, long after the session is supposed to be over, because we had language inserted in an appropriation bill which, if read on its face, would create a grave threat to the privacy of individual taxpayers. I am personally confident that that was not what was meant. I do not believe that this language has been placed in this omnibus appropriations bill because of any conspiracy to invade privacy. I do not believe that at all.

I do believe, however, that the House has been operating under a different kind of conspiracy and that has been a conspiracy to, in essence, shut down the congressional consideration of appropriation bills until after the election because of the knowledge on the part of the majority party leadership that the funding levels for a variety of programs were so tight in areas such as education and science and health that the leadership knew that those votes could not pass the Senate before the election. And then after the election, the appropriations committee, its members and its staff, were then given marching orders to produce bills in virtually no time. Those bills were then brought to the floor.

This is the report, the conference report, now some 3,000 pages of original text. Those bills were brought to the floor with no opportunity for any Member, including the gentleman from Florida and myself as the chairman and ranking member of the committee, to actually take the time to review what was in the language of all 3,000 pages and the language was produced by staff that was sleep-deprived, harried and harassed and under orders only to get the job done within a certain time window laid out by the majority party leadership.

The Washington Post contained the following paragraph in an article writ-

ten by Dan Morgan in describing the situation. That paragraph in Mr. Morgan's story reads as follows:

"But a reconstruction of what happened suggests less a sinister conspiracy than problems arising from the legislative practices of the present Congress, in which sleep-deprived staffers often take on much of the burden of writing major bills under deadline pressure, and legislation drafted in secret is rushed through both Chambers before lawmakers, let alone the general public, have a chance for review.

"Senator KENT CONRAD, ranking Democrat on the Budget Committee, warned that 'something really seriously bad is going to happen if we let this continue.' Senator JOHN MCCAIN said, 'This process is broken.'"

So says the story in *The Post*.

I think that story is accurate. And I would point out that when we have legislation that is produced under those conditions and then when that legislation is brought to the floor under conditions in which the rules of the House are suspended so that Members do not have the normal time to look at a bill, what happens is that there are items in the bill that are not only hidden from members of the opposition party; there are items in the bill that are hidden from the majority's own caucus.

I think that rank-and-file Members of both parties are grossly disserved, and I think the appropriations committee is grossly disserved when we are not given sufficient time to review actions taken by staff and to review actions taken by conferees.

This is supposed to be the greatest deliberative body in the world. It is a far cry from that when you are asked to swallow 3,000 pages, when a bill is filed at 1 o'clock in the morning and then brought to a floor vote with no opportunity to really read the fine print.

So I simply think, Mr. Speaker, that the way to gain something out of this experience is to determine that in the future we are not going to suspend the rules on massive appropriation bills; that we are going to allow people to have the time to review the contents.

But even more importantly, there needs to be a determination to begin the process with a realistic budget resolution so that the majority party can bring its bills to the floor and pass them. I am probably not going to like the priorities in those bills. But the House is better served and Members of both parties are better served when there is an orderly process so that we can debate these differences honestly. Right now we are all paying a price and this institution is paying a price because that has not happened in the past year. I have made quite clear where I think the responsibility for that lies.

Mr. Speaker, I would simply ask Members to remember this incident when we vote on rules changes for the coming Congress. I would ask Members to remember that there are reasons why we should not suspend these rules.

If it is important for us to pass something quickly and if there is bipartisan agreement on that necessity, you can get two-thirds to bring up these bills. Many times we have cooperated procedurally to move appropriation bills forward, but we need to have the safety valve of those rules in order to prevent future mistakes like this which embarrass the institution.

And so, Mr. Speaker, I would hope that we remember that when we are asked to vote on rules changes at the beginning of the next Congress.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we understand the problems that have been created here, mainly confusion. I certainly endorse what the gentleman from Wisconsin has said about how this came about and what the intent was. The intent was to provide the proper oversight of a half-a-billion-dollar request for an increase in an agency's budget. But this is not the best way to do business.

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An omnibus appropriations bill is the last thing you want to do to get the appropriations bills passed.

Now, appropriations bills have to pass. You cannot adjourn and not complete the appropriations bills, because then the government shuts down. I am happy and proud to say during my chairmanship, on my watch, we did not have any government shutdowns, we did not have any appropriations bills vetoed, and we had pretty good votes on most all of the appropriations bills. In fact, this year we never got less than 300 votes on an appropriations bill in the House. That is not a bad record.

The reason that the gentleman from Wisconsin (Mr. OBEY) and I both pushed our subcommittees, majority and minority Members, so hard to get our work done on time was to avoid an omnibus appropriations bill, and we did that. The last bill of the 13 bills was reported by the House Committee on Appropriations on July 22, 4½ months ago, the final bill. The last bill that we passed in the House was September 22, 2½ months ago.

The thirteenth bill would have also been passed that same month, except we were not given time to put the bill on the floor. The House would have had its job completed. Then we could have paid attention to 13 bills, each one individually, each one separately, so there would have been time to have a more thorough evaluation of what was in those bills.

But, the other body would not pass their bills. They would not put them on the floor, for whatever reason. So there were nine bills in this omnibus appropriations bill. It was a bad way to do business, but it was the only alternative left to us in order to get the job finished in the time that we had to get it done.

The bill itself has passed. The House passed it with 344 votes. The Senate

passed it with approximately 60 votes. The bill has passed. What we are dealing with now is a technical correction. We have all agreed to it. We just ought to go ahead and do it, get the bill transmitted down to the President, and clear the decks so that the new Congress and the new administration, can start with a clean slate.

Hopefully there will be decisions made that will allow the appropriations and budget process to work more effectively. There are some who say that the process is broken. I disagree with that. I do not think the process is broken, because the House passed all of our bills. What broke down was the opportunity to go to conference with the other body, because they did not pass their bills.

The budget process might also be a little bent out of shape because we have not had a budget in a couple of years. The gentleman from Iowa (Chairman NUSSLE) deserves credit. He passed a resolution in the House setting a budget, but, again, there was never any conference agreement with the Senate to bring that budget forward and to have the full force of a budget.

So in the House we deemed the budget number to be that as the House passed it, and the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), although we had different approaches, we worked hard to stay within that budget number.

Mr. Speaker, we stayed within the budget. We did not exceed the budget. The omnibus bill does not violate the budget as deemed by the House. But it would be far better if we could have the budget process work to the point that the House would pass it, the Senate would pass it, we would conference it, and then both of us work from the same budget.

We had to end up with the same number on appropriations bills, and the way we did it was to have this omnibus appropriations bill.

Mr. Speaker, as a member of the Committee on Appropriations, you know how hard I pushed to get this work done. And we did our job. I am proud of this House, and I am proud of the Committee on Appropriations, on both sides of the aisle. We did our job. But we are part of a bicameral legislature. The saying is, "It takes two to tango." Well, it takes two Houses to appropriate. That has been one of our problems.

There is a lot more I would like to say about this, but I am not going to. It is time to get rid of this resolution, H. Con. Resolution 528, and allow this appropriations bill to be transmitted to the President.

Mr. UDALL of Colorado. Mr. Speaker, I will support this resolution. But the fact we are considering it should be a source of embarrassment for our Republican colleagues and their leaders.

The resolution would delete from the omnibus appropriations bill a provision that would put at risk the privacy of every American's in-

come-tax return. The Senate passed the resolution after the discovery of that provision led the chairman of their Appropriations Committee to publicly apologize and after it was agreed that the appropriations bill itself would not be sent to the President until the deletion was made.

Certainly this was an embarrassing development. But it should not have come as much of a surprise, because it was the result of a badly flawed process.

Rolling together nine separate appropriations measures—including one that had not been considered by either chamber and several that had been considered only by the House—is not the way Congress should do its work. And, as in previous years, the Republican leadership made things outrageously worse by rushing the massive measure to the floor under a "martial law" rule that prevented Members from having time to carefully review its thousands of pages.

That was the situation that faced us on November 20th, when the House took up the measure, and when each of us had to decide whether to support or oppose its passage.

I finally decided to support it, but the decision was not an easy one and came only after as much review as my staff and I could give to the measure and after giving serious consideration to voting against it.

On the one hand, a review of the measure showed that its enactment would have many benefits for Colorado and the country.

For example, its enactment would assure that the cleanup of the Rocky Flats site would be able to stay on the schedule that aims for completion and closure by the beginning of 2006, and that there would be funds for much-needed work at the NIST laboratories in Boulder.

It also would mean that the Interior Department could complete the purchase of the lands in the San Luis Valley that will become the new Baca National Wildlife Refuge adjoining the newly designated Great Sand Dunes National Park. It would mean that other Colorado lands could be added to the national forests, including more of the lands in the Beaver Brook watershed that the City of Golden is eager to sell for that purpose as well as the Miller tract near Grand Lake and other sensitive lands in other parts of the state. And it would provide other needed funds for ongoing work related to federal lands or other natural resources in our state being done by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Army Corps of Engineers.

In addition, it would provide funds for important projects for the benefit of many Colorado communities—including Boulder, Eldorado Springs, Idaho Springs, to mention only some in the Second Congressional District—and institutions, including National Jewish and Avista Hospitals, the Bonfils Blood Center, and the National Sports Center for the Disabled.

Further, both our Nation's leadership in science and Colorado firms would benefit from the \$291 million to be used by NASA for servicing the Hubble space telescope—which the statement of managers said "should be one of NASA's highest priorities"—and from the bill's provision of \$28.2 million for the space grant program. And I was encouraged by the amounts the bill would provide for renewable energy research and development—including

\$4.8 million for the National Renewable Energy Laboratory (NREL) as well as an additional \$6.7 for construction of NREL's Science and Technology facility—and for research regarding abrupt climate change.

I wanted to support these provisions, particularly because many of them would not have been included in a long-term continuing resolution that was the most likely substitute if the omnibus bill did not pass.

On the other hand, I was sure that any appropriations bill with such a large number of specifically-earmarked funds must include allocations for low priority projects or questionable purposes—something of particular concern when the federal government is operating in the red.

Further, the conference report retained an objectionable provision that would allow virtually any health care entity to refuse to provide, cover, pay for, or even refer patients for abortion services, even when such actions are otherwise legally mandated by the federal or a state government. The same provision also would allow health care providers who receive public money to refuse to provide women with unintended pregnancies information concerning all their legal options. I thought this provision should not have been included. In another problematic provision, the bill cuts funding for NREL's photovoltaics program, which could mean a loss of as many as 40 jobs at NREL. This would be a devastating loss for the development of PV technology, for NREL overall, and for Colorado.

And I was very concerned that there was a distinct possibility that by voting for the bill I would be supporting other new legislation whose specific details—and possibly objectionable features—I would only be apparent if there were more adequate time to review the bill.

The fact that the bill included the tax-return provision addressed by the resolution before us today shows this concern was well-founded. And I would have been even more apprehensive if I had known that the statement of managers not only failed to fully explain many provisions, but in some instances was completely silent about important parts of the bill.

For example, the statement of managers omitted any mention of the fact that the bill included legislation for a full decade's extension of the recreation-fee demonstration program—legislation that I had opposed when it was considered by the Resources Committee and that in my opinion should not have been a part of any appropriations bill.

Finally, after as careful a review as possible under the circumstances and after weighing the decision carefully, I decided to vote for the omnibus bill despite the defects that I recognized and likelihood that there were others I had not found.

I will stand by that vote. The decision was mine and I recognize that I am accountable to my constituents for it. But I object to the circumstances under which that vote was cast—and my objections have only become stronger in the time between that vote and the one that we will cast on the resolution to remedy one—but hardly all—of the omnibus bill's flaws.

Mr. DEFAZIO. Mr. Speaker, I want to comment on the extraordinary situation in which we find ourselves today. We're debating a resolution to belatedly strike a provision from the fiscal year 2005 omnibus appropriations act because there was a provision in the bill in-

serted with the knowledge of only a handful of individuals in this body that would have seriously undermined the privacy rights of all American taxpayers.

We find ourselves in this situation because of the mismanagement of the Congress and the federal budget process by the majority in the House. The Congress never passed a budget this year. That led to the total implosion of the annual appropriations process. Only two bills were approved by Congress and signed into law by the start of the 2005 fiscal year on October 1, 2004. Two additional bills were approved in mid-October.

The remaining nine bills totaling hundreds of billions of dollars and running more than 3,000 pages in length were cobbled together behind closed doors by just a few staff members with oversight by just a couple of Republican leaders in Congress. The text of this monstrosity was brought to the House floor only a few hours prior to the vote on Saturday, November 20th. That is clearly not enough time for any of us to read the bill, understand it, and ensure tax dollars are being spent wisely.

Despite this ridiculous process, I voted in favor of the bill because the alternative would have hurt the people I represent in Oregon. The alternative to the omnibus was to fund virtually the entire Federal Government on autopilot for the next year via a continuing resolution. This would have negated the increased funding in the omnibus for veterans at a time when thousands of troops are returning home from Iraq and Afghanistan, threatening to overwhelm the VA health care system.

It also would have meant Oregon would lose millions of dollars I secured in the omnibus for critical infrastructure projects, including projects at the North Bend Airport; the Port of Brookings; transportation improvements like the Coburg/I-5 Interchange; and water infrastructure projects for Sweet Home, Coburg, and Coquille.

So, while I supported the omnibus because it is beneficial for Oregon, I would urge the House Republican leadership to never again bring a bill to the House floor under these circumstances. Never again should the federal budget process be allowed to implode as it did this year. Never again should the House leadership bring a bill to the floor that is drafted behind closed doors by only a few Members and staff. Never again should the House leadership bring a bill to the floor with no time for Members to actually read what they will be voting on.

Finally, while I am pleased we have the opportunity to belatedly remove the provision from the omnibus that undermines taxpayer privacy, I am disappointed that two other provisions I asked the House leadership to schedule separate votes on will be allowed to remain in the bill without any further consideration. These controversial provisions—one of which will expand the number of immigrants allowed into the United States under H-1B visas, the other which imposes a recreation tax on citizens using public lands—should be considered on their own merits rather than rolling them into a must-pass measure.

With respect to the immigration provision, under current law, businesses are limited to hiring no more than 65,000 workers annually through the H-1B visa program. A provision in the omnibus will allow multinational corporations to make an end run around this cap to hire up to 20,000 additional foreign workers for employment in the United States.

An expansion of H-1Bs is not necessary. There is no evidence of a shortage of qualified American workers. Even Bureau of Labor Statistics data compiled by the Bush administration show rising unemployment among American engineers and computer scientists. In fact, for the first time in more than 30 years, the unemployment rate for tech workers is higher than the overall jobless rate. This pool of American workers should be tapped first before even considering an expansion of the H-1B program.

Further, there is growing evidence that the importation of foreign workers is driving down the wages of American workers.

Given all of these obvious negatives, there are a significant number of members on both sides of the aisle who are concerned about expanding the H-1B program and feel strongly that this is an issue of protecting American jobs and American workers' standard of living.

I am also disappointed that the House leadership included in this omnibus a 10-year authorization for new and more expansive recreation fee taxes for use of public land. The original Recreation Fee Demonstration program was established by a rider to the 1996 Interior appropriations bill. Since its establishment, fee demonstration has been amended or extended numerous times, but has never gone through the proper authorizing process. Now, Congress is prepared to adopt a 10-year authorization through back channels, even though it has never been taken up by the full House, and is opposed by the committees of jurisdiction in the Senate. There is also strong opposition in the House from Members of both parties who serve on the committees of jurisdiction.

Fees for dispersed recreation on public lands amounts to nothing more than a stealth double tax for hikers, hunters, picnickers, or anyone wishing to spend a day at the beach or in the forest with their family. An omnibus appropriations bill is not the place to impose increased taxes on Americans.

