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House of Representatives

The House met at 10:30 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

MONEY: THE PHARMACEUTICAL INDUSTRY'S MIRACLE DRUG

Mr. BROWN of Ohio. Mr. Speaker, PhRMA, the lobbying shop for America's drug companies, has a problematical condition. It is suffering from that most debilitating of special interest deficiencies: sickly message. PhRMA has to come in with a straight face and tell public officials: if you support efforts to lower the cost of prescription drugs, we will not have the resources to develop the next generation of miracle medicines.

Now, anyone who knows even a little about the drug industry knows that that argument does not hold water. We know that with profit margins consistently pushing 20 percent, the drug companies are the most profitable industry in America for 20 years running. They have the lowest tax rate in America. Half of all the drugs developed in this country, half of all the research and development for drugs in this country is done by taxpayers. But without a shot in the arm, PhRMA, the drug industry's lobbying arm, PhRMA's case of anemic message might result in an acute loss of profits.

Fortunately for the drug industry, it has found a miracle cure of its own, a

very effective drug called money, and they are using it to change the way America thinks. Here in Washington you see the drug companies' money everywhere. They spend untold millions on high-priced inside-the-Beltway lawyers to tell the administration and Congress that State initiatives to control drug costs violate the law by putting Medicaid beneficiaries at risk.

And they spend big money, really big money to sell this message to Congress and the White House. The drug companies spent over \$70 million lobbying House and Senate Members during the last election cycle. They spent almost \$90 million on political campaign ads. They know where their bread is buttered. They know who their friends are. Almost 90 percent of their campaign spending was on behalf of Republicans. And they were especially generous to President Bush in his 2000 race and already for his 2004 race.

And by any standard, the money that drug companies have spent on Republicans is well spent. Rather than use its influence to bring down prices in the United States, the Bush administration, infused with all kinds of drug industry campaign dollars, is using its power to prevent Americans from purchasing the same medicine in Canada for one-half, one-third, and one-fourth the price. The Medicare prescription drug bill passed last year by the Republican-led House does nothing to curb the ever-escalating price of drugs. In fact, the Republican bill throws more money, more government dollars, more taxpayer funds at the drug companies.

For the 1¼ million people in my State of Ohio without health insurance, and for the tens of millions throughout this country, the problem is not whether the giant multinational drug companies will be able to afford to develop another version of Viagra or another "Me Too" drug. For working Ohio families and seniors struggling to make ends meet, the problem is they

cannot afford the drugs that are available today.

In Ohio, as in other parts of the country, seniors have grown tired of waiting for the Federal Government to address the high price of prescription drugs. They know they cannot count on President Bush, who receives millions of drug company dollars. They know they cannot count on the Republican leadership. The Ohio Coalition for Affordable Drugs wants to let the citizens of Ohio decide for themselves; and PhRMA, the drug industry's lobbying arm, is pulling out all the stops to block their plan.

Millions of Ohioans would benefit from this plan. Savings are estimated as high as 50 percent. That is why PhRMA is working so hard to make sure the proposal never makes it to the ballot in Ohio. PhRMA sued over the language of the proposal. After that failed to stop the initiative, they challenged petitions trying to get people's signatures disqualified because they had moved or because they have not voted for a couple of years.

But the complete absence of a valid argument has never slowed the drug industry's friends down. No, PhRMA marches relentlessly on in its efforts to derail the Ohio prescription drug savings issue. PhRMA plans to spend \$16 million, more than the total amount of money spent on the Governor's race last year in Ohio. The drug industry plans to spend \$16 million to keep the issue off the ballot; and if it gets on the ballot, millions of dollars to defeat it. That is money they did not spend researching medical breakthroughs. It is money they are not spending helping families afford the latest generation in miracle drugs.

No, the drug industry is spending that \$16 million to delay and to deny the citizens of Ohio an opportunity to exercise their right to vote on whether prescription drug prices should come down. PhRMA is not engaging in a debate or arguing against the merits of

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the plan; they are smart enough to know a losing campaign when they see one. Instead, they are trying to get the election called on a technicality.

PhRMA, the drug industry, and the Republicans are counting on PhRMA's money, the miracle pill that has worked before, to make its problems go away. I do not know if that trusty remedy will work this time. There is a growing understanding in Ohio, and I think there is throughout the country, that when push comes to shove the drug industry's priority is profit, not patient safety. If the drug company's real priority is patient safety, why are they spending so much money to ensure that we cannot afford the medicine that so many of us need?

