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House of Representatives

The House met at 10 a.m.

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

Forbid, Lord, that our roots become too firmly attached to a given moment in time or that our love be limited to earthly things.

Help us to understand that this journey of life is but an introduction, a preface, a school of love for what is yet to come.

Grant us, Lord, true perspective. Then shall we not be possessed by the things we possess, or love only the things of time, but come to love the things that endure.

Save us from the tyranny of possessions which we have no leisure to enjoy or property whose care becomes a burden or of games which only rob us of time.

May we have the courage to simplify our lives around family, friends and faith.

And by Your grace, may we be fully alive, not merely exist, enjoy our work and find balance in daily living so as to live as the free children of God now and forever. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL 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 without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 160. Concurrent resolution expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 515. An act to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.

The message also announced that pursuant to the provisions of Public Law 107–306, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence of the Senate, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: The Honorable Fred Thompson of Tennessee. Bran Ferren of California.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, appoints Claude O. Pressnell, Jr. of Tennessee, to the Advisory Committee on Student Financial Assistance for a three-year term.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom: Michael K. Young of Washington, D.C.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 10 1-minute speeches on each side.

HONORING CONGRESSIONAL RESEARCH SERVICE

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

Mr. PITTS. Mr. Speaker, Members of Congress need access to information. The problem is there is so much of it that to process it and use it to make decisions is often difficult. My staff mines through a lot of information, does a great job with limited resources, and they often need help. And that is where the Congressional Research Service comes in.

CRS helps with research on nearly any topic. They are able to track down new stories, books. They can talk through issues, help review legislation. Congress would not be the same without the valuable service they provide. My office has had the privilege of working with CRS quite closely on a number of issues. In particular, Ted Stedman and Wayne Riddle helped update my Dollars to the Classroom Act.

Tim and Wayne and their colleagues at CRS are an invaluable part of what we are trying to accomplish here in Congress. I thank CRS for their hard work, for their dedication in providing Congress with the tools that we need to address the issues our Nation faces.

HONORING BETTI AND CARLOS LIDSKI

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay special tribute to two

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wonderful individuals in my congressional district: Betti and Carlos Lidski, National Trustees of The Foundation Fighting Blindness.

The Foundation is working valiantly to find a cure for retinal degenerative diseases. These debilitating diseases currently claim the sight of over six million Americans. Through the tireless efforts of the scientists at the Foundation and through the generosity of individuals like the Lidskis, exciting strides have been made in finding a cure and providing viable treatment options for those who suffer with these illnesses.

I thank Betty and Carlos and their entire family for the love, compassion, and unwavering dedication that they demonstrate every day for the visually impaired. They are truly an inspiration, not only to our South Florida community but indeed to our entire Nation.

Gracias to Betti and Carlos.

URGING THE FCC TO COMPLETE ITS WORK

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

Mr. BOSWELL. Mr. Speaker, as the Members know, I with many others in our Congress have served halfway around the world in a place called Southeast Asia. Sometimes we wondered how long it would take to get the equipment to us. It would take up to a month, but it always arrived. It always got there.

Mr. Speaker, I am sure all of us in this Chamber would agree that we must ensure the government operates efficiently and in a timely manner. However, a situation has come to my attention that I find very troubling.

Three months ago, the FCC adopted its Triennial Review order. I believe the economic implications of this action will be of great benefit throughout our Nation. However, the FCC has had 3 months to issue rules on this action and has done nothing. Meanwhile the companies are held hostage because, quite frankly, their hands are tied.

Mr. Speaker, how is it possible the United States can ship a large piece of military equipment halfway around the world in a shorter period of time than it takes the FCC to send its rules up a flight of stairs?

I am here today urging the FCC to complete its work and bring some certainty to the telecommunications industry so that our Nation can move forward and our economy can once again begin to grow.

JOBS AND GROWTH PACKAGE

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

Mr. REHBERG. Mr. Speaker, today or tonight this body will get another chance to vote on the Jobs and Growth package. The benefits of this bill are so obvious, one has to wonder what is going on in the minds of anyone who still opposes it. From their arguments, the opponents in the press and in this building seem to be saying, ''Do not create jobs, do not trim taxes, do not stimulate the economy. Washington needs the money to spend on new programs and bigger government.''

On the other hand, maybe these tax relief antagonists are saying, ''We do not want a Jobs and Growth package because stimulating the employment and energizing the economy will not get us reelected'' .

Then again, perhaps the jobs and growth opponents are saying ''Give the people our money? Oh, no, you don't. It is our money, not the people's money. Every dollar in tax relief is a dollar out of our hands. We cannot let that kind of power slip out of our control.''

The truth is, listening to the tortured arguments of those who still oppose this bill makes even the casual observer want to put a bag over his head just for tuning in.

This is not rocket science. Simple economics tells us when we put more money in the hands of working families and small businesses, we get more spending, new jobs and a revived U.S. economy. It works.

EXTENDING UNEMPLOYMENT BENEFITS

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

Mr. CARDIN. Mr. Speaker, if the House does not act today or tomorrow, 80,000 Americans will be denied extended unemployment benefits on June 1. Every week thereafter, another 80,000 laid-off workers will be denied benefits, totaling $2 million over the next 6 months. This is in addition to the one million unemployed workers who have already exhausted their extended benefits.

Last week, Democrats tried three times to get a vote on extending unemployment benefits, but each time the Republicans said no. We are now in the longest period of negative job growth since the Great Depression. The unemployed are looking for work, but they cannot find jobs. They need and deserve extension of unemployment benefits.

Mr. Speaker, I would hope that you would entertain a request to immediately consider legislation introduced by the gentleman from New York (Mr. RANGEL) and myself, H.R. 1652, to extend unemployment benefits for millions of Americans who have lost their jobs, not just those who have exhausted their State benefits. This request would simply ensure that the unemployed at least get a vote on the floor before we adjourn. We have the money in the Federal Unemployment Trust Fund to pay for these benefits. That is the least we can do.

BROADBAND REGULATION

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

Mr. BASS. Mr. Speaker, by most measures the United States is the most technologically advanced country in the world. One measure, however, where the U.S. is sorely lacking behind other industrialized nations is high-speed Internet access for citizens and small businesses alike. The United States is not even among the top five countries in these broadband access rates. In fact, we are behind South Korea, Canada, Taiwan and Sweden, just to name a few. The statistics for DSL, a form of broadband that uses the telephone infrastructure, are even worse. The U.S. is not even in the top 10.

The Federal Communications Commission has begun to see that regulation of DSL harms the ability of companies to deploy that technology. Part of the FCC's Triennial Review, adopted this past February, improved some of the DSL regulations. That should help make DSL deployment easier.

However, there are two problems. The first is that the FCC has yet to actually issue these rules agreed upon in February, and the second is that action in February is just a start.

The FCC is looking at whether or not to regulate DSL as a telephone service. The broadband provided over cable, satellite or wireless is not as regulated as telephone.

I urge this body to urge the FCC to move forward on this rule-making process.

□ 1015

GOING OUT WITH A BANG

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

Mr. DEFAZIO. Mr. Speaker, Congress can recess for the Memorial Day break with a big bang. We are going to increase the debt ceiling by $984 billion, almost $1 trillion, and also later today the Congress will vote to borrow over $300 billion to reduce the taxes, principally of a wealthy few in this country, under the premise that under trickle-down economics, they will invest that money in such a way it will create jobs.

Well, the last tax cut of $1.2 trillion cost the country 1.7 million jobs and caused us to borrow another $1 trillion, because we are now running deficits.

We could make real investments and put people back to work, investments in roads, bridges, highways, mass transit, sewer, water systems, things that increase the productive capacity of the country and the wealth of the country.

By the administration's own measures, if we diverted that money instead of borrowing it to give to wealthy people in the hope it might create the 1

million jobs the President hopes for, we could create 13 million jobs directly in construction, with a huge spillover in economic activity across the country.

There is a very viable alternative: do not borrow money to give to a few people. Never have we borrowed so much to give to so few.

GOVERNMENT WASTE

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

Mr. CHOCOLA. Mr. Speaker, I came to Congress from a business background, and I ran for Congress in large part because I believe that we need more of a small business perspective here in Washington, especially when it comes to eliminating wasteful spending.

Every day, the families and businesses in my district have to make tough decisions. They have to meet a payroll, they have to live within a budget, and small businesses and families must eliminate wasteful spending. I do not think the Federal Government should be any different.

This year the Heritage Foundation identified $386 billion of wasteful Federal Government spending. Mr. Speaker, that was $386 billion. If Congress would only eliminate waste, mismanagement, and inefficiency in the Federal Government, we could save the taxpayers billions and billions of dollars.

But it is not enough to just complain. We have to do something about it. This week the majority leader, the gentleman from Texas (Mr. DELAY), and the Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), announced a significant effort to root out and eliminate government waste during the 108th Congress. I applaud their effort, and I pledge that I will join them and my colleagues to reduce waste, fraud, and abuse in government in my time in Congress. I urge my colleagues on both sides of the aisle to join in this effort.

ON RAISING THE DEBT LIMIT

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

Mr. STENHOLM. Mr. Speaker, at the very time negotiators are putting the final touches on a tax cut that will add several hundred billion dollars to our national debt, the leadership in Congress is planning on slipping through the largest increase in the debt limits in the history of our country, without any debate up or down.

We are about to engage in brinksmanship with the full faith and credit of the United States Government by adjourning before Congress completes action on the debt limit, in order to force the other body to approve the largest debt limit in history. We are going to cut and run.

Mr. Speaker, I am willing to support a temporary increase in the debt limit. In a few moments I will offer a unanimous consent request to approve legislation providing for an increase in the debt limit through the end of the current fiscal year, with the requirement that the President submit a plan to bring our budget back into balance. This will allow us the time to consider a long-term larger increase with the deliberation the serious matter deserves.

If my friends on the other sides of the aisle honestly believe that tax cuts with borrowed money is good economic policy, they should stand up and vote to increase the national debt to pay for their tax cuts, relying on parliamentary maneuvers to avoid an up-or-down vote on the issue.

Mr. Speaker, in light of this, I ask unanimous consent that the House end this charade of borrowing money to pay for tax cuts and immediately take up H.R. 2156, which provides a temporary increase in the public debt, but makes no room for additional debt-financed tax cuts.

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's consistent guidelines, the gentleman is not recognized for that purpose, and his time has expired.

KEEPING MONEY IN THE PRIVATE SECTOR

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

Mr. DUNCAN. Mr. Speaker, it is really very simple: there is waste in the private sector, just like there is waste in the public sector; but the waste in the business world pales in comparison to the waste in government. Thus, every dollar we can keep in the private sector creates more jobs and lowers more prices. We get more bang for the buck, so to speak, from every dollar kept in private hands.

Who benefits the most from having more jobs and lower prices? The poor and lower-income and working people of this country. This has been proven time and again all over the world. Small government means a good economy. Too much government means a starvation economy where the middle class gets wiped out.

Mr. Speaker, that is what this tax cut is all about. If people really want to help the lower-income and working people of this country, they will support the President's tax cut initiative.

ECONOMIC CLASS WARFARE

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

Mr. MENENDEZ. Mr. Speaker, the Republican tax plan is nothing more than voodoo economics. Only in Washington would Republicans tell average American families that raising their national debt is a way to solve this economy's malaise. Raising their debt.

This is not a $350 billion tax package; it is a $1 trillion tax package, because no one believes that it will be ultimately eliminated once it is enacted. And that $1 trillion tax package is a job killer, not a job creator. Ask the 2 million-plus jobs we have already lost under the original Bush tax plan.

And, yes, it has a child tax credit; but then, before you know it, it is taken away and eliminated. But guess what is not eliminated? The accelerated reductions in the top income tax. They are forever. Child tax credit: here today, gone tomorrow. Top tax relief: there forever. That is class warfare.

FEDERAL PRISON INDUSTRIES TAKING AMERICAN JOBS

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

Mr. HOEKSTRA. Mr. Speaker, one of the fastest growing companies in America today is Federal Prison Industries. In the last 2 weeks they have unveiled a brand-new scheme to take jobs from the private sector and move them into Federal Prison Industries.

Their new scheme is, under competitive bidding, companies come in and present their bids; and at the opening, companies get excited because they have won the bid. But Federal Prison Industries comes in and says no, no, no, you do not understand the new bidding process. Give us your bid. We will take a look at it, and then there will be a second round of bidding. But the only company that gets to bid in the second round is Federal Prison Industries.

Mr. Speaker, it is time to stop this charade. It is time to provide best value to government contractors. Let the bidding process work. Let American workers compete against Federal prisons, so they can keep their jobs.

TAX CUT PLAN A FRAUD AND FAILURE

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

Mr. INSLEE. Mr. Speaker, I rise to salute the common sense of the American people who, after weeks of stumping by the President, have concluded that this alleged tax cut plan is a fraud and a failure.

According to the Wall Street Journal, Americans two to one have concluded that this plan will have no real effect on U.S. economic performance, and the American people are right. Six out of ten Americans have concluded that this plan shortchanges job creation in favor of tax cuts weighted to the rich; six out of ten Americans have concluded that this tax cut plan benefits the wealthy more than average people; and six out of ten Americans

have concluded that this tax cut plan will increase the Federal budget deficit. And they are right, because we will now have to increase our debt limit $894 billion.

Mr. Speaker, the American people have got it right, because they have common sense. In the midst of this situation, we ought to create jobs, not debt. In the midst of this situation, we ought to be favoring working people, not just the wealthy.

The American people have got it right; and I will tell you, they are not buying this used car from this President.

CIVIL SERVICE REFORMS: REINSTATING A WORKERS' BILL OF RIGHTS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in frustration over the Committee on Rules' failure to allow the Cooper Civil Service Bill of Rights to be offered today as an amendment to the defense authorization bill.

On the day that Congress left for the Easter recess, the Department of Defense presented Congress with the largest civil service reform package in nearly half a century. Impacting nearly 620,000 Department of Defense civilian employees, the proposed bill strips workers of fundamental protections, including the right to collective bargaining and the right to belong to a union without fear of discrimination. In fact, it does not even guarantee overtime pay for firefighters.

Although I agree that the Department of Defense civil service reforms are necessary, the manner in which these reforms have been moving through this body is disgraceful.

Congress is doing a disservice to our hard-working men and women at the Department of Defense by failing to bring this issue up for a debate. The Cooper amendment would have restored, among many things, critical worker protections, including veterans' preferences, freedom from political patronage, collective bargaining rights, membership in labor organizations, and protection from discrimination.

Mr. Speaker, the leadership in this body has failed our Department of Defense employees.

BURDENS BEING PLACED ON BACK OF VETERANS

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

Mr. STRICKLAND. Mr. Speaker, as we approach the Memorial Day weekend, I think it is important for the veterans across this country to understand what this body is doing. We are placing additional burdens on the backs of our veterans for the health care they receive through the VA system in order to give a larger, more generous tax cut to the richest people in this country, many of whom have never served this country in the military.

Why do I say that? We passed a budget in this House supported by the President that asked for a $250 annual enrollment fee so that many of our veterans will be able to participate in the VA health care system. If they do not pay the enrollment fee, they cannot participate.

The President has asked for an increase in the co-payment for prescription drugs from $7 to $15 a prescription. They have placed a gag order on their health care providers, saying they can no longer actively inform veterans of the benefits they are legally entitled to receive.

So here is what we have: a decision by the President and the Congress to put an additional financial burden on the backs of our veterans so that we can give a more generous tax cut to the richest people in this country. It is wrong.

PROPOSED TAX PLAN KILLING JOBS

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

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, 2 years ago President Bush brought a $1 trillion tax cut to the American public in the name of creating jobs and stimulating the economy. Since the time that he has done that, the economy has lost 2.7 million jobs; 2.7 million Americans out of work, the deficit has soared dramatically, and the economy is moving sideways, at best.

Now what does the President suggest? Today he suggests we cut taxes again, another $1 trillion, and that $1 trillion is supposed to create jobs. Very shortly President Bush will reign over the loss of 3 million jobs since he has come to office.

The President keeps putting forth this plan as a means of creating jobs. What it has done is it has killed 3 million jobs. The President's economic plan has yet to create its first job, its first job; but it has killed 3 million jobs in the American economy. The American public ought to understand, it is a $1 trillion giveaway to the richest people in the country and a job killer for working Americans.

APPOINTMENT OF CONFEREES ON H.R. 2, JOBS AND GROWTH RECONCILIATION TAX ACT OF 2003

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. STENHOLM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2 be instructed—

(1) to include in the conference report the fiscal relief provided to States by section 371 of the Senate amendment, and

(2) to the maximum extent possible within the scope of conference agree to a conference report that will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

□ 1030

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. THOMAS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

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

Mr. Speaker, in his State of the Union address, the President told us this country has many problems, and that we will not deny, we will not ignore, we will not pass along our problems to other Congresses, other presidents, and to other generations.

As a proud grandfather who wants to leave a better future for my grandchildren, I applauded that statement; and I applaud it today. Unfortunately, our current budget, our current economic game plan, our current budget policies, would do precisely what we all applauded we should not do. Every dollar of the tax cuts passed by the Senate will be added to our $6.4 trillion debt.

At the same time, we are debating another round of tax cuts, the leadership of this House is trying to slip through an increase in our debt limit of nearly $1 trillion, the largest increase in the history of our country. Our total debt in this country in 1979 was less than the amount that we will borrow in a period of less than 2 years. That is what we are objecting to in this motion to instruct conferees.

I do not oppose tax cuts. In fact, I have stood with my fellow Blue Dogs and an overwhelming majority of this side of the aisle, and a few from that side of the aisle, and voted this year to do the tax cuts on the marriage tax penalty, to do the child tax credit speed-up. But our budget, our bill, did not borrow the money to do it.

My objection to the tax cuts that we are about to vote on today is that they are being done with borrowed money. It is irresponsible to pass a tax cut for ourselves today that leaves the bill to our children and grandchildren in the form of a crushing national debt.

If my friends on the other side of the aisle honestly believe that tax cuts with borrowed money is good economic policy, they should be willing to stand up and vote to increase the national debt to pay for their tax cuts, instead of relying on parliamentary maneuvers to avoid an up-and-down vote on this issue.

Our current economic and budget policies will increase the most wasteful spending in the Federal budget, the $332 billion collected from taxpayers simply to cover our national interest payments. The tax bill passed by the House would increase this wasteful spending by $273 billion over the next 10 years.

The best way to ensure that we, as well as our children and our grandchildren, are all overtaxed for the rest of our lives is to keep borrowing money and running up our debts. Our children will be forced to pay even higher taxes just to pay the increasing interest on the debts we incurred and getting fewer services from the government for the taxes they pay.

Under the majority's budget, the debt tax will consume more than 20 percent of all taxes going to pay the interest on our national debt by the end of the decade; $520 billion the Congress will have to tax the people in 2012, assuming 4 percent interest, assuming 4 percent interest.

That is under the economic game plan that, if it works exactly like the proponents and the chairman of the Committee on Ways and Means who will defend this, sincerely in his own heart, if it works exactly like they say and it creates exactly the amount of jobs that they propose, we will increase our national debt to $13 trillion over the next 10 years, continuing to ignore the baby boom retirements that will occur beginning in 2011, continuing to postpone to the next Congress and the next president dealing with the most serious problem facing the economy and this country, which is, how do we deal with the crushing unfunded liability of the Social Security system and the Medicare system, ignoring that in order to pass what they will explain, as we have heard in 1-minutes today, is a jobs-creating tax bill.

I hope they are right. As I said 2 years ago when we stood on this floor and opposed the then tax cut of the 2001 variety, I hoped that I would eat the biggest plate of crow in town. I sincerely did. For the good of our country, I hope my friends on the other side of the aisle are right, because it will be better for our country if they are right.

Unfortunately, their track record thus far does not meet the rhetoric that we will hear over and over and over again.

When my Republican colleagues talk about the economic benefits of tax cuts, they conveniently ignore the harm to the economy and the impact on private capital markets from the government running large permanent deficits.

Just yesterday, Federal Reserve Chairman Alan Greenspan told the Joint Economic Committee that deficits do matter in any evaluation. What happens to deficits is an integral part of the analysis. That is why the Congressional Budget Office and the Joint Committee on Taxation both concluded that the tax cuts would actually harm the economy over the long term by increasing the deficit.

I ask my colleagues, as one Democrat who used to vote with them, with my friend who came to Congress at the same time in 1979, when we used to try or we passed the balanced budget constitutional amendment in 1995, what has happened to him? What has caused the gentleman to suddenly start saying that deficits do not matter, balancing the budget does not matter? If we believe that deficits matter, if we agree that we should not be placing a crushing debt burden on our grandchildren, vote for this motion to instruct and then follow it. Do what this motion says.

The motion the gentleman from New York (Mr. RANGEL) has put forward today, or I have been privileged to do on his behalf to this point, is to include in the conference report the fiscal relief provided by the States to the maximum extent possible within the scope of the conference, agree to a conference report that will neither increase the deficit nor increase the amount of debt subject to the public debt limit.

Mr. Speaker, this is a serious matter today. It is probably one of the most serious points in the history of our current generation that we have been to. I hope that those that believe that increasing the debt is not a problem, that there is an unlimited amount of money that the United States can borrow for whatever purposes we wish to borrow and spend it, because if we will look at the spending side of the ledger, we will see that spending is going to increase at the greatest rate in the last 25 years.

So when we hear that it is Congress' spending that needs to be controlled, look at the facts. Do not deal with rhetoric, mine included. Just look at the facts. Somehow, some way we have got to focus on the facts of what we are doing to this country: pursuing an economic game plan that most economists in this country say will not work, cannot work under the conditions we are living in today.

Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. RANGEL) be permitted to control the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

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

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

Mr. Speaker, I would ask my friend and colleague, the gentleman from Texas, and I did not know whether he was going to depart the Chamber, having yielded his time, but if he is not, I listened carefully to what the gentleman said. We did come together, and I have read this motion to instruct.

As the gentleman knows, we have to bring the House and Senate together, since two pieces of legislation have passed and they are different in each House. This motion to instruct asks, and we all know that motions to instruct are not binding, but they do focus on what is important to people, the motion asks that we include in the conference report the fiscal relief provided to the States by section 371 of the Senate amendment. That amounts to $20 billion in two different forms, $10 billion to be distributed through the Medicaid structure and $10 billion through a pro rata formulation with minimums to smaller States and smaller territories.

Whenever we have to reconcile the differences between the two bodies, we oftentimes have to listen very carefully to whether or not what one or the other side is asking for is important to them. Having talked to a number of my colleagues, both Democrat and Republican, on the other side of the Capitol, I believe this provision is important to them. I believe it is important to them to the level that, if it is not included, they would seriously consider the way in which they would be required to vote on a conference report that was placed in front of them without this provision.

So I can tell the gentleman that I have every intention of including section 371, as we can mutually agree to internal amendments to that section in the conference report.

The second item in the motion to instruct begins with the language ''to the maximum extent possible,'' which I believe is a very wise and even sage observation that what we are going to do is, as humans, attempt to deal with the situation as best as we are humanly capable of dealing with it, to the maximum extent possible.

I have no problem with any of the language following ''to the maximum extent possible'', although I did hear the gentleman read that section and not read that portion of the section, as though it was a dictate that certain things must follow; but in fact it is not, the way it is written. It is a desire to the maximum extent possible to do certain things. When I read it that way, I have no objection to what the gentleman is saying in the second section, either, when I read it the way it is written.

I would tell the gentleman, his reference to the time we came and the decisions that we have made, at the time we came the gentleman and his party were in the majority. Currently, the gentleman from California and his party is in the majority.

One of the differences between the time the gentleman was in the majority and the time we were in the majority is that we have actually paid down on the national debt more than half a trillion dollars since we have become the majority. So I think not only in word but in deed we agree with the gentleman.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Texas.

Mr. STENHOLM. Would the gentleman care to revise and extend the remark that he just made about the success of his party in the majority and what has happened to our national debt?

Mr. THOMAS. I did not say what has happened to our national debt. I said ''paid down on the national debt,'' money that went to the reduction of the national debt. That was my statement.

Now, let me go on and talk about his concerns and my concerns about deficits, because when we have a deficit and when we add to a deficit, $1 added to the deficit in one particular way I believe is substantively different than $1 added to the national debt and deficit in a different way.

For example, when we have fought past wars, especially significant societal and in fact world wars, when we have to build that battleship, build that carrier, build that bomber, build that tank, we clearly spent money we did not have. That is a dollar spent in deficit, but it was spent as an investment to ensure our way of life. No one would argue that that was not a very high calling for the deficit dollar.

In the decades following World War II, and especially in the 1960s and in the 1970s and to a certain extent through the 1980s, it became a habit when the revenue did not equal the desired spending of the Federal Government that the Congress would spend $1 it didn't have, a deficit dollar, spent to sustain programs or to create new programs which would then in the future demand more deficit dollars to keep them going, unless there was a decision to raise taxes and bring in the revenue that would be required to cover the new and growing costs of the Federal Government.

What happened was that year after year after year deficit dollars were spent. What for? To sustain spending programs. That became known as the structural deficit, that they just continued a deficit that was built in because it was easier, more convenient, less painful than asking the American people to contribute more to cover the programs they wanted to create.

I do not believe anyone should support for any length of time a structural deficit. That is just wrong. I oppose and I believe the gentleman from Texas opposes structural deficits. That is one kind of a deficit dollar.

The other kind of a deficit dollar I have talked about in the context of war, but we can also talk about a deficit dollar in the context of peace.

□ 1045

Mr. Speaker, because the deficit dollar in war was an investment in national security, you can spend a deficit dollar in peace as an investment in national strength, i.e. make sure the economy is strong, create jobs; and when you have jobs, people are being paid, more revenue comes into the Federal Government, and you can see that deficit dollar is not a structural deficit. It is spent in a way to grow the economy to be able to cover the expenses the Federal Government incurs. That is not a structural deficit. That is an investment deficit dollar.

While there is no question we wish there were no deficit, recent history would clearly indicate what has gone on which certainly has contributed to the problems we have; not just external, internal as well; decisions that people made about investments and the ability to convince people that certain things were real when perhaps they were not, where you create investment opportunities that fail.

One of the great things about this country is you can succeed; but in creating a structure that allows one to succeed, it is also necessary that we have a business structure where we allow people to fail. One of the fundamental differences between the United States and Europe in creating jobs is that we understand creative destruction because we can then rebuild. We can start anew. If we hang onto what we have got, if we do not risk, we cannot gain.

What happened was in many of the investments they were not placed wisely. I do not think that the government should deal with that, but nevertheless it had an impact on the economy. We can go over a number of other factors that have placed us where we are today.

The gentleman's emphasis in the motion to instruct is should we spend deficit dollars not for structural deficits, and that is why we are opposed to significant increases in spending, if we do not have the money, but should we spend a deficit dollar investing in the economy so it can grow. There is a legitimate difference of agreement as to whether, and how we do, it is appropriate or not. I have no problem dealing with that. That is the structure we have here and the debate that will take place.

So the way the gentleman has worded his motion to instruct in which I think to be able to bring back a conference report the first one needs to be included in ways that make it more amenable to more people, and the way the gentleman words his second provision to the maximum extent possible, the gentleman from California would accept the motion to instruct. I have no problem with it based upon our clear difference notwithstanding about the way we spend deficit dollars, because to the maximum extent possible, we will not because it does not say you will not. One does not create a procrustean bed where if you do not fit cramping you in that you are in countervention to your position, no.

Mr. Speaker, I accept what I consider to be a reasonable proposal to the maximum extent possible. I would indicate to the gentleman and if he has now transferred his time to the gentleman from New York, if the gentleman is willing to yield back the balance of his time, I am more than willing to yield back the balance of my time since we are in agreement.

If the gentleman, therefore, and I would recognize the gentleman from New York, is willing to yield back the balance of his time, I will yield back the balance of my time; we will agree to the motion to instruct so we can get on to the conference.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I think I should be recognized by the Speaker.

Mr. THOMAS. I am yielding to the gentleman on my time to respond to my question. Is the gentleman willing to yield back the balance of his time?

Mr. RANGEL. I am anxious to be recognized by the Speaker.

Mr. THOMAS. Mr. Speaker, then I will say to Members, everything that is being said after the refusal to accept the offer to yield back so we can go to conference is nothing more than politically motivated. If they were sincere in this motion to instruct, which we are willing to accept, we would be on to the conference. Instead, we are going to hear a whole series of discussions which obviously can be made when the conference report is brought back.

I see on the other side of the aisle the gentleman from Maryland (Mr. HOYER), the majority whip, who has taken the mike more than once asking, What has happened to the comity in this body? Why are we not working together? We should show decent respect for either side. All I am saying is, here is the offer: let us yield back, let us accept the motion to instruct and go to conference. The answer is, no. Clearly the intentions, the motivations, the language probably is here for an entirely different reason; and actually, I am saddened a little bit.

Mr. Speaker, I tell my friends on the other side of the aisle, you have offered, we have accepted.

POINT OF ORDER

Mr. TANNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his point of order.

Mr. TANNER. Mr. Speaker, is it permissible for a Member to impugn the motives of another Member? I think he is out of order because he has impugned the motives of the gentleman from New York (Mr. RANGEL) and those of us who want to speak on this issue by his words.

The SPEAKER pro tempore. In the opinion of the Chair, a Member who has only talked about political motivation would not be in violation of the rules.

The gentleman from California (Mr. THOMAS) is still recognized.

Mr. THOMAS. Mr. Speaker, apparently my friends on the other side of the aisle are interested in employing parliamentary maneuvers so I am not able to continue to make a very basic point. The basic point is this: if we had yielded back our time, it would have been a sincere offer and a sincere acceptance.

Since they are not willing to yield back, everybody understands what this is all about.

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

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

Mr. Speaker, let me first thank the graciousness of the distinguished chairman of the Committee on Ways and Means and congratulate him on the sincerity with which he accepts the motion to instruct the conferees for creating the atmosphere so we can have discussion on what is happening here.

This is a motion to instruct the conferees; and to people who are not aware of it, there is an assumption that there is a conference, a conference that involves Members of the House and the Senate appointed by our great Speaker to resolve the technical differences in a bill from the House of Representatives and the Senate, for us to be represented, Democrats and Republicans alike. And the distinguished chairman of the committee says that he will accept our recommendations that were drafted in parliamentary language to report neither an increase in the Federal budget deficit nor an increase in the amount of the debt subject to the public debt.

Now, while he is saying that this is his conduct in the conference, all of last night and this morning we have heard that the chairman of the Committee on Ways and Means has already reached agreement with his Republican friends in the Senate. I do not know who is going to be appointed as a conferee, but it is abundantly clear that they have reported to the press that they have already decided what they are going to do, and so the whole idea that democracy is taking place here has really been shattered by the fact that the Republicans have yet to come out of the dark room that they have been in to share with us where will the conference be.

I do hope that we understand this, that the eloquence with which the chairman of the Committee on Ways and Means described how repugnant the deficit is to him, that he only found it difficult to live with because it was caused by Members of Congress' propensity to spend money for programs.

I really think that is the key to the whole thing. He has no problem in creating the deficit for tax cuts, but his problem is when we are spending it for education and housing and Social Security and Medicare and prescription drugs. That is where he draws the line.

It seems as though while the papers are concerned with whether the negotiators, and that is what is referred to on the front page of the Wall Street Journal, not the congressional conferences taking place trying to resolve differences, but what he and his Republican counterpart have decided that they are going to do for long-term economic gain, something similar to what they did several years ago when they said they had a program to create jobs, and it turns out that they had a program to increase deficits.

So here we are today saying that they have agreed on a $350 billion tax cut when everyone inside the Beltway and in the House and Senate knows that they have agreed to a trillion dollar tax cut and a trillion dollars in borrowed money; and the fact remains that for the next decade the interest that we will be paying on the money that has been borrowed for tax cuts will be more than the money that we ever will be paying for discretionary programs to provide assistance for Americans.

So now that they have come out of the dark room and agreed that they are going to do the best, I can tell Members this: no matter what they come out with, it is the American people who are going to pay the price for this dramatic shift as to when did we start borrowing trillions of dollars in order to reduce the taxes on the precious few already-blessed people with high incomes that will be the beneficiaries of it.

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

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

Mr. Speaker, I will reach my hand out once again; we are willing to accept it. You slapped it away once. I hope the gentleman does not slap it away a second time because as the gentleman from Maryland (Mr. HOYER) has reminded us time and time again, there is not enough comity in this House, that we ought not treat each other the way we have been treated. I thought I would take the initiative.