Besides, the land management agencies have utterly failed to demonstrate that they deserve an expanded fee program. Within the Forest Service, for example, only 50 cents of every dollar collected actually goes toward maintaining or improving our public lands, the purpose for which Congress originally designated the fees. The rest is eaten up by administrative and collection costs. Losing 50 percent of funds to overhead signals that this is not an effective government program. In addition, the Forest Service doesn't know if these taxes are helping to relieve the maintenance backlog, or even to what extent it has a maintenance program.

This body should be ashamed of the process under which this legislation was drafted and brought to the floor. The American people deserve better from this Congress.

Ms. WOOLSEY. Mr. Speaker, today we are removing language that allows Appropriations Committee members and their staff to look at citizen's tax returns. This language was in a 3,500 page spending bill, which Members only had hours to review before voting. Privacy was at stake here and it is right to correct this wrong.

But another provision in this bill also threatens privacy. The privacy of women and their conversations with their doctors. The Federal Refusal Clause language inserted in this bill robs women of their right to access comprehensive health care. No matter how you

look at it, this provision goes one step further by making it impossible for women to exercise their reproductive choices and once again subjects them to the wrath of the anti-choice movement. This was a misguided measure that has dangerous implications for women's reproductive health and for our health care system as a whole. If we were truly correcting the bad policy inserted in this bill we would be removing this language as well.

Mr. Speaker, our constituents want us to get it right the first time around. Let's not make a mistake now that we have a second chance. I urge my colleagues to support the removal of this anti-choice, anti-privacy language.

Mr. GREEN of Wisconsin. Mr. Speaker, I support this provision to strike the insertion in the omnibus appropriations bill, which allows Appropriations Committee Congressional staff to review individual tax returns.

However, I strongly protest the insertion into the omnibus-spending bill of a provisions that essentially eliminates the Federal Prison Industries Program. This provision was inserted into the 3,000-plus page spending bill without the knowledge of most Members and without an opportunity for the House to remove or modify it. This provision was stricken from the House to remove or modify it. This provision was stricken from the House Transportation, Treasury and Independent Agencies appropriations bill because it was found to violate House rules of legislating on an appropriations bill. This provision should not have been inserted into the omnibus bill when neither the House nor Senate passed this measure. The opponents of FPI are trying to achieve through the back door what they could not achieve in the normal legislative process. It is wrong and certainly anti-democratic.

Mr. ISTOOK. Mr. Speaker, I support this resolution. The mistake it corrects was actually caught before the appropriations bill left the House, and a commitment to correct it was made before the House ever voted on that bill.

It wasn't necessary for House Members to return to Washington for this vote; the mistake could have and would have been corrected almost 2 weeks ago under a unanimous consent request. That would have been simpler and better, and would have involved less political posturing than we've heard.

I'm satisfied it was an honest error, although a significant one. Those who claim this is part of some sinister plot to snoop into tax returns are just wrong; they're pushing one of those "black helicopter" conspiracy theories.

Of course, we never should have had this problem. We can and should take these three steps to avoid any recurrence:

(1) Get the other body to help us to move the spending bills on-schedule, so we can avoid the big omnibus bills that generate problems.

(2) Avoid the late-session rush to get out-of-town, which also pushes decision-making into the wee hours when people are weary, and more prone to make mistakes.

(3) We should always be able to trace clearly the authorship of every provision in every bill. Every committee should enforce a requirement that no congressional staffer should take it on themselves to insert any language—even supposedly minor language—that has not been cleared by the appropriate members of the House. Certainly that violates the standing orders that I have always given to staff; I've always directed that each and every provision must be brought to my personal attention.

Things like this should not be blamed on one person. Multiple congressional staff, in both parties and both houses of Congress, had the opportunity to catch this and to fix it. But when haste and weariness set in, the error wasn't caught until after the bill had been filed with the House clerk.

Yes, this was a sad and embarrassing event. But the problem was caught and it's being fixed before that provision could ever become law. What would be sadder and more embarrassing is if we failed to learn lessons, to make sure that something like this never happens again.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today with great delight to announce the FY2005 omnibus appropriations package that is scheduled to be approved by Congress today includes the text of legislation I authored, H.R. 2792, that reauthorizes refugee eligibility for children of Vietnamese re-education camp survivors.

The Communist government of Vietnam, by its actions in imprisoning Catholic priests, Buddhist monks, and ordinary citizens whose only crime is to speak out for freedom and democracy, is saying loudly and clearly and consistently to the United States: We want your investment dollars, and we are willing to learn from your economic system; but your values of religious and political freedom are not welcome.

We need to do more to respond to this message of oppression with our own message of freedom. Human rights need to be central to our foreign policy toward Vietnam. One small step we can take is to save as many as possible of the people who are still being persecuted by the Communist authorities because of their wartime associations with the United States or simply because they share our values.

Until April 1, 1995, former Vietnamese prisoners of war who were accepted for resettlement by the United States as refugees could bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, the Immigration and Naturalization Service (INS) changed its interpretation of the law, to exclude children who were over 21, even if they were unmarried and living with their parents. This change in policy forced a brutal choice on ex-political prisoners: either decline the opportunity to find freedom in the United States, or abandon their children in a country that has persecuted them.

For South Vietnamese combat veterans and others who had suffered with their children long terms in re-education camps because of their wartime associations with the United States, this imposed a particularly harsh burden. These children had already been without their fathers while they were in re-education camps, in some cases for 10 or 15 years. Then the refugees were given a choice between living forever under a Communist dictatorship or leaving their children behind when they immigrated to the United States. These children are marked as members of a "counterrevolutionary family" and denied educational and employment opportunities by the government of Vietnam. They would certainly go on suffering in Vietnam because of their family's participation in the war.

Recognizing these realities, Congress on three occasions has adopted the "McCain

amendment," which changed the INS interpretation of the law, so that refugees who are survivors of re-education camps can once again be accompanied by the unmarried sons and daughters.

The latest extension of the McCain amendment expired on September 20, 2001. Hence, I introduced and Congress passed H.R. 1840 in the 107th Congress to reauthorize the McCain amendment through September 30, 2003. The original language did not apply to children who were mistakenly rejected before April 1, 1995, for reasons other than age. Even if new evidence surfaced that showed someone rejected before 1995 was actually the child of a refugee, families had no recourse to challenge the decision. The original language also excluded refugee sons and daughters who were denied access to an INS interview by corrupt and/or vindictive Communist officials who often serve as gatekeepers for the U.S. refugee program. My bill fixed these problems. In addition, the legislation permitted unmarried children over the age of 21 to immigrate to the United States even if the surviving parent is currently living in the United States.

Mr. Speaker, today I stand here before you as this important provision has once again expired. Fortunately, with the help of Senator JOHN MCCAIN (R-AZ), the text of H.R. 2792, which extends this provision until September 30, 2005, was added to the FY2005 omnibus appropriations package that we are set to approve today.

H.R. 2792 is a fair and equitable bill that provides family reunification and allows us to keep our promise to the people who fought alongside U.S. troops during the Vietnam war. Their courage and valor must never be forgotten.

I want to thank Senator MCCAIN for his leadership and his staff for their assistance in passing the H.R. 2792 language. Furthermore, I would like to thank the co sponsors of my bill Representatives ZOE LOFGREN, CHRIS SMITH, JIM MORAN, and LORETTA SANCHEZ who have given this issue their steadfast support.

Mr. BACA. Mr. Speaker, I respectfully request to be excused from the floor, on Monday, December 6, 2004, on legislative and personal business. I will be present on Tuesday, and the balance of the week, and I will be able to participate in the key votes that are expected during that time.

The reason for my absence on Monday is that I have been invited—as a proud parent, and Congressman from the Inland Empire—to attend the swearing in of my son, Joe Jr., as a member of the California State Assembly. This moment is very significant, because this is the same seat I held when I represented the Inland Empire in the state Assembly. I am sure you will join in my immense pride and joy I have as a father, on this historic occasion—one that reflects the continued ascendancy of Hispanics into leadership ranks, as well as the political coming of age of the next generation.

I understand that, at present, leadership has no plans to being up on Monday the 9/11 Implementation Act, and Democrats are not whipping attendance for the suspension items on Monday, but I remain in ongoing communication with, and at the disposal of, the Democratic leadership team, should the situation change.

I also have been informed that he repeal of the Taxpayer Persecution Act will be undertaken through the suspension process this

evening. Like you, I was disturbed that the Republicans gave their staff the power to scrutinize Americans' tax returns, without safeguard, and I was even more outraged that this provision ended up in a bill that no one had read, hastily brought to a vote under martial law rules. If I were present, I would vote to strip this provision out of the appropriations bill, by voting "yes" on H. Con. Res. 528.

Mr. Speaker, I rise in support of H. Con. Res. 528 and to express my deep concern about this Congress undermining our democracy. The taxpayer persecution language in the appropriations omnibus was an abuse of Congressional power. This language would allow members of Congress and their staff to read the tax records of any American and disclose the information.

Unfortunately, this provision is just one more example of an abuse of power by the majority party of this Congress. The process that the Republican majority has resorted to is the reason that such outrageous provisions were approved. The Republican majority has used martial law to speed through legislation without giving members the change to read it over.

Democracy suffers when members of Congress are given only a few short hours to read thousands of pages of law and it is the American citizen who must bear the burden of our actions. Democracy suffers when the minority is denied a seat at the table and the chance to be a part of the process. It is not the Members of Congress who lose out. The American citizens they are here to represent are the ones who lose out.

The taxpayer persecution language is a frightening example of a Republican majority that is willing to oppress the minority, undermine democracy, and cast the shadows of Big Brother. Rule by the majority of the majority is not a democracy.

Mr. Speaker, I speak out in frustration of a Republican party run government that seems to have little regard for the elected representatives of half of this country, and even less regard for the American citizens they represent. When our founding fathers created the United States Congress this was not what they had in mind.

We need to bridge together the widening divisions in our country. We need to begin by bringing comity and bipartisanship back to this chamber, and in so—to the Nation. We must not allow our legislative process to fail us again.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to H. Con. Res. 528. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBEY. Mr. 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.

LIMITING TRANSFER OF CERTAIN COMMODITY CREDIT CORPORATION FUNDS

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2856) to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

The Clerk read as follows:

S. 2856

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

SECTION 1. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

“(b) TECHNICAL ASSISTANCE.—Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a)—

“(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

“(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2856. Conservation was a significant part of the 2002 farm bill. Congress increased the conservation budget by nearly \$2 billion per year, a 75 percent increase. However, there is a current shortfall in the Conservation Technical Service Assistance budget at the Natural Resources Conservation Service. This shortfall represents the costs necessary to administer the Conservation Reserve and Wetlands Reserve programs.

So far, those costs have been taken directly out of the pockets of farmers and ranchers, and, if you permit me, the environment, when fewer conservation benefits are provided by the Environmental Quality Incentives Program and the other so-called donor programs. In other words, the NRCS takes money from EQIP and farmland protection so that CRP and the Conservation Reserve Enhancement Program and WRP can be administered.

The USDA has also been using the Wildlife Habitat Incentives Program, or WHIP, the Farmland Protection Program, FPP, and the Grasslands Reserve Program as donor programs for CRP and WRP.

S. 2856 will help alleviate some of the implementation problems that have oc-

curred during the last 2 years when approximately \$100 million per year was being taken from the four donor programs. When the farm bill was written, it was Congress' intent that each conservation program would pay for its own technical assistance. I have been working with the Committee on the Budget and the Committee on Appropriations committees to ensure S. 2856's passage will prevent funds from being diverted from the donor programs. I have numerous groups supporting the bill, and I will include for the RECORD these letters.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2004.

DEAR CONGRESSMAN: We write today to ask for your support of S. 2856 on Monday, December 6, 2004. This bill, which has been adopted in the Senate, addresses a misunderstanding that has existed between the U.S. Department of Agriculture and the Congress as to the source of funding for the technical assistance costs for certain Farm Bill conservation programs.

S. 2856 ensures that the original intent of Congress will be used in the implementation of these programs where each of them will be expected to pay for their own technical assistance from their own share of the total funding made available to them. As passed by the Farm Bill, these programs have a significant backlog of requests from farmers and ranchers for conservation assistance.

We wholeheartedly support S. 2856 because without it several of these conservation programs will be significantly hampered from achieving their intended purpose—helping farmers and ranchers improve and conserve soil, air and water quality and restore and improve wildlife habitat. We ask for your strong support of this measure when it comes before the House on December 6, 2004.

Sincerely,

National Soybean Association.
National Pork Producers Council.
National Cattlemen's Beef Association.
National Association of Conservation Districts.
National Association of Wheat Growers.
National Corn Growers Association.
National Cotton Council.
National Farmers Union.
National Milk Producers Federation.
National Turkey Federation.
Southeast Dairy Farmers Association.
Western United Dairymen.

DECEMBER 6, 2004.

DEAR REPRESENTATIVE: We strongly urge that you enact S. 2856 to ensure that USDA stops the practice of diverting funds from the dollar-limited, working lands conservation programs to pay for technical assistance costs associated with land requirement programs.

Since enactment of the 2002 Farm Bill, USDA has diverted more than \$200 million from EQIP, the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for technical assistance for the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Unless this problem is fixed, farmers and ranchers seeking to improve water and air quality and enhance wildlife habitat stand to lose approximately \$100 million in FY05 and nearly \$300 million in FY06 and FY07.

S. 2856 protects funding for all USDA conservation programs. S. 2856 ensures that funding for CRP and WRP technical assistance flows directly from the Commodity Credit Corporation, not from working lands

conservation programs. S. 2856 passed the Senate by Unanimous Consent on October 11, 2004, and the House-passed FY05 Congressional Budget Resolution specifically provides for the passage of the same legislation by the House. It is critical that S. 2856 is passed by the 108th Congress or scarce conservation funds will once again be lost in FY05 and subsequent years.

S. 2856 restores the original intent of the 2002 Farm Bill. The Farm Bill clearly intended USDA to use mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. The plain language of the statute and legislative history support this interpretation of the Farm Bill, and the General Accounting Office concurred in an October 8, 2002, opinion. Unfortunately, a handful of government lawyers misinterpreted the 2002 Farm Bill, forcing USDA to divert funds from EQIP and other working lands programs or shut down CRP and WRP.

We strongly urge you to support passage of S. 2856 to ensure that funding for technical assistance for all Farm Bill conservation programs, including CRP and WRP, comes directly from the CCC, as intended by the 2002 Farm Bill.

Sincerely,

American Farmland Trust.
Chesapeake Bay Foundation.
Defenders of Wildlife.
Environmental Defense.
National Wildlife Federation.
National Campaign for Sustainable Agriculture.
Natural Resources Defense Council.
Sustainable Agriculture Coalition.
Union of Concerned Scientists.

As you can see from the letters, S. 2856 receives extremely broad and deep support. Groups from varied interests such as the National Cattleman's Beef Association and Environmental Defense are all strident supporters of S. 2856. These organizations, along with nearly 25 others, representing producers and environmental interests, encourage passage of S. 2856.

I would like to thank the gentleman from Iowa (Chairman NUSSLE) and the gentleman from Texas (Chairman BONILLA) and their staff for their assistance. I would like to thank the ranking member, the gentleman from Texas (Mr. STENHOLM), for his support of this effort. But I cannot stress enough how much I want to thank our subcommittee chairman, the gentleman from Oklahoma (Chairman LUCAS), who has worked on this issue for years to try to get a correction, and I think that this goes a long way in helping what needs to be done get done here.

I also cannot stress enough how important these programs are or how important it is that producers have access to programs to keep the soil and air clean and to improve and restore wildlife habitat.

I urge my colleagues to support S. 2856 to ensure voluntary conservation programs are allowed to work efficiently and effectively.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2856 and support its passage. I want to

thank the gentleman from Virginia (Chairman GOODLATTE) and the gentleman from Oklahoma (Chairman LUCAS) for working with the leadership to schedule consideration of this bill today. This is an issue that has needed attention for some time, and I am pleased we are finally addressing it.