FULFILLING OUR PROMISE

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for 5 minutes.

Mr. DELAY. Mr. Speaker, this week, the House of Representatives will implement another item on the President's agenda. We have been voting for 6 years to ban the cruel and unnecessary violence of partial-birth abortion. At long last, Congress will take the same decision our constituents took years ago. We will call infanticide by its name.

The House is well aware of the debate, and we will repeat it once again before we finally send this legislation to a President who is willing to sign it. It will become law. And when it does, we will become a slightly better Nation for it.

But beyond the specific victory this will be for its tireless proponents, the passage and enactment of the Partial-Birth Abortion Act will be a victory for the American families we were sent here to serve.

Last November, in the face of uncertainties about war in Iraq and a sagging economy, the American people elected this Congress to get things done. Our mandate was to rise above partisan gridlock to complement President Bush's leadership instead of undermining it. Five months into our first session, we have passed major legislation not just in the House but in the Senate as well. And we are not just passing paper, we are passing laws.

In addition to the partial-birth abortion ban, the Armed Services Naturalization Act has significant bipartisan support and can quickly become law. We are also pursuing the President's initiative to reform Medicare with a prescription drug benefit to help those seniors who need it the most. This is on top of the jobs and growth package to create more than 1 million new jobs and provide for our economic security.

And the global AIDS bill to help curb the spread of HIV/AIDS in the most vulnerable regions of this world. And

the Child Protection Act to prevent and punish sexual predation against our children. And the war budget to fund the liberation of Iraq and the reconstruction of its government.

Mr. Speaker, this Congress is helping this President produce results. And with every law we pass and he signs, we move another step closer to fulfilling America's promise and, just as important, fulfilling our promise to America.

BAIT AND SWITCH

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, what the gentleman from Texas (Mr. DELAY) does not say is that what this piece of legislation on the floor today does is take away a woman's right to choose, take away a woman's right to reproductive freedom, and it is part of a concerted effort on behalf of the Republican Party to pack the courts with judges who would repeal *Roe v. Wade*. That is what the real issue is when it comes to this piece of legislation the gentleman from Texas just talked about.

Mr. Speaker, last month, President Bush visited my home State of New Mexico. He came to sell his tax cut. The President said, and what many of his minions have been saying over the last couple of months, is that every taxpayer was going to be helped by this tax cut. He emphasized how the child tax credit would help all taxpayers. Well, now the bill has been signed and we have read the fine print, and guess what? New Mexico, in fact, is going to get very little in the way of a tax cut for working families. Virtually nothing. Zero. Nada.

When I was Attorney General and we used to work on cases called consumer scams, we used to call this tactic bait and switch: tell them one thing to sell them the idea and complete the sale, and give them something completely different and hope they will never find out. Bait and switch. One of the oldest consumer scams. That is what this tax cut was all about.

The Republican National Committee is also in on this scam. The committee, on its Web site, asks the question: Who benefits under the President's plan? And I read from the Web site: "Everyone who pays taxes, especially middle income Americans."

Why bait and switch? Because they do not want you to know who gets the lion's share of benefits from this tax cut: millionaires. In 2005, 200,000 taxpayers making \$1 million or more will get 44 percent of the benefits. Eight million, mostly low- and middle-income taxpayers will not receive any benefit, not a penny from the law. Forty times as many taxpayers who get no benefit from the cuts as there are millionaires who get 44 percent of

the law's benefits. Let me repeat: 40 times as many taxpayers who get no benefit from the cuts as there are millionaires who get 44 percent of the law's benefits.

What can we say about a tax cut and a fiscal policy which rewards the rich at the expense of the middle income? What can we say about a tax cut which will force us to cut health care, education, and homeland security? What can we say about a tax cut and fiscal policy which deprives the government of revenue it needs to make the United States a strong and vital Nation?

The normally staid *Financial Times* of Britain answered the question this way: the lunatics are now in charge of the asylum. The lunatics are now in charge of the asylum.

PRESCRIPTION DRUG PACKAGE IMPORTANT FOR RURAL HEALTH CARE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized during morning hour debates for 5 minutes.