I find it interesting when the request is made repeatedly on this side, apparently it is just a request. When I accept that offer and reach my hand back, it is denied. So then you wonder why the request was made in the first place, or perhaps it was just a request that they hoped would remain out there, floating ephemeral.

What I have done is I have put my hand out and said let us get to conference. The gentleman from New York (Mr. RANGEL) says he does not know where the conference is or where it is going to meet. I tell the gentleman from New York, I do not know either. Why, as the gentleman well knows, the Senate is organizing this conference. It is the chairman of the Senate Committee on Finance who will be the chairman of the conference. They will organize it, and they will structure it.

If we can get this motion to instruct behind it, I would have preferred yielding back the balance of my time, but obviously statements need to be made, but then maybe we will find out where it is; and he and I can go together to where it is that the chairman of the Senate Committee on Finance will decide where and when it should meet.

So if the gentleman is concerned he does not know, once again, on a totally equal basis, I do not know either. We will try to pursue that together. Perhaps that is one thing we can do together today because clearly you are not willing to accept the gesture of moving on so we can actually do it by accepting our offer on the motion to instruct.

□ 1100

I guess it just concerns me a little bit because from now on when I sit on the floor and listen to the platitudes about how we ought to work together, we will have a little better understanding of the context in which those statements are made. We understand it is political rhetoric, just as everything that is going to be said from now on is political rhetoric.

I just wanted you to know that in all sincerity, to live up to what you said, I wanted to give you a chance. You offered. We are willing to accept. You are not willing to accept our offer to accept. That really is sad.

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

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

I am even more frightened now that the chairman has indicated publicly how little he knows about what the Senate is doing since he has been on television all night sharing with us that he has been negotiating with the Senate, but I accept his lack of understanding of where the conference is going to be.

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, the chairman can say over and over and over again that he reaches out his hand in comity in seeking bipartisan participation. But no matter how often he says it, no matter how sincerely drips the lines from his mouth, the reality is starkly different. Yes, we reject a sham offer for a sham process, predetermined and not inclusive, a process that is leading to the injuring of our country, the undermining of our economy, the destruction of jobs. Those are the facts, as the gentleman from Texas (Mr. STENHOLM) said earlier. The creation of gargantuan debt. And, yes, as the chairman knows but will not repeat, under Mr. Reagan and Mr. Bush, their budget request, forget about what Democrats did, their budget request requested more spending than the Congress gave them in those 12 years. This

President has asked for more spending than we had last year.

Mr. Speaker, I urge my colleagues to support this motion to instruct, not caveated, not if you mean this or that, as the chairman says. This motion instructs conferees on the tax bill to include the provisions on State aid as provided for in the Senate. Frankly, I know it galls many of my colleagues on the other side of the aisle, none more so I think than the chairman, that the States are now asking the Federal Government for help in weathering their worst fiscal crisis since World War II, caused in large part by the fiscal policies of this administration. Do we ignore the fact that many States are now considering massive layoffs in an effort to save money and balance their budgets? The chairman would say yes. Do we ignore the fact that States are now considering Draconian cuts to Medicaid and other vital services for our most vulnerable citizens? The chairman would say yes. Do we ignore the fact that at least one State, Kentucky, is even considering letting prison inmates out early to save money?

Mr. Speaker, that puffed-up piety, that dripping sanctimony that so often laces the lectures on fiscal responsibility that our Republican friends are so fond of making would have far more credibility if the GOP actually practiced what it preached. But the party that turned record budget surpluses into record deficits, the party that squandered a projected $5.6 trillion surplus, and the party that later today intends to vote for a $350 billion bill, it says, but everybody on this floor who is at all honest knows it is a trillion dollars, plunging us deeper into debt, demanding a record increase in the statutory debt limit should not be lecturing anyone on fiscal responsibility.

This motion instructs conferees not to increase the deficit, which the CBO now projects will be well over $300 billion, and not to include language to raise the debt limit. Our Democratic alternative, of course, was paid for with offsets. The GOP bill is not.

Ladies and gentlemen, if you care about your country, if you care about honesty with the American public, if you care about any personal responsibility that we have as Members of the Congress, you will vote for this motion to instruct and against this package that will harm our country.

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

The gentleman from Maryland called my offer to yield back the balance of the time and accept the motion to instruct a sham offer. All you have got to do is call me on it to see if it is a sham or not. You yield back your time; I will yield back my time. That was rejected.

The next test will be since we have already said we would accept the motion to instruct is when we finish debate, all time has expired and the question will be on the motion. We do not intend to call a rollcall vote. There would be no need to call a rollcall vote if in fact you have offered and we have accepted. It would be a sham to call a rollcall vote. We do not intend to call a rollcall vote. If you on the other side of the aisle call a rollcall vote after you have offered and we have accepted, then it is pretty obvious where you are going. Words piled upon words cannot bury this simple fact: I offered; you refused.

Of all sad words of tongue or pen, the saddest are these: ''It might have been.''

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

It is certainly understandable why the chairman of the committee would not want us to talk about this bill. It is certainly understandable that he would not want the American public to learn from us that this is a trillion-dollar tax bill that plunges this country faster and further into debt than anytime in history. He certainly would not want us to tell the American people that when they did their first tax bill of a trillion dollars 2 years ago, that since that time we lost 2.7 million jobs, the economy has faltered, the market has faltered and the Bush administration and the Republicans in the House and the Senate do nothing.

They do nothing but take care of the Bush class in America against the middle class in America. I am sure the gentleman from California would not like to have us tell that to the American public, just as he did not want us to tell the American public when we had a substitute and they denied us time to talk about it, they denied us the right to offer. Why? Because we had a substitute that was fair and fast acting, would have created a million jobs and no long-term deficit. They could not figure out how to construct one. They did not have the discipline to construct it. They did not have the morals to construct it. They did not have the ethics to construct it, so they just dove into the pit of debt and deficits and red ink.

And now as they emerge from that pit, it drips off of them, deficits, red ink, muck, to be left to the future generations. That is their plan. And I am sure they would not like us to talk about it. And I am sure that he will beg us to yield back our time. But we think this is the House where the people rule. This is where the people ought to hear what is taking place here. The facts that cannot be buried, as he would say, is the exploding deficit, the cost of these tax bills, a $400 billion deficit this year, a $7 trillion deficit over the long term and the immorality of passing that on to future generations.

Mr. THOMAS. Might I ask the Speaker the remaining division of time?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. THOMAS) has 12½ minutes, and the gentleman from New York (Mr. RANGEL) has 11.

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

The gentleman from California indicated that they were quite disappointed that their substitute was not made in order. What the gentleman full well knows is that the substitute did not conform to the rules. That they could not construct, or chose not to construct a substitute that did not violate the rules, that was outside the rules. And what they wanted was to ignore the rules.

What the majority did was construct a program that fit the rules. I understand, based upon the way you behaved when you were the majority, that you do not like the constraining aspect of rules. We believe that you ought to play the game according to the rules, and you do not think rules should apply to you. We understand that. But for you to argue that your motion should be made in order in which we had to follow the rules of the House and you did not is to say, let's have a game of baseball. You get nine in the field, we get 28. You get three outs, we get 12.

I certainly understand based upon the way you performed when you were in the majority, you do not get it. Why can we not have 28 in the field? Why can we not have 12 outs? Why can we not spend more than we raise year after year after year when you had the ability not to? But now somehow the Holy Grail is to not spend more than you take in, and we would sip from that cup every day if we did not face the problems we face now. Just as we did in wartime when we spent dollars we did not have to try to save our country, we are trying to do the same thing right now.

I understand your desire to score political points. But the argument that somehow we do not want people to know what we are attempting to do, as soon as we can get to conference, is absolutely the most amazing argument I have ever heard. You know why? Because once you understand what we are doing, it completely blows up your rhetoric. Those old yellowed sheets of class warfare give to the rich are actually going to have to be rewritten. Or maybe you just ignore, as you have done a number of times, reality.

What we are attempting to place before this body is a change in the Tax Code that does not give no taxation of dividends or capital gains to the most rich. Warren Buffett does not get zero. Bill Gates does not get zero. We are attempting, and the longer we stand here the longer it is going to take us to present it to you, to create a change in the Tax Code that gives zero to who? No tax on dividends or capital gains to those who pay the lowest amounts of taxes. In the 10 and the 15 percent bracket, zero. Their modest investment

in the engine that drives our economy, the private sector, should not be subjected to the Federal Government taking money out of that small pot. That is what we want to put in front of you. I think you are a little worried about it because your old syllabus will not work. We do not want to provide zero tax to the richest in America. We want to provide zero tax in the investment of the engine of this economy to those on the bottom and the second to the bottom rung of the ladder, so that they can amass wealth, they can understand what it means to be a capitalist, they can share in the resources of this country; and I believe your real fear is that eventually they will understand what it means to think and be a Republican.

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

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

It is so sad that the gentleman constantly refers to this as some type of a game. I am certain to the millions of people without jobs and without hope that they consider this tax cut just as repugnant as the words that have been uttered about this class warfare. It is a class warfare, and it is the working class that are the victims.

Mr. Speaker, it is a great honor to yield 2 minutes to the gentlewoman from California (Ms. PELOSI), our distinguished leader.

□ 1115

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I listened intently to the comments of the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, just now as he talked about the rules of the House and those rules foreclosing the option of the Democrats to be able to bring a bill to this floor.

What I heard the gentleman say is that the rules of this House are rigged against working families in America; that the rules of this House under his interpretation are rigged against bringing a bill that would create jobs, that would invest in infrastructure in our country and immediately create jobs which would help address the concerns of cities, States, and localities in terms of homeland security needs so important to the American people; that it is rigged against extending unemployment benefits to America's workers where the money is there for that purpose and which would inject demand immediately into the economy, immediately creating jobs because of people having to spend that money on necessities; and that the rules of the House are rigged against fiscal responsibility.

The Democratic proposal was at a cost of zero. It paid for itself. It was offset. So if the rules of this House do not allow us to come here and fight in a very direct way for working families in America, for the middle class in America, then the rules of the House should be changed.

The gentleman knows full well that the minority had every opportunity for amendment and substitutes when the Democrats were in power. But it is no use talking about process. Let us talk about jobs. Let us talk about job creation. Let us talk about immediately infusing demand into the economy. Let us talk about fiscal soundness. Let us talk about the debt limit, that this irresponsible, reckless Republican proposal that may be coming to this floor will demand that we lift the debt ceiling once again, further indebting, further indebting America's children well into the future, but without a vote and without a debate and without the American people understanding the damage that the Republicans are doing to our economy and to our future.

Republicans are supporting record debt increases to finance a tax cut that hundreds of economists and Federal Reserve Chairman Alan Greenspan agree will not grow the economy. And sadly what President Bush did by putting forth his proposal has started the unraveling of fiscal responsibility in our country. That is not leadership. How irresponsible that was.

But the Republicans in Congress picked up the baton and started a feeding frenzy of further tax cuts, further responsibility in terms of our budget. And some of their proposals even administration allies, such as Kevin Hassett of the American Enterprise Institute, are saying that what they propose in their dividend plan is one of the most patently absurd tax policies ever proposed.

Mr. Speaker, public policy is important. Fiscal policy, budget policy makes a difference. It has ramifications in the economy. In order to back up their claim that passing this bill will stimulate the economy this year, House Republicans are using gimmicks that border on the absurd and have very damaging public policy ramifications. Their bill delays billions of corporate tax payments, otherwise due September 15, for 16 days until October 1 when the next fiscal year begins. How does delaying taxes for 2 weeks create jobs for American workers?

Again this is process. We want jobs. In order to jam more tax breaks for the wealthy into this bill, Republicans have included provisions to end middle-class-oriented tax cuts, leaving middle-class Americans with a tax increase in 2006. This will force a future Congress to either increase taxes or add billions to our spiraling debt just as baby boomers are retiring.

The tax cuts for the higher end ought to be left alone. The middle class is asked to subsidize the wealthy. That is simply not right. The projected deficit for this year is already a record high, and the Republican's want to add $1 trillion more in debt to pay for this tax cut. It defies logic. It defies economics, and it contradicts promises made to the American people.

Shortly after taking office, President Bush said, ''We should approach our Nation's budget as any prudent family would.'' And last August he reiterated, ''We cannot go down the path of soaring deficits.'' We cannot go down the path of soaring deficits? What are we doing today? This tax bill breaks that promise.

The reckless tax bill promoted by Republicans in Congress fails to help those who need it most, the middle class; fails to create jobs; fails to maintain fiscal responsibility.

Democrats have their own initiative, a plan that creates one million new jobs this year and gets the economy moving again without adding to the deficit, and the Republicans tell us that the rules do not allow that.

We are fighting for a return to fiscal responsibility. The motion to instruct is part of that fight. I urge my colleagues to support it, and I commend the gentleman from New York (Mr. RANGEL) for his leadership in putting it forth.

Mr. THOMAS. Mr. Speaker, I yield such time as I may consume.

I find it ironic that the yellowed notes made their way down into the well in terms of, need I say, class warfare, in terms of cuts for the richest people in America and the poor working people do not get a break. If someone would actually examine what it is we propose to do, it is to remove the dividend and the capital gain tax on working Americans, on those in the 10 and the 15 percent bracket, that we retain taxes on the richest Americans, remove them from those in the lowest brackets.

I know it does not fit their yellowed notes, but that is what we propose to do. And I know change is difficult.

I especially know change is difficult when the minority leader takes the well and begins to talk about how fair they were when they were in the majority, but never mind that. And if the Members will read in the CONGRESSIONAL RECORD, it trails off into a failure to present specifics about how reasonable and fair they were. In fact, she said the rules of the House have been rigged against them. I find it ironic because all we say is follow the rules.

But since the subject was brought up, let us visit a little recent history. When they were in the majority, there was not even a motion to recommit guaranteed to the minority. The present rules of the House under this majority are the most liberal rules ever extended to a minority in the history of the House of Representatives. They just apparently do not remember or do not want to remember. Their rules were far more restrictive toward the minorities than the current rules. Guarantees in today's rules; not guaranteed under their rules.

So everything we hear is rhetoric. Some of it comes close to being accurate.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), who has made such an

outstanding contribution to the Committee on Ways and Means and Congress.

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

Mr. LEVIN. Mr. Speaker, make no mistake. The hand the chairman has reached out is one of the hands that has strangled democracy in this institution. It is no longer a deliberative body. It is the rule of one, the Republican majority.

The gentleman from California (Mr. THOMAS) says zero taxation for low-income people. Why? Because in most cases they have no dividends or capital gains to tax. Under his original proposal, and it remains essentially the same, a millionaire gets 90,000 bucks more in tax cuts. The average taxpayer gets a couple hundred bucks.

Mr. THOMAS, whom are you warring on? Middle-income and low-income families in this country.

The President came here today to declare victory. Time will declare this a defeat for the Nation because the Republican party has turned red, red ink, red ink. The gentleman from California (Mr. THOMAS) says he is opposed to structural deficits, but they have built in more and more debt into this structure. The only way it is not a structural debt is the hole is so deep the way they built it they cannot build anything on it.

Now you say you favor creative destruction? Two and a half million jobs lost. That is very creative under this President and under the leadership of the House majority here.

This is a fiscally irresponsible bill for the Nation. It is unfair to individual taxpayers. It will not stimulate economic growth, as the gentleman from Texas (Mr. STENHOLM) and others have said. They are mortgaging the future of my children, of my grandchildren. We should pass this and then go on to defeat this conference report.

Mr. THOMAS. Mr. Speaker how much time remains?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California has 6 minutes. The gentleman from New York has 6½ minutes.

Mr. THOMAS. The gentleman from New York (Mr. RANGEL) has more time than the gentleman from California?

The SPEAKER pro tempore. By 30 seconds.

Mr. THOMAS. I find that astounding. With all the speakers and all the time that was consumed, he still has more time?

The SPEAKER pro tempore. I will tell the gentleman we are pretty good at that up here. The gentleman has 6 minutes.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), an outstanding member of the Committee on Ways and Means and the Congress.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, I have had a lot of town hall meetings in my district; and I will tell my colleagues what my constituents do not like. That is, they do not like us to charge and spend; and that is exactly what this conference report is going to do. It is going to borrow money in order to give tax breaks.

That does not make a lot of sense. By the Republicans' own number, their budget is going to go from a $6 trillion national debt to $12 trillion, doubling the national debt. Every dollar of tax relief has to be borrowed in which we are paying interest. That does not make sense.

Mr. Speaker, this is a reckless bill. They advertise they give help to low-income people. That is for 1 year only. They give permanent relief to the well-to-do. That is not fair. That is not what we should be doing as a Nation.

This bill is reckless. This bill is not affordable. This bill is going to hurt our economy, not help our economy.

What we should be doing is responsibly managing our resources. We should not be borrowing money to give a tax cut. That is wrong.

Mr. THOMAS. Mr. Speaker, where might I find that Jericho clock somebody apparently has in keeping time?

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

I think I finally get it. The gentleman from Maryland (Mr. CARDIN) indicated that some of these provisions are permanent. I actually thought that since it is under the process called reconciliation, governed by the rules of the Senate, by the way, not the House, that anything that is done under the reconciliation process by definition cannot be permanent. In fact, on the one hand they criticize a number of provisions that expire.

Frankly, when we are trying to stimulate the economy and we offer a reduction on depreciable assets, what we want them to do is make a decision to buy that truck, to buy that computer as soon as possible. That helps stimulate the economy. That helps create jobs. If we leave the offer to reduce the cost on depreciation for the entire decade, a decision can be made anytime during the decade.

The whole concept of a stimulus is to get decisions that will be made sometime in the decade near the current time. Those are supposed to expire.

But for the gentleman to say that some of these provisions are permanent tells me there is an underlying fear on the other side of the aisle that, notwithstanding the statutes will expire, they will not be in the majority when they expire.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I will not yield at this time. I do not have a Jericho clock like some folks have, and my time actually gets ticked off.

□ 1130

The real fear in terms of their arguments, notwithstanding the yellowed notes that they use about the class warfare, which simply is not true, based upon the facts in the tax bill, is that when those provisions do expire, as they must under the temporary provisions of reconciliation, the American people might have the audacity to continue to maintain a Republican majority, because they like what we are doing; and when it comes time to decide whether they get extended or not, they might actually get extended.

Now I get it. You are in the minority, and your fear is if this becomes law, based upon what we do and the positive reaction of the American public, your fear is you will remain in the minority. I will trust to the wisdom of the American public. They have done pretty well in recent years.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), an outstanding member of the Committee on Ways and Means.

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

Mr. Speaker, this is the first time I have ever been accused of exercising bad faith because we were given 30 minutes to talk about this and we actually took it.

I think that one other point ought to be made, and that is that on January 1, 1995, our national debt subject to limit was $4.8 trillion. On January 1, 2004, it will be $7.4 trillion. That is an increase of 54 percent in 8 years. That is not a political argument; that is a fact, a demonstrable, proven fact.

Now, part two of this motion says, to the maximum extent possible, within the scope of the conference. To me, that means what the Blue Dog plan was that was rejected on the floor, because, to the maximum extent possible, the Blue Dog plan does what we have asked. It neither increases the Federal budget deficit, nor does it increase the amount of debt subject to the public limit. So when one wants to say to the maximum extent possible, we can do that. We could do that by adopting the Blue Dog plan.

The other thing I would simply say is this: if we keep going down this road, we are building in such a structural long-term tax increase called interest on the national debt that the young people of this country are going to be unable to have the options and the choices about what kind of government they want when they are our age, because they will be strapped to the gurney with debt and interest that has to be paid on that debt that we are leaving them.

That is not a political argument either. That is a fact. With interest, compound interest, capitalism, whatever you want to call it, interest must be paid before anything else in our system.

So I would just hope that we would actually take a look at what we are doing.

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN), a member of the Committee on Ways and Means.

Mr. SANDLIN. Mr. Speaker, to quote a popular Republican President, ''There you go again.'' With no apparent sense of irony, the Republican leadership scrambled to complete an irresponsible, unaffordable tax package during the same week that the other body will consider a $984 billion increase in the public debt, the largest in American history.

The House leadership pushed a massive increase of $450 billion in the debt limit not even 1 year ago; and here they go again, with a debt limit increase that is more than double the size of last year's record increase. We have about $7 trillion in debt. We pay over $1 billion a day in interest in this country, and it is outrageous.

The Democratic motion to instruct conferees attempts to restore at least some sanity to Congress' fiscal mismanagement of the country by insisting that the tax reconciliation conference report should increase neither the debt nor the deficit in this country.

Further, Mr. Speaker, the Democratic motion to instruct recognizes the necessity of relief to our States. Under the Senate tax bill, Texas would receive approximately $1 billion in fiscal relief, including $571.4 million in increased Medicaid funding. This is especially necessary at a time when the Texas House approved a budget that would slash Medicaid and eliminate coverage under CHIP for 250,000 low-income children.

If the passage of an irresponsible tax cut is inevitable, despite the highest projected budget deficits and a record national debt, the very least we could do is aid our States.

Mr. THOMAS. Mr. Speaker, it is my privilege and pleasure to yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY), a member of the Committee on Ways and Means.

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

Mr. Speaker, the previous two speakers, the gentleman from Tennessee and the gentleman from Texas, talked about the national debt and how much it has increased from 1994 to 2004, and those numbers sound scary to people. But most of that debt, Mr. Speaker, is debt that we are paying to the Social Security trust fund, to the Medicare trust fund; and surely those gentleman are not suggesting that we should not be accumulating that debt in those trust funds and paying interest on that debt.

So I just want to make clear that for several years under the Republican majority we paid down the debt held by the public while we were continuing to accumulate debt in the trust funds. Economists and market watchers distinguish between the publicly held debt and total government debt, and that distinction needs to be made here on this floor.

So, Mr. Speaker, while the figures they gave are technically accurate, they are far from the truth when it comes to fiscal responsibility in this House.

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

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

Mr. Speaker, earlier I listened to the distinguished chairman of the committee talk about the importance of funding our national security budgets, and I agree with him. But make no mistake about it, this tax plan makes it harder for our kids to fund their national security budgets.

The nonpartisan Congressional Budget Office has estimated that starting in 2008 we are going to require defense budgets of $464 billion a year. What does that mean? Within a few years, we are going to have to come up with at least $64 billion a year every year over this year's authorized limits. That is $384 billion for defense before this tax cut expires. You do the math: $384 billion more for defense, and $350 billion less to pay for it. We are draining the Treasury when we need even more for defense.

No conferee would go into a fancy car dealer, pick out the most expensive model, and say, Let my kids pay for it.

Mr. Speaker, this is reckless. For those Members of this body who say they are strong on defense, let them be strong on defense budgets. Strong defense budgets are more important than tax cuts. This plan does the opposite.

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

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, the comments from the gentleman from California (Mr. THOMAS) border on fraud. If more debt would stimulate the economy, then you would think that with the $817 billion of debt that has been added in slightly over 2 years since the passage of the Thomas-Bush tax package and budget, we would have a red-hot economy.

Our friend from Louisiana says that that money we are borrowing goes into the Social Security trust fund. No, I say to the gentleman from Louisiana (Mr. MCCRERY), it is stolen from the Social Security trust fund.

Take the lockbox. Please tell these folks in the gallery where the account is. Because there is not one penny in that account. They cannot find it. It is all IOUs.

They are taking money from working people, Social Security taxes, Medicare taxes; and they are using them to give to other folks in tax breaks, and then they are borrowing the rest, $817 billion, to run our Nation. I say to the gentleman from Louisiana (Mr. MCCRERY), you obviously do not understand the facts.

Mr. Speaker, this is the theft of the future of America. Those people who claim to be for a balanced budget are running up $817 billion worth of debt in 2 years, stealing it from your Social Security trust fund, stealing it from Medicare; and now they are saying the only answer to this is more debt.

Please vote against this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members not to make reference to the visitors in the gallery.

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

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. THOMAS. Mr. Speaker, if we are going to be talking about the greatest threats to our children, we ought to at least get it accurate. The greatest threat to our children is our failure to acknowledge that we are currently engaged in the greatest transfer of wealth in the history of the world. They are called the Medicare and the Social Security programs. The failure to modernize and to reform, given the continued growth of those programs in the Federal budget, will choke out every other aspect of the Federal budget. The threat that they will go bankrupt without our addressing them is the greatest threat to our children, denying them the opportunity tomorrow what seniors have today.

So if we are going to talk about threats, let us talk about the failure, the absolute refusal to give up a political bumper sticker, you have all seen it: ''Save Social Security, Vote Democratic.'' If you do not address change, it is going bankrupt. It is not a partisan issue.

Just like the yellowed papers on ''we are favoring the rich and hurting the poor on the tax issue,'' which is absolutely false, your failure to address this fundamental reform is the greatest threat to our children. And probably the greatest insult to Americans is to argue that while you refuse to seriously engage in modernization and reform, you are doing it to save the system. It is about as old and yellowed as all your other arguments.

The test will be the choice made by the American people. They have made it recently; and I believe we will be able, despite the rhetoric that you offer, to make the changes that the American people agree on and move this country forward.

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

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

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) has 30 seconds remaining.

Mr. RANGEL. Mr. Speaker, I really think that the chairman of the Committee on Ways and Means has adequately concluded this debate. God forbid, if the safety and the solvency of the Social Security system and the

Medicare system, the future education of our children, affordable housing, be placed in Republican hands, then the situation is worse than I ever thought.

No, you do not have to be an economist to figure this move out. What we are talking about is borrowing money, making insecure the Social Security system, privatizing the Medicare system, not having enough funds to and keeping every child behind. And why are we doing this? Are we borrowing it for spending, or are we borrowing it for tax cuts? I think the American people understand what we are doing.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. STENHOLM).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, DELAY and RANGEL.

There was no objection.

□ 1145

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1683.

The Clerk read the title of the bill.

The SPEAKER pro tempore. At this point, the unfinished business will be deferred until a later moment in time.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 247

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes. No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2. Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for 10 minutes (unless otherwise specified in the report) equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment). All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 2 are waived.

Sec. 2. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

Sec. 3. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Sec. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas, Mr. FROST, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. This rule provides for further consideration of the bill and makes in order only those amendments printed in the Committee on Rules report accompanying the resolution and amendments en bloc described in section 2 of the resolution.

The amendments printed in the report shall be considered only in the order printed in the report, except as specified in section 3 of the resolution, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for 10 minutes, unless otherwise specified in the report, equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of further debate on any pending amendment.

Finally, the rule provides one motion to recommit with or without instructions.

This is a fair rule. It is a traditional, structured rule for defense authorization, and it provides for debate on 30 additional amendments that deal with pertinent issues, including personnel issues, maritime security, quality-of-life issues for our servicemen and women, and a number of noncontroversial concerns.

The most controversial of these measures is certain to be the modernization of the personnel system. Modernizing the management system is imperative to national security and the retention and recruitment of civilian personnel.

The Committee on Armed Services believes that the important lessons learned from various demonstration projects within DOD should be applied across the Department. These projects have shown to improve the expeditious hiring of qualified personnel, have been valuable in providing flexible personnel compensation and assignment systems, and have improved organizational efficiency. These demonstration projects have also been highly successful in attracting and maintaining high-quality work forces.

The reforms included in this legislation would be similar to the flexibility provided to the Department of Homeland Security.

Finally, I believe that the Secretary of Defense should have more flexible management authority.

H.R. 1588 is more than just a signal to our soldiers, sailors, airmen, and Marines that this Nation recognizes their sacrifices. It is the means by which we meet our commitment to providing them a decent quality of life by providing an across-the-board 4.1 percent pay increase for military personnel, so as to sustain the commitment and professionalism of America's all-voluntary

Armed Forces and the families that support them.

While our men and women in uniform have swiftly dispatched our enemies abroad, they face increasingly complex personal and professional challenges at home. We must do more to take care of those who are putting their lives on the line to defend our freedom, and for the families that support them.

Currently, the Survivor Benefit Program for the survivor of an injured or ill service member who lives long enough to be disability retired is better than the benefit for the survivor of a service member who dies instantaneously. I am deeply concerned about this inequity and am pleased that this legislation recommends that the Secretary of Defense review SPB procedures and propose legislation to ensure equitable treatment for the survivors of all members of our military, regardless of their circumstances.

With Memorial Day on Monday, it is only fitting to remember those who gave the ultimate sacrifice in the defense of our country. Let us take this opportunity to reaffirm our commitment to those who are currently defending our homeland and abroad by passing this rule and the underlying legislation.

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

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

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

Mr. FROST. Mr. Speaker, for all of my 25 years in Congress I have worked for a strong national defense. Like so many pro-defense Democrats, I have bent over backwards to put politics aside and work together to support America's men and women in uniform. That cooperative approach is fundamental to our efforts to keep partisan politics from polluting the Armed Forces.

So, repeatedly on the House floor and in the Committee on Rules, I have urged the Republican leadership to stop their assault on the bipartisan cooperation that has defined our approach to defense policy for so long. In response, the chairman of the Committee on Rules kept holding out hope that maybe, just maybe, in this second rule for the defense authorization bill the committee would allow a full and bipartisan consideration of serious defense issues.

Last night, very late, the Committee on Rules reported out the second rule. Guess what? It does even more violence to the tradition of bipartisanship than the first rule did. For the second day in a row, the Republican leadership has prevented the House from considering serious and substantive issues in the defense authorization bill. For the second day in a row, they cast aside bipartisanship to protect the partisan and right-wing ideology that has been attached to this defense authorization bill. This is a shameful way to run this institution, an institution that is supposed to allow the voices of all Americans to be heard.

For instance, Republican leaders used this rule to again defend their assault on America's environmental protections. The ranking members of the Committee on Resources and the Committee on Energy and Commerce, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Michigan (Mr. DINGELL), offered their reasonable substitute to Republicans on environmental language. Republican leaders refused to allow the House to vote on this substitute.

To prevent terrorists from getting nuclear, biological, and chemical weapons, the gentleman from South Carolina (Mr. SPRATT), the second ranking Democrat on the Committee on Armed Services and an acknowledged expert on defense issues, once again tried to strengthen America's cooperative threat reduction program, but the Republican leadership once again refused to allow his amendment, in spite of the fact that it simply does what President Bush has asked for.

To protect the American taxpayers, the gentleman from California (Mr. WAXMAN) tried to require that contracts over $1 million be awarded only in open bidding process, but Republican leaders decided to make it easier for big companies, for example, Halliburton, Brown and Root, Bechtel, to get private deals, so they rejected the amendment of the gentleman from California (Mr. WAXMAN).

The gentleman from Mississippi (Mr. TAYLOR), a staunch defense hawk from Mississippi, had a substantive amendment relating to the next round of base closures. But instead of allowing him and the House the vote they deserve, Republican leaders simply shut out his amendment.

Similarly, Committee on Rules Republicans blocked three important amendments that I offered to address defense issues that I have pursued for some time: helping immigrant soldiers earn U.S. citizenship, providing tuition refunds to Reservists called to active duty, and tax fairness for civilian defense employees serving in combat zones.

Finally, Mr. Speaker, Republican leaders are using this rule to rig the game in favor of their attack on worker rights at the Pentagon. Now, these are the same Pentagon employees who showed such bravery and sacrifice on September 11. So the gentleman from Tennessee (Mr. COOPER), the gentleman from Illinois (Mr. DAVIS), and the gentleman from Maryland (Mr. VAN HOLLEN) proposed an employees' bill of rights. It is a common-sense approach to protecting those public servants who work to protect us. It has the support of America's firefighters. But Republican leaders refused to allow the House to vote to protect Pentagon employees.

All in all, Mr. Speaker, this rule makes a mockery of the bipartisan cooperation that has been the keystone to our approach to defense policy, so I urge my colleagues to oppose the previous question.

If we defeat the previous question, I will amend the rule to allow the House to consider the Pentagon employee bill of rights. If the previous question passes, I urge a no vote on this rule. This is the only way to restore some semblance of bipartisanship to this process and to safeguard America's national defense policy from the partisanship and right wing ideology that are tainting this bill.

□ 1200

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. It follows the procedure which, as I said here yesterday, has been addressed year after year.

We are coming forward with a second rule which has a wide range of amendments. Contrary to what my friend from Dallas just said, this is a very bipartisan bill. And I will make a prediction, Mr. Speaker. At the end of the day we will have strong bipartisan support, Democrats and Republicans, voting for the Defense Authorization Bill.