The conservation title of the 2002 farm bill made a major investment of new funding in a variety of existing and new conservation programs. I was proud to have played a role in that effort to help our farmers and ranchers conserve and enhance the natural resources under their control.

Many of us, as well as producers out in the field, were frustrated by the actions taken by USDA to try and address how to provide technical assistance for the Conservation Reserve and Wetland Reserve programs. Borrowing from some programs to pay for the technical assistance to carry out WRP and CRP was not a good solution. It was a solution forced upon them by OMB after dueling interpretations by this administration based on language included in the 2002 farm bill. We never intended such draconian measures, which required them to rob Peter to pay Paul. This bill corrects and guides the administration on the implementation of these vital conservation programs after several attempts made by Congress to fix this problem.

There is currently a \$3.4 billion backlog of applications in the various conservation programs that have not been funded, despite the infusion of new money from the 2002 farm bill. Passage of this legislation will be a small but important step in helping to address that backlog. It will also provide for some certainty for those landowners who are signing up for the CRP and WRP programs and allow us to fulfill our commitments made in the 2002 farm bill to conservation.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS) the chairman of the Subcommittee on Conservation, Credit, Rural Development and Research of the Committee on Agriculture, who has been a real leader in fighting for fairness in these conservation programs.

Mr. LUCAS. Mr. Speaker, I rise in strong support of S. 2865. I, along with my ranking member on the Subcommittee on Conservation, Credit, Rural Development and Research, have worked tirelessly as an advocate of voluntary agricultural programs since becoming chairman of the subcommittee.

The 2002 farm bill provided that each conservation program was supposed to pay for its own technical assistance costs out of the funds provided for it. During the implementation of the farm bill, the USDA lawyers, in my opinion, misinterpreted how Congress intended

to pay for technical assistance. Under their interpretation, the CRP and WRP programs would not have had enough money to do sign-ups.

The 2003 omnibus appropriation bill added a short-term, stopgap measure that would allow funds from EQIP, WHIP, Farmland Protection and GRP programs to be donated to fund CRP and WRP sign-ups. Approximately \$100 million per year has been diverted from these programs to fund CRP and WRP.

This was not a long-term, sustainable solution, so we began working with the budget committees to find a solution. The CRP program will have nearly 20 million of its 39.2 million acres eligible for new contracts in the next 5 years. For the next 4 years, EQIP, WHIP, Farmland Protection and GRP could lose nearly \$406 million to CRP and WRP implementation sign-ups.

□ 1500

Mr. Speaker, S. 2856 was provided for in the House budget and is a fair solution for the entire conservation community. This bill will ensure that producers can voluntarily keep America's air and water clean and provide better habitat for its wildlife.

I would certainly be remiss if I did not thank the leadership staff for working with us and the chairman and the ranking member for their full efforts.

Mr. Speaker, I would like to add to the RECORD letters from 44 different groups supporting this measure, from farm producer groups to environmental groups to sportsman groups.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2004.

DEAR CONGRESSMAN: We write today to ask for your support of S. 2856, which may be on the House Calendar today, Monday, December 6, 2004. This bill, which has been adopted in the Senate, addresses a misunderstanding that has existed between the U.S. Department of Agriculture and the Congress as to the source of funding for the technical assistance costs for certain Farm Bill conservation programs.

S. 2856 ensures that the original intent of Congress will be used in the implementation of these programs where each of them will be expected to pay for their own technical assistance from their own share of the total funding made available to them. As passed by the Farm Bill, these programs have a significant backlog of request from farmers and ranchers for conservation assistance.

We wholeheartedly support S. 2856 because without it several of these conservation programs will be significantly hampered from achieving their intended purpose—helping farmers and ranchers improve and conserve soil, air and water quality and restore and improve wildlife habitat. We ask for your strong support of this measure when it comes before the House on December 6, 2004.

Sincerely,

American Farm Bureau Federation.
American Soybean Association.
National Pork Producers Council.
National Cattleman's Beef Association.
National Association of Conservation Districts.
National Association of Wheat Growers.
National Chicken Council.
National Corn Growers Association.
National Cotton Council.

National Farmers Union.
National Milk Producers Federation.
National Turkey Federation.
Southeast Dairy Farmers Association.
United Chicken Council.
United Egg Producers.
USA Rice Federation.
U.S. Rice Producers Association.
Western United Dairymen.

DECEMBER 6, 2004.

Hon. DENNIS HASTERT,
Speaker, Office of the Speaker, Capitol Building, Washington, DC.

Hon. TOM DELAY,
Majority Leader, Capitol Building, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER DELAY: As the House reconvenes this week with the appropriations for FY 2005, the conservation and sportsmen's organizations listed above, which represent a diverse spectrum of interests with a combined membership of millions, stand together urging you and your Congressional colleagues to support S. 2856. Your support of this bill would mean the technical assistance funding needs of all the conservation programs would be met, including the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP), without reducing the acres authorized for those very popular programs and without diverting funds from other Farm Bill conservation programs.

The enactment of the 2002 Farm Bill resulted in conflicting interpretations of the Conservation Title's funding for technical assistance, and resulted in leaving all the conservation programs in danger. A decision was made to use funds of four conservation programs as donors for delivery of WRP and CRP in FY 2003 and FY 2004. This was the combined result of the limitation on the use of Commodity Credit Corporation (CCC) funds under the "Section 11 Cap" and the decision by Congress in the FY 2003 omnibus appropriations bill to prohibit the Natural Resources Conservation Services (NRCS) from using discretionary Conservation Operations account funds to pay for Farm Bill program technical assistance.

Unfortunately, this decision resulted in a net loss of funding to all conservation programs. We believe any proposal to fund CRP and WRP technical assistance through a reduction in the number of program acres fails to recognize the tremendous public benefits to soil, water quality and wildlife habitat provided by the acres enrolled in these two programs as well as the tremendous producer demand for these programs. The 2002 Farm Bill clearly intended USDA to use mandatory funds from the CCC to pay for technical assistance for all programs. The plain language of the statute and legislative history support this interpretation of the Farm Bill funding provision, as well as the legal opinion issued by the General Accounting Office in October 2002.

If Congress fails to solve this problem, farmers and the environment stand to lose. Despite the increase in conservation funding provided by the 2002 Farm Bill, most farmers and ranchers offering to restore wetlands or grasslands, retire marginal farmland, or to simply change their farming practice to improve water and air quality are still rejected when they seek financial and technical assistance through voluntary USDA conservation programs.

There is strong, bi-partisan, nationwide support for CRP and WRP, evidenced by last year's defeat of a Senate amendment that would have effectively shut down technical assistance funding the CRP. There was widespread opposition to the amendment because it did not provide a holistic solution to the technical assistance problem, and lacked a

definitive source of funds. In a strong show of support, a majority of the Senate agreed that the amendment equated to abandoning one of the most successful conservation programs in the United States.

We respectfully request you to support efforts during your deliberations to include the FY 2005 Agriculture Appropriations bill a permanent fix for this problem that ensures that technical assistance for all conservation programs is provided directly from the CCC. Additionally, we encourage you to work to protect acres authorized for CRP and WRP in the 2002 Farm Bill. If you or your staff has questions about this issue, please call Barton James (Ducks Unlimited) at 202-347-1530.

Thank you for considering our view of the importance of Farm Bill conservation programs and the need to secure the necessary technical assistance funding without severe impacts to the resource benefits achieved on the ground.

Archery Trade Association.
Bowhunting Preservation Alliance.
Congressional Sportsmen's Foundation.
Ducks Unlimited.
International Association of Fish and Wildlife Agencies.
International Hunter Education Association.
Izaak Walton League of America.
Orion—The Hunter's Institute.
Pheasants Forever.
Rocky Mountain Elk Foundation.
Safari Club International.
Texas Wildlife Association.
Theodore Roosevelt Conservation Partnership.
Whitetails Unlimited, Inc.
Wildlife Forever.
Wildlife Management Institute.
The Wildlife Society.

DECEMBER 6, 2004.

DEAR REPRESENTATIVE: We strongly urge that you enact S. 2856 to ensure that USDA stops the practice of diverting funds from the dollar-limited, working lands conservation programs to pay for technical assistance costs associated with land retirement programs.

Since enactment of the 2002 Farm Bill, USDA has diverted more than \$200 million from EQIP, the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for technical assistance for the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Unless this problem is fixed, farmers and ranchers seeking to improve water and air quality and enhance wildlife habitat stand to lose approximately \$100 million in FY05 and nearly \$300 million in FY06 and FY07.

S. 2856 protects funding for all USDA conservation programs. S. 2856 ensures that funding for CRP and WRP technical assistance flows directly from the Commodity Credit Corporation, not from working lands conservation programs. S. 2856 passed the Senate by Unanimous Consent on October 11, 2004, and the House-passed FY05 Congressional Budget Resolution specifically provides for the passage of the same legislation by the House. It is critical that S. 2856 is passed by the 108th Congress or scarce conservation funds will once again be lost in FY05 and subsequent years.

S. 2856 restores the original intent of the 2002 Farm Bill. The Farm Bill clearly intended USDA to sue mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. The plain language of the statute and legislative history support this interpretation of the Farm Bill, and the General Accounting

Office concurred in an October 8, 2002, opinion. Unfortunately, a handful of government lawyers misinterpreted the 2002 Farm Bill, forcing USDA to divert funds from EQIP and other working lands programs or shut down CRP and WRP.

We strongly urge you to support passage of S. 2856 to ensure that funding for technical assistance for all Farm Bill conservation programs, including CRP and WRP, comes directly from the CCC, as intended by the 2002 Farm Bill.

Sincerely,

American Farmland Trust.
Chesapeake Bay Foundation.
Defenders of Wildlife.
Environmental Defense.
National Wildlife Federation.
National Campaign for Sustainable Agriculture.
Natural Resources Defense Council.
Sustainable Agriculture Coalition.
Union of Concerned Scientists.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN), the ranking member of the Subcommittee on Conservation.

Mr. HOLDEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I congratulate and thank the gentleman from Virginia (Chairman GOODLATTE) and our subcommittee chairman, the gentleman from Oklahoma (Mr. LUCAS), for his hard work on this legislation. I would like to take a moment to congratulate and thank the ranking member of the committee, the gentleman from Texas (Mr. STENHOLM), on an outstanding congressional career. As we all know, the gentleman from Texas (Mr. STENHOLM) will be leaving us and not serving in the next Congress. But I just want to say to the gentleman that not only is the Committee on Agriculture going to miss his leadership; the entire agriculture community across the country is going to miss his guidance and his input. On a personal note I am truly going to miss his leadership, and I thank him for all of the help that he has given to me personally over the years.

Mr. Speaker, I rise today in strong support of S. 2856, which will fix a problem with technical assistance funding for agriculture conservation programs. Our intent was to allow for farm bill programs to pay for themselves. However, due to different interpretations of the law and congressional rewriting, we are now in a situation in which major programs are paying for others.

There is a huge problem with donor programs such as the Farm and Ranchland Protection Program, Wildlife Habitat Incentives Program, Grassland Reserve Program, and the Environmental Quality Incentive Program, providing technical assistance funding for the Conservation Reserve Program and Wetlands Reserve Program.

These donations continue to inhibit the implementation of these effective programs in the way that Congress intended. We must make sure that implementation reflects intent. It was never our plan to have key conservation programs act as donors for others. We

need to correct this problem, and that is exactly what S. 2856 will do.

In fiscal year 2003, there were significant contributions being made by EQIP, Farmland Protection, WHIP, and the GRP to the Conservation Reserve Program and Wetlands Reserve Program. EQIP donated \$57.6 million, Farmland Protection donated \$18 million, WHIP gave \$5.6 million, and Grasslands Reserve gave \$9.5 million.

In my home State of Pennsylvania, these conservation programs are extremely important.

In fiscal year 2003, Pennsylvania received \$8.4 million to fund 293 contracts throughout the EQIP program. There were actually 1,238 unfunded contracts totaling \$35.4 million. In 2004, Pennsylvania received \$11.9 million, a significant increase, but not enough to fund all of the contracts that are on hold.

The problem is the same for Farmland Protection, which is critical to Pennsylvania. In 2003, Pennsylvania received \$4.9 million to protect 6,266 acres. In 2004, the State received less, approximately \$4 million for the program.

Allowing vital programs such as EQIP and Farm and Ranchland Protection to be donors for other conservation programs only makes the funding backlog worse.

Therefore, I urge my colleagues to support S. 2856 and implement technical assistance funding for agriculture conservation programs the way in which Congress intended.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. HOLDEN) for his contribution, as well, to this effort, and also more especially thank him for the kind words he has extended to our colleague, the gentleman from Texas (Mr. STENHOLM), who has served this Congress with distinction for 26 years, the last 8 of which as the ranking member of the Committee on Agriculture. He is known across the country as somebody who has helped American agriculture.

He worked with my predecessor, our colleague Congressman Combest, his neighbor, former neighbor in Texas, to write the last farm bill which has been a noteworthy success in the first almost 4 years now of its implementation. He is somebody that I will miss as my partner in working with American agriculture, and I thank him and commend him for more than a quarter century of service to the people of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, the gentleman from Pennsylvania (Mr. HOLDEN), and I thank my chairman for the kind words. I do believe this is the last time that I will occupy this mike. I thought it was so a few weeks ago, but it was not; we had one more shot. But I do very much

appreciate the kind words that have been said, and we will miss this place. Mr. Speaker, we will miss you. You do an excellent job of conducting House business. Every time you handle the gavel, you do it in a way that is very fair and very professionally done.

Mr. Chairman, it has been a pleasure serving with you, the gentleman from Virginia (Mr. GOODLATTE). I would be less than honest to not say that I would much rather have had the titles reversed, but that was not to be. And were it not to be, then I appreciate the fact that the gentleman from Virginia (Mr. GOODLATTE) has maintained the same bipartisan, nonpartisan activities on his part that has made the House Committee on Agriculture one of the few committees of this body that still works in the way in which I think our forefathers intended that it work: full consultation.

Listening to some of the previous comments about staff and what have you, I can honestly say that we have never had that problem on the House Committee on Agriculture, to the best of my knowledge. Our staffs, both committee and subcommittee, have always worked together in a way in which we put forward the quality work that I believe this committee has put forward to this House in the 26 years that I have had the privilege of serving here.

I want to thank my staff, those who are with me on the floor, and those who are not, who have worked and served with me, some of them my entire 26 years. We cannot do without staff. Many times they get the blame for things that go wrong, and we get the credit for things that go right. But day in and day out, this body cannot operate without the professional staff, and I want to thank my staff and thank the majority staff. Because I truly, truly mean it when I say what I already said a moment ago about the manner in which the House Committee on Agriculture has worked.

Mr. KIND. Mr. Speaker, I rise today in strong support of S. 2856. This important legislation clarifies Congress's intent in the last Farm bill—that administrative costs needed to implement voluntary conservation programs should flow from the Commodity Credit Corporation and not from the working lands programs themselves. It is crucial that we pass this bill today otherwise scarce conservation funds will once again be lost.

Mr. Speaker, USDA has diverted more than \$200 million from four working lands conservation programs. Specifically, USDA diverted precious funds from the Environmental Quality Incentives Program (EQIP), the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for administrative costs.

The 2002 Farm Bill clearly intended USDA to use mandatory funds from the Commodity Credit Corporation to pay for the administrative costs of two land retirement programs. The plain language of the statute and legislative history, including a critical colloquy, support this interpretation of the Farm Bill, and GAO concurred in a recent memo. But, gov-

ernment lawyers misinterpreted the 2002 Farm Bill and forced USDA to divert working lands funds.

Despite the funds provided by the 2002 Farm Bill, most farmers and ranchers offering to restore wetlands and grasslands or offering to change the way they farm to improve air and water quality are still rejected when they seek USDA conservation assistance. For example, farmers and ranchers face \$3 billion backlog when they seek financial assistance through the Environmental Quality Incentives Program to improve water quality or wildlife habitat. These long lines only grow longer when funds are diverted.