Mrs. CAPITO. Mr. Speaker, I stand here today as a Member of Congress to emphasize the importance of passing a meaningful, comprehensive prescription drug package now. But I know my voice is small, even as a Member of Congress, compared to a senior citizen who has to choose between paying for living expenses or prescription drugs. That voice needs to be heard in Congress.

I heard that voice in Paw Paw, West Virginia. I heard that voice in Martinsburg, West Virginia. And I heard that voice again in Mill Creek, Moorefield, Franklin, Gassaway, and Cedar Grove. Those are all of the towns in West Virginia that I visited and have visited during my year-long district tour of rural health centers and during the last two district work periods.

I am sure I will hear that voice again when I visit more rural health care centers. I will probably hear it more from women, because women represent 72 percent of the population age 65 and older.

□ 1045

Mr. Speaker, women are more likely to have lower incomes in their retirements. There are twice as many women as men 65 years or older with annual incomes less than \$10,000.

I want to modernize Medicare with a guaranteed prescription drug benefit so when I visit my district again and resume my rural health tour, it is not to hear what the problem is, but to say that the problem has been worked on and a solution has been passed by this Congress.

MISGUIDED REPUBLICAN POLICIES

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to the order of the

House of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to applaud the process that is beginning in the Middle East this very morning. I remind my colleagues of the long journey that we have taken toward peace. I am reminded of the continuous and ongoing negotiations of the administration of President William Jefferson Clinton, who believed in the concept of peace in the Middle East. I recall the near-midnight negotiations prior to the inauguration of this President that President Clinton engaged in. The single word I remind my colleagues of is "engagement."

I am reminded of my floor speech in February, 2001, saying to the new administration that you cannot cease to engage in the peace process of the Middle East. Unfortunately, our voices were not listened to, and so for at least a 9-to-10-month period the suicide bombings continued, the lack of engagement promoted nonpeace in the Middle East.

Today, I am gratified that there is now a recognition that the only way we can bring the parties to the table is to remain engaged. I encourage and, of course, ask that this administration not make this a 48-hour tailspin of meetings and greetings, but that we seriously continue to engage with our friends in the Middle East, the Palestinians and the Israelis, and work with them hand in hand on the question of peace. I would ask that we continue to do so.

Mr. Speaker, I want to say one word about the three-vote removal of the First Amendment yesterday by the FCC. Unfortunately, three Republican commissioners decided that the First Amendment did not need to be promoted in this Nation by allowing the media to be able to conglomerate print, TV, and radio in one hand. I had a town hall meeting by radio, by KPFT, where 5,000 people listened to one of the commissioners who had sense and indicated that America does itself a disservice when America extinguishes the voices of opposition.

In small or rural markets where one conglomerate owns every voice, we will not hear a different perspective. Shame on the FCC. I call on this Congress to do something that makes sense and speak on behalf of the American people and reignite the First Amendment.

Let me conclude by making an announcement to just be able to reaffirm that all of the promises made by the \$350 billion tax cut is nothing but garbage. There is no truth in it whatsoever; and I am proud to stand here and say I voted against it. The New York Daily News says the poorest suffer the unkindest. They were told they were going to get a child tax credit, and if you are the working poor, working every day, providing for your family, guess what, you do not get a \$400 check

in the mail, you get zero because, unfortunately, all of the folk rushing to give all of the money to the richest of this Nation forgot about giving a tax cut to those who deserve it the most.

And let me cite the New York Times on Sunday, June 1, that says "Second study finds gaps in tax cuts." The gaps are that working Americans do not really get the tax cut that they need, that 95 percent of this money goes to those making \$374,000. Former Secretary of the Treasury Paul O'Neill said this is an economy geared towards the richest. It says, "Clearly, low-income taxpayers will not receive any benefits from this law." It goes on to cite the egregiousness of the \$350 billion tax cut where working poor, making \$10,000 a year, do not get a child tax credit.

Do Members know how many children they represent in America? Twelve million children are not impacted by this tax cut. Now we have the other body trying to fix it by proposing a Senate bill, if you will, that fixes it; but let me tell you how long it takes for a bill to get through this Congress: a long time. They are even debating the fact whether or not an opponent of the bill will require 60 votes.