Now, as we proceed with this process that has just been described as, frankly, less than bipartisan, the rule that we are addressing here happens to include amendments from my fellow Californian (Mr. LANTOS), the ranking minority member of the Committee on International Relations; my friend, the gentlewoman from Texas (Ms. JACKSON-LEE), has an amendment in order; my Committee on Rules colleague, the gentleman from Florida (Mr. HASTINGS), has an amendment that is made in order. There is a bipartisan amendment that my colleague, the gentlewoman from California (Ms. WOOLSEY), is working with some Republican colleagues on.

We have amendments made in order by the gentleman from Massachusetts (Mr. TIERNEY), the gentleman from New York (Mr. NADLER). The gentlewoman from Ohio (Ms. KAPTUR) has two amendments that are made in order. My colleague, the gentleman from California (Mr. FARR), came to me and asked that we make in order an amendment that dealt with an important issue to him. We made that in order.

Those are all Democrats I have talked about, Mr. Speaker. So I think it is clear that we have, in fact, proceeded in a bipartisan way to try to allow some concerns that have come forward by our Democratic colleagues to be addressed.

Now, I do know that these two hot buttons of civilian personnel and environmental questions are still out there. Now, I happen to believe that while we did consider this process, as we considered the option of other amendments, we did come to the conclusion that, in fact, the Hefley language that was included in the Hunter amendment was the appropriate way to deal with this issue.

Yesterday, a number of us had a chance to meet with our colleague, with our former colleague, now Secretary of Defense Donald Rumsfeld, and talked about the environmental consequence and what impact this will have on our young men and women in uniform. And I know that the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), has talked about that and we heard some horror stories of what compliance has in fact done. But this measure does not, in fact, eliminate the compliance with important legislation like the Endangered Species Act and the Mammal Protection Act.

Now, I know on the civilian personnel question we also have this issue that has come to the forefront. Now, I went through this explanation and I know that my very good friend, the gentleman from Missouri (Mr. SKELTON), has come forward and we have now had, and I will acknowledge a change in positions, but initially a request was made of me that we consider making in order an amendment that would strike out the civilian personnel provisions. Why? Because they have made it very clear that they do not like those provisions.

Well, what has happened, Mr. Speaker, is there has been a change that has taken place since that time. I recognize we could, in fact, deal with that change; but we chose to approach the minority leadership and indicate that we would be willing as was first asked of me to make in order an amendment that would allow for the striking of the civilian personnel provisions; and they decided that they did not want to have that considered. And so now they are complaining that we have not made another amendment in order. And, yes, it is true, we had nearly 100 amendments submitted to us. We did not make an additional amendment in order on that issue. But we still, Mr. Speaker, are proceeding in a bipartisan way making numerous amendments. In fact, 11 amendments that Democrats have submitted are made in order.

I will be offering an amendment in a bipartisan way with my colleague, the gentlewoman from Northern California (Ms. LOFGREN), to deal with the very important computer security issue which I hope we will have bipartisan support on.

So I do want to say, contrary to what we will be hearing, the spirit of this rule has been pursued in a bipartisan way as has been the legislation. I urge support of the previous question. I urge support of the rule, and I urge my colleagues to come together and provide strong support for the critically important defense of our Nation.

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

My friend from California, the chairman, I am afraid has somewhat of a selective memory. I have handled the defense authorization rules on this floor for 25 years; and when we were in the majority, we always made in order the main issues of contention under the defense bill. Sometimes they were amendments that I personally opposed and that other prodefense Members on the Democratic side opposed, but we made them in order so that the House could express its will on the main issues raised in the Defense Authorization Bill.

This happened on numerous occasions. Sometimes those amendments came from people to my left in the Democratic Party who perhaps wanted to eliminate certain weapons systems. Sometimes those amendments came from conservative Republicans who did not like things that were in the bill. The main issues, not peripheral issues, and we appreciate the fact that some issues were made in order, some amendments were made in order that individual Members felt strongly about; but when we were in the majority, when there were significant issues that had support from a large number of Members either on our side or on the Republican side, we made those amendments in order and let the House express its will.

There were numerous instances when I personally voted against amendments that were included in the rule that we made in order and that other prodefense Democrats opposed, but we thought that the House should have the opportunity to express its will.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I would simply respond by saying, first, I do appreciate the fact that when Democrats were in the majority, they did allow for consideration of a wide range of Members. I would argue that we made every attempt to deal with both the civilian personnel issue as well as the environmental issue; and we tried to do so in a bipartisan way, as I outlined, by approaching the minority leadership saying the request that was first made of me, that we allow for a striking provision to be made in order. We said we were willing to do that.

On the issue of the environment, the Hefley language, which I know was worked on in a bipartisan way, is in fact included in the Hunter measure. I would argue that we tried our doggonedest to do just what was said.

Mr. Speaker, I thank my friend for yielding.

Mr. FROST. Reclaiming my time, I would point out to the gentleman that when we were in the majority we did not try and dictate what amendments the minority will offer. We did not say, we will give you a Democratic amendment on that subject but the Republicans cannot offer the amendment they want. That is exactly what they have done in the reverse here. They said, we will give you a Republican amendment on this subject, but we will not let the Democrats offer the amendments they want. Of course, Democrats would offer a different amendment on a particular issue than Republicans would. Republicans would offer an amendment which was, of course, much more friendly to the basic provisions in the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, during the floor debate yesterday, the Committee on Rules chairman, the gentleman from California (Mr. DREIER), addressed our complaints by saying, what are you arguing about? We have another rule coming up. Your complaints are premature. As if to suggest we would have another day.

Well, that day has come. Rule number two has arrived; and just to show you how much bipartisanship there is, my amendment which deals with an important project, cooperative threat reduction, destroying weapons of mass destruction in Russia, the former Soviet Union, the Dingell-Rahall amendment which would correct outrageous grants of authority over environmental laws granted to the Department of Defense under this bill, the Cooper-Davis-Van Hollen amendment which goes to the most radical revision of the civil service in the last hundred years with respect to the Department of Defense, all of those substantive amendments are not made in order.

So what we will have here is a sterile, almost pro forma, debate because what is left in contention, really challengeable, is not what is really at fault in this bill at all. We cannot have that debate. We see that substantive alternatives which we are offering, not controversial, not partisan gotcha bills, substantive alternatives simply cannot be brought up here.

What the Republican majority is doing is using procedural devices which they control with a thin majority to deny us fair consideration on substantive issues of the utmost gravity. They may not agree with it, but they cannot dispute the fact that all of these are grave and significant issues.

Let me tell you what my amendment would have done. My amendment would simply have taken this bill and removed from it all kinds of encumbrances, fences, conditions that the President did not seek, request, and does not want with respect to a program called Cooperative Threat Reduction, known better to some as Nunn-Lugar, and with respect in particular

to one project, Shchuch'ye, which is the largest repository of the deadliest chemical weapons that the Soviet Union ever produced. After years of negotiating, years of preparation, we are finally at the threshold of beginning a facility that will destroy those weapons.

I was there last May. I have got two posters here that show you what those facilities look like. Wooden roofs. Look at the windows over here with the makeshift bars on them. That is the kind of security they have got. And on the racks, rack after rack, sitting on dirt floors, wooden racks, what you find are little chemical warheads like that, literally thousands upon thousands of them, gathering dust like bottles of wine, barely secured, any one of which could wipe out the population of a soccer stadium, all of which could poison the entire world. Nerve gas, sarin. The deadliest stuff you could possibly imagine. Do we not want to get rid of this?

Is there any reason to wait. Can we not have at least here in the well of the House a debate on whether or not we need these conditions that the chairman of this committee have imposed? I do not think we do. All I ask is with the 21 years of experience that I have had is the opportunity to make that case in the well of the House. You have diminished the House and diminished this process by denying me that opportunity.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), another member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of H. Res. 247. The Committee on Rules has listened to hours of testimony and made in order 39 total amendments, nine amendments in yesterday's first rule and 30 amendments under the new rule before us today. We made in order 22 majority amendments, 14 minority amendments, and three bipartisan amendments. And while everyone will not be pleased by these decisions, it is a fair rule that will give the House the opportunity to debate a wide variety of national security issues.

Mr. Speaker, the underlying legislation, H.R. 1588, is entirely consistent with what the founders envisioned when they wrote article I, section 8 of U.S. Constitution, to ensure that Congress shall have the power to support, maintain, and provide for military to provide for the common defense.

First, this legislation provides adequate funding to help continue the U.S. military's transition to the 21st century. H.R. 1588, for example, authorizes funding for the U.S. Army to procure weapons and tracked combat vehicles for the U.S. Navy for shipbuilding and conversion and for the U.S. Air Force to procure additional aircraft, including language to maintain the important F/A–22 program.

The authorization for these programs, along with others, will help the U.S. military remain the most efficient, most lethal, and most effective fighting force on Earth. But, Mr. Speaker, we cannot possibly hope to maintain the level of excellence obtained by the U.S. military without the achievements of men and women who proudly wear the uniform.

As a former captain in the U.S. Air Force myself, I continue to draw inspiration from the resolve, patriotism, and strength of commitment exhibited by our servicemen and women. This Congress must work to reinforce that strength, and I believe H.R. 1588 works to that end.

I am pleased that the underlying legislation contains a 4.1 increase in base pay for military personnel. H.R. 1588 also recommends a reduction from 7.5 to 3.5 in the percentage of out-of-pocket expenses military personnel must contribute toward housing cost. Both of these provisions will not only help ease the burden placed on military personnel and their families, but should also help ensure that the U.S. military is able to retain these highly trained personnel.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think it is outrageous that the rule proposed by the Republican leadership denies the 435 Members of this House the opportunity to vote on the amendment to restore certain rights and protections for the 700,000 civil servant employees within the Department of Defense, rights and protections that are stripped away under the underlying bill. It is particularly sad to see this just after those civil servants joined together with our military in such a successful military operation in Iraq.

Yet this bill does away with so many protections. For example, it takes away the time-honored protections to ensure that civil servants will have their professional career advancement based on merit and professional conduct, rather than political litmus tests.

□ 1215

Do we want our contract officers, do we want our procurement officers to be looking over their shoulder to see if their decision is based on what is best for the taxpayer or best politically for someone in the Defense Department? And yet this bill eliminates those protections that have been in place since Teddy Roosevelt.

Let me just say that the amendment that was proposed, and I will read a provision of the amendment that is being denied an opportunity for us to vote on: ''An employee shall have the right to be free of favoritism or discrimination in connection with hiring, tenure, promotion or other conditions of employment due to the employee's political opinion or affiliation.'' But they do not want us to have an opportunity to vote on that provision.

The head of the nonpartisan General Accounting Office, David Walker, when he was asked about this issue, said, ''I do not believe that we have the infrastructure in place in order to effectively and fairly move to a more performance-based compensation structure at this time.'' In response to a question, he said, ''I think the agency has to demonstrate that they have these systems and controls in place before they should be given the flexibility.''

Mr. Speaker, do we want our Defense Department, the civil servants, to be run using professional judgment, which I think is in the best interest of national security, or do we want them to be driven more by political considerations? I think our national security depends on a nonpolitical, professional civil service; and it is very disappointing that the amendment was not made in order.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I rise in opposition to this rule.

When I testified before the Committee on Rules, Mr. Speaker, I specifically asked that committee for several major amendments, Democratic amendments, and that they be made in order. The first was the Cooper amendment dealing with civil service changes, which would establish a bill of rights for civilian workers within that department. The second, the Spratt amendment, on cooperative threat reduction, which, by the way, Mr. Speaker, the President of the United States requested. The third, the Taylor amendment on base closure. We should have a full and fair debate on that. And the Dingell-Rahall amendment on the environment. The dean of the House, the gentleman from Michigan (Mr. DINGELL), was not given that amendment. As a matter of fact, none of those four amendments were made in order. That is, Mr. Speaker, simply wrong.

Regardless of how Members might feel on the substance of amendments, it is wrong that a major substantive policy amendment is kept from debate. That should not happen. It should be allowed. It should be debated fully on this floor. This is a deliberative body, and many have said the most deliberative body in the whole world. Yet, Mr. Speaker, we cannot debate key issues that come before us. This is not a full debate. It deserves that. We in this institution do not deserve this disservice, and I cannot agree, sadly, with this rule.

Mrs. MYRICK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Well, here we are again, my dear colleagues, deja vu all over again.

The Republicans told us yesterday how they were going to have a second rule. Well, the second rule is just like the first, unfair, stifling debate, and not allowing discussion.

We are told it is bipartisan. It reminds me of the story of a fellow who complained about the stew. He was told it is horse and rabbit stew. He said, what is the recipe? They said, oh, it is simple. Equal parts, one horse, one rabbit. He said, no wonder it tastes like hell.

The simple fact of the matter is that is what we have here. That is the Republican definition of bipartisanship.

They exclude seven significant amendments. Why? I can only assume one of several reasons: They are scared to death to debate them; they want to be unfair; they have not got the vaguest ideas of what is fairness or how a representative body should function. I suspect all of the above are there. In any event, it tends to show they either know or care less about fairness than a hawk does about a handsaw.

What have they denied us the right to do? Legislation to address environmental concerns. Legislation to address the problem of chemical and nuclear weapons. Imagine what is going to happen if the Spratt amendment does not go into place and all of a sudden terrorists show up with nuclear weapons, or they show up with weapons of chemical or biological character because they got them out of a leaky stockpile in Russia? They do away with the opportunity to offer an open bidding requirement on contracts over $1 million. That says that they probably are scared to discuss this issue. They will not discuss the question of base closings. They refuse to help immigrant soldiers to get citizenship and for us to offer an amendment to allow that.

Now there are certain things about a representative body that I have to assume my Republican friends either do not care about or they do not know about. My dear Republican colleagues serve here as the servants of the people. This is the House of Representatives, with emphasis on the word representatives. We are all supposed to represent the House. My Republican colleagues are supposed to represent in the House the people whom they serve. They are also supposed to respect all of the people who are served here and to allow wide, broad, fair, discussion of important issues.

Is there a shortage of time to debate? Absolutely not. We meet about 3 days a week. But my Republican friends do not seem to have time to discuss important questions. I can only assume it is because they do not understand our duty to the people.

My Republican colleagues are creating a precedent which is bad. First of all, we do not debate the issues that are important. Second of all, my colleagues are creating a poisonous atmosphere in this place which is going to continue and to persist for a long time. The ability of this institution to properly debate questions and to have respect for each other and for the people we serve is being demeaned by this rule. I say, shame.

Let us defeat the rule, let us defeat the previous question, let us get the House back to being what it should be, the representatives of the people.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, first, I would like to second the remarks of the dean of the House, my friend, the gentleman from Michigan (Mr. DINGELL).

Last night, in this great Capitol building, about 10 p.m., the Committee on Rules was meeting. Our friends on the other side of the aisle had just come back from their lavish dinner at which the newspapers report they raised some $22 million for the Republicans. They voted on this rule, and they voted to deny this House the opportunity to work its will on $47 billion in the DOD budget.

That is a matter of some concern, because that is one of the largest items in the entire bill, and the House is unable to work its will on it due to their denial of an amendment. But more important than that, they denied over 700,000 DOD employees to have this section of the bill aired and debated. Over 700,000 families who work for our Pentagon worldwide are not able to hear their concerns aired on the floor of this House.

This is the people's House, yet over 700,000 patriotic and loyal Americans who have served this Nation well in the Iraq war, in the Afghan war, and let us remember 65 of these civilians died in the 9/11 attack on the Pentagon, but, no, this House is too busy to consider their concerns. That is not fair, that is not right, and this House should demand justice.

These are important civil servants of our Nation. They work hard every day to keep our Nation strong. Only last week our committee bothered to commend them for their skill, their hard work and dedication. But, no, their concerns are not important enough to be aired on the floor of this House.

We had one hearing in the Committee on Armed Services, we had no subcommittee markup, and now we are unable to debate the issue on the floor of this House. It is an injustice.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I appreciate the gentlewoman yielding me this time.

First of all, civil servants have had a large role in shaping this. There have been nine pilot programs the Department of Defense has piloted through the years, and in all of those cases, civil servants have, in many cases contrary to the labor bosses, opted for the new system as opposed to the old system with which they are currently operating.

The problem with the current system today is that we are contracting out where we ought to be able to use Federal employees because we do not have the flexibility in terms of deployment. So we are using uniformed officers behind desks to get jobs done, Federal contractors to get jobs done, what Federal workers are, in many cases, more capable of doing, and that is wrong.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I agree with the gentleman. I think that this bill is going to provide for more jobs for civil service employees because it is easier when we have a job to do under this massive bureaucracy we have now and the SECDEF says, I need that job done, can we have a civil servant do it? And the answer is, we can in 6 months. So the Secretary then does one of two things: He says, okay, let us get a contractor to do it, if we cannot get one of our own guys to do it the other alternative is let us get a sergeant to do it. The sergeant salutes and says, yes, sir, and he goes and gets the information he needs to do the job and he does it.

So the idea that we are going to be contracting the civil service force as a result of this is absolutely not accurate. In my opinion, we are going to have more people. Secretary Rumsfeld said there are, right now, under his estimate, some 300,000 uniformed people, people in the military, doing jobs that civil service folks could do if we could get the bureaucracy out of the way.

Mr. TOM DAVIS of Virginia. Mr. Speaker, reclaiming my time, I thank the gentleman, but let me just say it is 320,000 uniform personnel doing jobs that civil servants are certainly capable of doing. These are 320,000 we had to call up from the Reserves to do work, potentially, that could have gone and stayed with their families and everything else because of these arcane rules.

In addition to this, Under Secretary Wolfowitz testified under oath that this would increase the number of Federal civil servants. So this idea that it is going to lead to more contracting out is not only bunk, it is disingenuous, it is wrong, and I think it takes civil servants in the wrong direction.

Let me correct a couple of other things that have been said in the debate. We had a Member yesterday say that the right to receive veterans preference is gone, the right to discrimination protection, gone. Veterans preference, located in chapters 33 and 35 of title V, those are nonwaivable under this legislation. Discrimination protection is located in 2302(b)(2) of title V

and explicitly referred to in this legislation. Overtime pay in chapter 55 of title V, also nonwaivable.

In fact, for middle-level managers, what we have done is corrected some inequities in overtime pay. Currently, GS–12s, 13s, and 14s receive less working overtime than they receive in ordinary pay, and we have corrected that in this. This is a benefit to managers. We have raised the level that SES'rs and managers can get in bonus over what the current level is. So we have raised the levels of what Federal employees can earn.

As far as collective bargaining, NSPS states that we must ensure that employees may organize, bargain collectively, and participate through labor organizations of their own choosing. As for the right to an attorney, which was alleged to have been taken away, we do not mention it, but neither does the underlying legislation, and we have established an independent review panel to consider employee grievances.

We have worked hard on this legislation. We held a couple of hearings in the Committee on Government Reform on this, but, most importantly, this is designed from nine pilot programs where the Federal employees themselves have spoken to this and have voted strongly to opt for the new systems versus the existing system. It does not pay for performance; it pays on a seniority basis.

This will allow us to expedite hiring. It will allow us to do the kinds of things that we have already given other Federal agencies. This is not new ground. There are numerous Federal agencies currently, in sections 71, 73, and 75, that we have waived or altered, and we do this here. In fact, there is less flexibility here than Congress recently gave to the Department of Homeland Security.

□ 1230

Mr. Speaker, I might add, my colleagues who are arguing against this opposed those provisions in the Department of Homeland Security bill. We had an ensuing election on this issue. The voters spoke, and I think we have visited this issue once. There are fewer flexibilities here than we have in that as well.

I want to say a couple of other things. The Committee on Armed Services also had a day-long hearing and a 2-day markup of the DOD authorization bill. Dozens of the amendments offered there were also offered in our committee, and the votes were party line on these issues. They want to bring these same issues to the floor. I am not happy with every part of this rule. I had several amendments, particularly on the procurement side, that were part of the Committee on Government Reform's markup that were not included in the DOD bill that I could not get offered here. I understand the disappointment of those Members who are not able to have those heard at this point.

But 40,000 employees with over 20 years of experience want a new system, and defense of the current system not only leads to more outsourcing, it does not lead to the kind of performance-based pay and the salary levels that many of our best Federal employees are deserving of.

I worked in the private sector for a number of years. I worked for a company where our best asset was not our computers or our building; it was our people. They walked out the door every night; and we prayed to get them back because replacing them was costly, it created more inefficiencies, and it made us less competitive.

Those factors in the private sector ought to be extended to the public sector because our employees are our best asset, too. But I think we need to treat them well, I think we need to give them appropriate safeguards, which this legislation does. The unknown and the concerns by some on the other side are that all of this is not written by Congress. But we have put appropriate safeguards in this legislation. This will be part of a later debate, but I certainly support the rule.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I understand his assertion. His assertion essentially is that these provisions that will affect our Federal employees are positive provisions.

If that is the case, on our side we are very concerned that we are not being allowed to debate these fully. As the gentleman knows, 30 amendments are allowed with 10 minutes per amendment. The gentleman will admit, I think, that these are very substantial changes that we are making in the law; am I correct on that?

Mr. TOM DAVIS of Virginia. As I stated earlier, we debated these thoroughly in both committees. I cannot speak to every amendment that is being offered on the floor of the House. I understand the gentleman's concern. I know we will get debate on the motion to recommit, and we are debating it now. But I was also disappointed in not being able to offer some amendments. In addressing that issue, I think that is probably above my pay grade.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, I tell my friend, and he and I work very closely on issues dealing with Federal employees, there is a tendency to undervalue our Federal employees, as the gentleman knows. But the concern we have is if the other side is so concerned that the propositions it puts before us are correct, then it is a shame that we do not allow this body to fully debate them. I understand there were votes in committee. However, I am not on the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Although we were privileged to have the gentleman testify before us.

Mr. HOYER. I did appreciate the opportunity to come and testify, notwithstanding the fact that the committee did not follow my advice. My point is that the majority of Members on both sides of the aisle are not on your committee or the Committee on Armed Services, and I think it would have been appropriate for us to debate these items. If the proposals are as good as the gentleman says they are, presumably they would have been supported by the majority of this House.

Mr. TOM DAVIS of Virginia. I appreciate the gentleman's comments, and we did take some of his suggestions in the markup. The gentleman's testimony was not for naught.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, let me just say that the distinguished whip on the other side has made a point that more time should be given to this issue.

We are doing a $400 billion bill; and arguably the decisions on hundreds of weapons system that we are approving, both whether we are talking about the high-tech stuff or the low-tech stuff that we are bolstering in this bill, those decisions could have life and death impact, and yet we moved this bill through.

I want to assure the gentleman that we gave more time to this issue. We did a 10-hour hearing on this issue, largely at the insistence of the distinguished ranking member, the gentleman from Missouri (Mr. SKELTON), but we did a 10-hour hearing. That is more time than we gave any single weapons system in the entire DOD bill. So the argument can be made that we should have 10 times as many hearings as we have, and the gentleman knows that in this House and on this floor we have a myriad of responsibilities. We spent more time on this than any single weapons system in the entire DOD bill, and we had a 25-hour markup. I would say a very substantial portion of that markup, without limitation to debate, was afforded all of the Members.

Lastly, the chairman of the Committee on Government Reform makes a good point. I listened to the concerns. I listened early on to the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Oklahoma (Mr. COLE) and the gentlewoman from California (Mrs. DAVIS). We sat down and put together this independent appeals board that is going to be afforded anyone and everyone. So we spent a lot of time on this. This was not hastily thrown together.

Lastly, the gentleman from Tennessee (Mr. COOPER) made a good point. He said we are putting a major entrustment to the Secretary of Defense to build a new system, and we all agree in many ways it is broken. I am looking at this union dispute over whether they should have cancelled the annual picnic, and it ended up costing $750,000 of taxpayer money to decide whether or not you should cancel the picnic. There are changes that need to be made.

Lots of good people involved themselves on this and worked on this; and

this is an excellent, excellent product. I want to thank everybody who had suggestions because a number of the concerns from Democrats and Republicans were addressed. We are entrusting the Secretary of Defense, who with his team took 300,000 American lives into a very dangerous military theater, and answered to us and did a good job with that entrustment. He deserves some degree of respect, and he has merited the empowerment to move forward and build a new system under our guidance.

We are going to be reviewing everything he has done in a few months. We can change things that he does that we do not like; but certainly giving him an opportunity to revamp his shop to make it better, not just for DOD and the taxpayers but also for the folks that live and work in this system, the Federal employees.

Mr. Speaker, I think we did a good job of working this. We can always spend more time, and I would say to the gentleman from Maryland (Mr. HOYER) that could be said about every single weapons system that comes up here.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to make an observation to the distinguished chairman of the Committee on Armed Services. The gentleman and I served in this body when this bill had 5 full days of debate, discussion and open amendments in which we had very extensive discussions on not only weapons systems but other proposals contained in the bill.

I am probably going to end up voting for this bill. As the gentleman knows, I have consistently supported authorization bills and appropriation bills. I believe this Nation needs a strong defense, and I respect the Secretary of Defense. But I would say to the gentleman that it would have been nice if the Secretary had respected the Members of the House on both sides of the aisle and presented this at the beginning of the year and not just a few weeks ago so we could have had more extensive discussions, as we have had on some of those weapons systems heretofore. None of them were offered just recently. They were offered early in the year or in years past; but I recognize what the gentleman said. Obviously, we do not have unlimited time for unlimited debate.

I would suggest in this instance this proposal, a very substantive one, came very late; and although the gentleman spent some time in committee on it, appropriately, and I thank the gentleman for that, it would have been nice if we would have had more extensive debate and substantive amendments on this floor.

Mr. TOM DAVIS of Virginia. Mr. Speaker, reclaiming my time, I include for the RECORD an editorial from the Honorable Donald H. Rumsfeld, printed in today's Washington Post.

DEFENSE FOR THE 21ST CENTURY

(By Donald H. Rumsfeld)

Rep. Ike Skelton (D–Mo.) laid out a number of objections on this page yesterday to the president's proposed Defense Transformation Act for the 21st Century. I respect Mr. Skelton's long service, but I disagree with many of his stated objections. Here is why.

Skelton argues that this legislation is the most sweeping overhaul of the Defense Department since the 1986 Goldwater-Nichols Act. He may be right—but that is precisely the point. We are at this moment fighting the first wars of the 21st century with a department that has management and personnel systems developed decades ago, at the height of the Cold War.

The threats we face today are notably different from that era. We learned on Sept. 11, 2001, that our nation is vulnerable to enemies who hide in the caves and shadows and strike in unexpected ways. That is why we must transform our armed forces. Our forces need to be flexible, light and agile, so they can respond quickly and deal with surprise. The same is true of the men and women who support them in the Department of Defense. They also need flexibility, so that they can move money, shift people, design and deploy new weapons more rapidly and respond to the continuing changes in our security environment.

Today we do not have that kind of agility. In an age—the information age—when terrorists move information at the speed of an e-mail, money at the speed of a wire transfer and people at the speed of a commercial jetliner, the Defense Department is still bogged down in the bureaucratic processes of the industrial age.

Consider: we have more than 300,000 uniformed personnel doing jobs that should be done by civilians. That means that nearly three times the number of troops that were on the ground in Iraq during Operation Iraqi Freedom are doing nonmilitary jobs that should be done by civilian personnel.

Why is that? It's because when managers in the department want to get a job done, they go to the military. They know they can manage military people, put them in a job, give them guidance, transfer them from one task to another and change the way they do things. They can't do that with the civil service, because it is managed outside the Defense Department by others, with a system of rules and requirements fashioned for a different era.

The defense authorization bill has grown from only one page in 1962 to a whopping 534 pages in 2001. The department is required to prepare and submit some 26,000 pages of justification, and more than 800 required reports to Congress each year—many of marginal value, most probably not read. Since 1975, the time it takes to produce a new weapons system has doubled, even as new technologies are arriving in years and months, not decades.

We are working to fix problems that we have the freedom to fix. We have reduced management and headquarters staffs by 11 percent, streamlined the acquisition process by eliminating hundreds of pages of unnecessary rules and red tape, and begun implementing a new business management structure. But we also need legislative relief. That is why we are asking for:

Measures for transforming our system of personnel management, so that we can gain more flexibility and agility in the way we manage the more than 700,000 civilians in the department. And let me be clear: The provisions we have proposed explicitly bar nepotism.

Expanded authority for competitive outsourcing so that we can get military personnel out of nonmilitary tasks and back into the field.

Measures to protect our military training ranges so that our men and women in uniform will be able to train as they fight, while honoring our steadfast commitment to protecting the environment.

It is true, as Rep. Skelton notes, that the Goldwater-Nichols Act took four years for Congress to pass. But we do not have four years to wait before we transform—the new threats are here now. If anything, our experience in the global war on terror has made the case for transformation even more urgent. Because our enemies are watching us—studying how we were successfully attacked, how we are responding and how we might be vulnerable again. In distant caves and bunkers, they are busy developing new ways to harm our people—methods of attack that could kill not 3,000 people, but 30,000 or 300,000—or more. And they are not struggling with bureaucratic red tape fashioned in the last century as they do so.

The fact is that the transformation of our military capabilities depends on the transformation of the way the Defense Department operates. This does not mean an end to congressional oversight. What it means is that we need to work together to ensure the department has the flexibility to keep up with the new threats emerging as this century unfolds.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in opposition to this rule and the underlying bill. My colleague from Virginia only said one thing that is correct, and that is our Federal employees are our greatest resource. Unfortunately, in this bill they are treated very poorly.

In this bill, the Secretary of Defense can waive collective bargaining. That was designed to allow employee input into working conditions and grievances. He talks about Federal employees, but every Federal employee organization opposes this language.

The Secretary of Defense would be allowed to exempt the Department of Defense from the Federal wage schedule that was designed to prevent discrimination and nepotism.

The Secretary of Defense is allowed to exempt the Department of Defense from due process and appeals rights, appeals to the Equal Opportunity Commission, fighting discrimination.

This bill would authorize the Secretary of Defense to bypass OPM and create an entirely new personnel system.

It authorizes the Secretary to have authority under this proposal to take action at his sole, exclusive, and unreviewable discretion.

The Secretary of Defense, in an opinion piece in The Washington Post yesterday, said our military needs more agility and flexibility because they are fighting terrorists in caves and bunkers. Then he cleverly transfers this reasoning to the civilian population. I ask Members why do clerks and secretaries and administrators need to be deprived of their appeals rights? They should have a fixed appeals system. They should have the rights that Federal employees have had over the years. He

makes the case for a flexible military, he does not make the case for depriving Federal employees of their rights, and he attempts to trade off agility for morale. I suggest we need to improve morale and protect our Federal employees.

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

Mr. Speaker, I would just like to make the comment that we do have a committee system in this House because not everybody can be on every committee. They make recommendations to the full House, and usually we value their opinions and accept their recommendations. That is part of what is going on today.

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

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in strong opposition to the rule. First, on the issue we have been dealing with around civil service, none of the lessons learned and the myriad projects that we are talking about would necessarily be part of the law as it is drafted in the civil service part of the provisions in this bill. So we did have that debate and some of that discussion, but in fact none of that is relevant to the bill at all.

Second, I object to the fact that the Committee on Rules deprived this body of the opportunity to have a substantive debate on the environmental provisions, a debate about the facts.

Mr. Speaker, the fact is that the Deputy Secretary of Defense, Paul Wolfowitz, wrote in a March memo, ''We have demonstrated that we are both able to comply with environmental requirements and to conduct necessary military training and testing.'' The administration's own EPA agrees, and that is the fact.

Finally, Mr. Speaker, for 3 years I have worked to close the military pay gap. This year at the Committee on Rules I offered an amendment to close that gap permanently, but that amendment was denied. My amendment is identical to language passed in the Senate. Over 4 years each of the quarter million soldiers, sailors, airmen and Marines who fought in Iraq were making a decision whether or not to stay or go in the military. Now is the time to send them and their families a message that the Members of this House care about them and the quality of their lives. Instead, we send a hastily different message with empty promises. Why is the majority silent on closing the pay gap permanently?

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1245

Mr. BLUMENAUER. Mr. Speaker, one of the problems with the way the Republicans have managed, orchestrated the rule is that it simply does not permit an opportunity for us to clarify even simple misunderstandings.