By providing new funds for working lands programs like EQIP and WHIP in the 2002 Farm Bill, Congress provided needed resources to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. For example, EQIP helps share the cost of a broad range of land management practices that help the environment, including more efficient use of fertilizers and pesticides, and innovative technologies to store and reuse animal waste.

Lastly, because 70 percent of the American landscape is private land, farming dramatically affects the health of America's rivers, lakes and bays and the fate of America's rare species. Most rare species depend upon private lands for the survival, and many will become extinct without help from private landowners. When farmers and ranchers take steps to help improve air and water quality or assist rare species, they can face new costs, new risks, or loss of income. Conservation programs help share these costs, underwrite these risks, or offset losses of income.

Mr. Speaker, this is an important bill to America's hardworking farmers and ranchers and I urge my colleague's support.

Mr. STENHOLM. I have no further requests for time and, Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to support S. 2856, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 2856.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

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

There was no objection.

FEDERAL EMPLOYEE DENTAL AND VISION BENEFITS ENHANCEMENT ACT OF 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2657) to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

The Clerk read as follows:

S. 2657

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 "Federal Employee Dental and Vision Benefits Enhancement Act of 2004".

SEC. 2. ENHANCED DENTAL BENEFITS FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89 the following:

"CHAPTER 89A—ENHANCED DENTAL BENEFITS

"Sec.

"8951. Definitions.

"8952. Availability of dental benefits.

"8953. Contracting authority.

"8954. Benefits.

"8955. Information to individuals eligible to enroll.

"8956. Election of coverage.

"8957. Coverage of restored survivor or disability annuitants.

"8958. Premiums.

"8959. Preemption.

"8960. Studies, reports, and audits.

"8961. Jurisdiction of courts.

"8962. Administrative functions.

"§ 8951. Definitions

"In this chapter:

"(1) The term 'employee' means an employee defined under section 8901(1).

"(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

"(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

"(4) The term 'Office' means the Office of Personnel Management.

"(5) The term 'qualified company' means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

"(7) The term 'State' includes the District of Columbia.

"§ 8952. Availability of dental benefits

"(a) The Office shall establish and administer a program through which an eligible in-

dividual may obtain dental coverage to supplement coverage available through chapter 89.

"(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

"(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

"§ 8953. Contracting authority

"(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8954 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

"(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

"(b) Each contract under this section shall contain—

"(1) the requirements under section 8902(d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

"(2) the terms of the enrollment period; and

"(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

"(c) Nothing in this chapter shall, in the case of an individual electing dental supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

"(d)(1) Each contract under this chapter shall require the qualified company to agree—

"(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

"(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

"(i) to establish internal procedures designed to expeditiously resolve such disputes; and

"(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

"(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

"(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

"(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

"(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Fed-

eral Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

"(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

"(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

"§ 8954. Benefits

"(a) The Office may prescribe reasonable minimum standards for enhanced dental benefits plans offered under this chapter and for qualified companies offering the plans.

"(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

"(c) The benefits to be provided under enhanced dental benefits plans under this chapter may be of the following types:

"(1) Diagnostic.

"(2) Preventive.

"(3) Emergency care.

"(4) Restorative.

"(5) Oral and maxillofacial surgery.

"(6) Endodontics.

"(7) Periodontics.

"(8) Prosthodontics.

"(9) Orthodontics.

"(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include dentally underserved areas in their service delivery areas.

"(e) If an individual has dental coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

"§ 8955. Information to individuals eligible to enroll

"(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a dental benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

"(b) The Office shall make available to each individual eligible to enroll in a dental benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

"§ 8956. Election of coverage

"(a) An eligible individual may enroll in a dental benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

"(b) The Office shall prescribe regulations under which—

"(1) an eligible individual may enroll in a dental benefits plan; and

"(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

"(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another dental benefits plan—

"(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

"(B) during other times and under other circumstances specified by the Office.

“(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

“§ 8957. Coverage of restored survivor or disability annuitants

“A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a dental benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

“§ 8958. Premiums

“(a) Each eligible individual obtaining supplemental dental coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

“(c) The amount necessary to pay the premiums for enrollment may—

“(1) in the case of an employee, be withheld from the pay of such an employee; or

“(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

“(d) All amounts withheld under this section shall be paid directly to the qualified company.

“(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

“(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

“(2)(A) There is established in the Employees Health Benefits Fund a Dental Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

“(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Dental Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

“§ 8959. Preemption

“The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to dental benefits, insurance, plans, or contracts.

“§ 8960. Studies, reports, and audits

“(a) Each contract shall contain provisions requiring the qualified company to—

“(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

“(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

“(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the dental benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office

shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

“§ 8961. Jurisdiction of courts

“The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8953(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

“§ 8962. Administrative functions

“(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

“(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the dental benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.”.

SEC. 3. ENHANCED VISION BENEFITS FOR FEDERAL EMPLOYEES.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89A (as added by section 2 of this Act) the following:

“CHAPTER 89B—ENHANCED VISION BENEFITS

“Sec.

“8981. Definitions.

“8982. Availability of vision benefits.

“8983. Contracting authority.

“8984. Benefits.

“8985. Information to individuals eligible to enroll.

“8986. Election of coverage.

“8987. Coverage of restored survivor or disability annuitants.

“8988. Premiums.

“8989. Preemption.

“8990. Studies, reports, and audits.

“8991. Jurisdiction of courts.

“8992. Administrative functions.

“§ 8981. Definitions

“In this chapter:

“(1) The term ‘employee’ means an employee defined under section 8901(1).

“(2) The terms ‘annuitant’, ‘member of family’, and ‘dependent’ have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

“(3) The term ‘eligible individual’ refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

“(4) The term ‘Office’ means the Office of Personnel Management.

“(5) The term ‘qualified company’ means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount vision programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

“(6) The term ‘employee organization’ means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

“(7) The term ‘State’ includes the District of Columbia.

“§ 8982. Availability of vision benefits

“(a) The Office shall establish and administer a program through which an eligible individual may obtain vision coverage to supplement coverage available through chapter 89.

“(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

“(c) Nothing in this chapter shall be construed to prohibit the availability of vision benefits provided by health benefits plans under chapter 89.

“§ 8983. Contracting authority

“(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8984 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

“(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

“(b) Each contract under this section shall contain—

“(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

“(2) the terms of the enrollment period; and

“(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

“(c) Nothing in this chapter shall, in the case of an individual electing vision supplemental benefit coverage under this chapter after the expiration of such individual’s first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

“(d)(1) Each contract under this chapter shall require the qualified company to agree—

“(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

“(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

“(i) to establish internal procedures designed to expeditiously resolve such disputes; and

“(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

“(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

“(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

“(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as

the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

“(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

“(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

“(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

“§ 8984. Benefits

“(a) The Office may prescribe reasonable minimum standards for enhanced vision benefits plans offered under this chapter and for qualified companies offering the plans.

“(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

“(c) The benefits to be provided under enhanced vision benefits plans under this chapter may be of the following types:

“(1) Diagnostic (to include refractive services).

“(2) Preventive.

“(3) Eyewear.

“(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include visually underserved areas in their service delivery areas.

“(e) If an individual has vision coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

“§ 8985. Information to individuals eligible to enroll

“(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a vision benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

“(b) The Office shall make available to each individual eligible to enroll in a vision benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

“§ 8986. Election of coverage

“(a) An eligible individual may enroll in a vision benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

“(b) The Office shall prescribe regulations under which—

“(1) an eligible individual may enroll in a vision benefits plan; and

“(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

“(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another vision benefits plan—

“(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

“(B) during other times and under other circumstances specified by the Office.

“(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

“§ 8987. Coverage of restored survivor or disability annuitants

“A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a vision benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

“§ 8988. Premiums

“(a) Each eligible individual obtaining supplemental vision coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

“(c) The amount necessary to pay the premiums for enrollment may—

“(1) in the case of an employee, be withheld from the pay of such an employee; or

“(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

“(d) All amounts withheld under this section shall be paid directly to the qualified company.

“(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

“(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

“(2)(A) There is established in the Employees Health Benefits Fund a Vision Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

“(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Vision Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

“§ 8989. Preemption

“The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to vision benefits, insurance, plans, or contracts.

“§ 8990. Studies, reports, and audits

“(a) Each contract shall contain provisions requiring the qualified company to—

“(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

“(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

“(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the vision benefits available

under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

“§ 8991. Jurisdiction of courts

“The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8983(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

“§ 8992. Administrative functions

“(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

“(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the vision benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.”.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENT.

The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

“89A. Enhanced Dental Benefits 8951
“89B. Enhanced Vision Benefits 8981”.

SEC. 5. APPLICATION TO POSTAL SERVICE EMPLOYEES.

Section 1005(f) of title 39, United States Code, is amended in the second sentence by striking “chapters 87 and 89” and inserting “chapters 87, 89, 89A, and 89B”.

SEC. 6. REQUIREMENT TO STUDY HEALTH BENEFITS COVERAGE FOR DEPENDENT CHILDREN WHO ARE FULL-TIME STUDENTS.

Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby benefits under chapter 89 of title 5, United States Code, could be made available to an unmarried dependent child under 25 years of age who is enrolled as a full-time student at an institution of higher education as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to the calendar year 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 2657, the Federal Employee Dental and Vision Benefits Enhancement Act.

The Federal Employees Health Benefit Plan, FEHBP, is one of the Federal Government's most important tools as we seek to recruit and retain the best Federal workforce that this country has to offer. It covers over 8.6 million

individuals, including 2.2 million Federal and postal employees, 1.9 million Federal annuitants, and 4.5 million dependents; and offers the widest selection of health plans in the country, enabling enrollees to compare the costs, benefits, and features of different plans. However, this program will not remain a model for excellence in employer-provided health care coverage unless we continue to explore avenues to enhance the care and the choices provided.

Through the FEHBP, the Federal Government fulfills its responsibilities as an employer to contribute to health and well-being by providing comprehensive high-quality, affordable health care for its employees, while also providing an example and a model for improving the performance of the U.S. health care system as a whole. While a fine example for comprehensive care, the FEHBP currently offers minimal dental and vision benefits. Over 15 years ago, the Office of Personnel Management stopped allowing plans to add new dental and vision packages or to enhance packages they already had in place. As a result, the FEHBP has not kept pace in these areas, as an overwhelming majority of private sector plans provide dental and vision benefits.

In addition, there has been a groundswell among Federal employees and annuitants through numerous surveys and focus groups on this issue. More than any benefit, they want better coverage for dental and vision care. This will change with the passage of this important legislation.

The bill before us now will establish a voluntary, supplemental program under which Federal employees and annuitants may purchase dental and vision insurance as part of the FEHBP. This important legislation follows the design of the current long-term care insurance program whose premiums are wholly employee-funded, but allows the Federal Government to leverage its purchasing power to lower the cost of care in these areas.

Mr. Speaker, I want to recognize the efforts of my distinguished counterpart in the other body, the Senator from Maine, Ms. COLLINS. Senator COLLINS was instrumental in the drafting of this legislation. I commend her for her dedication on issues important to our Nation's civil service. I look forward to continuing to work with her on these important issues in the 109th Congress. I also thank my ranking member, the gentleman from California (Mr. WAXMAN), and the ranking member of the subcommittee, my friend, the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Virginia (Chairman TOM DAVIS) in consideration of S. 2657, the Federal Employee Dental

and Vision Benefits Enhancement Act of 2004.

Visual health and oral health are integral to our general health. Eye and oral diseases are progressive and become more complex over time. Our ability to eat, see, read, learn, and communicate all depends on good visual and oral health.

Periodic eye and dental examinations are an important part of routine preventive health care. Many visual and oral conditions present no obvious symptoms. Therefore, individuals are often unaware that problems exist.

There are safe and effective measures to prevent the most common eye and dental diseases, and that is why early diagnosis and treatment are important for maintaining good visual and oral health, and why a vision and dental benefit should be made available to Federal employees and annuitants.

We know that in 1987, the Office of Personnel Management stopped plans in the Federal health benefits program from adding new visual and dental packages. OPM did so for various reasons. However, that decision was made over 15 years ago, and it is time to take a fresh look at how we can meet the visual and oral health needs of Federal employees.

In the long run, preventive care through periodic examinations and doctor visits will help keep down long-term visual and dental costs due to early detection.

I am happy to support S. 2657 because it permits OPM to contract with qualified companies to offer dental and vision benefits to Federal employees and retirees under the Federal Employee Health Benefits Program.

Unfortunately, however, this bill does not include a provision that would require OPM to study the feasibility of providing hearing benefits to Federal benefits and retirees. Currently, over 28 million Americans suffer hearing loss, half of whom are under the age of 50. Hearing loss is not just a problem affecting adults. Thirty-three children are born every day with some form of hearing loss. With early detection and treatment, these children can be taught in regular classes, saving the school system as much as \$500,000 during a 12-year education.

I included similar language in H.R. 3751, which passed the House in June. Like vision and dental benefits, most insurance plans do not provide hearing benefits, such as coverage for hearing aids.

To address this omission, the gentleman from California (Mr. WAXMAN) and I, along with the gentleman from Virginia (Chairman TOM DAVIS) and the Senate sponsors of this bill, sent a letter to the Director of the office of OPM requesting that the agency assess current hearing benefits available to FEHBP participants and explore the feasibility of expanding hearing benefits to enrollees and their dependents.

Director James has already replied that such a study will be conducted

and completed by September 30, 2005. I am pleased that we have received this commitment from OPM and look forward to reviewing the finished report.

I would urge my colleagues to support passage of Senate bill 2657.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, we had inserted similar language to this bill in the legislative branch appropriations bill that hopefully we will approve tonight as well. It addresses the fact that dental and vision needs are some of the most expensive out-of-pocket expenses. We will now have it available for Federal employees in the executive branch, as well as the legislative branch; this is a very important accomplishment of the Committee on Government Reform.

Mr. Speaker, I rise in strong support of H.R. 5295, the Federal Employees Dental and Vision Benefits Enhancement Act of 2004 and am proud to be a co-sponsor of this bill. As ranking member of the Legislative Branch Appropriations Subcommittee, I was pleased to initiate efforts to establish a similar benefit for Members and congressional staff with House passage of the Fiscal 2005 Legislative Branch Appropriations Act (H.R. 4755). Combined, these two initiatives represent one of the most significant changes to health benefits under the Federal Employee Health Benefits Plan in recent years.

The Federal Employees Dental and Vision Benefits Enhancement Act would establish a voluntary program under which Federal employees, retirees and annuitants may purchase supplemental dental and vision coverage. The legislation grants the Office of Personnel Management (OPM) the authority to select the appropriate combination of nationwide and regional companies and a variety of benefit packages to meet the diverse needs of our Federal employee, retiree, and annuitant population.

Greater access to dental and vision care is an area where major improvement is needed and should be an essential component to any comprehensive health care strategy. Many Federal employees whom I hear from tell me that their greatest health care expenditures go towards dental and vision care. Federal employees need and deserve increased access to dental and vision benefits.

FEHBP has long been regarded as a model health care program. I am confident that with the addition of a supplementary dental and vision coverage program, the Federal government will set an example for other employers to expand their health care offerings to include dental and vision coverage for their employees. Additionally, I believe this new benefit will serve as a recruitment tool for the Federal government in attracting and keeping the best and the brightest in the government.

Mr. Speaker, I thank Chairman DAVIS on the Government Reform Committee for moving this important legislation, and I strongly support its adoption.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, too often, basic health insurance coverage offered to federal

employees does not adequately cover the cost of dental and vision care, yet regular visits to the eye doctor and the dentist are just as important for maintaining overall health as annual visits to the M.D. That is why Chairman DAVIS, Rep. JOANN DAVIS, Senator SUSAN COLLINS, myself and others have made the addition of supplemental dental and vision benefits to the Federal Employee Health Benefits Program a priority.