I can assure Members that all of the voices that were raised telling Members this was a bogus tax cut, those suggesting it would create jobs, what a joke. It takes a million dollars to create two jobs under the Bush plan. If the Democratic plan had passed, we would have had investment in health care and investment in homeland security. We would have had investment in transportation. What would that have done to the increasing job loss? It would have created more jobs.

Mr. Speaker, a bogus tax plan has been passed. Americans need to wake up and deal with the idea of fighting for what is right. We will continue to fight for it and find a way to provide jobs and opportunities for Americans.

ESTABLISHING FAIRNESS IN TAX CODE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I rise today to commend President Bush for his leadership, to thank this Congress for passing a tax plan that is predicted by outside and independent economists to generate about 1.3 million new jobs over the next 18 months, legislation that says if you pay Federal income taxes, you will receive Federal income tax relief.

For the people of Illinois that I represent, it is estimated that the average Illinois family will see an extra thousand dollars in higher take-home pay. If they are Federal income taxpayers, they will receive Federal income tax relief.

The bottom line is that it will create jobs. If we put extra money in the

pocketbook of workers, we put incentives for workers to invest, and it creates jobs.

One of the issues I have been involved in over the last several years has been an effort to bring fairness to the Tax Code, and that is to address the issue of the marriage tax penalty. A quirk in the Tax Code or a complicated Tax Code which has gotten more complicated over the years where you had a situation where both the husband and wife were in the workforce, and because they both are in the workforce and pay Federal income taxes, when they file, as married, they file jointly, combine their incomes, and that pushes them into a higher tax bracket; whereas if they lived together and filed as two single people, they would have saved money. Is that right, that under our Tax Code 42 million married working couples paid on average \$1,700 in higher taxes just because they are married?

I have an example of a couple in Joliet, Illinois, that I represent, Jose and Magdalena Castillo. They are construction workers in Joliet. Their son is Eduardo and their daughter is Carolina. For them, their marriage tax penalty has been about \$1,400. For them, \$1,400, that is several months' worth of car payments or day-care for their children while they are at work, or home mortgage payments for this family. So eliminating the marriage tax penalty and bringing fairness to the Tax Code will make a big difference in the lives of the Castillos of Joliet, Illinois.

I am proud to say in the first tax cut of 2001, we passed the first effort into law to eliminate the marriage tax penalty. It had twice been vetoed by Bill Clinton, but President Bush signed it into law, an effort to phase out the marriage action penalty. I am pleased to commend the President for signing into law the Jobs and Economic Growth Package that made effective this year the elimination of the marriage tax penalty. So rather than Jose and Magdalena Castillo having to wait over this decade for the marriage tax penalty to be eliminated, we eliminated it this year.

So that means the Castillos will have an extra \$1,400 that they will be able to spend at home to take care of their family's needs, make some improvements around the house, buy some back-to-school clothes, and make a down payment on a new car. That creates jobs.

I am pleased to say the President signed the legislation passed by a majority of the House and the Senate, which will eliminate the marriage tax penalty now.

When we think about it, this unfairness in the Tax Code had existed for years, and those on the other side of the aisle, they resisted efforts to eliminate the marriage tax penalty. They said we could better spend the money here in Washington than Jose and Magdalena Castillo back in Joliet, Illinois. I am pleased to say that a majority of this House believes that Jose and

Magdalena Castillo of Joliet, Illinois, can better spend their hard-earned money back in Joliet, Illinois, than I and my colleagues can for them here in Washington.

I think we need to be celebrating the fact that we eliminated the marriage tax penalty, and we did it in two ways. For those who itemize their taxes, people like Jose and Magdalena Castillo, they are homeowners, so they itemize their taxes, we widen the 15 percent tax bracket so people like Jose and Magdalena Castillo can earn twice as much as a single person and stay in the 15 percent tax bracket, and that wipes out their marriage tax penalty.

And for those who do not own a home or give to their church or institution of faith or charity, so they do not have enough to itemize, they use something called the standard deduction, under our legislation, we double the standard deduction to twice that for singles, and for those who do not itemize, we eliminate the marriage tax penalty.

I thank the Republican majority and President Bush for eliminating the marriage tax penalty and helping bringing fairness to the Tax Code in 2003.