Many of my colleagues may have listened on television to the distinguished chairman of the committee put a map up here that implied that 57 percent of Camp Pendleton was off-limits to military activities. We came to the floor and pointed out that that was simply not true. It never was. Using the flexibility under existing law, 1 percent was set aside.

The real problem with Camp Pendleton is the fact that you have got an interstate freeway, you have got encroachment from sprawl, but we could not clarify it.

I have had colleagues who misunderstood what the chairman said. I am sure it was a mistake to imply that 57 percent was off-limits to military training. The gentleman from West Virginia (Mr. RAHALL) and I are reduced to putting out a Dear Colleague which maybe somebody will see in the blizzard of paper. It is an embarrassment to this Chamber that we cannot have a legitimate debate and clarify things like this and not mislead the public or Members of this assembly.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentlewoman for yielding me this time.

Mr. Speaker, the gentleman is aware of the map that I put up of Camp Pendleton that showed the overlays on the various environmental restrictions. I have gone through that a number of times. It has got the areas for the gnatcatcher, it has got the estuarine sanctuary, it has got the closeout for the beach. The gentleman is aware that there is about 17 miles of beach there where the Marines practice their amphibious landings. Is it the gentleman's claim that that beach is now open for use for the United States Marines?

Mr. BLUMENAUER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Yes. Absolutely. This limited area, 840 acres out of 125,000 acres, is available to amphibious landings, according to the information we have received. And it only applies out of 6 months. The real problem is you have got a freeway, you have got a nuclear power plant, you have got a State park. There never was a legal restriction ever.

Mr. HUNTER. Let me ask the gentleman further, because we are going to have this thing sorted out before this bill is over. Is it the gentleman's contention that the Marine Corps' position is they understand that they can use that beach and they simply have not used it, that that beach is available for amphibious landings?

Did the gentleman ask the Marines? That is my question, I guess.

Mr. BLUMENAUER. I have dealt with the Department of Defense, the Fish and Wildlife Service and have gone to the court records. I do not know how it is being distorted.

Mr. HUNTER. Let me just tell the gentleman that if you have these agreements that they put in place, those agreements are made by several parties: one, Fish and Wildlife; one, State resources, in California that is Fish and Game; and, lastly, the Service. Since we want to make sure we are all on the same playing field here before this debate is over, I would ask the gentleman, we have got a couple of hours here, to check with the U.S. Marine Corps. I will be happy to be with him when we check on it and we can come to the floor and give together an opinion on how much land is ruled off-limits.

My information from the Marine Corps is that they cannot use that beach. That is not the small part of the beach that is up in the north that they use for the nuclear power plant. Nobody has claimed you want to make amphibious landings at a nuclear power plant.

I would ask the gentleman, since he did not have a direct communication with the Marine Corps, if he could get that, and I will work with him, and we will try to come in with the same sheet of music.

Mr. BLUMENAUER. I welcome the gentleman's offer to do so and to correlate that with what the Secretary of the Interior has actually ruled in this case. I welcome it.

Mr. HUNTER. Let me just finish by saying that my information from DOD as of last week is that, currently, of that 17 miles, only roughly one-fifth of a mile, that is roughly one one-hundred-and-fiftieth or one one-hundredth of this shoreline where the Marines practice their amphibious landings is available for use. So we have got totally disparate views. The gentleman says the beach is open. The Marines tell me that the beach is closed. We will be happy to work with him and get a communication from the Marine Corps.

Mr. BLUMENAUER. I thank the gentleman.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this very unfair rule. The bill before us today contains provisions that would give the Department of Defense unprecedented authority to develop an entirely new civil service system for its 700,000 civilian employees with little or no congressional oversight, jeopardizing many of the employee protections and rights that Federal employees have fought so hard for over the years.

How do I know this? Because before coming to Congress I was a Federal employee, a civil service employee for 26½ years.

I know that there is a lot of frustration and a lot of misinformation that

has been put forth in this. My good friend and chairman has said they had 10 hours of testimony. But when you factor in that there are 700,000 civilian employees that are going to be affected, that is .0008 minutes for each one of those employees that has been given in terms of hearings. I think our civil servants deserve better than that, and we ought to have more hearings on this issue and not just take their civil protections away as we are with this bill.

Mr. Speaker, I rise in strong opposition to this unfair rule.

The bill before us today contains provisions that would give the Department of Defense unprecedented authority to develop an entirely new civil service system for its 700,000 civilian employees with little or no congressional oversight, jeopardizing many employee protections that Federal workers have fought so hard for over the years.

This issue has great personal significance to me, because for more than 26 years prior to becoming a Member of Congress, I myself was a civil servant, first as a Border Patrol agent and later as a Sector Chief. When I joined the Border Patrol, I was one of only two Hispanic members of my training class. I can tell you that there were some that would have preferred that we were not part of the Border Patrol, but the civil service system protected me.

As a Sector Chief, over the objections of my superiors, I implemented what turned out to be one of the most successful programs to stop illegal immigrants from entering this country. If it were not for the civil service protections, I would have been fired immediately.

We sought to offer an amendment to help ensure that DoD civilian employees would continue to enjoy the basic protections that I was afforded as a civil servant, including the right to due process and appeal in cases of alleged discrimination, collective bargaining, and veterans preferences.

Unfortunately, the Republican leadership did not see fit to make Mr. COOPER's amendment in order, so we will not have a debate on this extraordinarily important issue.

Mr. Speaker, even GAO has said, ''Congress should consider establishing additional safeguards to ensure the fair, merit-based, transparent, and accountable implementation'' of DoD's civil service system. But this rule does not allow us to do that. The patriotic employees who serve our Nation at the Department of Defense deserve better.

I urge my colleague to vote ''no'' on the previous question and ''no'' on this terrible rule.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

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

Mr. SKELTON. Mr. Speaker, I include for the RECORD my op-ed article entitled ''Overhaul Without Oversight'' from the Washington Post dated May 21.

[From the Washington Post, May 21, 2003]

OVERHAUL WITHOUT OVERSIGHT

(By Ike Skelton)

I believe history will show that the swiftness of America's military victory in Iraq was due in large part to the in-depth training of our officers in strategy and plans and to the military's application of that training in the operational plans developed in the months before the war. Many people, including the Secretary of Defense, had detailed lists of what could go wrong. We avoided those outcomes, partly thanks to luck but mostly because of deliberate military planning that sought out and compensated for potential risks and unintended consequences.

Last month, as Congress was departing for a two-week recess, the Defense Department submitted a 200-page draft ''transformation'' bill that requests extensive new authorities. It is not an understatement to say that this bill, taken as a whole, is the most sweeping defense reform legislation proposed since the Goldwater-Nichols Act of 1986, which changed both the structure and the policies governing our military. The only thing that is obvious and consistent throughout the 50 provisions included in this bill is the aggregation of power sought for the Department of Defense, removing the legal restrictions and congressional oversight that should safeguard against any abuses, however unintentional. This approach is a rush to judgment that will affect vast numbers of people and, in many cases, will enshrine bad policy in law.

Major reassignments of constitutional authority such as this demand the same sort of thoughtful foresight as a war plan. In fact, the Goldwater-Nichols legislation took Congress four years to pass. The armed services committees of both houses of Congress held dozens of hearings and spent months drafting a comprehensive and bipartisan bill. We did this because the scope of the legislation was broad, the potentially unforeseen implications were numerous and the impact on the lives of all those who serve this nation was enormous.

The House of Representatives is to consider and vote on a defense authorization bill today that has much to commend it. It will authorize $400 billion to ensure that our forces remain the best trained and best equipped in the world. But it will also include large pieces of the transformation package—even though the committee has held fewer than five hearings, and most of those with less than a week's notice. Without the time to investigate and ask the tough questions, we do not know what the implications of these changes are. And so we, unlike Gen. Tommy Franks in Iraq, cannot build a plan to avoid the worst outcomes.

The proposed legislation makes sweeping changes to both military and civilian personnel systems. On the civilian side, the Defense Department wants unfettered freedom to hire and fire its nearly 700,000 employees. Congress had a long, contentious debate over similar personnel proposals when creating the Department of Homeland Security. That legislation is barely being implemented now, and there has been no opportunity to evaluate its results. The Defense Department wants changes that are even more dramatic, including, just as one example, the repeal of laws preventing nepotism. What justification based on our national security or sound management principles can justify that? What message does this send to the hundreds of thousands who have dedicated their careers to the service of this nation? And why do such changes need to be rushed through now, when a successful military campaign has shown that the existing system works?

The department also is requesting extensive exemptions from a host of environmental laws that have helped safeguard the long-term health of our communities and of the global environment. As a solidly pro-military member of Congress, I believe the readiness and exceptional training of our troops are of paramount importance and should be taken into account in our environmental laws. But the Defense Department has not yet made use of the legal remedies that already exist to accommodate military readiness. Operations in Iraq showed the exquisite capability of the U.S. military trained under the current system. Changing the law at this point has not been shown to be needed for military readiness, but it will certainly undermine the legal structure that ensures the nation's environmental health.

The Constitution establishes Congress as a counterweight to executive authority for good reasons—to guard against the excessive aggregation of any administration's power and to ask critical questions that allow better policy and better law to be made. When we in Congress are doing our jobs well, we ask what every American should want to know: Why is this necessary and what are the downsides of taking this action?

Without the ability to question and consider fully the implications of what we do, we abandon the planning needed to protect our nation's security and to protect those who serve their nation. We would not accept that of the officers planning a military campaign. We should not accept it from our political leaders either.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, we are spending $100 billion and tragically the loss of young men and women's lives in a war in Iraq that was supposed to be about getting the weapons of mass destruction out of Saddam Hussein's hands so he could not give them to the terrorists. So far, we have not found those weapons of mass destruction.

But the gentleman from South Carolina (Mr. SPRATT) pointed out to us that there are 5,000 tons of weapons of mass destruction in chemical weapons and gases and sarin chemical that we know exactly where they are. But the Republicans will not allow an amendment in order to protect Americans from the assault from these weapons when they fall into the hands of terrorists. We know exactly where 5,000 tons are. We have not found one ounce in Iraq.

There is also nuclear material in the same area of the former Soviet Union and in Central Asia and elsewhere in the world. But they will not allow us to clean it up. They will not allow us to secure it. They are compromising the security of this Nation because this is more likely to fall into the hands of terrorists than anything that Saddam Hussein had.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman's time has expired.

Mr. GEORGE MILLER of California. You have to ask yourself, what are they doing to the security of this Nation when they will not allow us to go in and to secure these weapons of mass destruction?

Ladies and gentlemen, we are on Orange Alert. We are on Orange Alert as a Nation, and as a Nation and as a Congress we will not be allowed to debate the reduction of these weapons.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman's time has expired.

Mrs. MYRICK. Mr. Speaker, the gentleman's time has been expired for about 2 minutes.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman will suspend. The gentleman's time has expired.

Mr. GEORGE MILLER of California. . . .

Mrs. MYRICK. The gentleman's time has expired, and he should be removed from the floor.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman will suspend.

Mrs. MYRICK. Nobody is begging anybody. Use your time.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. All Members please suspend.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. Will the gentleman from California acknowledge the Chair?

Mrs. MYRICK. Mr. Speaker, regular order.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman from California is no longer recognized.

Mr. GEORGE MILLER of California. I thank the Chair, and I yield back my time.

Mr. OBEY. . . .

The SPEAKER pro tempore. All Members suspend. The Chair would observe that this is the United States House of Representatives, and respect for the decorum of this Chamber is expected by all. The gentleman from California is a distinguished gentleman, but all rules of the House and the rulings of the Speaker should be followed.

Mr. GEORGE MILLER of California. . . .

The SPEAKER pro tempore. The gentleman is not recognized.

Mr. GEORGE MILLER of California. . . .

Mrs. MYRICK. Regular order.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to compliment the gentleman from California. I want to compliment the gentleman from California for having the guts to finally say the rules are rigged against those Members who do not blindly follow the Republican leadership. Every one of us represents about 700,000 people. We do not run for office saying, some of us can speak and some of us can't. Some of us can offer amendments and some of us can't. The Committee on Rules serves to do nothing but keep Members from offering their amendments.

I have got an amendment on base closure. I think every single citizen of this body ought to be recorded as being wanting to close bases or wanting to keep bases open. I have been denied the opportunity to have that vote for 3 years running now.

I have got to ask, who wants to close bases? Do the military retirees who live next to them who want to use the hospital want to close them? No. Do the military retirees who want to use the commissaries want to close them? No. Do the communities that in many instances have paid to bring those bases there like Pascagoula, Mississippi, paid $20 million to help bring home port Pascagoula there, do they want to close them? No.

So maybe who does want to close bases? Mr. DREIER, how about your friend Katrina Leung? I think it is a fair question to ask whether or not someone who is being accused of being a Communist Chinese spy, who has contributed to your campaign, whether or not she wants to close bases.

Why can I not have a vote as a Member of this body on deciding whether or not we are going to close bases? Are we are going to listen to our Nation's military retirees? Are we going to listen to our citizens? Or are we listening to Katrina Leung?

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

Mr. Speaker, I urge Members to vote ''no'' on the previous question.

If the previous question is defeated, I will offer an amendment to the rule that will make in order the Cooper/Davis/Van Hollen Civil Service Bill of Rights amendment. Last night, the Republican majority refused to allow the House to consider this amendment. The Republican leadership had decided what kind of Democratic amendment would be acceptable to be included in the rule and since no Democrat was willing to toe the Republican Party line, Democrats have been shut out once again on a straight party line vote.

The bill we are considering today makes enormous and far-reaching changes in the personnel laws affecting civilian defense employees. Furthermore, it does so with virtually no input or oversight from Congress. It leaves this massive overhaul in the hands of the Secretary of Defense.

The Cooper/Davis/Van Hollen amendment would spell out an employee bill of rights to ensure that these valuable employees do not lose their basic employee rights. Yet under this unfair rule it will not be allowed to come to the floor for a vote.

Mr. Speaker, it is hard for me to believe that just a few weeks after the war in Iraq, after all of us heaped deserving praise on all employees of the Defense Department, both military and civilian, that we would pull the rug out from underneath these patriotic, hard-working Americans.

Let me make it very clear. A ''no'' vote will not stop the House from taking up the Department of Defense authorization. However, a ''yes'' vote amounts to slamming the door in the face of the military's civilian employees.

As you cast your vote, think about these people and whether you will turn your back on them or whether you will do the right thing and vote to allow this amendment.

Ms. PELOSI. Mr. Speaker, I rise to speak in opposition to the rule on the National Defense Authorization Act. This rule fails to make in order several important Democratic amendments, including the Rahall-Dingell amendment on the environmental provisions in the bill.

The Department of Defense claims that it needs exemptions from five of our major environmental laws—laws that protect the air, water, endangered species, whales, dolphins, and last but not least, humans. The Pentagon says these laws are interfering with military readiness. But the evidence it has presented is at best anecdotal. In a June 2002 study, the Government Accounting Office could find no evidence that environmental protection is a problem for our Armed Forces.

In light of the impressive performance of our men and women in Iraq, any assertion that our military is not ready to fight and win is patently ridiculous. These environmental laws have been in place for several decades, and our Armed Forces are the best trained in the world.

The defense bill that we are debating today rolls back protections in two key environmental laws: the Endangered Species Act and the Marine Mammal Protection Act. The DOD bill significantly reduces the Secretary of the Interior's responsibility to designate critical habitat and would greatly weaken protections for endangered species anywhere in the U.S., not just on military facilities. Without critical habitat, imperiled species will not recover. This bill would also specifically reduce protections for endangered species on military lands. For marine mammals, the bill weakens the definition of ''harassment'' for all users of the oceans and coastal waters, not just for the military. It would also give the DOD unlimited, unmonitored exemptions from marine mammal protection.

The majority has refused to allow us to vote on the Rahall-Dingell amendment to fix these provisions. Why? Because they are afraid they will lose. The American people reject the idea that the federal government should be above the law. A recent Zogby poll showed 84 percent of likely voters think the Pentagon should follow the same environmental and public health laws as everyone else. Liberals, moderates, and conservatives alike agree that all agencies of the federal government should be held accountable for their actions.

Communities across the nation are grappling with the toxic contamination of former bases that used to be exempt from environmental laws. Many of us have decommissioned military facilities in our districts. In my

home city of San Francisco, we have been pushing for years for the clean up of the Hunters Point Naval Shipyard. The military's track record on protecting the environment is dismal. We hold the Department of Defense accountable for its actions in the future.

I urge my colleagues to vote ''no'' on the previous question, so that we can make the Rahall-Dingell amendment in order, and ''no'' on the rule.

Mr. LEVIN. Mr. Speaker, I strongly oppose this unfair rule. I do so because it denies Members the opportunity to offer amendments to critical provisions in the Defense Authorization bill.

National defense should be a subject that brings the Congress and the nation together, and not an occasion to create division. Especially given the clear and present danger of further terrorist attacks against the United States, it is imperative that we remain united as we confront these threats.

I support most of the provisions in this bill. It is unfortunate that the Majority chose to insert a number of highly controversial provisions into the Defense Authorization. In particular, I oppose the provisions of the bill that seek to upend longstanding civil service protections for more than 700,000 civilian workers who are instrumental to supporting our men and women in uniform. Without a competent civilian workforce at the Defense Department to back up our troops, it would be difficult, if not impossible, for our armed forces to prevail on the battlefield.

We are legislating in the dark here. Over the past century, we have established protections to prevent the civil service form becoming a political patronage system. Before we throw these protections in the garbage can, we'd better know what we're doing. The Bush Administration delivered its 205-page legislative proposal to restructure the Pentagon's civilian and military personnel system on April 10, just days before the House adjourned for a two-week recess. These sweeping proposed changes are not well understood and they have the potential for long-term negative consequences.

I want to read an excerpt from a General Accounting Office testimony on these proposed changes to the Pentagon's civilian personnel system. The GAO cautions that ''moving too quickly or prematurely [to a new personnel system] at DOD or elsewhere, can significantly raise the risk of doing it wrong. This could also serve to severely set back the legitimate need to move to a more performance- and results-based system for the federal government as a whole. Thus, while it is imperative that we take steps to better link employee pay and other personnel decisions to performance across the federal government, how it is done, when it is done, and the basis on which it is done, can make all the difference in whether or not we are successful.'' GAO goes on to say that ''based on GAO's past work, most existing federal performance appraisal systems, including a vast majority of DOD's systems, are not currently designed to support a meaningful performance-based pay system.''

The civil service rules have generally served our country well. Can we improve the Defense Department's civilian personnel rules? Sure. Is this the way to do it? Absolutely not. Such sweeping changes—changes affecting more than 700,000 Defense Department workers—deserve more thoughtful consideration by this Congress. If these changes are approved, we will find ourselves in the unique position of having one set of personnel rules for civilian defense employees, another set of personnel rules for employees at the Department of Homeland Security, and a third set of rules for every other federal worker.

It's bad enough that the Republican Majority insisted on including these controversial civil service changes in this bill. What's worse is that the Majority will not even allow us to debate them or offer amendments. The House should be permitted to debate the Employee Bill of Rights amendment proposed by Representatives COOPER, DAVIS and VAN HOLLEN. This amendment would protect the right to receive a veterans preference and the right to be free from discrimination based on political opinion or party affiliation. It would ensure that Department of Defense employees have the same collective bargaining rights and due process rights that other federal employees enjoy. These rights are fundamental. they should not be waived or curtailed at the whim of the Defense Secretary, and this House should not be stampeded into providing him the authority to do so.

I urge my colleagues to join me in opposing the rule so we can have a fair debate and a vote on the Employee Bill of Rights amendment.

Mrs. MALONEY. Mr. Speaker, today we continue the Defense Authorization bill debate.

This bill authorizes a total of $400.5 billion in FY 2004 for defense activities important for our nation's security, however, there are troubling provisions in this bill relating to civil services law, contracting, environmental exemptions and nuclear weapons policy that should not have been included in H.R. 1588.

I'm particularly concerned about the civil service provisions that undermine collective bargaining and safeguards against employee harassment. H.R. 1588 will deny basic worker protections to one third of all Federal Employees. This bill places the Secretary of Defense in the position of being the ultimate decision maker in labor disputes giving him blanket authority to create a completely new civilian employee system. Many of the changes included in this bill will open the way for abuses that the Pendleton Act of 1893 was enacted to eliminate. We may need to modernize, however, we also need to preserve the principles of a Civil Service that has served our nation well for more than 100 years.

I am disappointed that an amendment I offered in the Rules Committee was not made in order. It was a simple amendment that would have ensured that Chief Acquisition Officers are career professionals and not political appointees. I would like to put letters of support from several good government/civil servant groups, including the Federal Managers Association, AFGE, the Senior Executives Association, NTEU, AFSCME and others, into the RECORD.

As AFSCME noted in a letter of support, ''H.R. 1588 entrusts the contracting process to political appointees who stay an average of only 18 months and will turn federal contracts into political currency.'' This wrongheaded provision is a recipe for cronyism and political favoritism!

I am also greatly disappointed that my pro-competition in procurement amendment, offered with Mr. TURNER of Texas, was not made in order. The Maloney-Turner amendment to the Defense Authorization Act would have reapplied certain common-sense, good government procurement rules to the Other Transactions Authority section (Section 1451) of H.R. 1588.

This amendment tried to close a large procurement loophole that is both unnecessary and fraught with potential for abuse.

For some interested in closed-door deals and invitation-only bids, it may be more advantageous to use OT authority rather than a procurement contract, however, it may not be more advantageous for taxpayers.

We are reversing important, settled public policy with this bill. Vote ''no'' on the rule.

FEDERAL MANAGERS ASSOCIATION,
Alexandria, VA, May 19, 2003.

Hon. CAROLYN MALONEY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN MALONEY: On behalf of the 200,000 executives, managers, and supervisors in the Federal government whose interests are represented by the Federal Managers Association (FMA), I am writing to express our strong support of your amendment to H.R. 1588, the fiscal 2004 National Defense Authorization Act, requiring that the Federal Chief Acquisition Officer (CAO) position be filled by a career civil servant.

Currently, Section 1421 of H.R. 1588 stipulates that newly appointed CAO's are to be non-career employees, or political appointees. We at FMA believe that Federal agencies and taxpayers would benefit more from the institutional knowledge, expertise, and experience that a career civil servant would bring to this position.

Today, the average tenure of a political appointee is eighteen months, which will result in a revolving door of CAO's in and out of agencies. This situation will only serve to further complicate the structure of the Federal acquisition workforce, while compromising the effectiveness of this critical position due to a lack of stability. Over time, we have already seen detrimental effects on Federal agencies as a result of short-term appointees in leadership positions.

Moreover, Federal acquisition policy is built upon the goal of providing American taxpayers with high-quality products and services through the most efficient use of their tax dollars. In order to achieve this goal, the CAO must be removed from any and all political pressures.

Finally, we at FMA are supportive of the National Commission on the Public Service's (a.k.a., the Volcker Commission named for its chairman, Paul A. Volcker) recent recommendation that, ''Congress and the President should work together to significantly reduce the number of executive branch political positions.'' The requirement that the newly-created CAO positions be filled by non-career employees would only continue the dangerous trend of increasing the number of political appointments—a step at odds with the Commission's recommendation, which has been supported by many Members of Congress.

Sec. 1421 of H.R. 1588 would best serve the American public if amended, as you have recommended, to require that the CAO be a career civil servant.

Thank you for your leadership on this important issue. We look forward to working with you to ensure passage of this amendment. Please do not hesitate to contact us if we can be of further assistance to you on this matter.

With kindest regards, I am

Sincerely yours,

MICHAEL B. STYLES,
National President.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, May 19, 2003.

Representative CAROLYN MALONEY,
House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE MALONEY: The American Federation of State, County and Municipal Employees (AFSCME) strongly supports the amendment you seek to offer to the Defense Authorization bill that would require ''Chief Acquisition Officers'' to be career civil servants.

As presently drafted, H.R. 1588 requires these officers, many of whom would fill newly created positions in the federal agencies, to be political appointees. There is no sound justification for such a proposal. In light of the Administration's announced intention to contract out half the federal workforce, it should be seen for what it is: a strategy to facilitate reaching this goal whether or not it is cost effective or in the public interest.

H.R. 1588 entrusts the contracting process to political appointees who stay an average of only 18 months and will turn federal contracts into political currency. It will diminish public accountability of the public's money; further destroy the morale of committed and experienced career employees; destabilize the delivery of federal services; and lead to the award of billions in contracts to the Administration's political allies and friends with little regard to effective management.

At a time when we should be shoring up the public's faith in our government, H.R. 1588 will return to the corruption and spoils system that the creation of a professional workforce under the civil service system was intended to end.

AFSCME strongly supports your amendment and commends you for seeking to ensure that federal operations are performed in an objective and professional manner that puts the public interest ahead of special interests.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, May 19, 2003.

Hon. CAROLYN MALONEY,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY: On behalf of the American Federation of Government Employees, AFL–CIO, which represents more than 600,000 federal employees who serve the American people across the nation and around the world, including many federal employees who administer contracts for goods and services, I commend you for your ongoing efforts to amend the Services Acquisition Reform Act (SARA) to ensure that the position of Chief Acquisition Officer is held by career civil servants, and not political appointees.

Your amendment would ensure that an agency's preeminent procurement official would be someone with an institutional interest in promoting the interests of the agency and the taxpayers who support that agency, both over the short-term as well as the long-term. A career civil servant is more likely to have developed the expertise necessary to perform the important responsibilities of the chief acquisition officer. It is unlikely that a political appointee would have the same level of expertise and commitment, especially given the significant turnover generally among political appointees. Ironically, at the same time there is a bipartisan consensus to reduce the number of political appointees, SARA would add yet another layer of political appointees.

While I know that the authors of SARA have no such intention, you are absolutely correct in your assertion that making the Chief Acquisition Officers political appointees raises significant concerns about cronyism and patronage, a serious concern given ongoing efforts to strip all federal employees of their civil service protections against politics and favoritism. I know that your experience in New York City in the long but ultimately successful fight against waste, fraud and abuse in municipal contracting induced you to offer your amendment to make the Chief Acquisition Officer a career civil servant at the House Government Reform Committee's mark up of SARA earlier this month. Learning from the hard lessons of history, New York City was able to make substantial progress on behalf of taxpayers when procurement officials were made civil servants, instead of political cronies.

The counter-arguments to your amendment that were served up at the mark up were entirely unpersuasive. Whether a Chief Acquisition Officer will command respect from agency management and acquisition personnel will depend entirely on her experience, her expertise, and her independence, and not on whether she is a political appointee. Surely, it is self-evident that a Chief Acquisition Officer is more likely to command respect and be able to perform her important responsibilities if she is a career civil servant.

I sincerely hope that the rule for consideration of the defense authorization bill (H.R. 1588) will allow your amendment to be made in order on the floor of the House of Representatives because its enactment is imperative if the Congress is to ensure that the billions and billions of taxpayer dollars spent annually on services are safeguarded. Please contact John Threlkeld in AFGE's Legislative Department at (202) 639–6413 if you have any questions about the views expressed in this letter.

Sincerely,

BOBBY L. HARNAGE, SR.,
National President.

SENIOR EXECUTIVES ASSOCIATION,
Washington, DC, May 19, 2003.

Hon. CAROLYN B. MALONEY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY: The Senior Executives Association (SEA) represents the interests of career federal executives in the Senior Executives Association (SES), and those in Senior Level (SL), Scientific and Professional (ST), and equivalent positions. We are writing in support of your amendment to H.R. 1588, which would require that a career employee fill the proposed Chief Acquisition Officer position. In contrast, the current bill states that a non-career employee would fill this position.

SEA feels strongly that the role of the Chief Aquisition Officer must be free from any potential allegations of undue political influence. The critical business of government procurement should never lend itself to even a perceived taint of political manipulation. This can best be accomplished by requiring that a qualified career employee fill the position.

In SEA's oral testimony at the April 29, 2003 hearing before the House Civil Service and Agency Organization Subcommittee on ''Transforming the Defense Department: Exploring the Merits of the Proposed National Security Personnel System,'' we emphasized our support for a procurement process free from politicization. For your reference, we have included a copy of the oral testimony from the April 29th hearing with this letter.

Please let us know if there is any way in which we might be of assistance in securing the passage of this critical amendment.

Sincerely,

CAROLY A. BONOSARO,
President.

G. JERRY SHAW,
General Counsel.

STATEMENT OF G. JERRY SHAW, GENERAL COUNSEL, SENIOR EXECUTIVES ASSOCIATION BEFORE THE GOVERNMENT REFORM COMMITTEE, SUBCOMMITTEE ON CIVIL SERVICE & AGENCY ORGANIZATION, U.S. HOUSE OF REPRESENTATIVES ON THE PROPOSED DEFENSE TRANSFORMATION ACT OF 2003, APRIL 29, 2003

Thank you Chairman Davis and members of the Subcommittee for the opportunity to testify today on this very important legislative proposal.

You have already heard from others about many of the problems and concerns of employees and their representatives about this proposed legislation today. SEA too has its issues. But we will confine our comments to those matters that we believe threaten the integrity of the federal workforce, and specifically of the Senior Executive Service and its cadre of career executives that insure the impartial and non-political, non-partisan enforcement and administration of our nation's laws.

I was watching a ''60 Minutes'' segment on CBS television last night. It was directly applicable to the proposed legislation and our concerns. It involved allegations by the ''60 Minutes'' correspondent that there had been improper political interference in the awarding of DoD contracts for the rebuilding effort in Iraq. Specifically it accused Vice President Cheney of ''obviously'' interfering in the pre-hostilities award of classified contracts to Halliburton Corporation, which he headed prior to becoming Vice President of the US. It also made allegations about former General Officers in the military who were now working for Halliburton and some of the other companies and corporations that received DoD contracts for providing services to the US troops in Iraq, including food service, waste disposal, water, fire fighting, and other necessitates. Finally, it sought to cast aspersions on the current Administration and its political leadership for allegedly interfering in these and other rebuilding efforts in Afghanistan, Iraq and elsewhere.

Now we all know that such allegations and innuendo are the lifeblood of ''60 Minutes'' and other television news shows, and are not to be taken seriously on many occasions; this may well be one of those occasions. But the interesting part was the response by DoD.

Instead of the Secretary of Defense or other high level political appointees responding, DoD had the Chief Counsel of the Dept. of the Army Corps of Engineers, Robert Anderson respond to the allegations. Mr. Anderson is a career member of the Senior Executive Service. He provided an eloquent defense of the procurement process, but his most important and telling statement was that the contract procurement activities were performed by career employees, who would NOT allow DoD or other federal contracts to be awarded on the basis of partisan politics. He stated that if ''60 Minutes'' or any of the other parties making allegations were to spend one week with these career employees, they would understand how carefully and objectively these contracts were evaluated and awarded, and how the career employees insured the impartiality of the process.

Later in the ''60 Minutes'' presentation the correspondent states that the Office of the Vice President had issued a statement that he had never been involved in the awarding

or seeking of contracts from the government while he was Secretary of Defense, President of Halliburton or Vice President of the US.

The importance of this is that DoD realized that the integrity of its programs depended on the career executives and career employees who carry out the day-to-day activities of the government. It also knew that if a Career SES employee presented the facts, they would carry more credibility with the public ''60 Minutes'' was at a loss when confronted with the career employees as the protector of the integrity of the procurement process, and I believe that most of the nation's citizens dismissed out of hand the allegations because of the assurances of the career SES employee, Mr. Anderson.

We relate this incident because we firmly believe that some of the authorities sought by DoD in this legislation could serve to undermine the citizens confidence in the integrity of government operations. This confidence is based in large part on the integrity of the Civil Service system, and the Career Senior Executive leadership of our system. Provisions of this legislation would do away with many of the rights and protections these employees need to maintain their nonpartisan integrity, and the people of this country know this. SEA is that this is not intended, but there is always a concern about un-intended consequences. We believe that breadth and depth of the unfettered authority sought by this legislation justifies our, and your concern.

Most of SEA's concerns are stated and supported in our statement, which we have submitted for the record. However, we do want to highlight some of the most important ones.

1. The legislation would do away with the requirement for Career Reserved SES positions, by allowing such positions if allowed to exist, to be filled by anyone, qualified or unqualified, partisan politician or not. This authority is not necessary. OPM has done the job of overseeing and insuring that positions requiring impartiality and non-partisan enforcement of the nation's laws are carried out by career employees who have gained their positions based on merit. We believe this should continue.