According to testimony we heard last year in the Government Reform Committee, while 56 percent of Americans have dental coverage, of 150 FEHBP plans studied, only one provided dental coverage for children and only 14 provided orthodontic coverage. Unfortunately, there are not a lot of options for federal employees when it comes to vision insurance either. The FEHBP is often cited as a leader and a model for health care plans across the Nation. It is unacceptable that federal employees and their families are denied quality coverage for dental and vision services.

The Federal Employees Dental and Vision Benefits Enhancement Act of 2004 seeks to address this situation by leveraging the purchasing power of the federal government to obtain supplemental dental and vision benefits for federal employees. This much-needed legislation is patterned after the successful long-term care benefits program we already offer federal employees and will provide tangible relief to millions of federal employees and their families.

The new benefits would be offered separately from existing health care plans and would be available strictly on a voluntary basis. Since federal employees opting to take advantage of these benefits would pay 100 percent of the premiums, we can offer these policies at very little cost to the federal government. This legislation is a win-win for all parties involved.

Recently, I chaired a subcommittee hearing on steps the federal government can take to lead the way in reducing health care costs by taking advantage of our missive purchasing power, investing in new health care technologies and promoting good health through preventative care. This legislation is a step in that direction. The federal government must lead by example when it comes to health care and I ask my colleagues to support that effort by voting in favor of this bill.

□ 1515

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge support for the bill, S. 2657.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 2657.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

The Clerk read as follows:

Senate Amendments:

Page 2, line 7, strike "10 succeeding" and insert "7 succeeding".

Page 2, line 11, strike "10 succeeding" and insert "7 succeeding".

Amend the title so as to read: "An Act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4012.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4012, legislation to authorize the District of Columbia College Access Act for 2 additional years.

The College Access Program has been a key component of the District's revitalization efforts in recent years. It is critical that Congress continue to support its partnership with the District of Columbia in providing access to higher education resources and opportunities.

Congress established the D.C. College Access Program in 1999 for two primary reasons. First, the program addressed the fact that the District of Columbia does not have a State university system like most States do for its high school graduates. The program essentially leveled the playing field for high school graduates in the Nation's Capital by enabling them to attend colleges and universities around the country at in-state tuition rates. This is State universities around the country.

The program's second purpose was to deter tax-paying families in the District from moving to surrounding States in order to take advantage of in-state higher education options available to residents in other States that were not available to District residents

at the time that would deprive the District of very much needed stability in tax revenue should they leave the jurisdiction.

I cannot tell you how many mothers and fathers have approached me to say thank you. We were going to have to leave the District of Columbia so our kid could go to college, but thanks to this program we can stay; or young people from the district that come up to me and say thank you for this act. I am now able to afford to go to a good college.

At a Committee on Government Reform hearing on this program last March, it is clear that the program has been more than an anecdotal success over the past 5 years. D.C. Mayor Anthony Williams testified that since creation of the program, the number of high school graduates in the District continuing on to college has increased 28 percent. The national average over the same period was an increase of approximately 5 percent.

The impact of the College Access Program is undeniable. According to a survey of high school graduates in the District, the vast majority of students who have received assistance through the program have indicated that the existence of the grants made a difference in their decision to attend college and was a key factor in deciding which college to attend.

H.R. 4012 represents a shot at a better education and, in turn, a better life for hundreds of D.C. students.

The House passed a 5-year authorization for the program in July, but after discussions with the other body, we have agreed to limit the reauthorization to 2 years while we in Congress continue to work with the city to refine the scope and the mission of the program.

Mr. Speaker, I urge my colleagues to support H.R. 4012 and to continue to support a level playing field for high school graduates in the District.

I also want to acknowledge my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON) for her help in starting this bill and working through this legislation today as we reauthorize it, and my colleague, the gentleman from Alexandria, Virginia (Mr. MORAN), who has also been very helpful and instrumental in getting this legislation originally established and reauthorizing it today.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the kind words and acknowledgement of the chairman. I particularly appreciate the strong leadership he has given this bill from its inception and the continuing strong leadership he has afforded this absolutely vital bill to the residents of the District of Columbia.

Led by my good friend, the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), the District of Columbia College Access Act of 1999 has

always passed with bipartisan sponsors in the House and Senate and consistently strong support from Members of both bodies. We are particularly indebted to the chairman, who, because of the importance of higher education to those who live and work in this white-collar region, has always made this bill a priority of the committee.

This year he performed an additional critical act of leadership. When a problem arose in the Senate after the bill was approved in committee, he forged an acceptable compromise. The champions of the bill in the Senate have been a chairman, Senator GEORGE VOINOVICH and his ranking member, Senator DICK DURBIN of the subcommittee with jurisdiction over the District of Columbia, as well as the Chair of the Senate Committee on Governmental Affairs, Senator SUSAN COLLINS and the ranking member, Senator JOE LIEBERMAN.

Mr. Speaker, I want to express special gratitude to President Bush, who came to office several years after the law was in effect, saw the evidence of its exceptional success, and has continued to fund it in his budget at authorized levels.

The act, which partially funds college tuition through tuition access grants, or TAG, gives D.C. residents opportunities for college attendance that other Americans already enjoy through their State university systems. Because the District has no State university system, TAG substitutes for such a system by allowing D.C. residents to attend the public colleges in the States at in-state tuition rates, subsidized up to \$10,000. In the alternative, our students may receive \$2,500 to attend private colleges at historically black colleges or universities in the city or region or other private colleges, provisions that also imitate what some States allow.

Already some 6,000 D.C. students have attended more than 150 colleges nationwide because of funds provided by the act. There are two particularly gratifying results from the first years of the Act. First, college attendance in the District has increased by 28 percent compared with only 11 percent nationally. Second, the act has been important to keeping tax-paying residents in the city and stemming the large and disastrous taxpayers' losses of the past three decades, particularly of parents who often left for the suburbs when their children were in reach of college age, rather than deny their children the benefits of a lower-cost, high-quality State university system. The high cost of tuition is a significant reason many residents left the District and others refuse to settle here.

The evidence of the success of the program and the return on the dollar to residents, to the city itself and to the Federal Government is not in dispute. Close monitoring by the GAO, by the committee and by our office have shown that TAG has been well run. TAG is universally popular among D.C.

residents and businesses because of the act's simultaneous and immediate benefits to higher education in the District and, therefore, to the economic stability and viability of the city itself.

The program is an unqualified success and continues to exceed all expectations. The program has proved itself in becoming a valuable catalyst to where it is most needed. TAG deserves reauthorization, and I strongly urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Committee on Government Reform for yielding me time, but particularly for his leadership on this bill and the preceding bill.

This bill provides opportunities to young people who have already not only graduated from high school, but showed exceptional academic achievement. Many of them had to overcome social and economic barriers that we would never want or expect our own children to be able to cope with, let alone overcome. It's not fair that in the District of Columbia they do not have the opportunities that many of our children in the suburbs have. To make at least this very important access to higher education available to them at a very reasonable cost is a terribly appropriate thing to do.

Mr. Speaker, I appreciate the leadership of the gentlewoman from the District of Columbia (Ms. NORTON) on behalf of her constituents and the leadership of the gentleman from Virginia (Mr. TOM DAVIS) on behalf of the Congress to make sure that this legislation gets through.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want to say that the two gentlemen from which we just heard on the bill, the gentleman from Virginia (Mr. MORAN) who just spoke, and the gentleman from Virginia (Mr. TOM DAVIS) who has led the bill, are both from this region.

This may be the most white-collar region in the United States. When District of Columbia residents did not have access to its State university system, it hurt the entire economy of the region because it meant the critical core of the region could not provide the same State university systems that are very beautifully provided in Maryland and Virginia. So one part of the region could not contribute to the economic viability of the region.

Mr. Speaker, I appreciate particularly their work in understanding how vital the District's contribution was and is, and that it cannot be made except through higher education of the kind that is expected through this region.

Finally, a word about the Chair. This bill was finally passed in the Senate

only in the lame duck session. It has been passed here because the chairman had smoothly led its passage in the House. It did not have a bit of controversy here. There were some changes made after some consultation with the House with the Senate, and all was well; and at the last minute a very small problem arose in the Senate. But when one person raises a problem in the Senate, that can mean the end of an entire bill. So I do want to say right here on this floor that the work of the chairman when we brought this to his attention that all efforts in the Senate to solve this one problem with one Member had failed for reasons no one could put their finger on, that his own creative sense of compromise is what rescued the bill in the Senate.

I want to express my deep appreciation for his work in the midst of the lame duck session, to think of what might be done, and then to speak with the Member in the Senate who raised an issue, and then to come forward with a compromise that has proved acceptable to all. We are very grateful for that, because without that work on the part of Chairman DAVIS, we would not be here.

□ 1530

This bill would not be authorized, and we would not be able to get the full amount which has already been passed by the appropriation committees on both sides into the President's budget when it comes here in January.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleagues for their kind words and their efforts in working together on this legislation, and I would urge all Members to support the Senate amendments to H.R. 4012.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4012.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING INTERNAL REVENUE CODE TO MODIFY TAXATION OF ARROW COMPONENTS

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5394) to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

The Clerk read as follows:

H.R. 5394

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

SECTION 1. EXCISE TAX ON ARROWS.

(a) **REPEAL.**—Subsection (b) of section 332 of the American Jobs Creation Act of 2004, and the amendments made by such subsection, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendments had never been enacted.

(b) **TAX ON ARROW SHAFTS.**—Paragraph (2) of section 4161(b) of the Internal Revenue Code of 1986 (relating to arrows) is amended to read as follows:

“(2) **ARROWS.**—

“(A) **IN GENERAL.**—There is hereby imposed on the first sale by the manufacturer, producer, or importer of any shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

“(i) measures 18 inches overall or more in length, or

“(ii) measures less than 18 inches overall in length but is suitable for use with a bow described in paragraph (1)(A), a tax equal to 39 cents per shaft.

“(B) **ADJUSTMENT FOR INFLATION.**—

“(i) **IN GENERAL.**—In the case of any calendar year beginning after 2005, the 39-cent amount specified in subparagraph (A) shall be increased by an amount equal to the product of—

“(I) such amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘2004’ for ‘1992’ in subparagraph (B) thereof.

“(ii) **ROUNDING.**—If any increase determined under clause (i) is not a multiple of 1 cent, such increase shall be rounded to the nearest multiple of 1 cent.”

(c) **ARROW POINTS.**—Clause (ii) of section 4161(b)(1)(B) (relating to archery equipment) of such Code is amended by striking “quiver or broadhead” and inserting “quiver, broadhead, or point”.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (b) and (c) shall apply to articles sold by the manufacturer, producer, or importer after March 31, 2005.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 5394, the bill under consideration.

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

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RYAN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I briefly just want to describe what this bill does.

I, along with the gentleman from Utah (Mr. MATHESON), introduced H.R.

5394, which will correct an unintended new tax on arrows. The American Jobs Creation Act closed the loophole that allowed imported arrows to avoid the excise tax paid on domestically produced arrows. Unfortunately, the IRS identified an unintended consequence that will require 8,000 retailers to collect and remit a small part of this excise tax.

The provision of this bill designed to protect the double taxation of arrows inadvertently moves the incidence of a very small part of the tax on arrows from manufacturers to retailers. This language will require every retailer to determine the difference between the tax paid on the components that they buy and the tax due on arrows that they assemble and sell. Therefore, 8,000 retailers will be required to file and remit the excise tax quarterly for an amount of about \$100,000.

Clearly, Congress did not intend to impose a new tax on thousands of small businesses and retailers. This legislation fixes that. It amends the archery excise provision to impose a flat fee on the first sale of all arrow shafts. This legislation protects thousands of retailers by keeping the incidence of the tax on manufacturers, not on retailers; treats domestic and foreign manufacturers equally; and protects the Federal Aid in Wildlife Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleague the gentleman from Wisconsin (Mr. RYAN). He has worked very diligently on this issue. I know he personally is an avid sportsman and takes, therefore, more than passing interest in these matters. He also does very well representing the constituents involved in the domestic manufacture of arrows.

This has been a hard one to get right. We first passed it in 1997, trying to address this issue. The language in the FST bill that passed just a few weeks ago we thought took care of it. We had the joint tax and Treasury Department involved in getting that language correct, and only now we are finding that it is going to be a new tax to be collected by about 10,000 sports retailers.

Mr. Speaker, we want to fix this, and we want to fix this one right, quick. So I am going to ask for support on this motion today.

I would like to, in the course of my remarks, however, address an issue raised by the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, and his statement will be made a part of the RECORD.

He had offered for the chairman a deal to bundle in a unanimous consent package the bow and arrow fix, plus a provision to address the circumstances of the Virgin Islands and other territories under the corporate tax reform bill, the FST bill mentioned earlier, as well as something to address the devas-

tation in Haiti, and so I would just read a couple of paragraphs from his statement because I think it is appropriately before the body.

The “Ways and Means Committee Chairman THOMAS knows that the bows and arrows correction could have been handled by unanimous consent.” There had been a request that a correcting provision from the FST/ETI bill also be included to assist the Virgin Islands and some attention provided to the devastation affecting the people of Haiti.

“The recently enacted FST/ETI legislation contains a provision that will adversely affect the economic development programs of the Virgin Islands and other possessions.

“The provision denies the Virgin Islands the ability to provide economic incentives to companies doing business in the Virgin Islands if they have some U.S. source income.”

It is also clear that House leadership is unwilling to provide assistance to poverty-stricken Haiti. “Obviously, our neighbor in this hemisphere is not viewed as so urgent that it cannot wait. I am talking about a country that is so poor they bake clay and pretend it is bread.

“It is unclear to me why” the Haiti trade preferences bill could not have been brought up by year end.

I agree that, to summarize the ranking member’s feelings, it is fine to address this bow and arrows provision, absolutely fine. We have some issues we also wanted addressed, circumstances about possession under FST/ETI and something to be done to address the pathetic circumstance of Haiti, and that would have been our preference also at year end.

Having now stated what our preferences would have been, let me again summarize the minority position on this bill. It needs to be corrected. We want it corrected. We do not think it should have taken three times to get right, but here we are. We are willing to get it right this time.

I again salute the gentleman from Wisconsin’s (Mr. RYAN), my colleague, efforts who have been untiring and in the end will today prevail in getting this right.

Mr. Speaker, I yield back my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I first want to just thank my colleague from North Dakota, a wonderful State I have enjoyed hunting in, and his archers, I think, will be pleased with his support today.

We are finally getting this thing fixed. We thought the tax experts figured it out the last time. That was not necessarily the case. We have got this fix in place. So, again, we are not going to be pushing jobs overseas. We are not going to be draining precious resources from the Pittman-Robertson Fund. We are fixing that loophole.

Mrs. CHRISTENSEN. Mr. Speaker, today the House is considering H.R. 5394, a bill

sponsored by my colleague PAUL RYAN of Wisconsin to amend a section of the recently passed American Jobs Creation Act of 2004 as it relates to the Federal excise tax on the sale by a manufacturer, producer or importer of any bows or arrows of a certain weight.

While I do not expressly support or oppose H.R. 5394, I rise to express my disappointment that the people of my district, the U.S. Virgin Islands, are not afforded a similar opportunity to address certain changes to the provisions of the Jobs Act as they relate to the residence and source rules applicable in U.S. possessions.

It is the longstanding policy of the United States, as reaffirmed in the Tax Reform Act of 1986, to promote the economic development of the U.S. Virgin Islands through tax policies that grant the Virgin Islands exclusive taxing jurisdiction over its residents and the right to tax the income of non-residents that is either sourced in the Virgin Islands or attributable to Virgin Islands businesses.