2. The legislation would do away with the requirement that career SES appointments be made from persons who meet the qualifications for the job. This too has been done by OPM through the Qualifications Review Board process, which should continue.

3. It would allow for SES Career Reserved positions to be filled by temporary employees with no review of their qualifications, and no limit on their numbers. We respectfully object to this authority. It also removes the restriction that political appointees may fill no more than 10% of SES positions overall in government, or 25% in any agency. This could destroy the career SES, and rob the government and the people of this country of the impartial administration of our nation's laws and regulations.

4. The legislation would allow the elimination of all appeal rights for career executives and employees to the MSPB if their pay was drastically cut, or they were removed from their positions for alleged misconduct. This would deny these employees any due process rights in the ''taking'' of their pay, or their positions and reputations.

5. It allows the flexibility to eliminate the SES appointment rules, the 120 get acquainted rule, the rule of 60 days notice for geographic reassignments, and many other rights. It also allows for an SES employees pay to be set annually anywhere between $125,000 (or lower) up to the VP level of $198,600 with no oversight, no necessity for 'certification' of a fair evaluation process, or any right on behalf of the employee to challenge the determination anywhere, including if the pay is cut.

6. It allows the creation of appointments of ''highly qualified experts, who could be paid up to 50% higher than the highest SES salary, or currently $297,900. There would be no limit on the number of these appointments, and they could serve for six years in any position, with no independent check on their qualifications. If a particular DoD administration wished, they could unilaterally fire every one of their career SES employees, and fill these positions with ''highly qualified experts'' from whatever field, without review of their actions or appointees.

[Currently DoD has such authority for 40 positions at DAPRA, 40 for each of the armed services research labs, and 10 more between NIMA and NSA. However, these are limited to scientific and engineering positions, and the appointees are limited to pay 25% higher than the SES pay, or currently $248,250. No such limitations are contained in the proposed legislation].

These are but some of our concerns. We urge the Subcommittee to expeditiously amend this proposal to restore the necessary safeguards for career SES employees, and other civil service employees before its enactment.

SEA does not object to additional flexibility for DoD. But we believe the new flexibility should be limited to that provided the Dept. of Homeland Security, and that they be required to go through the same process as Homeland Security before issuing regulations and beginning or implementing new systems in the Dept. of Defense.

Thank you for this opportunity to testify. I will be happy to answer any questions you might have.

THE NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, May 19, 2003.

Hon. CAROLYN MALONEY,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY, I am writing on behalf of the National Treasury Employees Union (NTEU) to express support for your amendment to the ''Defense Authorization Act of FY 2004.'' Your amendment seeks to fix a flaw in the bill by seeking to ensure that Chief Acquisition Officers are career civil servants, not political appointees.

NTEU represents 150,000 career federal employees in 28 federal agencies and departments. These employees work on the front lines day in and day out, and they are in the best position to determine whether federal government services should be privatized or not. Agencies continue to privatize more and more federal jobs even though the government does not have the staff or systems in place to oversee the work of contractors. Giving short-term political appointees broad authority to privatize the work of the federal government only serves to foster political cronyism, waste taxpayer dollars, and jeopardize the delivery of government services to the American public.

I urge support for your amendment so that government purchasing decisions will be made by experienced and hardworking federal employees who know the needs of their agencies best.

Sincerely,

COLLEEN M. KELLEY,
National President.

Mrs. TAUSCHER. Mr. Speaker, I rise today in opposition to the rule.

This bill entirely re-writes two of the cornerstones of environmental policy—the Endangered Species Act and the Marine Mammal Protection Act. Yet we will debate this for only 10 minutes.

This rule attempts to conceal an egregious overreach by the Majority by labeling it as a typographical error.

Having been caught with their hands in the cookie jar, the Majority now seeks to establish political cover, prohibit meaningful debate and avoid going on the record with a recorded vote against the environment.

This administration's attempt to enact sweeping environmental exemptions under the guise of ''military readiness'' is a disgrace.

I am also outraged that the rule has not allowed Mr. SPRATT's amendment on nuclear nonproliferation.

The threat level has been increased to orange, the administration is on the lookout for terrorists and rogue nations with weapons of mass destruction, yet the Majority refuses to allow debate on the most meaningful way to prevent terrorists from getting nuclear weapons in the first place—our long-standing, proven nonproliferation programs.

Mr. Speaker, this is an outrage. I urge my colleagues to vote for the very principles this body was founded upon and vote against this egregious rule.

Mr. FROST. Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 247—2ND RULE ON H.R. 1588 NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

At the end of the resolution, add the following:

''SEC. 5. Notwithstanding any other provision of this resolution and only immediately after the disposition of amendment numbered 1, the amendment specified in section 6 shall be in order as though printed in the report of the Committee on Rules if offered by Representative Cooper of Tennessee or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 6. The amendment referred to in section 5 is as follows:

AMENDMENT TO H.R. 1588, AS REPORTED OFFERED BY MR. COOPER OF TENNESSEE OR MR. DAVIS OF ILLINOIS OR MR. VAN HOLLEN OF MARYLAND

In section 9902 of title 5, United States Code (as added by section 1111 of the bill (page 349, line 13)), insert after subsection (b) the following new subsection (and make all necessary technical and conforming changes):

''(c) EMPLOYEE BILL OF RIGHTS.—

''(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) the Department of Defense should have flexibilities in personnel decisions, including pay and promotion, in order to provide the strongest possible national defense; and

''(B) the Department of Defense should protect fundamental civil service protections of civilian employees at the Department.

''(2) CIVIL SERVICE PROTECTIONS.—

''(A) The right of an employee to receive a veterans preference in hiring and a reduction in force, as in effect on the date of the enactment of this subsection, shall not be abridged.

''(B) An employee shall have the right to be free from favoritism or discrimination in

connection with hiring, tenure, promotion, or other conditions of employment due to the employee's political opinion or affiliation.

''(C) The Secretary shall not refuse to bargain in good faith with a labor organization, except as provided in section 9902(f) (relating to bargaining at the national rather than local level), and shall submit negotiation impasses to—

''(i) an impartial panel; or

''(ii) an alternative dispute resolution procedure agreed upon by the parties;

''(D) An employee shall have the right to full and fair compensation for overtime, other time worked that is not part of a regular workweek schedule, and pay for hazardous work assignments.

''(E) An employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal. Such right includes the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.

''(F) An employee against whom removal or suspension for more than 14 days is proposed shall have a right to—

''(i) reasonable advance notice stating specific reasons for the proposed action, unless there is reasonable cause to believe that such employee has committed a crime or immediate action is necessary in the interests of national security;

''(ii) reasonable time to answer orally or in writing; and

''(iii) representation by an attorney or other representative.

''(G) An employee shall have a right to appeal actions involving alleged discrimination to the Equal Employment Opportunity Commission.

''(H) An employee shall have a right to back pay and attorney fees if the employee is the prevailing party in an appeal of a removal or suspension.''

Strike 9902(f)(2)(D) of title 5, United States Code (as so added) (and make all necessary technical and conforming changes).

□ 1300

Mrs. MYRICK. Mr. Speaker, did the gentleman from Texas (Mr. FROST) yield back his time?

The SPEAKER pro tempore (Mr. ISAKSON). All time has expired.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution and thereafter on the motions to suspend the rules and pass H.R. 1683 and H.R. 1257.

The vote was taken by electronic device, and there were—yeas 224, nays 198, answered ''present'' 1, not voting 11, as follows:

[Roll No. 207]

YEAS—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Farr

NOT VOTING—11

Bonilla
Combest
Gephardt
Lewis (GA)
Meek (FL)
Portman
Quinn
Rangel
Solis
Udall (CO)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes left to vote.

□ 1319

Messrs. ALEXANDER, CAPUANO and CARDOZA changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 207 on the previous question I was unavoidably detained. Had I been present, I would have voted ''no.''

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 199,

answered ''present'' 2, not voting 11, as follows:

[Roll No. 208]

AYES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—2

Farr
Lofgren

NOT VOTING—11

Bonilla
Combest
Cunningham
Gephardt
Lewis (GA)
Meek (FL)
Oxley
Quinn
Rangel
Solis
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1328

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 208 on H. Res. 247, providing for consideration of H.R. 1588, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. UDALL of Colorado. Mr. Speaker, earlier today I was inadvertently delayed in reaching the floor and as a result was not recorded on two votes. Had I been present, I would have voted as follows:

On rollcall No. 207, on ordering the previous question on H. Res. 247, I would have voted ''no.''

On rollcall No. 208, on adoption of H. Res. 247, I would have voted ''no.''

□ 1330

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

The SPEAKER pro tempore (Mr. ISAKSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1683.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1683, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 209]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee

Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bonilla
Combest
Gephardt
Lewis (GA)
Oxley
Quinn
Sabo
Stearns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1335

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 209 I was unavoidably detained. Had I been present, I would have voted "yea."

SELECTED RESERVE HOME LOAN EQUITY ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1257.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 1257, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 6, as follows:

[Roll No. 210]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Bonilla
Combest
Gephardt
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes in which to cast their votes.

□ 1342

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 249 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of May 22, 2003, providing for consideration or disposition of the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 249 waives clause (6)(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

The rule applies the waiver to a special rule reported on the legislative day of May 22, 2003, providing for consideration or disposition of the bill to provide for reconciliation pursuant to section 201 of the concurrent resolution, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

This rule is the starting block to allow the House to consider legislation that will infuse our economy with job-creating tax relief, investment incentives, and overall economic growth. The House initially passed the Jobs and Growth Reconciliation Tax Act earlier this month, and with today's action we can demonstrate our continued commitment to spurring economic expansion and providing stability to American workers, businesses and families.

Our economy needs a healthy dose of meaningful relief. This Congress has once before exhibited the leadership and sense of purpose needed to create jobs and protect workers. If we delay, we put American jobs and the strength of our economy at risk.

As we prepare to consider legislation extending unemployment compensation, I can think of no better complimentary action for Congress to adopt than legislation to boost employment levels, lower the tax burden, and grow the economy. It is imperative that we move forward at once. Thus, I strongly urge my colleagues to support this rule so we can proceed with a debate on this very important legislation.

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

□ 1345

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

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

Mr. FROST. Mr. Speaker, it is often said if you repeat a lie often enough, people begin to believe it. Our record $350 billion deficit, the Republican Congress tells us that does not matter. The fact that this Republican administration has asked us not once, but twice, to raise the debt limit to record levels, ignore that, and maybe it will go away. The promise that all Members made to protect Social Security and Medicare funds in a lockbox, that does not seem to matter either, Mr. Speaker.

This is not government. This is a complete abdication of fiscal responsibility.

In 1995 the now majority leader, TOM DELAY, said, ''By the year 2002, we can have a Federal Government with a balanced budget or we could continue down the present path towards total fiscal catastrophe.''

It is now abundantly clear that the Republicans have lost their way and have decided that the path of fiscal catastrophe is not such a bad path after all. That begs the question, Mr. Speaker, what are the priorities of the Republican Party that makes tripping down the path to fiscal catastrophe such a great idea in 2003 when it was so bad an idea in 1995?

Well, we know the Republicans' top priority is to give millionaires a dividend tax cut. Where does that money come from? Well, the Republican budget conference report cuts veterans' Medicare and burial benefits by $6.2 billion. So if you are a millionaire and you have got a lot of dividend and capital gains income, the Republicans take care of you. If you are a veteran, this Republican Congress wants you to remember this Memorial Day as the one when your benefits were cut. And for what, Mr. Speaker? One of the most gimmick-laden tax cuts this Congress has ever considered. While the dividend and capital gains taxes last until 2008, the marriage penalty relief and child tax credits disappear at the end of 2004.

So while the millionaires enjoy their rate break for the rest of the decade, working families are left with uncertainty.

In 2001 the Republicans told us that their tax cut would create jobs. Instead, the Bush administration has presided over one of the worst job losses in American history; 2.7 million jobs have been lost. A dividend tax package is not going to help these people get jobs. It is simply welfare for millionaires.

Mr. Speaker, Warren Buffett has made a lot of money. Mr. Buffett would, in fact, be one of the greatest recipients of the Republican tax plan. He wrote an op-ed in The Washington Post this week calling the dividend tax plan ''voodoo economics.''

Alan Greenspan said, ''There is no question that as deficits go up, contrary to what some have said, it does effect long-term interest rates. It does have a negative impact on the economy.''

These are two of America's leading economic minds, Mr. Speaker. And they know that financing this tax cut which benefits only the wealthy few with borrowed money is wrong. It is wrong, Mr. Speaker.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we believe it is important to move this legislation forward to grow our economy, to create jobs, help people who do not have jobs find jobs; and we strongly support it and strongly support this rule.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I received my symbol for this Congress just the other day. It is an official stamp from the White House, and they are passing them out. You will all get one in the mail I am pretty sure, and it says: ''Official rubber stamp. I approve of everything George Bush does. Member of Congress.''

All you have to do is sign your name on there. That is what this Congress is about, rubber stamping the President's proposals. Bring it out here. No debate. Do not let us offer amendments. Do not take any time. Just get out the rubber stamp and put it down there and just roll it on in. You have now joined the rubber stamp Congress.

This party is running a one-party government. They want no input from the Democrats whatsoever. They are a rubber stamp for the President. They are willing to give away all their prerogatives on the war. They said to the President, whenever you think it is time to go to war, go ahead. So they have rubber-stamped whatever he wanted to do. On the tax cut, just give it to him. It will work. On unemployment benefits, well, they stalled and stalled; and he said, look, we are getting bad numbers on those polls. We better do something about employment. So in about an hour we are going to come out here and rubber-stamp again his unemployment bill that the Democrats have been pushing for 4 months. But when the President says it, everybody on the other side jumps up and says, Where is my rubber

stamp? God, I got to get over to the floor and cast my vote for whatever he wants.

Whether he wants to repeal all of the environmental issues related to the military, give the military an open season on doing anything they want. They are killing whales and porpoises in Washington, they are doing all the rest, but over here on the other side, we do not want to have any debate on that. We are rubber-stamping whatever the President wants. I welcome everybody to the rubber stamp club. I hope you got yours. Do not forget to bring them to the floor when you vote.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me time.

Mr. Speaker, it would be my greatest desire that we would have a full debate on the question of the next step for our economy and walk out of this Chamber with the mark of the Congress in the bipartisan way.

Two days ago, Warren Buffett wrote an op-ed, and I believe everyone knows the portfolio of Warren Buffett is still very strong, one of the richest men in the Nation. And he argued vigorously with the approach this Congress was taking. Clearly, he said, the tax plan now moving through the Congress is not a gift for him. It is an outright bonus. It is Christmas every day, and it is for everyone in his predicament and condition: $40 billion-plus in assets. But he compared his status, Mr. Speaker, with the status of the secretary or receptionist working in his office or even the cleaning woman working in his office.

He said, under this effort, this tax cut program, he would be paying or being given a gift and he would be paying one-tenth of the amount of monies required by the receptionist and the cleaning woman.

What that says to me, Mr. Speaker, we are going up the wrong road. There is a dead end at the end of the road and the dead end are the millions of unemployed who are not getting an extended unemployment package of 26 weeks because we have got to give a tax cut to the rich. We are going up a dead end, Mr. Speaker, because the program that is now being fostered upon us does not create jobs.

If we took the Democratic plan, Mr. Speaker, and we invested a million dollars in transportation infrastructure, you would get 13 jobs. If you did it in health care, you would gets 26 jobs. Mr. Speaker, if you use the plan that the President has put forward, you take a million dollars and you get two jobs.

Now, I know that there is a difficulty in math in this great body because we are willing to go forward on $550 billion, which I understand is a compromise on $350 billion; but it does not invest back into America to create jobs, and the plan as proposed by the Republicans takes $1 million to create two jobs. And I can take $1 million and put it in transportation and create 15 jobs, and in health care and create 28 jobs and on down the line. And then I could provide 26 weeks of unemployment for those whose benefits are being cut off.

I know the American people are focused as we honor the dead this coming weekend, and I will join them in cherishing those who fight for our freedom. But it is time for America to wake up. You are going to be hungry after 13 weeks. You need to stand up and fight for 26 weeks. That is what I believe we should be doing today.

Putting up this marshal rule does not allow us to collaborate and to work together. Let us work through tomorrow, let us work through Saturday, let us work through Sunday. Let us leave this place with a tax bill that really invests in America. Let us leave this place with 26 weeks of unemployment insurance for the single mothers and dads who are going to be facing eviction because they do not have the benefit.

Let us churn the economy by ensuring that those people who are without work who are looking for work because there are no jobs, still have the benefits to pay their mortgage and their rent and to buy the food.

Mr. Speaker, we are forcing this down the throats of the Members of Congress. I know we are better than this. This is not a good rule. We need to deliberate and work for a better economy for America because our economy is in shambles. I ask my colleagues to work together and vote against this.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise to suggest a caution flag as we rush towards this free lunch-approach to governmental fiscal policy. We cannot have a world-class military and defense, world-class health care, education, cities, and culture, and suggest that no one has to pay for it. And we talk about tax cuts today as if they are going to stimulate the economy tomorrow with some type of selective amnesia, because it was right here on this floor just 2 years ago that we passed the largest tax cut supposedly in the history of the country. And it did not stimulate our economy.

Let us just take a look for a minute at where we are.

□ 1400

We have moved from hundreds of billions of dollars of surpluses to now having hundreds of billions of dollars of deficits. We had millions of Americans who were working who are now unemployed; and, even today, the unemployment registration rate in our country has increased again. Consumer confidence is down. Housing starts are down. And every single indicator, in terms of economic health in our country, is troubling.

We have heard from the Chair of the Federal Reserve Board, Alan Greenspan, suggesting that this tax cut is very problematic in both the short term and the long term. He cautions the Congress that our combination of both spending and tax cuts risks the fiscal health of this Nation. And the Republican majority, I am sure, wants to say, well, we just need to get spending under control, as if the country should forget that they are in the majority, that they control spending both in the House and in the Senate, and they control the signature from the executive at the White House.

For so many years now we have been insisting on spending more on defense, we have been insisting on investing in a whole range of exotic weapons systems, and then we come to the floor and the majority offers us more and more tax cuts. The fiscal health of our country is in jeopardy. Future generations will have to pay. We should say to Americans, why do we not be mature, pay the bills as we go, rather than run the country into further deficit?

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this is a martial law rule, and that is appropriate because there are those in this House and in this country that think the role of all the representatives here is to march in a martial fashion behind the leadership of the majority leader, the gentleman from Texas (Mr. DELAY).

So it is appropriate they bring this rule out today, a gag rule, to gag those of us that do not share the views of the majority leader, who might have an amendment or an alternative way to address the problems that American families face. They deny us that right. They have assured there will be no substitutes considered on this floor. It is their way or the highway. It is a martial America that they are supporting and appropriate they bring this rule up to do it.

Their ideas are so narrow and so extreme that they cannot stand to have them debated and voted upon, not so much worrying about the Democrats but worrying that some members of their own party could not be held in line against solid alternatives to do something for the millions of Americans that lack jobs in this Bush economy; to do something about the millions of Americans who lack insurance in this Bush economy; to do something about the children who are denied the opportunity to fulfill their full potential because of teacher freezes, because there are textbooks that will not be renewed in Texas.

Meanwhile, the President tells us that he has to break his promise on the ''Leave No Child Behind'' Act. He has come up with a mere $9 billion, that is billion with a ''B,'' billion dollars. He breaks his promise in the short period

of time that he advanced a bipartisan proposal for education that we all came behind. Now he will break his promise and not fulfill the promise he made to the American people. Though we do not have the money for our children to get access to new textbooks, we do not have enough money for that, we do have enough money for more tax breaks for those at the top of the economic ladder.

The budget deficit puts a hole in the pocket of every American every day of their lives. It threatens the very foundation of our culture. We must seize and act upon this historic opportunity to solve this, the most pressing issue facing the country.

Those are not my words, though I find them rather eloquent. They are the words of Treasury Secretary John Snow in 1995 but forgotten by him now that he has a new job in the administration. No ''Snow job'' can hide this administration's Mt. Everest of debt. Mr. Snow got a new job and a new viewpoint at the same time millions of Americans were losing their jobs in this sorry economy.

A few weeks ago, the President announced a tax cut of the size that will be imposed on America tonight and said that it was just a ''little bitty'' tax cut. Well, Mr. Snow is coming the same week and asking us to raise the debt ceiling by billions of dollars. Is that a ''little bitty'' increase? No, they practically need an extension ladder over there at the Treasury Department because they cannot get the debt ceiling raised fast enough before they are back having to go up a little higher and raise it some more.

Of course, they turn to us and say, ''it is the people's money, give it back to them. It is their taxes.'' Well, it is the people's debt, too, and they are going to have a whole lot more of it. And not billions, but trillions, with a ''T,'' trillions of dollars in additional debt if this lame economic policy, this sorry tax break, one after another writeoff for the rich, is imposed on the children and the grandchildren of America.

This is a borrow and spend Republican Party, and that is why they have to have martial rules because they cannot permit Congress to consider alternative proposals. They cannot have full and fair debate. They need everybody to line up in a line and stand to borrow more from the people of this country. A "no" vote is a vote for fiscal responsibility that ensures our children will not be burdened by today's excesses.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from Texas (Mr. FROST) for yielding me this time, and I rise in opposition to this martial rule, which essentially restricts debate. It does not permit the Democratic economic program to even be debated today.

Why not? What is the opposition afraid of? They have the votes on their side. Why not even allow us to talk about our program?

Here is why. I remember back to that old saying, if you fool me once, shame on you. If you fool me twice, shame on me. But if you fool me thrice, well, my gosh, it is just a sad and deadly shame.

If we think back to 1981, when Vice President DICK CHENEY was then a Member of this House and head of the Republican Policy Group, he was involved in the Republican tax program enacted back in 1981. We had the worst job washout in American history. I was elected in 1983. It took us 15 years to balance this budget and to bring employment up, with the election of Bill Clinton and 8 years of economic growth inside this economy. And it was not easy.

When this administration took over, they blew $1.3 billion in the first year and a half. Fifteen years of work flew out the window. Then with their tax bill that they passed back in 2001, what have we gotten in terms of employment? None. We have got the biggest job loss since World War II, over 3 million more jobs lost in this country. We have three people in this economy looking for every single job that is being created, and most of those jobs do not pay a living wage and they do not have health benefits.

So, fool me once, fool me twice, and now we have the third version that they are bringing up. This bill, what will it do? It is going to create more unemployment. It is no different than what was done back in 1981, no different than what was done back in 2001. Strike one, strike two, strike three. They ought to be out.

If we take a look at our country, we might ask ourselves the question: With 150,000 of our men and women, of our troops, now deployed in Afghanistan and Iraq, is it not amazing that what we do here at home under the Republican plan is reward the Wall Street brokers who just stole your 401(k) money? There is not a single American family that has not been affected. So we say to them, take more of our money. Take more of our money. The interesting thing about the Republican bill is that not a dime that is given to them has to be invested in the USA. We are going to have more job washout to China, to Mexico, and every single American community and worker knows what I am talking about.

So the Democratic plan provides a million jobs this year alone. It invests in the United States. It gives families security. It does not borrow against the Social Security trust funds, which is how they are covering their growing deficits, and it enacts responsible economic programs. That is what the Democratic bill does. It creates jobs this year, it does not add a penny to the deficit, and it preserves Social Security and Medicare, our Democratic legacy.

Fool me once, not me. Fool me twice, not me. Fool me thrice? How about you?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are seeing a very clear difference in philosophy and opinion on the floor of the House today between the parties. It was said before by one of our friends on the other side of the aisle that when we cut taxes, when we reduce the burden of taxation on the American people, that that is an imposition. That was the word. We impose this. Congress, it was said, will impose a tax cut on the American people.

We believe that when we relieve the tax burden on the American people, that that is not an imposition on the American people. We believe it is their money in the first place, and we are relieving the tax burden on the American people. We are imposing less taxes from Washington.

So it is an interesting difference of opinion, and I think it is a fundamental difference of opinion. I think the American people are seeing it today. What we believe is that we should return as much as we can of the people's money to the people, and that they are best suited and know best how to spend their own money. So it is a fundamental difference.

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

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Yes, there is a difference between the two parties here. The other side would impose billions of dollars of debt on my 6-year-old granddaughter and my 3-year-old granddaughter and my 2-month-old granddaughter. I do not believe we should be doing that.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, the Bush recession continues, and this job killer bill ensures that it will continue to continue. It imposes additional deficits on our budget and additional debt on the American people. It imposes higher interest rates on the American people. It will impose upon our teachers and our firefighters layoffs at a time when we need more jobs in the economy, because it virtually ensures that we will provide only very limited and inadequate aid to our States and cities that are falling on hard times right now.

If we look at the details, we become aware that this bill, whatever the arguments that were made in favor of it, is nothing more than an effort to hand as much cash as possible to the Bush class. We are told that it is going to help investments, but when we look at the details, we discover otherwise. Three details: It is temporary, it provides aid to children with huge trust funds, and it provides equal encouragement to invest in foreign corporations as domestic corporations.

At least that is what I am told orally about a bill that, in theory, has not been written yet but in fact is out in the press now.

What about it being temporary? The idea was that we were not just going to give a windfall to people who had already invested in stocks but that we were going to encourage people to invest more. Well, wait a minute. Municipal bonds are a nice investment for tax-free income. But who would buy a municipal bond today if 5 years from now all the income was going to be subject to tax? Nobody is going to invest in stocks long term because of a short-term window in which the dividends are tax free. Sure, if they already own the stock, they will enjoy not paying taxes.

Second, I am told that these same benefits are available to investments in foreign corporations. So if you invest in the Chinese people's low-wage corporation, you pay no American tax at the corporate level, of course, and no American tax at the domestic level, or a very low tax.

Finally, if you transfer half a million bucks worth of Rolls Royce stock to your 14-year-old daughter, in a couple of years she will be eligible to receive the dividends on that stock virtually tax free and then go out and buy a Rolls Royce with the dividend income. This is the Rolls Royce Investment Act, or I like to call it the Rolls Royce for Buffy Act.

□ 1415

The Bush recession continues, and this bill is carefully crafted to make sure it continues.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, we have heard a lot of talk, and my colleagues on my side of the aisle have suggested that we are traveling down a course we traveled before from 2 years ago when we were promised that a tax bill would create millions of new jobs and new opportunities for people. In fact, it did not.

Some will say there are reasons for that. The President will say, as he has said in speech after speech, that this country was attacked. We were. Our Nation responded with great resolve, determination, courage and charity; and our military has responded with unprecedented swiftness and effectiveness. Yet we in Congress have failed the American people, and the President has, in large part, as well. Instead of tailoring and adjusting a plan to conform to the realities of the day, we continue to offer the same rhetoric and the same plan that we offered when things were good, when things were bad, when things were really bad, and now at a time when things are compounded.

Some of my colleagues have come to the floor to detail the challenges that their States face. My colleague on the other side of the aisle, whom I have great respect for, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), comes from a State which is running a big deficit. The President's brother is the Governor of that State. My Governor is faced with a $500 million shortfall. Things are so bad in some States that they are releasing prisoners early to help meet or to close budget shortfalls. Something is wrong here in Congress and wrong with us in government when we pretend that these issues are either not ours to confront or not of our making, or somehow our ideas are the only and best ideas.

We could probably come up with a number of ways to stimulate the economy, a number of tax cuts to stimulate the economy. I have heard some say this dividend tax is unfair. The Tax Code is polluted with areas that unfair; inequities litter it. We should prioritize if we are going to clean up and undo some of the unfairness of the Tax Code.

It would seem to me the best thing we can do is to help our States. The President reluctantly agreed to include a $20 billion package. I applaud him on that front. If anything, we should provide more for the States. Not only do we help governors avoid doing the two worse things during an economic downturn, which are to cut services and/or raise taxes, we also help them create more jobs because as you cut State programs, more and more people are laid off.

Those of us from rural areas understand the importance of rural hospitals and rural health care. When you close hospitals, not only do you compromise care, you cause a decline in the job market in those areas as well. I can only say to my friends, and there are those who have come to the floor and have talked about marching orders and even rubber-stamping, and there is great truth and great humor in a lot of the things that they have said. It is my hope that my friends on the other side of the aisle will pay some attention to what we are saying. We understand that they have the votes to ram things down and do what they choose to do. But remember, all of us represent people and all of us have to go home and explain to our Governors, to our mayors, and, more importantly, to our bosses whom we call constituents why we have not done more to assist cities and States, and for that matter the private sector, in creating more and more jobs.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been hearing some interesting arguments today. I thought it was very interesting that one of our colleagues on the other side of the aisle said that by virtue of the fact that the tax cut is set to expire, or parts of it at the end of the year 2008, that that will diminish the incentive for people to invest in the stock market and have the stock market thus increase and contribute to economic growth.

But what was failed to be pointed out is that the opponents of the tax cut have so diligently fought the tax cut that they were able to reduce the amount of the tax cut for the American people, the reduction of taxes for the American people; and thus that portion will expire previously before we would have wanted it to have expired. I do not think it is logical to be able to say I am going to fight the tax cut. You reduce it, and then they say since it expires sooner than it was meant to, then its effectiveness is to be questioned. Wait a minute, do you want the tax cut or do you not want the tax cut?

In a sense I thought that was somewhat incoherent, that argument; but of course there is a right to make any argument in this wonderful body.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Tennessee.

Mr. FORD. If my reading is correct, and I have not been a part of any of the meetings, it appeared to me that one of the reasons that the tax cut was reduced from $726 billion to $550 billion to $350 billion was because there was disagreement in the gentleman's own party between the two bodies, between the House and Senate.

Mr. LINCOLN DIAZ-BALART of Florida. That is correct.

Mr. FORD. So we bear some of the responsibility, but some on the other side of the aisle also bear some of the responsibility.

Mr. LINCOLN DIAZ-BALART of Florida. Yes, there is no doubt about that. But what I was pointing to was that the argument was made that the incentive to invest in the stock market is reduced by virtue of the fact that that tax cut, that tax incentive, is sunsetted.

What I am saying is it is people who oppose the tax cut, from whatever party, and the argument was made against the effectiveness of the tax cut with regard to the dividends part by my distinguished colleague who is a Democrat. I was pointing out that I think it is inconsistent to want to have it both ways and then to say it sunsets, so it is not effective. I thought there was an inconsistency there, and some incoherence.

Mr. FORD. Fair enough.

Mr. LINCOLN DIAZ-BALART of Florida. But the gentleman is right, there are Republicans in the other body that are responsible for reducing the effectiveness of what we are talking about. But what we strongly believe and what we want to do, and we are doing it to the best of our ability, is to reduce the tax burden on the American people.

The gentleman from Texas (Mr. FROST) pointed out previously that the debt burden may be increased. We want to reduce the debt burden by incentivizing economic growth which will not only create jobs now, but also lessen the debt burden in the future.

That is what I was pointing out with regard to the point on the effectiveness of the dividend part. If you are against the tax cut, but then say it sunsets, so it is not effective, I thought that was an incoherent argument.

Mr. FORD. If the gentleman would continue to yield, with regard to the efforts the Congress made on behalf of the airline industry right after September 11 and not long ago in the war supplemental, which I thought was the right thing to do and I support it, does it not make sense also, because part of the argument on this side, and I think from some in the other body, to provide greater resources to States that are having to lay nurses and teachers off? And I could go on with our rhetoric, and the other side has rhetoric; but the reality is State governments are forced to make some bad decisions largely because the Governors cannot borrow money, and we can. I am just curious, the $20 billion that was added on the Senate side, is that something that the other side would be supportive of? That was not included in the House bill.

Mr. LINCOLN DIAZ-BALART of Florida. I am not sure if it is. What we are doing with this rule is making possible for us to have that debate today, and obviously the people who have been involved in the negotiations will explain the details of what they ultimately end up with. We are trying to have that debate today, and that is why we have this rule.

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

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

The reasoning on the other side is very curious. I do recall in 2001 when they were promoting the first tax cut, the reason they gave for the tax cut was, oh, we have a surplus. Now we have this surplus, we need a tax cut so we can give that money back. Now we are in 2003 and we have a deficit, so we have to have a tax cut. Which one was it? It cannot be both. It cannot be we had a surplus, so we should have a tax cut; we have a deficit, so we should have a tax cut.

I find their logic very curious. Everyone would like a tax cut. The American public obviously would like to pay less in taxes; and certainly we could have made the argument for a tax cut in 2001, perhaps not as large as they did, but we certainly could have made a valid argument: we are running a surplus; we do not need all of this money. Some of us felt like the tax cut was so large it was going to plunge us into a deficit, and that is what has happened.

But it is hard to make the argument that now we are in a deficit, let us drive this country deeper into a deficit.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will allow the House to consider H.R. 2046, introduced by the gentleman from New York (Mr. RANGEL), the Democratic Rebuilding America Through Job Creation plan.

I guess I can understand why the Republicans are rushing through what they are claiming is a conference process to come up with a so-called economic growth bill. Every hour the American people have to see what the Republicans are up to, the less they will like it. It is a proposal that hurts American families, it hurts the American economy, and just digs the deficit hole deeper.

In stark contrast to the conference agreement we will soon see here on the floor, the Democratic plan helps all Americans, not just the rich; and it helps the economy immediately. It provides middle-class tax cuts to stimulate demand; it gives tax incentives to all businesses, especially small businesses and U.S. manufacturing businesses; and unlike the Republican proposal, it is fiscally responsible.

Yes, if I were a Republican, I might not want to have to explain a vote against the Democratic Rebuilding America Through Job Creation plan. But guess what, that is not a good enough reason to deny Members a chance to debate and vote on this measure. It is a terrible disservice to the American people if we let our fear of criticism prevent a vote on this very effective and responsible plan.

Let me make it very clear that a ''no'' vote on the previous question will not stop consideration of the conference agreement. A ''no'' vote will allow the House to consider the Democratic job creation plan as a separate bill. However, a ''yes'' vote on the previous question will prevent the House from taking up this responsible alternative. Make no mistake, this vote is the only opportunity the House will have to consider the Rangel plan. I urge a ''no'' vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we believe it is very important to be able to get to this debate. We need to pass this rule, and then we will debate this matter further. It is obviously a fundamental matter. We believe that we need to do everything that we can to incentivize economic growth and job creation. That is why we are bringing this matter to the floor today.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 249 WAVING ⅔ CONSIDERATION FOR CONFERENCE REPORT ON H. RES. 2

At the end of the resolution add the following new section:

''SEC. . Immediately after disposition of the resolution 249, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2046) to amend the Internal Revenue Code of 1986 to rebuild America through job creation. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except:

(1) one hour of debate equally divided and controlled by the Chairman and ranking Minority Member of the Committee on the Ways and Means; and

(2) on motion to recommit with or without instructions.''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 202, not voting 11, as follows:

[Roll No. 211]

YEAS—221

Aderholt	Cubin	Hensarling
Akin	Culberson	Herger
Bachus	Davis, Jo Ann	Hobson
Baker	Davis, Tom	Hoekstra
Ballenger	Deal (GA)	Hostettler
Barrett (SC)	DeLay	Houghton
Bartlett (MD)	DeMint	Hulshof
Barton (TX)	Diaz-Balart, L.	Hunter
Bass	Diaz-Balart, M.	Isakson
Beauprez	Doolittle	Issa
Bereuter	Dreier	Istook
Biggert	Duncan	Janklow
Bilirakis	Dunn	Jenkins
Bishop (UT)	Ehlers	Johnson (CT)
Blackburn	Emerson	Johnson (IL)
Blunt	English	Johnson, Sam
Boehlert	Everett	Jones (NC)
Boehner	Feeney	Keller
Bonner	Ferguson	Kelly
Bono	Flake	Kennedy (MN)
Boozman	Fletcher	King (IA)
Bradley (NH)	Forbes	King (NY)
Brady (TX)	Fossella	Kingston
Brown (SC)	Franks (AZ)	Kirk
Brown-Waite, Ginny	Frelinghuysen	Kline
Burgess	Gallegly	Knollenberg
Burns	Garrett (NJ)	Kolbe
Burr	Gerlach	LaHood
Burton (IN)	Gibbons	Latham
Buyer	Gilchrest	LaTourette
Calvert	Gillmor	Leach
Camp	Gingrey	Lewis (CA)
Cannon	Goode	Lewis (KY)
Cantor	Goodlatte	Linder
Capito	Goss	LoBiondo
Carter	Granger	Lucas (OK)
Castle	Graves	Manzullo
Chabot	Green (WI)	Marshall
Chocola	Greenwood	McCotter
Coble	Gutknecht	McCrery
Cole	Harris	McHugh
Collins	Hart	McInnis
Cox	Hastings (WA)	McKeon
Crane	Hayes	Mica
Crenshaw	Hayworth	Miller (FL)
	Hefley	Miller (MI)

Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Bonilla
Combest
Cunningham
Foley
Gephardt
Hyde
Kennedy (RI)
Lewis (GA)
Oxley
Quinn
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1448

Mr. GUTIERREZ changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 202, not voting 14, as follows:

[Roll No. 212]

AYES—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Bilirakis
Bonilla
Brown-Waite, Ginny
Combest
Cunningham
DeGette
Foley
Gephardt
Hunter
Hyde
Lewis (GA)
Nadler
Oxley
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they

have less than 2 minutes remaining in this vote.

□ 1455

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 212, I was attending the burial of a leading veteran from my district at Arlington National Cemetery. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 2185, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 248

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2185) to extend the Temporary Extended Unemployment Compensation Act of 2002. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 248 is a closed rule, providing for the consideration of H.R. 2185, an extension of the Federal Temporary Extended Unemployment Compensation Program. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule also provides one motion to recommit, with or without instructions. This is a fair rule and one that will expedite the debate of this important extension so that we can provide needed economic security to the unemployed.

H.R. 2185 will provide for a 13-week extension of benefits for the unemployed. This legislation once again provides a total of 26 weeks of benefits to those in designated "high unemployment" States.

The extension of benefits under the Federal Temporary Extended Unemployment Compensation Program is set to have expired at the end of this month. I am pleased to bring this rule to the floor as this House responds to those who are without work. With passage of this bill, we ensure there is no break in essential benefits to families across the country.

H.R. 2185 provides over $7 billion in extended Federal unemployment benefits in addition to the $16 billion that this Congress has previously approved for both State and Federal unemployment. With the original legislation in March of 2002 and the first extension in January of this year, Congress has succeeded in assuring those families in need will have the funds precisely to put food on the table and pay for child care so that they can focus on becoming employed once again. In fact, this extension will help 2.5 million people in addition to the 5 million that have been helped through previous extensions.

I would like to highlight the previous work by this body to not only provide Federal unemployment benefits but also $8 billion to the individual States for use in their individual unemployment programs.

□ 1500

I would like to thank the gentleman from California (Chairman THOMAS) for his leadership and the gentlewoman from Washington (Ms. DUNN) for sponsoring this important legislation. H.R. 2185 is important legislation, important to the continued economic health of families in all of the 50 States.

Mr. Speaker, hopefully this should be a bipartisan effort to provide benefits to the unemployed, and this rule allows this Chamber to consider it and consider it today. Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to the rule. Once again, the Republican leadership is turning its back on working Americans. Last night, President Bush told over 7,500 wealthy Republican donors that this is a strong and compassionate country.

Mr. Speaker, this economy is anything but strong, and this leadership is anything but compassionate. I am sure the people in that crowd, the crowd that raised $22 million for the Republican Party, cheered and clapped their hands every time somebody mentioned the Republican tax bill, or, as some have called it, the "No Millionaire Left Behind Bill." But what about the rest of the country? What about the people struggling to find work? They do not have as much to cheer about.

Let us look at the facts: over 2.7 million jobs have been lost since President Bush took office in 2001; long-term unemployment is at a 30-year high; the average length of unemployment is the highest since 1984; the economy has lost 500,000 jobs in the last 3 months; there are currently three unemployed workers competing for every available job.

Mr. Speaker, people are out of work, and they need help. The Republican leadership's solution is to be dragged, kicking and screaming, into doing the absolute minimum. Their proposal will continue to leave over 1 million unemployed workers in the cold.

We have seen this rerun before. The Republican leadership voluntarily let unemployment insurance expire last December, forcing millions of Americans to worry about how they would provide for their families during and after the holidays. Two weeks later they proposed a plan that denied 1 million people unemployment insurance.

That is compassionate? These unemployed Americans are not deadbeats. They are our neighbors, friends, and relatives. They do not want a handout, they want a job, but they need help while they search for a job.

It is well established that unemployment insurance provides a better stimulus than dividend tax cuts. In fact, we will see a $1.73 return for every dollar invested in unemployed Americans. As an investment tool, expanding unemployment insurance is good policy, but it is also the morally right thing to do. Unemployment insurance is a safety net for American workers who lose their jobs through no fault of their own, and we have a moral responsibility to not let these workers down.

Now, before this current economic crisis, no Congress had ever extended unemployment insurance without including workers who already exhausted their Federal unemployment. But for the second time this year, the Republican leadership lets these workers down by cutting out the unemployed who have already exhausted their coverage.

This leadership should be ashamed of themselves for this disingenuous and insufficient bill. But they are not.

The unemployed deserve better until the job market improves, and the ranking member of the Committee on Ways and Means has a bill to do just that. His bill would provide unemployment insurance for workers who are currently unemployed and are exhausting their coverage, and I support that plan.

But the Republican leadership has once again tossed aside the democratic process by denying the House the right to debate and vote on the proposed substitute offered by the gentleman from New York (Mr. RANGEL). At the end of this debate, I will move the previous question; and if defeated, I will offer an amendment to make the Rangel substitute in order.

The only reason I can think of to deny the Rangel substitute is that the

Republican leadership is terrified that it might actually pass. It is the same reason we were not allowed to vote on the amendment offered by the gentleman from Tennessee (Mr. COOPER) and the gentleman from Maryland (Mr. VAN HOLLEN) on worker rights at the Pentagon.

Instead of fostering the free and open debate that the American people deserve on these issues, we are once again forced into this unfair, closed procedure. In the long run the democratic process will suffer, but today it is the unemployed workers of America who are hurt by the actions of this leadership.

I urge my colleagues to join me in defeating the previous question, and, if that effort fails, voting ''no'' on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to reiterate and make clear that the legislation before us that we are bringing to the floor with this rule will provide for a 13-week extension of unemployment benefits in the Nation, and the legislation once again provides a total of 26 weeks of benefits to those in designated high-unemployment States.

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

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

Mr. Speaker, I remind the gentleman that his proposal still leaves 1 million American workers out in the cold.

Mr. Speaker, I yield 2¼ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes when a President flies somewhere, part of his trip is charged to his party's political committee because the trip is partly governmental and partly political.

The expenses for running the House for the next hour ought to be charged to the Republican Congressional Campaign Committee, because the purpose of this rule and of other rules we have seen so far is incumbent protection for the Republican Party.

What they have done is to shut down democracy within the House. It is democratic in the sense that you get elected to get here, but then it becomes authoritarian. There will be no free speech, there will be no chance to consider tough issues. Why? Not simply because we do not have enough time. We do not work very much around here. We do this to protect Republican incumbents from having to vote on difficult issues.

The purpose of the Committee on Rules is to make sure that Republicans can follow an extremely conservative leadership and do things that would be unpopular and then pretend that they had no choice. How does that happen? They vote for rules which prevent them from voting on these issues. They then go in a great act of fakery to their constituents and say, Gee, I would have been with you, but I did not get a chance to vote on that issue, having themselves voted on the procedure which kept the issue off the floor. We cannot vote on important issues in the defense bill; we cannot vote on an alternative unemployment compensation.

It is a conscious and deliberate pattern, and it is particularly to accommodate that extraordinary breed known as the ''moderate Republican.'' They specialize in razzle-dazzle. They specialize in being loyal executors of extreme right-wing policies, but in a way that allows them to go home and disclaim any responsibility for what they were doing. It would not be plausible to claim they were drunk for an entire session. That is usually the way people explain that sort of thing.

So what they do is to vote for rules, procedures that keep controversial issues off the floor, so they can then go and mislead their constituents by saying that they would have supported their position, but they did not have a chance to do it.

It is a self-inflicted constraint. It is the reverse Houdini. Houdini used to have people tie him in knots, and he would go before the people and untie the knots. What moderate Republicans do is the reverse Houdini. The moderate Republicans tie themselves in knots, and then they go before the voters and say, Gee, I'm sorry I couldn't help you, but I was all tied up in knots.

Let us vote against this rule and put an end to the most fundamental, political and intellectual dishonesty.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is wonderful to see the imagination on the other side of the aisle. In case somebody is watching this debate or listening to it, I would like to get us back to what we are debating.

H.R. 2185 will provide for a 13-week extension of benefits for the unemployed in the United States, and the legislation once again provides a total of 26 weeks of benefits to those in designated high-unemployment States.

I recall the debate we had last week when the ''theme du jour'' was that these unemployment benefits were going to expire before the end of May. Well, we are acting today so that they will not expire, and there will be another 13 weeks of benefits, plus 26 weeks in the high-unemployment States that are designated as such.

So that is what is before us today. It is an important piece of legislation. That is why I will continue to urge my colleagues to support both the rule and the underlying legislation.

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

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

Mr. Speaker, again I remind those watching that under their bill, 1 million American workers will be left in the cold with no benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this is quite a day in the life of Congress. We are going to pass a $350 billion tax cut, 75 percent of which goes to the wealthiest 5 percent of the households in this country. We are going to authorize the Federal Government to borrow almost an additional $1 trillion. The day of the big tax cut is the day we vote the largest extension of borrowing authority to this country, in light of the red ink we will run, ever enacted.

So, in the middle of all of this, it appeared certain that nothing would be done to address the fate of our unemployed workers. Only in the last few hours has this plan emerged; and we are glad it has, as far as it goes. Certainly something needed to be done, because the economic performance of the country has been abysmal: 2.7 million private sector jobs lost over the last 2 years, an extraordinary decrease; 3.4 unemployed workers for every single job opening.

Now, under this circumstance, people try to find work, but they cannot find work, so their unemployment benefits run out.

I am going to ask for a ''no'' vote on this rule, however, because the proposal brought before us has a fatal flaw. It only extends benefits if your benefits have not lapsed. If you were unfortunate enough to lose your job, been on the job market, pounding the shoe leather, sending out resumes, looking everywhere for employment, but have not found employment before your unemployment benefits lapsed, guess what? You will not get any extension, you will not get any relief, under the measure brought before the House.

Now, we have an amendment to offer to cure this fatal flaw of the majority proposal so that people whose benefits have lapsed also get some help. Lord knows they need it. But we are not allowed to offer that amendment.

What could be more ridiculous? We will extend benefits if you have not lapsed yet; but if you have lapsed, you get no help whatsoever. Well, you think, that must have been inadvertent somehow. Let us fix that.

They will not let us fix that with an amendment. That is why the rule is unfair. That is why the response is inadequate. Vote ''no'' on the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, last week Democrats tried to get a vote on extending unemployment benefits three times on the floor of this House. Each time the Republican majority said no. So we are happy that the Republican leadership has finally agreed to consider this very important issue. However, we are concerned that the bill being brought to the floor today will exclude more than 1 million unemployed workers.

The legislation filed with the Committee on Rules last night extends unemployment benefits only for those exhausting their regular unemployment compensation. It does nothing for those who have exhausted their Federal unemployment, 13 weeks.

This is certainly an important step in the right direction. However, the Republican bill does not provide any assistance for those workers who have already run out of their 13 weeks of extended benefits. More than 1 million Americans now fall into this category.

Given that we are in the longest period of negative job growth since the Great Depression, I cannot understand why we would want to deny unemployment benefits to Americans suffering from long-term unemployment.

As my friend from North Dakota pointed out, for every person who is unemployed, there are three people looking for a job, for every job available. These individuals are looking for jobs that simply cannot be found.

We recently had a report that came back that showed there are 70 percent more workers who have exhausted their Federal benefits during this recession than during the 1990s; yet in the 1990s we extended the number of weeks beyond what we are extending in this legislation.

Without unemployment compensation, how are these families going to pay their rent or mortgage? Last month, Mr. Speaker, one of these long-term unemployed workers came and testified before the Committee on Ways and Means. His name was Joe Bergmann. Over the last year and a half, Joe has sent out 2,000 resumes, searched 32 job sites on the Internet, and has taken extra training classes; but he still is unable to find a job. Joe has worked his entire adult life, but is now having a hard time in an economy that has lost 2.7 million jobs.

Mr. Speaker, I urge my colleagues to reject the previous question so that we can extend unemployment benefits for every worker that has lost their job during this very difficult economy. It is the right thing to do, to extend the benefits to all who need the help.

We have the money in the Federal unemployment trust funds; $21 billion is in those funds. It will adequately cover not only the extension of the 13 weeks, but the extra benefits for those who have exhausted their Federal unemployment compensation benefits.

□ 1515

We have the money. By defeating the previous question, we can have the right legislative solution. We can do it before we adjourn.

I urge my colleagues to reject the previous question.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, they say a half a loaf is better than none. This is a half a loaf. It will help one million workers who have been left out or threatened to be left out in the cold. But there are actually more than one million people who have been out of work or will be out of work for longer than the 9 months who are going to be just given the cold shoulder by what the Republicans are doing here today.

They refuse to give us the chance to provide some benefits for those who have been looking for work but have been out of work for more than 9 months. It is ironic, those out of work the longest get the cold shoulder from the Republicans.

Mr. Speaker, it was just a few days ago that the gentleman from Texas (Mr. DELAY) said, ''I think it is a stretch to say that we are at a crisis point.'' So there was no action on unemployment comp. I guess Mr. Rove called up and said, politically, you had better cover your base. So here we are today. But covering a political base is not going to help close to two million people who have either exhausted their benefits or will soon do that altogether.

I was looking at the data, and it is really sad. They talk, the gentlemen from the Committee on Rules, about the States that have triggered in to extended benefits beyond the 39. That is only six States. The majority of workers in the majority of States are also left out in the cold.

By the way, it is not only their needs, it is the need of the country. When we provide unemployment comp benefits, we provide money into the economy to grow the GDP, because people who are unemployed tend to spend the money they receive through benefits.

So what are they afraid of? Why do they not let us bring before the floor the second half of that loaf? What are they afraid of? Answer that question. Why not give us a chance to bring it up? Why a rule that turns the cold shoulder in the end to two million Americans? I would be glad to have an answer.

Instead, the Republicans sit silently. They say there is no crisis and, at the last minute, act. I urge that we reject the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. A few minutes ago, Mr. Speaker, I came out and talked about this being a rubber stamp Congress. We now have a perfect example.

We brought up in the Committee on Ways and Means at least three or four times, the gentleman from Maryland (Mr. CARDIN) did, the issue of unemployment. The chairman said, whoa, we cannot do anything about that. We cannot do anything about that. The person who sponsors the bill today voted no against it in the committee again and again and again.

Then we come out here on the floor and they say, oh, no, we cannot vote for unemployment.

Then they must have done a poll and the poll must have come back real bad, because we have a bill here that we are going to vote on what about 90 percent of the people in this House will have never even seen. They will not know what it says here. It was filed on May 21. Would that be yesterday?

This has not had any hearings, no testimony from anybody to come in and talk about this issue, and we run it out here and we put it under martial law and we run it through the House. If that is not a rubber stamp for the White House, I do not know what is.

They have Mr. Rove down there. He gins up all kinds of destruction in Colorado and Texas. He also runs what happens on this floor. The junta up in the leadership office, that junta says, Mr. THOMAS, you cannot handle this. We will send it straight to Rules. You are not smart enough to get a bill out or handle any kind of discussion about what is going on.

It is an absolute destruction of the process. They ought to allow us to have amendments to fix this. We heard from the gentleman from Michigan (Mr. LEVIN) that there are problems. There are one million people who are not covered by this.

Even Mr. Greenspan says that probably people who are not getting jobs now are not doing it because they like being on unemployment. They cannot find work. Why would we leave $20 billion in the unemployment fund put there by these very people? Why would we not give it to them during this period? It is because the rubber stamp at the White House has come out, boom, this is what we are doing. And our leadership on the other side, they get all in line and say, folks, this is what we are doing.

Here, the gentlewoman from Washington (Ms. DUNN), put this bill in. They put it in last night. They have a Committee on Rules meeting at 11 o'clock after they have a $22 million fundraiser. They all troop back in and say, great, now let us get things ready for tomorrow. This is what we get. Maybe we will be here tomorrow doing more rubber stamp stuff. We are going to do unemployment and this tax bill so they can go home and say they have handled unemployment.

I come from a State with the highest unemployment in the country. When that happened before, we had people who were defeated who voted against it, so they remembered. Now we must come with this bill, so rubber stamp it. ''Get ready, guys. Bring your rubber stamps from the office when you come over.''

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise, Mr. Speaker, and I am also happy to see that our colleagues on the other side of the aisle have finally agreed to consider an extension of unemployment compensation. It is about time.

But Mr. Speaker, it is only half a loaf. It is a bill that is much needed to help 2.7 million Americans that have lost their jobs, but it does not go far enough. I am again disappointed that my colleagues on the other side of the aisle refuse to allow us the opportunity to improve upon that bill.

I say that very genuinely because in my own State of California over 351,000 workers have lost their jobs since President Bush took office. I know this because in my own district I represent a portion of Los Angeles County, East Los Angeles. The cities of El Monte and Azusa have had upwards of 10 percent unemployment for over 2 years.

Where is the relief for our communities? Where is the relief for people wanting to earn good money and good-paying jobs? Even that tax cut that we are going to be voting on that some of them are supporting is not even going to provide any relief to those workers.

I ask Members to please allow our party, our side of the aisle, to amend the bill and promote goodwill for those millions of workers and the chronically underemployed Latinos, disadvantaged folks, that have been waiting for something to happen here in the House of Representatives. I am ashamed to go home and not provide relief for those more than one million workers and a large number that I represent in California.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding time to me.

I do not doubt for a minute that the Republicans would have been perfectly happy, probably preferred, to go home for a week letting unemployment benefits expire; give tax cuts to the rich today, that is the number one priority, $350 billion, most of which goes to the richest Americans, and zip to the unemployed. Actually, they did it at Christmastime, right before Christmas, let those benefits expire.

But after the Democrats pushed and pushed, and maybe there was some polling done, they decided to not only do something for the Bush class but to do something for the middle class and for the unemployed workers, $5 billion compared to $350 billion. Okay, we are grateful for that.

But over a $100,000 tax cut to Secretary of the Treasury Snow and still zero dollars for the more than one million workers who are still out of work, 53,000 in Illinois. Some over on the other side of the aisle have fretted about, oh, unemployment benefits, they just encourage people to stay home and not look for a job. How dare they? These people want a job, and this administration and its economic plan has been nothing but a job-killer, a job-killer. We have seen the loss of over 2.5 million jobs since this President has come in. The economy is going down.

These people want to work. People in my own family who have been laid off, they want nothing more than a good job. These people do not want unemployment insurance benefits. They want a job. But at the very least, we should be making sure that all those people who play by the rules, are looking for a job every day, get something.

On this floor of this House we should be able to debate alternatives. We are just cut off. Why? Because our alternative is better. It addresses the need for the American people, and that is exactly what the Republicans do not want to hear. They do not want to give anyone a chance to vote on our better plan. We should be voting no on the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to my colleague and friend, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding time to me. I apologize for my voice, which I am unfortunately losing. But before I lose my voice, I think it is important that someone respond to the rhetoric we have heard from the other side of the aisle.

Once again, the other side of the aisle offers the American people their solution for the economy. That is unlimited unemployment benefits. I think Republicans are compassionate people, and we are taking care of those who have lost their jobs. The other side of the aisle, their solution has been increased taxation, increased regulation, increased litigation. Unfortunately, from the other side of the aisle, my friends and colleagues, they do not have a clue, a clue as to how we create jobs in business.

I have $20 here. If I send this $20 to Washington, I do not have $20 to spend, I do not have $20 to invest.

□ 1530

It takes capital. I do not think they have a clue as to basic free enterprise or business investment tenets. People have to have money in their pockets. They want to put more money in Washington. They want them to rely on the government for unemployment benefits. If you want to stimulate business, well, first of all, most of them should go out and try to start a business. When you have increased taxation and you send more money to Washington, you have fewer people to invest in that business. A basic tenet. When you send more money to Washington, you have less money to spend, and it hurts the poor the most because they have the least amount of money, and you cannot start a business. When you have increased regulation, which they have spent 30 and 40 years piling regulations on the business man and woman, it is impossible to start a business.

Would you start a business? I cannot tell you how happy I am to be out of a business because of government regulation, taxation, and then finally litigation, the protectors of litigation. So we become the most lawsuit-happy land in the world. And we drive businesses overseas because of taxation, because of regulation, and because of litigation.

Would you want to get into business in the United States of America today with the opportunity to be sued at every corner? Small business people, the largest employer in this country, by far the largest employer, they are backing off of providing health insurance benefits. We have more people without health insurance benefits. Why? Because the other side blocks litigation reform and they have gone crazy with lawsuits. And a few people are benefiting and the rest of us are paying. People who can least afford it are not having health care coverage; small business operators are unable to provide health care coverage.

So that is their plan, increased taxation, increased litigation, increased government regulation. And then finally, here they offer their grand plan, unlimited unemployment extension. No one has come up to me and said, I want unlimited unemployment benefits from the Federal Government. I want a job. I want an opportunity to share in the American Dream. I want health care coverage. I do not want more suits, more money to go to Washington, less control of my life, less control of my money.

I have heard it, and I think we have all heard it. The song and dance from the other side just does not work, will not work. Even the former Soviet Union tried a full government plan. It did not work. So now we have a choice. We will have a tax and economic package before us that puts more money in the hands of the American people. It gives them an opportunity. It gives people an opportunity for a job, not just for an extension of unemployment benefits.

The Republicans are compassionate. They have provided for both an extension of unemployment benefits but also for hope and opportunity and for an America we all want for the future.

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

I would say to the gentleman that what we want is help for unemployed workers, and your plan leaves a million workers out in the cold, and that is not the least bit compassionate.

Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I just have to express my dismay at the anti-American diatribe we have just heard. I am sorry to hear this defeatist attitude about the American economy. The American economy continues to be a vibrant one overall, and to have it so thoroughly denigrated and to be told that no one ought to want to go into business in America is a shockingly anti-American approach.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, this rule should be rejected because the bill is unfair.

Under this bill, thousands of jobless Californians will get an additional 13 weeks of unemployment instead of the 26 weeks that other States will get because California is not considered a high-unemployment State.

Well, tell that to the people of Santa Clara County. An editorial in today's San Jose Mercury News lays out the facts. Since President Bush took office in January of 2001, 2.6 million jobs have vanished in America, 239,000 of them in Santa Clara County gone.

We have had a 42 percent decrease in venture capital. The unemployment rate in San Jose is now a whopping 8.5 percent, and San Jose has lost nearly 16 percent of its jobs. Yet this bill does not treat Santa Clara County as a high-unemployment area, even though my county has more population than many States, including North and South Dakota, Montana, Wyoming, Delaware and many others to name just a few.

This rule does not even let us debate whether a 26-week extension is appropriate, not just for the 6 States the Republicans consider to be high unemployment, but for cities like San Jose who are well above the national unemployment rate. I hear and get e-mails from people all the time, qualified, educated people who have been laid off, who send out thousands of resumes and cannot even get an interview, people who have run through their savings, who have refinanced their house, and who have run through that, whose unemployment is running off and the layoffs are continuing.

My friends on the other side of the aisle do not get it. It is not a recession in Silicon Valley right now. It is a depression. A 26-week extension is justified, and I wish we had a chance to debate that. I urge my colleagues to reject this rule so that we will.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

I will admit that my number one economic priority is not the extension of unemployment benefits. My number one economic priority is to create jobs and to put into place the kinds of mechanisms that we can to encourage job creation and economic growth.

My very good friend from Santa Clara County who just talked about what she described as a depression in the Silicon Valley and I will be offering an amendment later this afternoon which will, I believe, play a role in creating the kind of jobs in the Silicon Valley which are so important to improving the quality of life not only for people in that part of our country, but throughout the rest of the Nation.

I also believe that as we look at the jobs and economic growth package which we are going to be considering, it is geared towards job creation and economic growth. Now, having said that, I will acknowledge Chairman Greenspan is absolutely right when he says that there are a lot of people out there who through no fault of their own have been victimized by this downturn which, by the way, began during the last two quarters of 2000.

Now my friend, the gentlewoman from California (Ms. LOFGREN), just described the job loss since President Bush took office; but virtually every economist has acknowledged that the downturn began during the last two quarters. We also know, and I do not need to remind my colleagues again, that we have suffered greatly over the past couple of years through the tragedy of September 11, and we are just emerging from a war with Iraq, and we are still in the midst of this very costly war on terrorism.

We are working together in a bipartisan way to deal with these issues; but quite frankly, they have played a role in creating the economic downturn. And that is why we as Republicans are proud to step up to the plate and deal with the extension of unemployment benefits.

I know that there are parts of States as have been described by the gentlewoman from California (Ms. LOFGREN) that are suffering more than other parts of States and the overall level is not as high as it is in other States that will, in fact, end up receiving a 26-week extension. But I believe that our dealing with this question before we get to the expiration is the right thing for us to do. Let us move ahead. This will be a problem that we will continue to address as we face it. But I hope and pray that passage of the Dreier-Lofgren amendment this afternoon, that passage of the jobs and growth package that we have will deal with the challenges that we have. And so I encourage my colleagues to provide support for this measure.

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

I would just respond that under this limited bill over 150,000 workers in California will be left out in the cold and close to 60,000 workers in Florida will not get their benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise to oppose this rule.

The underlying bill does very little for those working Americans whose benefits have run out. In my home town of Chicago unemployment is up to 6.7 percent. My State of Illinois has lost 17,400 jobs in the last month alone. We have lost in this economy 2.75 million jobs, 2 million manufacturing jobs. Two weeks from today, on June 6, the new unemployment figures will come out; and we will get close to, as indications are now, losing 3 million jobs. Since the first economic package that the President has passed, 2.5 million Americans have lost their jobs, 5 million Americans have lost their health care. Nearly a trillion dollars' worth of corporate assets have been foreclosed on, and 2 million Americans have gone out of the middle class to poverty.

That has been the net result of the economic program put together. And as Ronald Reagan used to say, ''Facts are a stubborn thing.''

USA Today reported just the other day that they have the lowest amount of job-wanted ads since 1964. The only two things that seem to be growing in the President's growth package is the deficit and unemployment.

We have gone from a surplus to a slump. Now to the earlier speaker who took a $20 bill out of his pocket and my colleague, the gentleman from Florida (Mr. MIKA), that $20 is the same amount of money our government and our taxpayers are paying individual workers in Iraq and Iraqis. That is what we are paying them. We are offering them $20 as a form of employment to get the economy in Iraq moving. We have an agenda for Iraq. It is investing in 20,000 schools, 25,000 units of housing, text books for schools, 4 million children get early childhood education in Iraq.

We have an economic plan for Iraq, and we have an economic plan for America; and it does not just count on stimulating only the stock market. We have to stimulate the job market as well as the stock market. And our economic plan does exactly that. It does not force Americans into an either/or choice. And there will be people who will be left out, unlike the tax cut that leaves no millionaire behind.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), our ranking member on the Committee on Appropriations.

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

Mr. Speaker, I want to congratulate our friends on the Republican side of the aisle. This day perfectly summarizes what Republican Party values are all about.

Under President Bush we have lost well more than 2 million jobs in this economy, and today we have the Republican answer. Their answer is to leave behind one million working Americans who have been out of work and cannot find work and are now no longer even eligible to receive unemployment. At the same time they are going to pass a tax bill in the dead of night which gives a huge share of the benefits in that bill to people who make over $300,000 a year. That warped and misguided and misbegotten sense of values is the major reason that I left the Republican Party a long time ago and joined the Democratic Party.

The Republican Party practices the tired old game of trickle down economics. They practice the idea that if you just give John D. Rockefeller a tax break, eventually some of it will trickle down to Jay Rockefeller. Well, that is not good enough.

My old friend Harvey Dueholm from Wisconsin used to say, ''The problem with Republican economics is that they want to give the poor and the rich the same amount of ice but they give the poor theirs in the winter time.''

That pretty much sums up what is happening today. We have seen a miserably mismanaged economy under this administration. We have seen this Congress swallow whole budget proposals that walk away from our commitments to education, walk away from our obligation to do something about the health care problems in this country, walk away from the problems of the people who have lost their jobs and are down on their luck and have nowhere to turn. And yet, oh, they have plenty of money for the top dogs in this society.