The American Jobs Creation Act of 2004, which was signed into law on October 22, 2004, significantly changed the Federal tax rules that form the foundation of Virgin Islands economic incentive program, the Economic Development Commission (EDC). Unless the changes made to this program by the Jobs Act is amended or appropriately modified by regulation, they have the potential to cause substantial damage to the Virgin Islands EDC program and cause significant losses to the Government of the Virgin Islands beyond those attributable to the EDC program.

While the statement of the managers accompanying the conference report for the Jobs Act indicates that Congress was concerned about U.S. citizens inappropriately claiming benefits as residents of a possession while continuing to live and work in the United States, the provisions of the new IRS Code section 937 would have much broader impact, affecting individuals who never resided in the United States and also place restrictions on the different economic development programs that go far beyond identified abuses.

It is for these reasons Mr. Speaker, that the government of the Virgin Islands sought to have these changes narrowed and clarified through legislation similar to H.R. 5394, but we were unsuccessful in our efforts to date. Accordingly, I beseech my colleagues, the chairman of the Ways and Means Committee and you, Mr. Speaker, to work with me when we return next Congress to address these concerns and avert a potential economic catastrophe for the Government and people of the Virgin Islands.

Mr. RANGEL. Mr. Speaker, H.R. 5394 is the Republican's third attempt to provide correct statutory language for the purpose of providing domestic and foreign manufacturers and retailers of bows and arrows with a level playing field.

The original provision was enacted into law in 1997. A correction to that language was included in this year's Foreign Sales Corporation/Extraterritorial Income Replacement, FSC/ETI, which resulted in another needed correction—as provided in H.R. 5394. Apparently, the most recent drafting error would cause about 10,000 new retailers to begin collecting excise taxes on a quarterly basis due to an unintended new point of tax collection created for arrow components costing less than a dollar. I hope that this time the Republicans got it right.

PRIORITIES

What really concerns me today is not bows and arrows. Rather, I question the priorities of the Republicans in the House.

The Republicans enjoy talking about their values—but their actions simply do not meet their words. According to Republican values, tax breaks for makers of bows and arrows are an urgent matter that must be addressed today.

Of course, Ways and Means Committee Chairman THOMAS knows that the bows and arrows correction could have been handled by unanimous consent last month. At that time, I asked that a correcting provision from the FSC/ETI bill also be included to assist the Virgin Islands—as it is for the arrow component manufacturers—and that some attention be provided to the devastation facing the people of Haiti.

VIRGIN ISLANDS

It is obvious that the House Republican Leadership and Chairman THOMAS are unwilling to provide a little helping hand to the Virgin Islands and the other U.S. possessions. The recently enacted FSC/ETI legislation contains a provision that will adversely affect the economic development programs of the Virgin Islands and other possessions.

The provision denies the Virgin Islands the ability to provide economic incentives to companies doing business in the Virgin Islands if they have some U.S. source income. There are many circumstances where companies engaged in business activities in the Virgin Islands can have U.S. source income, even though they engage in no activities in the United States.

Everyone recognizes that the FSC/ETI legislation overreached. The provision was adopted without any hearings in either House, and without a serious examination of what it does. So the simple solution is to fix the problem. The Republicans' response is to wait for Treasury to address the situation. There is no guarantee when, or if, Treasury will do so.

The provision in the bill already took effect, and is currently creating a problem for the Virgin Islands economic development program. This is a time-sensitive issue, that could be easily resolved with a delay in the effective date to permit the Treasury to act.

This House has found time today to correct an error for arrow component retailers. I had hoped that at the same time we could have corrected the provision harming the Virgin Islands. It is obviously a question of the Republicans' priorities.

HAITI

It also is obvious that the House and committee Republican leadership are unwilling to provide a little assistance to a poverty stricken Haiti. Obviously, our neighbor in this hemisphere is not viewed as so urgent that it cannot wait. I am talking about a country that is so poor that they bake clay and pretend it is bread.

It is still unclear to me why—other than pure meanness, stinginess and a lack of real values—that a Haiti trade preferences bill could not be brought up before the end of the year. Chairman THOMAS and I reached agreement on a compromise bill—a bill that did not present any threat to the U.S. industry but that would have meant the world to the people of Haiti.

House Democrats were prepared to support our bill—and I know we had ample Republican support for it, thanks to the efforts of my friend CLAY SHAW, and my long-time friend and col-

league, PHIL CRANE. I also know that Senators BOB GRAHAM and MIKE DEWINE would have been able to get passage in the Senate—had we sent them something. They had already passed a much better, more generous bill.

I want everyone to understand that our failure to act on Haiti today has real consequences for a country already devastated by natural disasters, years of domestic political turmoil, and foreign interference.

At the end of this year global textiles and apparel quotas terminate. Everyone expects China to dominate, taking market share and jobs not just from workers in the U.S., but also from workers in poor, vulnerable developing countries. And there is no country so threatened or so dependent on access to our market as Haiti.

Apparel is the only thing these people make—it is 90 percent of what the Haitians send to us. And because we are not acting, those exports are threatened. And you know what will replace those exports of sweaters and pants? Exports of people.

I will fight again for Haiti next year, and I pray it will not be too late.

CONCLUSION

I want to compliment my colleague, Representative PAUL RYAN, for his diligence in correcting the drafting error for the 1997 bows and arrow tax relief provision and, again today, for correcting the correction in the FSC/ETI bill. One would have thought that drafting a simple bill, like bows and arrows, could be handled right the first time. But, I understand that things happen.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 5394.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PASS THE 9/11 COMMISSION RECOMMENDATIONS IMPLEMENTATIONS ACT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the bipartisan 9/11 Commission bill. This past week I joined relatives of victims of 9/11 at Ground Zero. It was one of the places that we held vigils across this country to remind Members of Congress of the human cost of the terrorist attack. Vigils were held in Washington, D.C., New York, Buffalo, Boston, Los Angeles.

We are hopeful that a vote will be taken tomorrow. It will move forward this bill that will make Americans safer.

We ask people to sign a petition and present that petition to the Speaker of the House of Representatives. I will place in the RECORD the text of that petition at this point.

DECEMBER 6, 2004.

DEAR SPEAKER HASTERT: These signatures represent the will of the people. The democratic process must be respected. Congress must be allowed to vote.

The "9/11 Commission Recommendations Implementations Act" is supported by the 9/11 Commission, the President, the Senate, and the majority of the members of your House.

Listen to the voice of the people.

Signed,

Carie Lemack, Mindy Kleinberg, Lorie Van Auken, Patty Casazza, Carol Ashley, Mary Fetchet, Linda Lewis, Kathy Wiesniewski, Beverly Eckert, Bill Harvey, Charles Wolf.

Speaking: Abraham Scott (lost wife Janice Marie); Beverly Eckert, Stamford (lost husband Sean Rooney); Mary Fetchet, New Canaan (lost son Brad); Carie Lemack, Boston (lost mother Judy Larocque).

Not speaking: Carol Ashley, Long Island (lost daughter Janice); Kathy Wiesniewski (lost husband); Charlie Wolf (lost wife Kathy); Lorie Van Auken (lost husband Kenneth); Mindy Kleinberg (lost husband Alan).

The holidays are a particularly difficult time for people who have lost loved ones, Thanksgiving and the holiday season. I am very, very hopeful that the hard work of these families in support of changes that will make America safer will be allowed for a vote in the House of Representatives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 6 p.m. today.

□ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to suspend the rules previously postponed.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the concurrent resolution, H. Con. Res. 528.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and concur in the Senate amend-

ment to the concurrent resolution, H. Con. Res. 528, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 543]

YEAS—381

Ackerman	Diaz-Balart, L.	Kapture
Aderholt	Diaz-Balart, M.	Keller
Akin	Dingell	Kelly
Alexander	Doggett	Kennedy (MN)
Allen	Doolittle	Kennedy (RI)
Andrews	Doyle	Kildee
Bachus	Dreier	Kilpatrick
Baird	Duncan	King (IA)
Baker	Dunn	King (NY)
Baldwin	Edwards	Kingston
Barrett (SC)	Ehlers	Kirk
Bartlett (MD)	Emanuel	Kline
Barton (TX)	Emerson	Knollenberg
Bass	Engel	Kolbe
Beauprez	English	Kucinich
Becerra	Eshoo	LaHood
Berkley	Etheridge	Lampson
Berman	Evans	Langevin
Berry	Everett	Lantos
Biggert	Farr	Larson (CT)
Bilirakis	Feeney	Latham
Bishop (GA)	Ferguson	LaTourette
Bishop (NY)	Fiener	Leach
Bishop (UT)	Flake	Lee
Blackburn	Foley	Levin
Blumenauer	Forbes	Lewis (CA)
Blunt	Ford	Lewis (GA)
Boehner	Fossella	Lewis (KY)
Bonilla	Frank (MA)	Linder
Bonner	Franks (AZ)	LoBiondo
Bono	Frelinghuysen	Lofgren
Boozman	Frost	Lowe
Boucher	Galleghy	Lucas (KY)
Boyd	Garrett (NJ)	Lucas (OK)
Bradley (NH)	Gephardt	Lynch
Brady (PA)	Gerlach	Majette
Brady (TX)	Gibbons	Maloney
Brown (OH)	Gilchrest	Manzullo
Brown (SC)	Gillmor	Markey
Brown, Corrine	Gingrey	Marshall
Brown-Waite,	Gonzalez	Matheson
Ginny	Goode	Matsui
Burgess	Goodlatte	McCarthy (MO)
Burns	Graves	McCarthy (NY)
Burr	Green (TX)	McCollum
Burton (IN)	Green (WI)	McCotter
Butterfield	Greenwood	McCrery
Buyer	Grijalva	McDermott
Calvert	Gutknecht	McGovern
Camp	Hall	McHugh
Cantor	Harman	McIntyre
Capito	Harris	McNulty
Capps	Hart	Meehan
Capuano	Hayes	Meek (FL)
Cardin	Hayworth	Meeks (NY)
Cardoza	Hefley	Menendez
Carson (IN)	Hensarling	Mica
Carter	Herger	Michaud
Castle	Herseth	Millender-
Chabot	Hill	McDonald
Chandler	Hinche	Miller (FL)
Chocola	Hinojosa	Miller (MI)
Clay	Hobson	Miller (NC)
Clyburn	Hoefel	Miller, Gary
Coble	Hoekstra	Miller, George
Cole	Holden	Mollohan
Conyers	Holt	Moore
Cooper	Honda	Moran (KS)
Costello	Hooley (OR)	Moran (VA)
Cox	Hostettler	Murphy
Cramer	Hoyer	Musgrave
Crane	Hulshof	Myrick
Crenshaw	Hunter	Nadler
Crowley	Inslee	Napolitano
Cubin	Isakson	Neugebauer
Culberson	Israel	Ney
Cunningham	Issa	Northup
Davis (CA)	Istook	Nunes
Davis (IL)	Jackson (IL)	Oberstar
Davis (TN)	Jackson-Lee	Obey
Davis, Jo Ann	(TX)	Oliver
Davis, Tom	Jenkins	Ortiz
Deal (GA)	John	Osborne
DeFazio	Johnson (CT)	Ose
DeGette	Johnson (IL)	Otter
DeLay	Johnson, E. B.	Owens
DeMint	Johnson, Sam	Oxley
Deutsch	Kanjorski	Pascarell

Pastor	Sabo	Tauscher
Paul	Sánchez, Linda	Tauzin
Payne	T.	Taylor (MS)
Pearce	Sanchez, Loretta	Taylor (NC)
Pelosi	Sanders	Terry
Pence	Sandlin	Thomas
Peterson (MN)	Saxton	Thompson (CA)
Peterson (PA)	Schakowsky	Thompson (MS)
Petri	Schiff	Thornberry
Pickering	Scott (GA)	Tiahrt
Pitts	Scott (VA)	Tiberi
Platts	Sensenbrenner	Tierney
Pombo	Serrano	Toomey
Pomeroy	Sessions	Turner (OH)
Porter	Shadegg	Turner (TX)
Portman	Shaw	Udall (CO)
Price (NC)	Shays	Udall (NM)
Pryce (OH)	Sherman	Upton
Putnam	Sherwood	Van Hollen
Quinn	Shimkus	Velázquez
Radanovich	Shuster	Vislosky
Ramstad	Simmons	Walden (OR)
Rangel	Simpson	Walsh
Regula	Skelton	Wamp
Rehberg	Slaughter	Waters
Renzi	Smith (MI)	Watson
Reynolds	Smith (NJ)	Watt
Rodriguez	Smith (TX)	Waxman
Rogers (AL)	Smith (WA)	Weldon (FL)
Rogers (KY)	Snyder	Weldon (PA)
Rogers (MI)	Solis	Weller
Rohrabacher	Souder	Wexler
Ros-Lehtinen	Spratt	Whitfield
Ross	Stark	Wicker
Rothman	Stearns	Wilson (SC)
Roybal-Allard	Stenholm	Woolsey
Royce	Strickland	Wu
Ruppersberger	Stupak	Wynn
Ryan (OH)	Sullivan	Young (FL)
Ryan (WI)	Tancredo	
Ryun (KS)	Tanner	

NOT VOTING—51

Abercrombie	Fattah	Murtha
Baca	Gordon	Neal (MA)
Ballenger	Granger	Nethercutt
Bell	Gutierrez	Norwood
Boehlert	Hastings (FL)	Nussle
Boswell	Hastings (WA)	Pallone
Cannon	Houghton	Rahall
Carson (OK)	Hyde	Reyes
Case	Jefferson	Rush
Collins	Jones (NC)	Schrock
Cummings	Jones (OH)	Sweeney
Davis (AL)	Kind	Towns
Davis (FL)	Klecicka	Vitter
Delahunt	Larsen (WA)	Weiner
DeLauro	Lipinski	Wilson (NM)
Dicks	McInnis	Wolf
Dooley (CA)	McKeon	Young (AK)

□ 1859

Mr. TERRY and Mr. RANGEL changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent today from this chamber. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote 543.

Mr. WOLF. Mr. Speaker, I am on an official leave of absence for today because of knee surgery. Had I been present and voting, I would have voted yea on rollcall 543, to suspend the rules and pass H. Con. Res. 528, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4818.

REPORT ON RESOLUTION WAIVING
A REQUIREMENT OF CLAUSE 6(a)
OF RULE XIII WITH RESPECT TO
CONSIDERATION OF CERTAIN
RESOLUTIONS REPORTED BY
THE RULES COMMITTEE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-795) on the resolution (H. Res. 868) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WELDON ANTI-WOMAN PROVISION
IN H.R. 4818

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. SLAUGHTER. Mr. Speaker, I rise to express my outrage about a dangerous antiwoman provision that is in this omnibus bill. I know that is not going to be changed, but I do want all women in America to know what is coming for them.

Let us say a woman is the unfortunate victim of a partial spontaneous abortion. Under the law that has been passed now in the United States, that woman may not go to the hospital and have that completed unless the hospital wants to do so. Presently, the law requires that a woman be taken care of; but even if a woman's life is at stake, even if she is going to die, the hospital does not have to do it.

Now, what happens if the hospital does it in defiance of what this law says? They then put into jeopardy every cent of money they bring in from the Labor-HHS bill, which would include all their State Children's Health Insurance money, all their Head Start money, all their child care development block grant money, all social services money, and perhaps all senior nutrition programs. This is really draconian when it comes to saving a woman's life.

States will not be allowed anymore to require an HMO that is participating in Medicaid to either cover abortions for a rape victim or tell them that they are eligible to get services and where to get it. What a step backwards for the United States.

Mr. Speaker, I am submitting for the RECORD an article from today's Washington Times announcing what is yet to come.

[From the Washington Times, Dec. 6, 2004]

PRO-LIFERS SET SIGHTS ON NEW CONGRESS

(By Amy Fagan)

The pro-life movement, which helped pass several initiatives in the 108th Congress, thinks Republican gains in the Senate will aid the chances for bills to enforce state parental notification laws and to alert pregnant women about fetal pain.