Just once be for the average dog; be for the under dog. I know that is too much to expect, but nonetheless I would like to see it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, simply to reiterate what we are about today, we are extending unemployment benefits for 13 weeks throughout the Nation and for 26 weeks in the States that are classified as high-unemployment States. We have also provided previously $8 billion to the individual States for use in their individual unemployment programs, and almost $6 billion of those $8 billion that the Federal Government has provided to the States are still available to the States for use for their unemployment programs.

It is important to realize what we are talking about today with this legislation; this is not theory. We have legislation before us, we are bringing to the floor legislation to help 2.5 million unemployed people in this country. And we think that is an important piece of legislation, and we think that it should be passed. And that is why we seek to bring it forward with this rule. And that is why we urge support for this rule and then for the subsequent underlying legislation, to get that aid, that continued aid to 2.5 million people in this country.

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

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts has 2¾ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, may I inquire if the gentleman has any further speakers, because I am the final speaker on my side.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will close.

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

Mr. Speaker, I will be calling for a vote on the previous question. And if the previous question is defeated, I will offer an amendment to the rule. My amendment will make in order the Rangel substitute amendment which is identical to the text of H.R. 1652, the Unemployment Benefits Extension Act.

H.R. 1652 will extend Federal unemployment benefits by 26 weeks and will also give an additional 13 weeks to those unemployed workers whose benefits have been exhausted. The Republican bill only extends benefits by 13 weeks and does nothing for workers whose benefits have run out.

Mr. Speaker, unemployment rates continue to rise. They increased to 6 percent in April, the third month in a row that the economy has lost jobs. For every one available job, there are three Americans looking for work.

Out-of-work Americans need relief, and they need it immediately. Current Federal unemployment benefits run out at the end of this month, less than 2 weeks away. Without an extension, 2.1 million Americans will lose their unemployment benefits. Since the current recession began in 2001, 2.7 million jobs have disappeared in this country. In the last 3 months alone over half a million private sector jobs have vanished. The number of unemployed people is at the highest point in a decade; and, sadly, there is no indication that the economic situation in our Nation will provide relief anytime soon.

□ 1545

Republicans in the House have voted against extending these critical benefits four times in the last 2 weeks, and I am glad they are finally bringing up this legislation today. But I am very disappointed that they will not let the House vote on the Rangel substitute, which will bring relief to far more people in need.

Under the Republican bill, 1 million people will be left behind, and that is unconscionable. Why will they not let us bring the Rangel substitute up? What are they afraid of? We are just about to pass a massive tax bill later today. If we took a tiny percentage of the money from that bill, we could help millions of unemployed American workers go through this very difficult time. But, no, we are going to instead give massive tax cuts to the very richest in this country.

Let me make very clear that a ''no'' vote on the previous question will not stop the consideration of the legislation to extend Federal unemployment benefits, but a ''no'' vote will allow this House to vote on the Rangel substitute, which will provide more benefits to more unemployed Americans. However, a ''yes'' vote on the previous question will prevent the House voting on a more generous and more far-reaching extension of Federal unemployment benefits to our unemployed workers. I would urge a ''no'' vote on the previous question.

This is an important issue. We should have an open debate. We should be able to consider and vote up or down on the Rangel substitute. The fact that we are being denied that opportunity is wrong, it is unconscionable, and I would urge my colleagues again to vote ''no'' on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment and a description of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are extending the unemployment benefits for 2½ million Americans, and in doing so this Congress is appropriating $7 billion for that purpose. Again, it is 2½ million Americans who are unemployed that this legislation will help. That is in addition to the $16 billion that we have appropriated before for that purpose.

This is important legislation. It is to help people who need help, and I feel proud to have brought forward this rule. I urge support for the rule and that then we get to the underlying legislation and that we pass the underlying legislation to get extended unemployment benefits to 2½ million people in this country.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 248—RULE ON H.R. 2185 UNEMPLOYMENT COMPENSATION AMENDMENTS OF 2003

In the resolution strike ''and (2)'' and insert the following:

''(2) an amendment in the nature of a substitute consisting of the text of H.R. 1652 if offered by Representative Rangel or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 203, not voting 14, as follows:

[Roll No. 213]

YEAS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Bonilla
Combest
Conyers
Cunningham
Gephardt
Gingrey
Hunter
Issa
Lewis (GA)
Napolitano
Norwood
Oxley
Quinn
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1606

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 201, not voting 17, as follows:

[Roll No. 214]

AYES—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin

Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Barton (TX)
Bereuter
Bonilla
Combest
Conyers
Cunningham
Gephardt
Hall
Issa
Lewis (GA)
Lynch
Norwood
Oxley
Portman
Quinn
Walden (OR)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1613

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 247 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1588.

□ 1614

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

□ 1615

The CHAIRMAN pro tempore (Mr. LAHOOD). When the Committee of the Whole rose on Wednesday, May 21, 2003, amendment No. 9 printed in House Report 108–120 offered by the gentleman from California (Mr. HUNTER) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 3 offered by the gentlewoman from California (Ms. LORETTA SANCHEZ), amendment No. 4 offered by the gentlewoman from California (Mrs. TAUSCHER), amendment No. 6 offered by the gentleman from Florida (Mr. GOSS), and amendment No. 8 offered by the gentleman from New Jersey (Mr. SAXTON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. LORETTA SANCHEZ of California:

At the end of title VII (page 196, after line 12), add the following new section:

SEC. 708. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 7, as follows:

[Roll No. 215]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Rahall
Regula

Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bonilla
Combest
Gephardt
Issa
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining in this vote.

□ 1632

Mr. GILCHREST changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BEREUTER. Mr. Chairman, on rollcall No. 215 I inadvertently pressed the wrong button. I meant to vote ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 4 OFFERED BY MRS. TAUSCHER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. TAUSCHER:

At the end of subtitle A of title II (page 30, after line 7), insert the following new section:

SEC. 2___. FUNDING REDUCTIONS AND INCREASES.

(a) INCREASE.—The amount provided in section 201 for research, development, test, and evaluation is hereby increased by $21,000,000, of which—

(1) $5,000,000 shall be available for Program Element 0603910D8Z, strategic capability modernization;

(2) $6,000,000 shall be available for Program Element 0602602F, conventional munitions; and

(3) $10,000,000 shall be available for Program Element 0603601F, conventional weapons technology.

(b) REDUCTION.—The amount provided in section 3101 for stockpile research and development is hereby reduced by $21,000,000, of which—

(1) $15,000,000 shall be derived from the feasibility and cost study of the Robust Nuclear Earth Penetrator; and

(2) $6,000,000 shall be derived from advanced concepts initiative activities.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 226, not voting 9, as follows:

[Roll No. 216]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Bonilla
Combest
Emerson
Gephardt
Herger
Issa
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1640

Mr. SIMPSON and Mr. CRAMER changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. GOSS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. GOSS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. GOSS.

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. REPORT ON ACTIONS THAT COULD BE TAKEN REGARDING COUNTRIES THAT INITIATE CERTAIN LEGAL ACTIONS AGAINST UNITED STATES OFFICIALS.

(a) FINDING.—Congress finds that actions for or on behalf of a foreign government that constitute attempts to commence legal proceedings against, or attempts to compel the appearance of or production of documents from, any current or former official or employee of the United States or member of the Armed Forces of the United States relating to the performance of official duties constitutes a threat to the ability of the United States to take necessary and timely military action.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on appropriate steps that could be taken by the Department of Defense (including restrictions on military travel and limitations on military support and exchange programs) to respond to any action by a foreign government described in subsection (a).

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 11, not voting 11, as follows:

[Roll No. 217]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—11

Conyers
Filner
Hinchey
Kucinich
Lee
McDermott
Olver
Payne
Stark
Waters
Woolsey

NOT VOTING—11

Bonilla
Burton (IN)
Combest
Cox
Emerson
Gephardt
Issa
Lewis (GA)
Oxley
Quinn
Turner (TX)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD) (during the vote). The Chair will advise Members there are two minutes left to vote.

□ 1648

Mr. PAYNE changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. SAXTON OF NEW JERSEY

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 8 offered by the gentleman from New Jersey (Mr. SAXTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SAXTON:

At the end of subtitle B of title V (page 91, after line 16), insert the following new section:

SEC. 514. REPEAL OF REQUIRED GRADE OF DEFENSE ATTACHÉ IN FRANCE.

(a) IN GENERAL.—Section 714 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 714.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 302, noes 123, not voting 9, as follows:

[Roll No. 218]

AYES—302

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Flake
Fletcher

Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—123

Abercrombie
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Eshoo
Farr
Fattah
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hinchey
Hoeffel
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kleczka
Kolbe
Kucinich
Lampson
Larsen (WA)
Lee
Lowey
Majette
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—9

Bonilla
Combest
Diaz-Balart, L.
Emerson
Gephardt
Issa
Lewis (GA)
Oxley
Quinn

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair advises there are 2 minutes to vote.

□ 1656

Messrs. TOWNS, PRICE of North Carolina and PALLONE, Ms. LORETTA SANCHEZ of California and Ms. MCCOLLUM changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, no further amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108–122 and amendments en bloc described in section 2 of the resolution.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 3, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for division of the question.

Each amendment printed in the report shall be debatable for 10 minutes, unless otherwise specified in the report, equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment. Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an en bloc amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeded to report the modifications, as follows:

Amendments en bloc printed in House Report 108–122 offered by Mr. HUNTER consisting of amendment No. 1; amendment No. 2; amendment No. 3; amendment No. 5; amendment No. 7; amendment No. 8; amendment No. 10; amendment No. 11, as modified; amendment No. 12; amendment No. 13; amendment No. 14; amendment No. 15; amendment No. 16; amendment No. 17; amendment No. 18; amendment No. 19; amendment No. 20; amendment No. 21, as modified; amendment No. 22; amendment No. 23; amendment No. 24; amendment No. 25; amendment No. 26; amendment No. 27; amendment No. 28; amendment No. 29; and amendment No. 30.

AMENDMENT NO. 1 OFFERED BY MR. KLINE

The text of the amendment is as follows:

At the end of division A (page 433, after line 20), insert the following new title:

TITLE XV—HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS

SEC. 1501. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''Higher Education Relief Opportunities for Students Act of 2003''.

(b) REFERENCE.—References in this title to ''the Act'' are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1502. WAIVER AUTHORITY FOR RESPONSE TO MILITARY CONTINGENCIES AND NATIONAL EMERGENCIES.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this title as the ''Secretary'') may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act as the Secretary deems necessary in connection with a war or other military operation or national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the

integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;

(C) the calculation of ''annual adjusted family income'' and ''available income'', as used in the determination of need for student financial assistance under title IV of the Act for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;

(D) the calculation under section 484B(b)(2) of the Act (20 U.S.C. 1091b(b)(2)) of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student's status as an affected individual in the student's file, and (ii) the amount of any overpayment discharged; and

(E) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Act that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Act, and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this title.

SEC. 1503. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are affected individuals for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for active duty or active service; and

(2) if affected individuals withdraw from a course of study as a result of such active duty or active service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 1504. USE OF PROFESSIONAL JUDGMENT.

A financial aid administrator shall be considered to be making a necessary adjustment in accordance with section 479A(a) of the Act if the administrator makes adjustments with respect to the calculation of the expected student or parent contribution (or both) of an affected individual, and adequately documents the need for the adjustment.

SEC. 1505. DEFINITIONS.

In this title:

(1) ACTIVE DUTY.—The term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term ''affected individual'' means an individual who—

(A) is serving on active duty during a war or other military operation or national emergency;

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with a national emergency; or

(D) suffered direct economic hardship as a direct result of a war or other military operation or national emergency, as determined by the Secretary.

(3) MILITARY OPERATION.—The term ''military operation'' means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

(4) NATIONAL EMERGENCY.—The term ''national emergency'' means a national emergency declared by the President of the United States.

(5) SERVING ON ACTIVE DUTY.—The term ''serving on active duty during a war or other military operation or national emergency'' shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such war, operation, or emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(6) QUALIFYING NATIONAL GUARD DUTY.—The term ''qualifying National Guard duty during a war or other military operation or national emergency'' means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, another military operation, or a national emergency declared by the President and supported by Federal funds.

SEC. 1506. TERMINATION OF AUTHORITY.

The provisions of this title shall cease to be effective at the close of September 30, 2005.

AMENDMENT NO. 2 OFFERED BY MR. BROWN OF SOUTH CAROLINA

The text of the amendment is as follows:

At the end of title III (page ___, after line ___), insert the following new section:

SEC. ___. EXPANSION OF DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY DISPOSAL PROGRAM TO INCLUDE HEALTH AGENCIES IN ADDITION TO LAW ENFORCEMENT AND FIREFIGHTING AGENCIES.

(a) INCLUSION OF HEALTH AGENCIES.—Section 2576b of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may transfer to a firefighting agency or health agency in a State any personal property of the Department of Defense that the Secretary determines is—

''(1) excess to the needs of the Department of Defense; and

''(2) suitable for use in providing fire and emergency medical services or responding to health or environmental emergencies, including personal protective equipment and equipment for communication and monitoring.''; and

(2) in subsection (b)(2) and (c), by striking ''firefighting'' both places it appears.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

''2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies.''.

AMENDMENT NO. 3 OFFERED BY MR. ACKERMAN

The text of the amendment is as follows:

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. SENSE OF CONGRESS CONCERNING NAVY PORT CALLS IN ISRAEL.

(a) FINDINGS.—Congress finds the following:

(1) The United States Sixth Fleet has not conducted regular visits to the port of Haifa, Israel, since the attack on the U.S.S. Cole in Aden, Yemen, on October 12, 2000, but previously visited that port on a regular basis, with an average of 90 United States warships visiting Haifa each year.

(2) The United States Navy has invested millions of dollars in expanding the capacity and capability of the port of Haifa to accommodate United States Navy requirements and the port of Haifa is among the most secure harbors in the world and offers reliable and efficient repair facilities with close proximity to capable air transport and communications.

(3) The forward presence of United States Navy ships is a powerful deterrent to aggression and a tangible expression of American national interests.

(4) The visits of the United States Sixth Fleet to Haifa demonstrate the historic friendship of the American and Israeli people and the commitment of the United States to the security and survival of the State of Israel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and the United States Navy should engage with the Government of Israel and the Israel Defense Forces to establish appropriate and effective arrangements to ensure the safety of United States Navy vessels and personnel; and

(2) upon such arrangements being made, the Sixth Fleet should resume regular port visits to Haifa, Israel.

AMENDMENT NO. 5 OFFERED BY MR. HEFLEY

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. PILOT PROGRAM TO IMPROVE USE OF AIR FORCE AND AIR NATIONAL GUARD MODULAR AIRBORNE FIRE-FIGHTING SYSTEMS TO FIGHT WILDFIRES.

(a) TEMPORARY EXCEPTION TO ECONOMY ACT REQUIREMENT.—Notwithstanding section 1535(a)(4) of title 31, United States Code, the Secretary of the Interior and the Secretary of Agriculture may procure the services of military aircraft (and personnel of the Armed Forces to operate and maintain such aircraft) of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units in California, Colorado, North Carolina, and Wyoming to fight a wildfire without first comparing the cost and convenience of procuring such services from such source to the cost of procuring the same services from a commercial enterprise.

(b) DURATION OF PILOT PROGRAM.—The authority provided by subsection (a) expires December 31, 2005.

(c) REPORTING REQUIREMENT.—Not later than February 1, 2005, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report describing—

(1) the use of the exception provided in subsection (a) to expedite the procurement of the services of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units to fight wildfires; and

(2) the ability of these units in responding to wildfires in a timely and effective manner.

AMENDMENT NO. 7 OFFERED BY MR. LANTOS

The text of the amendment is as follows:

In section 1021, strike subsection (b) (page 274, lines 22 through 24), and redesignate subsequent subsections accordingly.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. STUDY ON FEASIBILITY OF USE OF SMALL BUSINESSES, MINORITY-OWNED BUSINESSES, AND WOMEN-OWNED BUSINESSES IN EFFORTS TO REBUILD IRAQ.

The Secretary of Defense shall commission a study of the feasibility of using small businesses, minority-owned businesses, and women-owned businesses in the United States' efforts to rebuild Iraq. The study shall include the development of outreach procedures to provide, to small businesses, minority-owned businesses, and women-owned businesses, information on participating in rebuilding Iraq.

AMENDMENT NO. 10 OFFERED BY MS. WOOLSEY

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING CONTINUATION OF MISSION AND FUNCTIONS OF ARMY PEACEKEEPING INSTITUTE.

It is the sense of Congress that the Secretary of Defense should maintain the functions and missions of the Army Peacekeeping Institute at the Army War College in Carlisle, Pennsylvania, or within a joint entity of the Department of Defense, such as the National Defense University or the Joint Forces Command, to ensure that members of the Armed Forces continue to study the strategic challenges and uses of peacekeeping missions and to prepare the Armed Forces for conducting such missions.

AMENDMENT NO. 11, AS MODIFIED, OFFERED BY MR. WELDON OF PENNSYLVANIA

The Clerk read as follows:

Amendment No. 11, as modified, offered by Mr. WELDON of Pennsylvania:

The amendment as modified is as follows:

Page 389, line 24, strike ''$50,000,000'' and insert ''$78,000,000''.

At the end of the bill, add the following new title:

TITLE XXXVI—NUCLEAR SECURITY INITIATIVE

SEC. 3601. SHORT TITLE.

This title may be cited as the ''Nuclear Security Initiative Act of 2003''.

Subtitle A—Nonproliferation Program Enhancements

SEC. 3611. ESTABLISHMENT OF INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM IN DEPARTMENT OF STATE.

(a) POLICY WITH RESPECT TO FORMER SOVIET UNION.—It is the policy of the United States to seek to cooperate with the Russian Federation and each other independent state of the former Soviet Union to effect as quickly as is reasonably practical basic security measures (such as the replacement of doors, the bricking of or placement of bars in windows, the clearing of underbrush from facility perimeters, and the erection of fences) at each facility in the Russian Federation and each such state that is used for storing nuclear weapons or nuclear materials and is not yet protected by such measures.

(b) POLICY WORLDWIDE.—It is the policy of the United States to seek to cooperate with all appropriate nations—

(1) to attempt to ensure that all nuclear weapons and nuclear materials worldwide are secure and accounted for according to stringent standards; and

(2) to minimize the number of facilities worldwide at which separated plutonium and highly enriched uranium are present, so as to achieve the highest and most sustainable levels of security for such facilities in the most cost-effective manner.

(c) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—(1) The Secretary of State may establish an international nuclear materials protection and cooperation program with respect to countries other than the Russian Federation and the other independent states of the former Soviet Union.

(2) In carrying out such program, the Secretary of State may provide such funds as are needed to remove nuclear materials from potentially vulnerable facilities, including funds to cover the costs of—

(A) transporting such materials from those facilities to secure facilities;

(B) purchasing such materials;

(C) converting those facilities to a use that no longer requires nuclear materials; and

(D) providing incentives to facilitate the removal of such materials from such facilities.

(3)(A) The Secretary of Energy may provide technical assistance to the Secretary of State in the efforts of the Secretary of State, in carrying out the program, to assist such countries to review and improve their security programs with respect to nuclear weapons and nuclear materials.

(B) The technical assistance provided under subparagraph (A) may, where consistent with the treaty obligations of the United States, include the sharing of technology or methodologies to the countries referred to in that subparagraph. Any such sharing shall take into account the sovereignty of the country concerned and the nuclear weapons programs of such country, as well as the sensitivity of any information involved regarding United States nuclear weapons or nuclear weapons systems.

(C) The Secretary of State may include the Russian Federation in activities under this paragraph if the Secretary determines that the experience of the Russian Federation under the International Nuclear Materials Protection and Cooperation program of the Department of Energy would make the participation of the Russian Federation in those activities useful in providing technical assistance under subparagraph (A).

Subtitle B—Administration and Oversight of Threat Reduction and Nonproliferation Programs

SEC. 3621. ANALYSIS OF EFFECT ON THREAT REDUCTION AND NONPROLIFERATION PROGRAMS OF CONGRESSIONAL OVERSIGHT MEASURES WITH RESPECT TO SUCH PROGRAMS.

(a) ANALYSIS OF AND REPORT ON CONGRESSIONAL OVERSIGHT MEASURES.—(1) The National Academy of Sciences shall carry out an analysis of the effect on threat reduction and nonproliferation programs of applicable congressional oversight measures. The analysis shall take into account—

(A) the national security interests of the United States;

(B) the need for accountability in the expenditure of funds by the United States;

(C) the effect of such congressional oversight measures on the continuity and effectiveness of such programs; and

(D) the oversight responsibilities of Congress with respect to such programs.

(2) In carrying out the analysis, the National Academy of Sciences shall consult with the chairs and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

(b) REPORT.—Not later than November 1, 2004, the National Academy of Sciences shall submit to Congress a report on the analysis required by subsection (a). The report shall—

(1) identify, and describe the purpose of, each congressional oversight measure; and

(2) set forth such recommendations as the National Academy of Sciences considers appropriate as to whether the measure should be retained, amended, or repealed, together with the reasoning underlying that determination.

(c) DEFINITIONS.—In this section:

(1) the term ''congressional oversight measure'' means—

(A) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952);

(B) the eligibility requirements in paragraphs (1) through (4) of section 502 of the FREEDOM Support Act (22 U.S.C. 5852);

(C) the prohibition in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 512; 22 U.S.C. 5952 note); and

(D) any restriction or prohibition on the use of funds otherwise available for threat

reduction and nonproliferation programs that applies absent the submission to Congress (or any one or more officers or committees of Congress) of a report, certification, or other matter.

(2) The term ''threat reduction and nonproliferation programs'' means—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note); and

(B) any programs for which funds are made available under the defense nuclear nonproliferation account of the Department of Energy.

SEC. 3622. ANNUAL REPORT ON THE USE OF FUNDS APPROPRIATED FOR THREAT REDUCTION AND NONPROLIFERATION IN STATES OF THE FORMER SOVIET UNION.

(a) REPORT.—Not later than December 31 of each year, the Secretary of Energy shall submit to Congress a report on the use, during the fiscal year ending September 30 of that year, of funds appropriated for threat reduction and nonproliferation programs in the Russian Federation and the other independent states of the former Soviet Union. The report shall be prepared in consultation with the Secretary of Defense and shall include the following:

(1) A description of the use of such funds and the manner in which such funds are being monitored and accounted for, including—

(A) the amounts obligated, and the amounts expended, for such activities;

(B) the purposes for which such amounts were obligated and expended;

(C) the forms of assistance provided, and the justification for each form of assistance provided;

(D) the success of each such activity, including the purposes achieved for each such activity;

(E) a description of the participation in such activities by private sector entities in the United States and by Federal agencies; and

(F) any other information that the Secretary of Energy considers appropriate to provide a complete description of the operation and success of such activities.

(2) An accounting of the financial commitment made by the Russian Federation, as of the date of the end of the fiscal year covered by the report, to the destruction of its weapons of mass destruction and to threat reduction and nonproliferation programs.

(3) A description of the efforts made by the United States to encourage the Russian Federation to continue to maintain its current level of financial commitment at a level not less than the level of its commitment for fiscal year 2003, and the response of the Russian Federation to such efforts.

(4) A description of the access provided by the Russian Federation to the United States during the fiscal year covered by the report to the facilities with respect to which the United States is providing assistance under threat reduction and nonproliferation programs.

(b) CONSULTATION REQUIRED.—In preparing the report, the Secretary of Energy shall consult with the chairs and ranking minority members of the following congressional committees:

(1) The Committee on Armed Services, Committee on Appropriations, and Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, Committee on Appropriations, and Committee on Foreign Relations of the Senate.

(c) INFORMATION FROM RUSSIAN FEDERATION.—In the case of activities covered by the report that are carried out in the Russian Federation, the Secretary of Energy shall, in preparing the report, include information provided by the Russian Federation with respect to those activities.

(d) DEFINITION.—In this section, the term ''threat reduction and nonproliferation programs'' has the meaning given such term in section 3621.

SEC. 3623. PLAN FOR AND COORDINATION OF CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH STATES OF THE FORMER SOVIET UNION.

(a) CHEMICAL AND BIOLOGICAL WEAPONS PLAN.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as amended by section 1205 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2664) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) CHEMICAL AND BIOLOGICAL WEAPONS.—(1) Not later than June 1, 2004, the President shall develop with the President of the Russian Federation and submit to Congress a comprehensive, detailed plan—

''(A) to account for, secure, and destroy all chemical and biological weapons, and the chemical and biological materials designed for use in such weapons, that are located in Russia and the independent states of the former Soviet Union; and

''(B) to prevent the outflow from those states of the technology and scientific expertise that could be used for developing those weapons, including delivery systems.

''(2) The plan required by paragraph (1) shall include the following:

''(A) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in subparagraphs (A) and (B) of paragraph (1).

''(B) Identification of all significant obstacles to achieving those objectives and the means for overcoming those obstacles.

''(C) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by the Russian Federation.

''(D) Specification of the fiscal and other resources necessary in each of the eight fiscal years after fiscal year 2003 to achieve those objectives, including contributions from the international community.

''(E) Arrangements for United States oversight and access to sites.

''(F) Recommendations for any changes—

''(i) in the structure or organization of the programs for carrying out those objectives; and

''(ii) in regulations or legislation that would increase the efficiency and coordination of those programs or would otherwise contribute to the achievement of those objectives.

''(3) In developing the plan required by paragraph (1), the President shall consult with—

''(A) the majority and minority leadership of the appropriate committees of Congress; and

''(B) appropriate officials of the states of the former Soviet Union.

''(4)(A) The President, after consultation with the majority and minority leadership of the appropriate committees of Congress, shall designate a senior official of the Executive Branch, and provide that official with sufficient authority and staffing and other resources, to coordinate the programs referred to in paragraph (2)(A).

''(B) The President shall designate that official not later than 12 months after the date of the enactment of this subsection.''.

(b) REPORT REQUIRED TO COVER BOTH PLANS.—Subsection (e) of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as redesignated by subsection (a), is amended—

(1) in the subsection heading, by striking ''PLAN.—'' and inserting ''PLANS.—'';

(2) in paragraph (1)—

(A) by striking ''January 31, 2003,'' and inserting ''January 31, 2005,''; and

(B) by striking ''plan required by subsection (a)'' and inserting ''plans required by subsections (a) and (d)(1)''; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking ''plan required by subsection (a)'' and inserting ''plans required by subsections (a) and (d)(1)''; and

(B) in subparagraphs (B), (C), and (D) by striking ''plan'' each place it appears and inserting ''plans''.

(c) CONFORMING AMENDMENT.—The heading of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247) is amended to read as follows:

''SEC. 1205. PLANS FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF, AND FOR COORDINATING CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH, STATES OF THE FORMER SOVIET UNION.''.

(d) EFFECTIVE DATE FOR FIRST REPORT COVERING BOTH PLANS.—The amendments made by subsection (b) shall apply with respect to the first report due after January 31, 2004.

Subtitle C—United States—Russia Relations

SEC. 3631. COMPREHENSIVE INVENTORIES AND DATA EXCHANGES ON NUCLEAR WEAPONS-GRADE MATERIAL AND NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that inventories of nuclear weapons-grade material and nuclear weapons should be tracked in order, among other things—

(1) to make it more likely that the Russian Federation can fully account for its entire inventory of nuclear weapons-grade material and nuclear weapons; and

(2) to make it more likely that the sources of any such material or weapons possessed or used by any foreign state or terrorist organization can be identified.

(b) STATEMENT OF POLICY.—To the extent that the President considers prudent, it is the policy of the United States to seek to establish jointly with the Russian Federation comprehensive inventories and data exchanges of Russian Federation and United States nuclear weapons-grade material and nuclear weapons, with particular attention to tactical warheads and warheads that are no longer operationally deployed.

(c) ASSISTANCE IN DEVELOPING COMPREHENSIVE INVENTORIES.—Notwithstanding any other provision of law, the United States should seek to work with the Russian Federation to develop comprehensive inventories of Russian highly enriched uranium, weapons-grade plutonium, and assembled warheads, with special attention to be focused on tactical warheads and warheads that are no longer operationally deployed.

(d) DATA EXCHANGES.—As part of the development of inventories under subsection (c), to the maximum extent practicable and without jeopardizing United States national security interests, the United States may exchange data with the Russian Federation on categories of material and weapons described in subsection (c).

(e) REPORT.—Not later than 12 months after the date of the enactment of this Act,

and annually thereafter until a comprehensive inventory is created and the information collected from the inventory is exchanged between the United States and the Russian Federation, the President shall submit to Congress a report, in both classified and unclassified form as necessary, describing the progress that has been made toward creating an inventory and exchanging the information.

SEC. 3632. ESTABLISHMENT OF DUMA-CONGRESS NUCLEAR THREAT REDUCTION WORKING GROUP.

(a) ESTABLISHMENT OF WORKING GROUP.—There is hereby established a working group to be known as the ''Nuclear Threat Reduction Working Group'' as an interparliamentary group of the United States and the Russian Federation.

(b) PURPOSE OF WORKING GROUP.—The purpose of the Working Group established by subsection (a) shall be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security, and such other issues related to reducing nuclear weapons dangers as the delegations from the two legislative bodies may consider appropriate.

(c) MEMBERSHIP.—(1) The majority leader of the Senate, after consultation with the minority leader of the Senate, shall appoint 10 Senators to the Working Group established by subsection (a).

(2) The Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, shall appoint 30 Representatives to the Working Group.

SEC. 3633. JOINT UNITED STATES/NORTH ATLANTIC TREATY ORGANIZATION COOPERATION WITH RUSSIA ON THEATER-LEVEL BALLISTIC MISSILE DEFENSES.

(a) POLICY.—It is the policy of the United States that the President should seek to ensure that the United States takes the lead in arranging for the United States, in conjunction with the North Atlantic Treaty Organization, to enter into appropriate cooperative relationships with the Russian Federation with respect to the development and deployment of theater-level ballistic missile defenses.

(b) PURPOSE OF COOPERATIVE RELATIONSHIPS.—It is the policy of the United States—

(1) that the purpose of the cooperative relationships described in subsection (a) is to increase transparency and confidence with the Russian Federation;

(2) that United States defense and security cooperation with the Russian Federation should contribute to defining a new bilateral strategic framework that is not rooted in the concept of ''mutual assured destruction''; and

(3) that that new bilateral strategic framework should be based upon improving the security of the United States and the Russian Federation by promoting transparency and confidence between the two countries.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the President shall transmit to Congress a report (in unclassified or classified form as necessary) on the feasibility of increasing cooperation with the Russian Federation on the subject of theater-level ballistic missile defenses and on the purposes and objectives set forth in subsection (b). The report shall include—

(1) recommendations from the Department of Defense and Missile Defense Agency;

(2) a threat assessment; and

(3) an assessment of possible benefits to missile defense programs of the United States.

SEC. 3634. ENCOURAGEMENT OF ENHANCED COLLABORATION TO ACHIEVE MORE RELIABLE RUSSIAN EARLY WARNING SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) the innovative United States-Russian space-based remote sensor research and development program known as the Russian-American Observation Satellite (RAMOS) program addresses a variety of defense concerns while promoting enhanced transparency and confidence between the United States and the Russian Federation; and

(2) an initial concept of co-orbiting United States and Russian satellites for simultaneous stereo observations is complete and should be continued.

(b) POLICY.—To the exent that the President considers prudent, it is the policy of the United States—

(1) to encourage joint efforts by the United States and the Russian Federation to reduce the chances of a Russian nuclear attack anywhere in the world as the result of misinformation or miscalculation by developing the capabilities and increasing the reliability of Russian ballistic missile early-warning systems, including the Russian-American Observation Satellite (RAMOS) program; and

(2) to encourage other United States-Russian programs to ensure that the Russia Federation has reliable information, including real-time data, regarding launches of ballistic missiles anywhere in the world.

(c) INTERIM RAMOS FUNDING.—To the extent that the Secretary of Defense considers prudent, the Secretary of Defense shall ensure that, pending the execution of a new agreement between the United States and the Russian Federation providing for the conduct of the RAMOS program, sufficient amounts of funds appropriated for that program are used in order to ensure the satisfactory continuation of that program during fiscal years 2004 and 2005.