"There is enough of a shift that we think bills such as these two . . . have a real chance," said Douglas Johnson, legislative

director of the National Right to Life Committee.

The Senate has been the biggest blockade to pro-life bills. Republican pickups in this year's election mean the chamber will have about three additional pro-life votes come January, Mr. Johnson said.

He said he hopes the defeat of Senate Minority Leader Tom Daschle, South Dakota Democrat, might make some pro-choice senators "who marched in lock step with the abortion lobby . . . less inclined to get out on thin ice" in blocking abortion restrictions.

Both sides of the abortion debate are anticipating a Supreme Court vacancy, particularly after deteriorating health has forced Chief Justice William H. Rehnquist to miss several sessions.

Mr. Johnson said a battle over any Supreme Court nominee would take top priority for his group.

Vicki Saporta, president of the National Abortion Federation, also said a Supreme Court vacancy would be a "huge priority" for her side. She promised a "tremendous fight" over any nominee who would "turn back the clock" on abortion or other rights.

Until that fight erupts, however, the pro-life lobby will focus on other legislation.

One priority, introduced as a bill for the first time in May, would require doctors to tell women seeking abortions after 20 weeks about the capacity of the fetus to feel pain and offer the option of pain-reducing drugs.

The fetal-pain issue garnered interest during a federal court case in New York, in which the government was defending the federal ban on late-term partial-birth abortions. The judge in that case said the defense presented "credible evidence" that a fetus feels pain.

Mr. Johnson said there is growing support for the fetal pain bill in the House, and he hopes it can pass both chambers this term.

A bill returning to the scene next session would make it a federal crime to circumvent a state's parental-notification law by transporting a pregnant teen across the state line for an abortion without parental involvement.

The measure passed the House three times but stalled in the Senate.

Miss Saporta said the fetal-pain bill is "part of their campaign to separate the fetus from the woman."

Although the teen-transport bill likely will be introduced in both chambers, she said, passage would "put the most vulnerable teens at risk" by forcing those in dangerous family situations to involve their parents in abortion decisions and by making other family members criminals if they intervene.

Connie Mackey, vice president for government affairs for the Family Research Council, said her group also will push a ban on cloning human embryos for any purpose.

The legislation stalled last session, but House and Senate sponsors plan to bring back their bills next session. "We will be working hard" to pass them, Mrs. Mackey said.

She said her group will fight for more federal funding for adult stem-cell research, as a more promising alternative to embryonic stem-cell research. Pro-life lawmakers also are considering proposals to regulate abortion clinics and ban or limit RU-486, a home drug treatment that induces an abortion.

Miss Saporta said she also suspects conservative lawmakers will try to ban or limit RU-486 but predicted they will fail.

"It will be somewhat easier for anti-choice forces to pass further restrictions on abortion, but they won't be successful in all of their initiatives," she said.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INDEPENDENT THINKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, on September 11, 2001, our Nation suffered the most horrible attack ever on American soil at the hands of those with a deep-seated, enduring hatred for freedom.

Since that day, every one of us has been anxious to do whatever we can to protect our Nation's security. We have made great strides in this direction over the past 3 years, and much of the bill currently being considered seeks to capitalize on the success of the policies of the Bush administration.

When 9/11 Commission Vice Chair Lee Hamilton and Commission member Slade Gorton testified before the Committee on the Judiciary, I promised that I would carefully analyze any proposal that would come before this Congress to ensure that independence and ingenuity are preserved and that any intelligence-gathering entity or entities are not susceptible to groupthink.

The creation of the National Intelligence Director in this bill is precisely the formula for groupthink.

□ 1900

I absolutely believe the sharing of information is essential, but a National Intelligence Director with budget control and hiring and firing authority will create the climate for top-down groupthink. This groupthink will eliminate the competition of ideas and hinder innovation and creativity. Next time, it will not matter how faulty the information sharing, but a matter of the information not being generated or discovered to begin with. Instead of seeking to create out-of-the-box, nonlinear thinking, creative, effective intelligence organizations, this legislation is carving square pegs to fit into round holes. It is impossible not to reach the conclusion that groupthink is the inevitable result of the 9/11 Commission NID proposal.

We need to establish open channels of information-sharing between agencies, but not cripple them with top-down control. The testimony both before and by the 9/11 Commission established that there was not a single model of an intelligence culture that got it right. We must find the models we can use to create the types of agencies that can think outside the box.

Just as importantly, our national security begins at our borders. H.R. 10 included many immigration reforms that would have greatly improved the security of the United States. The conference committee either completely

removed most of those provisions or mutilated them beyond recognition.

They removed a requirement that all people entering the U.S. must provide secure verification of their identities and citizenship; a requirement that people present secure identification to establish their identity to Federal employees. They took out provisions which would have expedited the removal of illegal aliens and prevented terrorists from obtaining asylum.

They stripped a provision that would have cut down on excessive judicial review of the deportations of criminal aliens. They cut a provision which would have mandated that dangerous aliens who cannot be deported be detained. They chopped a section that would have imposed criminal penalties for false claims of citizenship.

Finally, the issue that has received the most attention lately, they cut a provision that would have barred illegal aliens from obtaining driver's licenses.

After all of this, they told the people who lost their loved ones on September 11 that those who are truly seeking to improve their safety are the ones holding this bill up in conference.

This is not a time for partisan politics or turf wars. If the goal here is truly to improve the security of our Nation as best we can, we cannot stifle intelligence activities nor ignore the mammoth threat pouring through our borders and living among us.

I urge my colleagues to join me in refusing to settle for a bill that does not do all it can to improve the safety of those who sent us here to represent them.

DEMOCRATS' MORAL VALUES

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last month Ohio Democrats took our moral values to the polls.

For many of us, our faith guided us, and our final vote for President was far too close to declare, my State, a State full of evangelical fundamentalists.

For many of us, moral values are grounded in our religious faith.

My Lutheran upbringing instructs me and my fellow Christians in the teachings of Jesus, to read and to follow as best we can the words of the Beatitudes, to try to live our lives and practice our politics as Jesus would have wanted us to.

For others of us, those moral values take the form of a faith in our country's greatness to solve our most pressing problems of racial inequality, inaccessible health care, poverty of millions of American children and the war in Iraq.

For several years, I have worn a lapel pin depicting a canary in a cage. A century ago, miners took a canary into the mines to warn them of toxic gases.

Miners were forced, in those days, to provide for their own protection. No mine safety laws. No trade unions able to help. No real support from their government.

A baby born a hundred years ago in those days had a life expectancy of about 47 years. Today, because of public health initiatives, worker safety laws, Medicare, Social Security, and other new laws, protections for children and minorities and the disabled, we live decades longer.

Every bit of progress in the struggle for economic and social justice, often rooted in our Judeo-Christian beliefs, prevailed over the opposition of society's most privileged and most powerful.

Today, those struggles continue. Our fight, in this chamber, for seniors who are forced to choose between medicine and food and our fight against the large pharmaceutical companies' greed is our understanding of the Holy Word.

Our opposition to tax cuts for America's most privileged adults and Head Start cuts afflicting our least privileged children follow from the teachings of Christ.

George Bush approved more than 150 executions, one every 2 weeks of his governorship in Texas. Our opposition to the death penalty is grounded in the Scriptures.

Our belief that government programs like Medicare and Social Security and Medicaid, not privatized imitations of them, our belief in those programs should serve all Americans bespeaks a faith in the greatness of our country and its ability and willingness to lift up all its children.

As we have seen over the last 4 years, Republicans campaign to their religious friends on their moral values, mostly opposition to abortion and gay rights, and then govern for and with their corporate allies and contributors.

On the floor of the House of Representatives, in the light of day, we hear much talk about moral values, but in the committee rooms and the cloakrooms, in the halls and in the hideaways, choices are made by Republican leaders that run counter to the teachings of Christ and Mohammed and the Jewish prophets and fly in the face of the values upon which our Nation was founded.

This Congress hurts families by underfunding Leave No Child Behind and college student loans, while giving tax cuts to the wealthiest among us.

This Congress hurts the elderly by defeating legislation to bring down the price of prescription drugs and then passing a Medicare bill that further enriches their drug and insurance company contributors.

This Congress hurts God's earth when it caves to the energy companies and the oil companies.

This Congress hurts our communities when it gives tax breaks to encourage the largest corporations to outsource their jobs.

And this Congress hurts our grandchildren when it loads huge burdens of debt on future generations.

Tens of thousands of Ohioans worked feverishly for months to help change our Nation's course because of their moral values, because of their faith in God, because of their belief in our Nation's history of taking care of the least among us.

In no way do I question the faith of my political opponents, but I am weary of the far right's claim that they are the only ones guided by the hand of God.

My understanding of the teachings of Christ, my religious upbringing, call me to walk a different path and to express and act upon my faith in the cause of social and economic justice.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

(Mr. WHITFIELD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY AND ROOT CAUSES OF IRAQI INSURGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, not all Members of Congress supported the war in Iraq, but we all have to live with its consequences. The global havoc wreaked by this war will affect the world in ways that we can only imagine today.

Let us not forget that more than 1,200 American soldiers have been killed in Iraq. Over 9,000 have been wounded, and an estimated 16,000 Iraqi civilians have been killed as a result of this war. In fact, 16,000 is probably a very low estimate.

The growing Iraqi insurgency, like the global War on Terror, cannot be won by being stronger than the insurgents. We cannot win this war with guns and bombs, because for every insurgent we kill, three more sign up. We have to be smarter than the insurgents. We are going to win this battle of conflicting ideologies only if we use our good senses and our good hearts.

We know that the anger at the heart of the Iraqi insurgency stems from, at least in part, a deep resentment over the American presence in their country. After years of Saddam Hussein's totalitarian regime, the Iraqi people see the United States as just another occupying force.

We have to make a choice in Iraq. Do we want to address the root causes of the insurgency or do we want to continue down our current path, shooting

and bombing everything in sight and perpetually fighting a losing battle for the hearts and minds of the Iraqi people?

We must reopen the debate about the situation in Iraq to determine why our current policies are not working. We must figure out why the insurgency continues to grow despite our military efforts. Only through a robust, public dialogue can we begin to get to the bottom of these questions.

To address the root cause of terrorism around the world, such as the current insurgency in Iraq, I have introduced H. Con. Res. 392, a SMART Security Resolution for the 21st Century. SMART stands for sensible, multilateral, American response to terrorism.

SMART security calls for the United States to address the root causes of terrorism by engaging our United Nations partners, by engaging also the world humanitarian community and all of our United States allies in the international and civilian-led reconstruction and political transition processes that we are involved in.

Can my colleagues imagine what Iraq might look like if, instead of rushing to invade the country, we had waited just a few months and continued to engage the rest of the world community in the weapons inspection process? We would have learned that Iraq did not possess weapons of mass destruction. We would have prevented the deaths of thousands of American troops and innocent Iraqi civilians.

Imagine if, after the invasion, we had allowed other Nations and the U.N. to partner with the United States in engaging the Iraqis in the reconstruction program. We would not be faced with billions of dollars of debt because the finances of cleanup would have been offset by dozens of other donor Nations.

SMART security calls for increased developmental aid for programs that are integrated with peace building and conflict prevention measures. Unfortunately, we are struggling to provide funds for Iraq's development because we are too busy paying for military operations, and the insurgents are busy working against our every effort in that regard.

Already, the White House has asked Congress to pilfer \$3 billion from Iraq's reconstruction funds in order to pay for military operations. That request represents a complete failure to adequately plan and prepare for this war.

Mr. Speaker, the United States must stop engaging in this reckless national security strategy, a strategy whose current path only encourages future terrorist activities.

It is time we pursued a SMART security strategy for America, a strategy that will secure Iraq, a strategy that will keep America safe and secure for the future, because, if we do not, all we will be left with are the consequences of our current failed policies.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

(Mr. VAN HOLLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHY IS IT SO URGENT THAT WE PASS AN INTELLIGENCE REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are few times when a bipartisan bill—of such substance and urgency, comes to the House that will truly benefit the safety and security of the American people as we have in this instance. The intelligence bill that is sitting in our Chambers, H.R. 10/S. 2845, must be passed before we close for 2004.

I urge my colleagues to join me in urging our colleagues to pass this bill and avoid imminent dereliction of duty.

This week may be our last chance this year to consider and pass this overwhelmingly popular bipartisan measure. This sweeping bill includes the creation of a national intelligence director to oversee the Central Intelligence Agency, a plan with which even our President agrees.

Given the recent vulnerabilities that we have experienced in bioterrorism defense with the shortage of flu vaccinations and the recent discovery that 380 tons of explosive material in Iraq remains unaccounted for, it is more than critical for this body to pass the intelligence reform legislation now—while we have an opportunity. The families of the fallen victims are looking to us for leadership and responsible action.

This bill would pass easily in the House of Representatives if our Speaker would overrule its opponents and schedule a vote. Furthermore, the companion Senate measure has sufficient support for passage.

I believe very strongly that immigration does not equate with terrorism. Nevertheless, we continue to look to the enforcement of our im-

migration laws as a way to protect our country from terrorist attacks, and this did not begin with the terrorist attack on September 11, 2001. Serious efforts in this regard were going on long before that happened. For instance, partly in response to the 1993 World Trade Center bombing, Congress strengthened the anti-terrorism provisions in the Immigration and Nationality Act, the INA, and passed provisions that were expected to ramp up enforcement activities, notably in the Illegal Immigration Reform and Immigrant Responsibility Act, IIRIRA, of 1996, Public Law 104–208, and the Antiterrorism and Effective Death Penalty Act, Public Law 104–132.

The INA gives the government broad authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations, as well as aliens who have violated other provisions of immigration law. This was augmented by a mandatory detention provision that we added with the U.S. PATRIOT Act.

More than 1,200 people reportedly were detained after September 11. Some experts support a broadening of the authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations.

I believe that current law will be adequate with minimal changes. I am concerned that further expansion may erode individual rights and that, as a result, innocent foreign nationals may be detained and deported.

Unfortunately, the House bill to implement the Commission's recommendations included a number of extraneous provisions that dealt with immigration reform issues rather than with the need to secure our country against further terrorist attacks.

For instance, it included court stripping provisions to reduce access to Federal court review from adverse decisions in immigration removal proceedings. It had a provision to take away the power of a Federal court judge to stay an alien appellant's removal pending the outcome of his appeal proceedings. It provided for greatly expanding the use of expedited removal proceedings, which would have enabled the Government to remove thousands of undocumented aliens without hearings or due process of any kind. It even had a provision permitting the government to deport aliens to countries where they would be tortured—in direct violation of the Convention Against Torture.

This troubled the 9/11 Commissioners to the point where they wrote letters to the Congress encouraging us to put these contentious issues aside so that we could move forward with the serious business of implementing their recommendations.

I am pleased that bipartisanship and a sense of responsibility prevailed in the end as far as the joint conference is concerned. The extraneous provisions I just mentioned have been removed from the bill. The final product is worthy of the outstanding effort that the Commission put into analyzing the horrific events of September 11, 2001. While I recognize that it does not fully implement the recommendations of the Commission in every respect, it is a major effort to move forward with the essential elements of the Commission's recommendations. We must consider and pass this legislation now.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OUR APPROPRIATIONS PROCESS IS BROKEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, today, the House Republican leadership is clearing up a mess they made three weeks ago.

On November 20, 2004, House Republicans sent to the floor another unwieldy omnibus spending bill, 2 months late and billions of dollars short for America's education, health care and homeland security needs. It was not until the last moment that we discovered that Republicans had slipped in a hidden provision that would have let Congress read the tax returns of any individual American taxpayer and reveal the contents to the public, with no penalties for committing such a flagrant violation of privacy.