SEC. 3635. TELLER-KURCHATOV ALLIANCE FOR PEACE.

(a) FINDINGS.—Congress finds that—

(1) Edward Teller of the United States and Igor Kurchatov of the former Soviet Union were architects of the nuclear weapons programs in their respective countries;

(2) these outstanding individuals both expressed a longing for peace and opposition to war; and

(3) as the United States and the Russian Federation work together to redirect the nations of the world towards the peaceful use of nuclear energy, seeking to improve the quality of life for all human beings, it is appropriate to establish an alliance for peace in the names of Edward Teller and Igor Kurchatov.

(b) TELLER-KURCHATOV ALLIANCE FOR PEACE.—(1) To the extent that the Secretary of Energy considers prudent, the Secretary shall seek to enter into an agreement with the Minister of Atomic Energy of the Russian Federation to carry out a cooperative venture, to be known as the Teller-Kurchatov Alliance for Peace, to develop and promote peaceful, safe, and environmentally sensitive uses of nuclear energy.

(2) The cooperative venture referred to in paragraph (1) shall involve the national security laboratories of the National Nuclear Security Administration and the laboratories of the Ministry of Atomic Energy and the Kurchatov Institute of the Russian Federation.

(3) The cooperative venture shall be directed by two co-chairs, one each from the United States and the Russian Federation. The co-chair from the United States shall serve for a term of two years and shall be designated by the Administrator for Nuclear Security from among officials of the three national security laboratories, with each laboratory represented on a rotating basis.

SEC. 3636. NONPROLIFERATION FELLOWSHIPS.

(a) IN GENERAL.—(1) From amounts made available to carry out this section, the Administrator for Nuclear Security may carry out a program under which the Administrator awards, to scientists employed at the Kurchatov Institute of the Russian Federation and Lawrence Livermore National Laboratory, international exchange fellowships, to be known as Teller-Kurchatov Fellowships, in the nuclear nonproliferation sciences.

(2) The purpose of the program shall be to provide opportunities for advancement in the field of nuclear nonproliferation to scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in that field.

(3) A fellowship awarded to a scientist under the program shall be for study and training at (and, where appropriate, at an institution of higher education in the vicinity of)—

(A) the Kurchatov Institute, in the case of a scientist employed at Lawrence Livermore National Laboratory; and

(B) Lawrence Livermore National Laboratory, in the case of a scientist employed at the Kurchatov Institute.

(4) The duration of a fellowship under the program may not exceed two years. The Administrator may provide for a longer duration in an individual case to the extent warranted by extraordinary circumstances, as determined by the Administrator.

(5) In a calendar year, the Administrator may not award more than—

(A) one fellowship to a scientist employed at the Kurchatov Institute; and

(B) one fellowship to a scientist employed at Lawrence Livermore National Laboratory.

(6) A fellowship under the program shall include—

(A) travel expenses;

(B) any tuition and fees at an institution of higher education for study or training under the fellowship; and

(C) any other expenses that the Administrator considers appropriate, such as room and board.

(b) FUNDING.—Amounts available to the Department of Energy for defense nuclear nonproliferation activities shall be available for the fellowships authorized by subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term ''institution of higher education'' means a college, university, or other educational institution that is empowered by an appropriate authority, as determined by the Administrator, to award degrees higher than the baccalaureate level;

(2) the term ''nuclear nonproliferation sciences'' means bodies of scientific knowledge relevant to developing or advancing the means to prevent or impede the proliferation of nuclear weaponry; and

(3) the term ''scientist'' means an individual who has a degree from an institution of higher education in a science that has practical application in the field of nuclear nonproliferation.

Subtitle D—Other Matters

SEC. 3641. PROMOTION OF DISCUSSIONS ON NUCLEAR AND RADIOLOGICAL SECURITY AND SAFETY BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

(a) FINDINGS.—Congress finds that—

(1) cooperative programs to control potential threats from any fissile and radiological materials, whatever and wherever their

sources, should be expanded to include additional states and international organizations; and

(2) addressing issues of nuclear weapons and materials, as well as the issue of radiological dispersal bombs, in new forums around the world is crucial to the generation of innovative mechanisms directed at addressing the threats.

(b) SENSE OF CONGRESS REGARDING INITIATION OF DIALOGUE BETWEEN THE IAEA AND THE OECD.—It is the sense of Congress that—

(1) the United States should seek to initiate discussions between the International Atomic Energy Agency and the Organization for Economic Cooperation and Development for the purpose of exploring issues of nuclear and radiological security and safety, including the creation of new sources of revenue (including debt reduction) for states to provide nuclear security; and

(2) the discussions referred to in paragraph (1) should also provide a forum to explore possible sources of funds in support of the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to Congress a report on—

(1) the efforts made by the United States to initiate the discussions described in subsection (b);

(2) the results of those efforts; and

(3) any plans for further discussions and the purposes of such discussions.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF MICHIGAN

The text of the amendment is as follows:

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. ASSISTANCE TO IRAQI CHILDREN INJURED DURING OPERATION IRAQI FREEDOM.

(a) ASSISTANCE.—The Secretary of Defense shall, to the maximum extent practicable, provide all necessary support in an expeditious manner to assist Iraqi children who were injured during Operation Iraqi Freedom.

(b) ADDITIONAL REQUIREMENTS.—Assistance described in subsection (a) may be provided to a child only if adequate treatment from other sources in Iraq or neighboring countries is not available and only after completion of an evaluation by a physician or other appropriate medical personnel of the United States Armed Forces. In addition, assistance described in subsection (a) may be provided only if it would not adversely affect military operations of the United States.

(c) DEFINITION.—In this section, the term ''Operation Iraqi Freedom'' means operations of the United States Armed Forces, the armed forces of the United Kingdom, and the armed forces of other coalition member countries initiated on or about March 19, 2003—

(1) to disarm Iraq of its weapons of mass destruction;

(2) to enforce United Nations Security Council Resolution 1441 (November 8, 2002) and other relevant Security Council resolutions with respect to Iraq; and

(3) to liberate the people of Iraq from the regime of Saddam Hussein.

AMENDMENT NO. 13 OFFERED BY MR. UPTON

The text of the amendment is as follows:

At the end of subtitle B of title VI (page 172, after line 19), insert the following new section:

SEC. ___. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER PAY FOR RESERVE COMPONENT MEMBERS SERVING IN RESPONSE TO CERTAIN DOMESTIC TERRORIST ATTACKS.

(a) AVAILABILITY OF SPECIAL PAY.—Subsection (a)(2) of section 310 of title 37, United States Code, as amended by section 616 of this Act, is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) was on duty as a first responder, or as a member assigned to accompany or protect first responders, to a terrorist attack on the United States regarding which there is an immediate threat of physical harm or imminent danger as a result of direct or residual effects of the attack or potential secondary attacks; or''.

(b) FIRST RESPONDER DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(e) FIRST RESPONDER DEFINED.—In this section, the term 'first responder' means a member of the uniformed services who, as part of the member's assigned duties, is expected to arrive at the site of a terrorist attack within 12 hours after the attack.''.

AMENDMENT NO. 14 OFFERED BY MR. VITTER

The text of the amendment is as follows:

At the end of section 3517 (page 615, after line 12) add the following new subsection:

(c) TELECOMMUNICATIONS EQUIPMENT.—The telecommunications and other electronic equipment on an existing vessel that is redocumented under the laws of the United States for operation under an operating agreement under this subtitle shall be deemed to satisfy all Federal Communications Commission equipment certification requirements, if—

(1) such equipment complies with all applicable international agreements and associated guidelines as determined by the country in which the vessel was documented immediately before becoming documented under the laws of the United States;

(2) that country has not been identified by the Secretary as inadequately enforcing international regulations as to that vessel; and

(3) at the end of its useful life, such equipment will be replaced with equipment that meets Federal Communications Commission equipment certification standards.

AMENDMENT NO. 15 OFFERED BY MR. HUNTER

The text of the amendment is as follows:

At the end of subtitle B of title I (page 20, after line 24), insert the following new section:

SEC. 112. CONFIGURATION OF FOURTH STRYKER BRIGADE COMBAT TEAM.

(a) CONFIGURATION, LETHALITY ENHANCEMENTS, AND SUSTAINABILITY.—The Secretary of the Army shall configure the fourth Stryker brigade combat team so that that brigade combat team provides the commanders of combatant commands with enhanced combat capability and sustainability well beyond the combat and sustainment capabilities provided by any one of the first three fielded Stryker brigade combat teams.

(b) FUNDS.—The amount provided in section 101(3) is hereby increased by $100,000,000, to be available for procurement of additional lethality and sustainability enhancements for the fourth Stryker brigade combat team.

(c) OPTIONS FOR CONSIDERATION.—In the execution of the funds provided pursuant to subsection (b)(1), the Secretary of the Army shall include among the enhancements considered for the configuration of the fourth Stryker brigade combat team enhancement with heavy armored vehicles, with additional heavy attack helicopters, with additional reconnaissance and attack helicopters, and with indirect fire artillery capabilities, or with any combination thereof.

(d) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that details the additional types of lethality and sustainability enhancements that will be fielded as part of the new configuration of the fourth Stryker brigade combat team.

At the end of subtitle A of title II (page 30, after line 7), insert the following new section:

SEC. 203. PROGRAM INCREASES.

(a) COMPUTER-ASSISTED MEDICAL DIAGNOSTIC TECHNOLOGY.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Medical Advanced Technology in Program Element 0603002A for evaluation for potential use by Department of Defense medical treatment facilities of commercially available medical diagnostic technology that, using a digital chemical library and decision support software, can be used for diagnosis of dermatological diseases.

(b) LIGHTWEIGHT CARTRIDGE CASES FOR AMMUNITION.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Weapons and Munitions Advanced Technology in Program Element 0603004A for advanced technology development for lightweight cartridge cases for ammunition.

(c) AVIATION-SHIPBOARD INFORMATION TECHNOLOGY.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $6,500,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the Aviation-Shipboard Information Technology Initiative.

(d) AUTOREAD.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $1,400,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the AutoREAD system for improving the accuracy and reducing the workload of collecting preventive maintenance data on aircraft launch and recovery systems.

(e) SPIKE URBAN WARFARE SYSTEM.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for the Marine Corps Advanced Technology Demonstrations in Program Element 0603640M for development and demonstration of the SPIKE urban warfare system.

(f) RESEARCH IN HYDROGRAPHIC SCIENCES.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $3,250,000, to be available for Air/Ocean Tactical Applications advanced component development and prototyping in Program Element 0603207N for hydrographic sciences research.

(g) SHIPBOARD ELECTRONIC WARFARE IMPROVEMENTS.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for system development and demonstration for Tactical Command Systems in Program Element 0604231N for an at-sea demonstration for shipboard

use of a variant of the F/A-22 digital electronic warfare product improvement program.

(h) AEROSPACE SENSORS.—The amount provided in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by $4,000,000, to be available for Aerospace Sensors in Program Element 0602204F for development of general purpose reconfigurable signal processors suitable for time critical sensor processing for broad military intelligence, surveillance, and reconnaissance applications.

(i) ELEMENTAL DETECTOR TECHNOLOGY APPRAISAL.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-Wide, is hereby increased by $2,000,000, to be available for Program Element 0603750D8Z, Advanced Concept Technology Demonstrations, to evaluate the capability of an elemental detector to provide directional cueing to concentrations of specific elements and compounds.

(j) MUSTARD GAS ANTIDOTE.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $5,000,000, to be available for Chemical-Biological Defense Applied Research in Program Element 0603284BP for continuing applied research on an antidote for mustard gas.

At the end of subtitle A of title III (page 45, after line 21), insert the following new sections:

SEC. 304. COUNTEREXPLOITATION INITIATIVE.

Within the amount authorized to be appropriated by section 301(5) for operations and maintenance, Defense-wide, the amount for the United States Special Operations Command is hereby increased by $1,100,000, to be made available for the initiative for accurately tracing portable, sensitive items exported beyond the borders of the United States.

SEC. 305. REDUCTION IN AUTHORIZATION FOR AIR FORCE OPERATION AND MAINTENANCE ACCOUNT.

The amount authorized to be appropriated in section 301(4) is hereby reduced by $135,500,000.

In section 318, strike subsection (c) (page 62, line 21, through page 64, line 7) and insert the following new subsection:

(c) INCIDENTAL TAKINGS OF MARINE MAMMALS IN MILITARY READINESS ACTIVITIES.—Section 101(a)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)) is amended—

(1) in subparagraph (A), by adding at the end the following:

''Notwithstanding the preceding sentence, the Secretary is not required to publish notice under this subparagraph with respect to incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register.'';

(2) in subparagraph (D), by adding at the end the following new clause:

''(vi) Notwithstanding clause (iii), the Secretary is not required to publish notice under this subparagraph with respect to an authorization under clause (i) of incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register.''; and

(3) by adding at the end the following new subparagraph:

''(F) In determining whether a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense is in compliance with the requirements of subparagraphs (A), (B), and (D), the following references shall not apply:

''(i) In subparagraph (A), 'within a specified geographical region' and 'within that region of small numbers'.

''(ii) In subparagraph (B), 'within a specified geographical region' and 'within one or more regions'.

''(iii) In subparagraph (D), 'within a specific geographic region', 'of small numbers', and 'within that region'.''.

In section 421, strike ''$98,938,511,000'' (page 83, line 23) and insert ''$98,634,511,000''.

In section 1021(a), strike paragraph (10) (page 262, lines 7 and 8).

In section 1021(a), strike paragraph (29) (page 266, lines 4 through 7).

In section 1021(a), strike paragraph (34) (page 266, lines 16 and 17).

In section 1021, strike subsection (b) (page 2674, lines 22 through 24).

Page 342, starting on line 10, strike ''the Federal Employees Pay for Performance Act of 2003'' and insert ''the National Defense Authorization Act for Fiscal Year 2004''.

Page 342, starting on line 25, strike ''sections 3 and 4 of the Federal Employees Pay for Performance Act of 2003,'' and insert ''section 1106 of the National Defense Authorization Act for Fiscal Year 2004,''.

Page 343, line 19, strike ''(c)'' and insert ''(3)''.

Page 344, line 3, strike ''subsection (c)(2)'' and insert ''paragraph (2)''.

Strike section 1109 (page 346, line 20 through page 348, line 6) and insert the following:

SEC. 1109. CLARIFICATION OF HATCH ACT.

No Federal employee or individual who, before the date of the enactment of this Act, was employed in the Office of the Department of Defense Inspector General and transferred to a Special Court sponsored by the United Nations pursuant to the authority described in section 3582(a) of title 5, United States Code, shall be subject to enforcement of the provisions of section 7326 of such title, except that this section shall not apply in the event that such employee or individual subsequently becomes reemployed in the civil service.

In section 1201(d)(2), insert ''of such section'' after ''subsection (a)'' (page 373, line 14).

In section 1201(d)(3), strike ''each'' (page 373, line 18) and insert ''such''.

Page 374, line 9, strike the fourth word.

Strike section 1453 (page 427, line 12, through page 429, line 10).

In section 1455(a), strike the matter preceding paragraph (1) (page 430, lines 11 through 14) and insert the following:

(a) IN GENERAL.—No contract awarded on a sole source basis for the procurement of items or services that are treated as or deemed to be commercial items pursuant to the amendments made by section 1441, 1444, or 1457 of this Act shall be exempt from—

At the end of subtitle E of title XIV (page 433, after line 20), insert the following new section:

SEC. 1457. AMENDMENTS RELATING TO FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY.

(a) REPEAL OF SUNSET FOR AUTHORITIES APPLICABLE TO PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.—Section 852 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended by striking '', but only if a solicitation of offers for the procurement is issued during the 1-year period beginning on the date of the enactment of this Act''.

(b) APPLICABILITY OF INCREASED SIMPLIFIED ACQUISITION THRESHOLD.—(1) The matter preceding paragraph (1) of section 853(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended to read as follows:

''(a) THRESHOLD AMOUNTS.—For a procurement referred to in section 852, the simplified acquisition threshold referred to in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is deemed to be—''.

(2) Subsections (b) and (c) of section 853 of such Act are repealed.

(3) The heading of section 853 of such Act is amended to read as follows:

''SEC. 853. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR CERTAIN PROCUREMENTS.''.

(4) The table of contents in section 1(b) of such Act is amended by striking the item relating to section 853 and inserting the following:

''Sec. 853. Increased simplified acquisition threshold for certain procurements.''.

(5) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking ''or'' at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting ''; or''; and

(C) by adding at the end the following:

''(I) the procurement is by the head of an executive agency pursuant to the special procedures provided in section 853 of the Homeland Security Act of 2002 (Public Law 107–296).''.

(c) APPLICABILITY OF CERTAIN COMMERCIAL ITEMS AUTHORITIES.—(1) Subsection (a) of section 855 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2236) is amended to read as follows:

''(a) AUTHORITY.—With respect to a procurement referred to in section 852, the head of an executive agency may deem any item or service to be a commercial item for the purpose of Federal procurement laws.''.

(2) Subsection (b)(1) of section 855 of such Act is amended by striking ''to which any of the provisions of law referred to in subsection (a) are applied''.

(d) EXTENSION OF DEADLINE FOR REVIEW AND REPORT.—Section 857(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2237) is amended by striking ''2004'' and inserting ''2006''.

In section 2803(b)(2)(A), insert ''subsections'' after ''as'' (page 464, line 15).

In section 2805(b), strike ''2822'' and insert ''2822(b)'' (page 472, line 18).

At the end of subtitle C of title XXVIII (page 487, after line 23), insert the following new section:

SEC. ___. LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army shall convey, without consideration, to Fairfax County, Virginia (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at Fort Belvoir and known as the John McNaughton Memorial baseball fields for the purpose of permitting the County to use the property for recreational purposes.

(b) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out

the conveyance, the Secretary shall refund the excess amount to the County.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

In section 3121(e)(5), insert ", as amended by section 3112," after "926)" (page 513, line 23).

Page 537, line 23, strike the first close parenthesis.

Page 544, line 13, insert "Authorization" after "National Defense".

Page 557, line 9, strike "(c)" and insert "(d)".

Page 560, line 24, insert open quotation marks before "SEC.".

Page 572, line 11, strike "ON" and insert "TO CONGRESS OF".

Page 572, line 15, strike "Fiscal Year".

Page 574, line 8, strike "of" the first place it appears and insert "after".

Page 587, line 23, strike "59" and insert "50".

Page 616, line 9, insert "by redesignating the second subsection (e) as subsection (f), and" after "is amended".

Page 616, line 10, strike "(e)" and insert "(g)".

Page 622, lines 15 and 16, strike "(e)" each place it appears and insert "(g)".

AMENDMENT NO. 16 OFFERED BY MR. SIMMONS

The text of the amendment is as follows:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ___. ASSESSMENT OF EFFECTS OF SPECIFIED STATUTORY LIMITATIONS ON THE GRANTING OF SECURITY CLEARANCES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment of the effects of the provisions of section 986 of title 10, United States Code (relating to limitations on security clearances), on the granting (or renewal) of security clearances for Department of Defense personnel and defense contractor personnel. The assessment shall review the affects of the disqualification factors specified in subsection (c) of that section and shall include such recommendations for legislation or administrative steps as the Secretary considers necessary.

AMENDMENT NO. 17 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

Page 205, line 18, strike "performed." and insert the following: "performed, an explanation of the business rationale for why the decision was made to transfer the work outside the United States, and a certification of the specific percentage of the total contract to be performed outside the United States.".

Page 206, line 16, strike "Representatives." and insert the following: "Representatives, including the recommendations of the Secretary regarding how procurement from the United States defense industrial base can be maximized.".

AMENDMENT NO. 18 OFFERED BY MR. NADLER

The text of the amendment is as follows:

At the end of title XIII (page 393, after line 14), insert the following new section:

SEC. 1308. STUDY RELATING TO EX-SOVIET URANIUM AND PLUTONIUM.

The Secretary of Defense shall submit a study to Congress not later than one year after the date of the enactment of this Act, examining the costs and benefits of purchasing all the ex-Soviet weapons-grade uranium and plutonium in fiscal year 2005, and safeguarding it from smuggling or theft until it can be rendered unusable for weapons.

AMENDMENT NO. 19 OFFERED BY MR. PORTER

The text of the amendment is as follows:

At the end of title III (page 79, after line 17), insert the following new section:

SEC. ___. DEPARTMENT OF DEFENSE PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) EPIDEMIOLOGICAL STUDY OF EXPOSURE TO PERCHLORATE.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) PERFORMANCE OF STUDY.—The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another Federal entity with experience in environmental toxicology selected by the Secretary for purposes of the study.

(3) MATTERS TO BE INCLUDED IN STUDY.—In providing for the study under this subsection, the Secretary shall require the Federal entity conducting the study—

(A) to assess the incidence of thyroid disease and measurable effects of thyroid function in relation to exposure to perchlorate;

(B) to ensure that the study is of sufficient scope and scale to permit the making of meaningful conclusions of the measurable public health threat associated with exposure to perchlorate, especially the threat to sensitive subpopulations; and

(C) to study thyroid function, including measurements of urinary iodine and thyroid hormone levels, in a sufficient number of pregnant women, neonates, and infants exposed to perchlorate in drinking water and match measurements of perchlorate levels in the drinking water of each study participant in order to permit the development of meaningful conclusions on the public health threat to individuals exposed to perchlorate.

(4) REPORT ON STUDY.—The Secretary shall require the Federal entity conducting the study under this subsection to submit to the Secretary a report on the study not later than June 1, 2005.

(b) REVIEW OF EFFECTS OF PERCHLORATE ON ENDOCRINE SYSTEM.—

(1) IN GENERAL.—The Secretary shall provide for an independent review of the effects of perchlorate on the human endocrine system.

(2) PERFORMANCE OF REVIEW.—The Secretary shall provide for the performance of the review under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The Secretary shall ensure that the panel conducting the review is composed of individuals with expertise in human endocrinology.

(3) MATTERS TO BE INCLUDED IN REVIEW.—In providing for the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

(B) available data on other substances that have endocrine effects similar to perchlorate to which the public is frequently exposed.

(4) REPORT ON REVIEW.—The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

AMENDMENT NO. 20 OFFERED BY MR. LOBIONDO

The text of the amendment is as follows:

At the end of subtitle A of title XXVIII (page 477, after line 10), insert the following new section:

SEC. ___. ANNUAL REPORT ON MILITARY CONSTRUCTION REQUIREMENTS TO SUPPORT HOMELAND DEFENSE MISSIONS OF THE ARMED FORCES.

As part of the annual defense authorization request required by section 113a(b) of title 10, United States Code, the Secretary of Defense shall include an assessment of the military construction requirements anticipated to be necessary to support the homeland defense missions of the Armed Forces for the fiscal year for which the defense authorization request is submitted, for the fiscal years covered by the then-current future-years defense plan under section 221 of such title, and for subsequent fiscal years.

AMENDMENT NO. 21, AS MODIFIED, OFFERED BY MS. KAPTUR

The Clerk read as follows:

Amendment No. 21, as modified, offered by MS. KAPTUR:

The amendment as modified is as follows:

Page 220, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 827. DATA COLLECTION AND TECHNICAL ASSISTANCE CENTER RELATING TO MACHINE TOOLS.

(a) COLLECTION OF DATA ON CONTRACTS USING MACHINE TOOLS.—The Secretary of Defense shall collect data in order to identify all contractors and subcontractors that use machine tools in carrying out any defense contract in an amount that is $5,000,000 or greater.

(b) TECHNICAL ASSISTANCE CENTER.—The Secretary of Defense shall establish a center to provide technical assistance to machine tool companies in the United States, and entities that use machine tools, to seek guidance with respect to government contracting regulations, including compliance procedures, and opportunities for contracting with the Department of Defense. As part of the assistance provided through the center, the Secretary may provide information about defense contracts that are expected to be carried out through the use of machine tools.

(c) DEFINITION.—In this section the term "machine tools" includes machine tools in the North American Industry Classification System (NAICS) codes 333511, 333512, 333513, 333514, and 333515.

AMENDMENT NO. 22 OFFERED BY MS. KAPTUR

The text of the amendment is as follows:

Page 220, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 827. BUY AMERICAN ENHANCEMENT.

Section 2533 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining under section 2 of the Buy American Act (41 U.S.C. 10a et seq.) whether application of such Act is inconsistent with the public interest, the Secretary of Defense shall not consider the provisions of any trade agreement between the United States and a foreign country that is in effect at the time of the determination.''.

AMENDMENT NO. 23 OFFERED BY MR. TURNER OF OHIO

The text of the amendment is as follows:

Strike section 1051 (page 323, line 4, through page 324, line 20) and insert the following:

SEC. 1051. ASSISTANCE FOR STUDY OF FEASIBILITY OF BIENNIAL UNITED STATES INTERNATIONAL AIR TRADE SHOW AND FOR INITIAL IMPLEMENTATION.

(a) ASSISTANCE FOR FEASIBILITY STUDY.—(1) The Secretary of Defense shall provide assistance to the nonprofit organization named United States Air and Trade Show Inc. for expenses of a study by that organization of the feasibility of the establishment and operation of a biennial United States international air trade show.

(2) The Secretary shall provide for the organization specified in paragraph (1) to submit to the Secretary a report containing the results of the study not later than September 30, 2004. The Secretary shall promptly submit the report to Congress, together with such comments on the report as the Secretary considers appropriate.

(b) ASSISTANCE FOR IMPLEMENTATION.—If the organization conducting the study under subsection (a) determines that the establishment and operation of such an air show is feasible and should be implemented, the Secretary shall provide assistance to that organization for the initial expenses of implementing such an air show.

(c) AMOUNT OF ASSISTANCE.—The amount of assistance provided by the Secretary under subsections (a) and (b)—

(1) may not exceed a total of $1,000,000, to be derived from amounts available for operation and maintenance for the Air Force for fiscal year 2004; and

(2) may not exceed one-half of the cost of the study and may not exceed one-half the cost of such initial implementation.

AMENDMENT NO. 24 OFFERED BY MR. KINGSTON

The text of the amendment is as follows:

At the end of title XXVIII (page 495, after line 6), insert the following new section:

SEC. ___. CONSIDERATION OF PUBLIC-ACCESS-ROAD ISSUES RELATED TO DISPOSAL OF PROPERTY AT MILITARY INSTALLATIONS UNDER BASE CLOSURE PROCESS.

(a) 1988 LAW.—Section 204(b)(2)(E) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''If a military installation to be closed or placed in an inactive status under this title includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.''.

(b) 1990 LAW.—Section 2905(b)(2)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''If a military installation to be closed or placed in an inactive status under this part includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.''.

AMENDMENT NO. 25 OFFERED BY MR. HOBSON

The text of the amendment is as follows:

Part II of subtitle B of title VIII is amended by adding at the end (page 220, after line 12) the following new section:

SEC. 827. REQUIREMENT RELATING TO PURCHASES BY DEPARTMENT OF DEFENSE SUBJECT TO BUY AMERICAN ACT.

In applying section 2 of the Buy American Act (41 U.S.C. 10a) to acquisitions by the Department of Defense, the term ''substantially all'' shall mean at least 65 percent.

AMENDMENT NO. 26 OFFERED BY MR. HOEFFEL

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 479, before line 15), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON DEMOLITION OF ARMY TACONY WAREHOUSE DEPOT SITE, PHILADELPHIA, PENNSYLVANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 656), appropriated $5,000,000 for the demolition of the Army Tacony Warehouse depot site in Philadelphia, Pennsylvania, operated by Fort Dix.

(2) The Secretary of the Army has yet to implement plans to demolish the Tacony warehouse.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army should take swift action to finally demolish the Tacony warehouse, as previously required by Act of Congress.

AMENDMENT NO. 27 OFFERED BY MR. HOSTETTLER

The text of the amendment is as follows:

In section 2534(a) of title 10, United States Code, as proposed to be added by section 821(a), strike ''Packaging in direct contact with meals'' (page 212, line 8) and insert: ''Pre-formed retort packaging in direct contact with main entree meals''.

AMENDMENT NO. 28 OFFERED BY MR. FARR

The text of the amendment is as follows:

At the end of subtitle C of title III (page ____, after line ____), insert the following new section:

SEC. ___. PERMANENT AUTHORITY FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES AT INSTALLATIONS IN MONTEREY COUNTY, CALIFORNIA.

(a) AUTHORITY.—Subject to subsection (b), public works, utility, and other municipal services needed for the operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located in that county.

(b) PROHIBITION ON PURCHASE OF CERTAIN SERVICES.—Section 2465 of title 10, United States Code, relating to the purchase of firefighting or security-guard services at a military installation, applies with respect to the authority provided by subsection (a).

(c) CONFORMING AMENDMENT.—Section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820) is repealed.

AMENDMENT NO. 29 OFFERED BY MR. DICKS

The text of the amendment is as follows:

At the end of subtitle C of title XXVIII (page ____, after line ____), insert the following new section:

SEC. ___. LAND CONVEYANCE, PUGET SOUND NAVAL SHIPYARD, BREMERTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Bremerton, Washington (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.8 acres at the eastern end of the Puget Sound Naval Shipyard, Bremerton, Washington, immediately adjacent to the Bremerton Transportation Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City, directly or through an agreement with another entity, shall replace administrative space on the parcel to be conveyed by renovating for new occupancy approximately 7,500 square feet of existing space in Building 433 at Naval Station, Bremerton, Washington, at no cost to the United States, in accordance with plans and specifications acceptable to the Secretary. In lieu of any portion of such renovation, the Secretary may accept other facility alteration or repair of not less than equal value.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) ENVIRONMENTAL CONDITIONS.—The Secretary may use funds available in the Environmental Restoration Account, Navy to carry out the environmental remediation of the real property to be conveyed under subsection (a). Such environmental remediation shall be conducted in a manner consistent with section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), including the requirement to consider the anticipated future land use of the parcel.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 30 OFFERED BY MR. CRENSHAW

The text of the amendment is as follows:

At the end of subtitle D of title XXXV (page 627, after line 25), add the following:

SEC. . AUTHORITY TO CONVEY NDRF VESSELS AND VESSEL CONTENTS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to any or all of the vessels USS ORION (AS-18), USS HOWARD W. GILMORE (AS-16), USS SPERRY (AS-12), USS NEREUS (AS-17), USS PROTEUS (XAS-19), and S.S. HATTIESBURG VICTORY (number 248651), a barge and its inventoried contents (YFNB 4, also known as SSE-512), and the contents (Victory class spares) that have been removed from the S.S. CATAWBA VICTORY, to Beauchamp Tower Corporation (a not-for-profit corporation, in this section referred to as the ''recipient'') for use as moored support ships for the corporation and as memorials to the Fulton class ships and the Victory class ships, if—

(1) the vessel is not used for commercial transportation purposes;

(2) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(3) the recipient agrees that when the recipient no longer requires the vessel for use as a moored support ship for the corporation and as a memorial to the Fulton class ships and the Victory class ships—

(A) the recipient shall, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of Florida, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (2) or (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, a written loan commitment, or financial resources—

(A) except as provided in subparagraph (B), of at least $1,500,000 for each vessel conveyed; and

(B) at least $50,000 for each barge with contents conveyed.

(b) DELIVERY OF VESSEL.—If a conveyance of a vessel is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of the enactment of this Act, in its present condition, without cost to the Government.

(c) MANAGEMENT OF VESSELS PENDING CONVEYANCE.—

(1) 2-YEAR HOLDING PERIOD.—The Secretary shall remove all vessels authorized to be conveyed under this section from the scrapping disposal list for a period of 2 years.

(2) DISPOSAL AT END OF HOLDING PERIOD.—If a vessel has not been received and transported from its conveyance location by the recipient before the end of such 2-year period, the Secretary may dispose of the vessel as the Secretary determines to be appropriate.

(3) DISPOSAL DURING HOLDING PERIOD.—Notwithstanding paragraph (1), the Secretary may dispose of a vessel authorized to be conveyed under this section during the 2-year period provided for in paragraph (1), if it is determined that the vessel is in danger of sinking or presents an immediate critical hazard to the National Defense Reserve Fleet or environmental safety.

(d) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment, materials, and spares from other vessels or in storage with the Maritime Administration and the National Defense Reserve Fleet, for the recipient's use, including the restoration and refit of the vessels conveyed under this section and to assist other vessel museums.

(e) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet each vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

NOTICE

Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.