Republicans quickly and vocally distanced themselves from this provision, and I have no doubt that my Republican colleagues were as ashamed as I was that this provision almost became law. But where the Republican leadership continues to fail is by claiming this is an isolated mistake. The ugly truth is that it is a symptom of a legislative process that is broken.

In a democracy, the legislative process relies on free and open exchange of ideas. After the final rollcall, there are winners and there are losers, but the system works because all sides know that the issues were debated openly, and the results were reached fairly.

The process Congress has used to fund our government for the past 3 years falls short of this ideal. In fact, it does not even come close. A few Republican leaders work day and night, behind closed doors, to prepare a document thousands of pages long. Then, the report is filed in the middle of the night, and Members are asked to vote on it the following morning. The people's elected representatives are forced to cast votes on a bill that funds half of the Federal Government, yet few people have actually read it.

□ 1915

The result is inevitable: bad law. Sometimes it is dramatically bad, like the sneak-and-peek tax provision in this year's bill. But more often it is boringly bad: billions wasted on the wrong priorities, monies that could go to education, health care, or Homeland Security instead going to someone's pet boondoggle. But just because it is boring does not make it any better.

Mr. Speaker, we owe the American taxpayer better accountability of the

money they send to us. As the President is fond of saying, it is not our money. It belongs to the taxpayers. And the taxpayers are right to demand better government policy.

I urge the Speaker to uphold the House's own rules on conference reports. Give us a chance to read bills before we have to vote on them, and give the American people a chance to have a free and open debate on how their taxpayer dollars are spent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. DAVIS of Alabama (at the request of Ms. PELOSI) for today and the balance of the week on account of illness.

Mr. KIND (at the request of Ms. PELOSI) for today on account of weather and travel delays.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BOEHLERT (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. WOLF (at the request of Mr. DELAY) for today on account of knee surgery.

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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

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

Mr. WHITFIELD, for 5 minutes, today and December 7.

Mr. BURTON of Indiana, for 5 minutes, today and December 7, 8, 9, and 10.

Mr. KING of Iowa, for 5 minutes, today.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates

he had approved and signed bills and joint resolutions of the House of the following titles:

September 24, 2004:

H.R. 361. An Act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. An Act to provide for the conveyance of the real property located at 1081 West Main Street, in Ravenna, Ohio.

H.R. 5008. An Act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

September 30, 2004:

H.R. 5149. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.J. Res. 107. Joint Resolution making continuing appropriations for the fiscal year 2005, and for other purposes.

October 4, 2004:

H.R. 1308. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes.

October 5, 2004:

H.R. 265. An Act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 1521. An Act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1616. An Act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 1648. An Act to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuwa Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

H.R. 1658. An Act to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

H.R. 1732. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

H.R. 2696. An Act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

H.R. 3209. An Act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An Act to extend the term of the Forest Counties Payments Committee.

H.R. 3389. An Act to amend the Stevenson-Wylder Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

H.R. 3768. An Act to expand the Timucuan Ecological and Historic Preserve, Florida.

October 6, 2004:

H.R. 4654. An Act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

October 13, 2004:

H.R. 4837. An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

October 16, 2004:

H.R. 982. An Act to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

H.R. 2408. An Act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges and for other purposes.

H.R. 2771. An Act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4115. An Act to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

H.R. 4259. An Act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.R. 5105. An Act to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

October 18, 2004:

H.R. 4011. An Act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

H.R. 4567. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4850. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

October 20, 2004:

H.R. 854. An Act to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

October 21, 2004:

H.R. 5122. An Act to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

October 22, 2004:

H.R. 4520. An Act to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

October 25, 2004:

H.R. 1533. An Act to amend the securities laws to permit church pension plans to be invested in collective trusts.

H.R. 2608. An Act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

H.R. 2714. An Act to reauthorize the State Justice Institute.

H.R. 2828. An Act to authorize the Secretary of the Interior to implement water supply technology and infrastructure pro-

grams aimed at increasing and diversifying domestic water resources.

H.R. 3858. An Act to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

H.R. 4175. An Act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 4278. An Act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

H.R. 4555. An Act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

H.R. 5185. An Act to temporarily extend the programs under the Higher Education Act of 1965.

October 28, 2004:

H.R. 4200. An Act to authorize appropriations for the fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

October 30, 2004:

H.R. 712. An Act for the relief of Richi James Lesley.

H.R. 867. An Act for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

H.R. 2010. An Act to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

H.R. 2023. An Act to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

H.R. 2400. An Act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

H.R. 2984. An Act to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears.

H.R. 3056. An Act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

H.R. 3217. An Act to provide to the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida, and for other purposes.

H.R. 3391. An Act to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project.

H.R. 3478. An Act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.

H.R. 3479. An Act to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes.

H.R. 3706. An Act to adjust the boundary of the John Muir National Historic Site, and for other purposes.

H.R. 3797. An Act to authorize improvements in the operations of the government of the District of Columbia, and for other purposes.

H.R. 3819. An Act to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

H.R. 4046. An Act to designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New York, as the "Sergeant Riayan A. Tejada Post Office".

H.R. 4066. An Act to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

H.R. 4306. An Act to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment.

H.R. 4381. An Act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building".

H.R. 4471. An Act to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

H.R. 4481. An Act to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

H.R. 4556. An Act to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building".

H.R. 4579. An Act to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

H.R. 4618. An Act to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building".

H.R. 4632. An Act to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building".

H.R. 4731. An Act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program.

H.R. 4827. An Act to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

H.R. 4917. An Act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes.

H.R. 5027. An Act to designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the "Specialist Eric Ramirez Post Office".

H.R. 5039. An Act to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office".

H.R. 5051. An Act to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the "Leonard C. Burch Post Office Building".

H.R. 5107. An Act to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal,

State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

H.R. 5131. An Act to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes.

H.R. 5133. An Act to designate the facility of the United States Postal Service located at 11110 Sunset Hills Road in Reston, Virginia, as the "Murtha Pennino Post Office Building".

H.R. 5147. An Act to designate the facility of the United States Postal Service located at 23055 Sherman Way in West Hills, California, as the "Evan Asa Ashcraft Post Office Building".

H.R. 5186. An Act to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans.

H.R. 5294. An Act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.J. Res 57. Joint Resolution expressing the sense of the Congress in recognition of the contributions of the seven Columbia astronauts by supporting the establishment of a Columbia Memorial Space Science Learning Center.

November 21, 2004:

H.J. Res. 114. Joint Resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

September 24, 2004:

S. 1576. An Act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

October 5, 2004:

S.J. Res. 41. Joint Resolution commemorating the opening of the National Museum of the American Indian.

October 13, 2004:

S. 1778. An Act to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

October 16, 2004:

S. 2292. An Act to require a report on acts of anti-Semitism around the world.

October 18, 2004:

S. 551. An Act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other Purposes.

S. 1421. An Act to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

S. 1537. An Act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery.

S. 1663. An Act to replace certain Coastal Barrier Resources System maps.

S. 1687. An Act to direct the Secretary of the Interior to conduct a study on the pres-

ervation and interpretation of historic sites of the Manhattan Protect for potential inclusion in the National Park System.

S. 1814. An Act to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior.

S. 2052. An Act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. 2180. An Act to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

S. 2319. An Act to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

S. 2363. An Act to revise and extend the Boys and Girls Clubs of American.

S. 2508. An Act to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

October 20, 2004:

S. 2895. An Act to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month.

October 21, 2004:

S. 33. An Act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

S. 1791. An Act to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

S. 2178. An Act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

S. 2415. An Act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building".

S. 2511. An Act to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

S. 2634. An Act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.

S. 2742. An Act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

October 22, 2004:

S. 2195. An Act to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

October 25, 2004:

S. 524. An Act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the Fort in 1862, and for other purposes.

S. 1368. An Act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow

Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 2864. An Act to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

S. 2883. An Act to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of United States Central Authority under that Act.

S. 2896. An Act to modify and extend certain privatization requirements of the Communications Satellite Act of 1962.

October 27, 2004:

S. 1134. An Act to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965.

S. 1721. An Act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

October 30, 2004:

S. 129. An Act to provide for reform relating to Federal employment, and for other purposes.

S. 144. An Act to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.

S. 643. An Act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

S. 1194. An Act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

November 19, 2004:

S. 2986. An Act to amend title 31 of the United States Code to increase the public debt limit.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. WOLF, on Monday, November 29, 2004.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

Mr. Trandahl, Clerk of the House, also reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reported that on November 20, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 114. Making further continuing appropriations for the fiscal year 2005, and for other purposes.

H.R. 1113. To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1417. To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges.

H.R. 1446. To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 1964. To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

H.R. 3936. A bill to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.

H.R. 4516. To require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

H.R. 4593. To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

Jeff Trandahl, Clerk of the House also reports that on November 23, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 110. Recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res. 111. Appointing the day for convening of the first session of the One Hundred Ninth Congress.

H.R. 1047. To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1630. To revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

H.R. 2912. To reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

ADJOURNMENT

Ms. WATSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 7, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11228. A communication from the President of the United States, transmitting an alternative plan for locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108-237); to the Committee on Government Reform and ordered to be printed.

11229. A letter from the Secretary, Department of Energy, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11230. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11231. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

11232. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's Year 2004 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Government Reform.

11233. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting a report entitled "Managing Federal Recruitment: Issues, Insights, and Illustrations," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

11234. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for FY 2004; to the Committee on Government Reform.

11235. A letter from the Acting Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2004, fulfilling the requirements of OMB Bulletin 01-09; to the Committee on Government Reform.

11236. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Kelly Aerospace Power Systems B-Series Combustion Heaters Models B1500, B2030, B2500, B3040, B3500, B4050, and B4500 (formerly owned by JanAero Devices, Janitrol, C&D, FL Aerospace, and Midland-Ross Corporations) [Docket No. FAA-2004-19118; Directorate Identifier 2004-CE-25-AD; Amendment 39-13826; AD 2004-21-05] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701), and CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. FAA-2004-18993; Directorate Identifier 2004NM-125-AD; Amendment 39-13781; AD 2004-18-03] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 190, 195 (L-126A,B,C), 195A, and 195B Airplanes [Docket No. FAA-2004-18033; Directorate Identifier 2004-CE-16-AD; Amendment 39-13828; AD 2004-21-08] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6-80C2 Turbofan Engines [Docket

et No. 2003-NE-43-AD; Amendment 39-13835; AD 2004-22-07] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model MU-300-10, 400, 400A, and 400T Series Airplanes; and Raytheon (Mitsubishi) Model Beech MU-300 Airplanes [Docket No. FAA-2004-18660; Directorate Identifier 2003-NM-161-AD; Amendment 39-13830; AD 2004-22-02] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2004-19461; Directorate Identifier 2004-NM-169-AD; Amendment 39-13833; AD 2004-22-05] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes on Which Cargo Restraint Strap Assemblies Have Been Installed per Supplemental Type Certificate (STC) ST01004NY [Docket No. 2002-NM-91-AD; Amendment 39-13829; AD 2004-22-01] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-158-AD; Amendment 39-13836; AD 2004-22-08] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters [Docket No. 2003-SW-51-AD; Amendment 39-13840; AD 2004-22-12] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11246. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747400, -400D, and -400F Series Airplanes Equipped With General Electric (GE) or Pratt & Whitney (P&W) Series Engines [Docket No. 2002-NM-173-AD; Amendment 39-13832; AD 2004-22-04] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11247. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. FAA-2004-18582; Directorate Identifier 2003-NM-35-AD; Amendment 39-13831; AD 2004-22-03] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 868. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108-795). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia:

H.R. 5424. A bill to repeal a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia:

H.R. 5425. A bill to amend a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 5426. A bill to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004; to the Committee on Transportation and Infrastructure.

By Mr. CHANDLER:

H.R. 5427. A bill to clarify that State tax incentives for business investment in equipment and facilities are a reasonable regulation of commerce and are not an undue burden upon interstate commerce; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 5428. A bill to amend the Federal Charter of the Boy Scouts of America in title 36, United States Code, to ratify the author-

ity of the Secretary of Defense and military installations and units of the Armed Forces to officially sponsor units of the Boy Scouts of America serving dependents of members of the Armed Forces and to make facilities of the Department of Defense available for Boy Scout meetings and activities, such as national and world Boy Scout Jamborees; to the Committee on the Judiciary.

By Mr. SOUDER (for himself, Mr. KINGSTON, Mr. SESSIONS, Mr. SMITH of New Jersey, and Mr. BONILLA):

H.R. 5429. A bill to require the National Institute on Drug Abuse to develop a meta-analysis of the available scientific data regarding the safety and health risks of smoking marijuana and the clinically-proven effectiveness of smoking marijuana for medicinal purposes, and to require the Food and Drug Administration to promptly disseminate the meta-analysis; to the Committee on Energy and Commerce.

By Mr. WICKER (for himself, Mr. DUNCAN, Mr. GIBBONS, Mr. SIMPSON, Mr. BARTLETT of Maryland, Mr. OTTER, Mr. PICKERING, Mr. HAYES, Mr. GILLMOR, Mr. ROHRABACHER, Mr. MARIO DIAZ-BALART of Florida, Mr. TANCREDO, Mr. MURPHY, Mr. SESSIONS, Mr. GARRETT of New Jersey, Mr. RYUN of Kansas, Mr. TAYLOR of Mississippi, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. FEENEY, Mr. GOODE, Mr. BURNS, Mr. NEUGEBAUER, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. CULBERSON, Mr. BOOZMAN, Mr. PAUL, Mr. WAMP, Mr. DOOLITTLE, Mr. CAMP, Mrs. MYRICK, Mr. SHERWOOD, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MANZULLO, Mr. FORBES, Mr. HAYWORTH, Mr. BARRETT of South Carolina, Mr. PITTS, Mr. GINGREY, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. WELDON of Florida, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. PENCE, Mr. DEMINT, Mr. CANTOR, Mr. BISHOP of Utah, Mr. ADERHOLT, and Mr. GOODLATTE):

H. Res. 869. A resolution expressing the sense of the House of Representatives that

due to the allegations of fraud, mismanagement, and abuse within the United Nations oil-for-food program, Kofi Annan should resign from the position of Secretary General of the United Nations to help restore confidence that the investigations into those allegations are being fully and independently accomplished; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 742: Mrs. DAVIS of California.

H.R. 880: Mr. GEORGE MILLER of California.

H.R. 962: Mr. STRICKLAND.

H.R. 1117: Mr. OSBORNE.

H.R. 1508: Mr. MCDERMOTT.

H.R. 1563: Mr. SMITH of New Jersey, Mr. WEINER, Mr. LANTOS, Mr. DOGGETT, Mr. DOYLE, Ms. SOLIS, and Mr. STARK.

H.R. 3063: Mr. ABERCROMBIE and Mr. ANDREWS.

H.R. 3194: Mr. MOORE.

H.R. 3285: Mr. FRELINGHUYSEN.

H.R. 3539: Mr. PAYNE and Mr. BACA.

H.R. 3881: Mr. BACA.

H.R. 4271: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4491: Mr. KINGSTON and Mr. KING of Iowa.

H.R. 4970: Mr. ANDREWS.

H.R. 5000: Mr. SESSIONS and Mr. DAVIS of California.

H.R. 5132: Mr. CUMMINGS.

H.R. 5236: Mr. MCCOTTER.

H.R. 5244: Mr. BISHOP of Georgia.

H.R. 5261: Mr. PETRI.

H.R. 5296: Mr. NEAL of Massachusetts.

H.R. 5410: Mr. CLAY and Mr. GEORGE MILLER of California.

H. Con. Res. 213: Mr. WEINER and Mr. BUTTERFIELD.

H. Con. Res. 521: Mr. KING of New York.

H. Con. Res. 530: Mr. MENENDEZ.

H. Res. 528: Ms. MCCARTHY of Missouri.

H. Res. 724: Mr. ANDREWS.