WORKING FAMILIES LEFT BEHIND

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I listened to the comments of my Republican colleague who just spoke, and I have to say it is very difficult for me to celebrate the Republican tax bill because the fact of the matter is, so many working people have been left out and are not receiving any benefits from the Republican tax bill. It was interesting to listen to the previous speaker because he talked about if money was going back to working families, they could go out and spend it and that would help the economy. If that is the case, why were so many families left out of the child tax credit or left out of other benefits that were basically going, under this Republican tax bill, to the high-income people?

The spin on the other side of the aisle is amazing, but the editorial comments during the Memorial Day recess have basically shown this is essentially a fraud. The Republican tax bill does not do what it purports to do, and it leaves out so many working people. For those who might doubt what I say, I want to mention some of the editorial comments in the New York Times and Washington Post in the last couple of days.

In Monday's New York Times there was an opinion by Bob Herbert called "The Reverse Robin Hood," and I will go through certain sections that Mr. Herbert said. He said, "If you wanted a quintessential example of what the Bush administration and its legislative

cronies are about, it was right there on the front page of the Times last Thursday: 'Tax Law Omits \$400 Child Credit for Millions.'

"The fat cats will get their tax cuts. But in the new American plutocracy, there won't even be crumbs left over for the working folks at the bottom of the pyramid to scramble after.

"When House and Senate negotiators met last week to put the finishing touches to President Bush's tax bill, they coldly deleted a provision that would have allowed millions of low-income working families to benefit from the bill's increased child tax credit.

"It was a mean-spirited and wholly unnecessary act, a clear display of the current regime's outright hostility toward America's poor and working classes.

"The negotiators eliminated a provision in the Senate version of the tax bill that would have extended benefits from the child tax credit to families with incomes between \$10,500 and \$26,625. This is not a small group. According to the Center on Budget and Policy Priorities, the families that would have benefited include about 12 million children, one of every six kids in the U.S. under the age of 17."

Mr. Speaker, how are you going to tell me that somehow this is putting money back in the pockets of working people?

□ 1100

These are working people. These people are not on welfare. They are out there working. They are getting nothing.

Then it goes on to say in the Herbert article:

And readers of yesterday's Times learned that another group of some 8 million mostly low-income taxpayers, and I say taxpayers, primarily single people without children, will also be left behind, getting no benefit at all from the President's tax cuts.

The comments just continue. This was yesterday's, Monday's, Washington Post. The editorial for the newspaper says, Children Left Behind. It says:

"Even for a debate over taxes, the public discussion taking place right now about child credits in the new tax law is particularly galling. Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight \$350 billion ceiling. Adjustments had to be made," a spokeswoman for the House Ways and Means Committee said, as if those on her side would have preferred otherwise. In fact, the administration did not include this provision in its original, \$726 billion proposal. The House did not include it in its \$550 billion version. The Senate Finance Committee did not include it.

So when you try to get some suggestions from the Republicans that they are going to come down here and say, oh, this was an oversight or we are going to correct it, the President did not have this child tax credit for these

people in his original proposal, the Senate Republicans did not have it, the House Republicans did not have it. How can they come down here and suggest that somehow it is an oversight? They say they are going to correct it. I hope they do correct it, but that is going to take some time, and I question whether in fact they really will correct it.

The amazing thing to me is that we as Democrats have been saying all along how this Republican tax bill was not going to put money into the pockets of working families. Now all the editorial comments in every major newspaper say that that is true, the Daily News, you name it. Wherever it is around the country, they are all admitting the fact now that it is not true, that money is not going to those working people at the lower end of the spectrum. They are not getting the child tax credit. They are not getting anything. How can the Republicans now suggest that somehow that was an oversight or they are going to correct it in the future? The fundamental basis of their tax policy has been to give large amounts of money back to wealthy people, not to the average American. And the consequence of that is that the average American does not have money in his pocket, and there is no economic stimulus coming from this tax bill because it is not putting money back into the pockets of the average American in the way that they can go out and meaningfully spend it and actually have some stimulation for the economy. It is not happening.

THE NEW ERA OF BIOTECHNOLOGY

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, next Thursday, June 12, the subcommittee I chair on research will hold a hearing on biotechnology, the potential and the safety. I am a farmer in Michigan, and this is the first year that I have used the so-called roundup ready soybeans to plant on my farm. I have held back, thinking that maybe the nongenetically modified soybean would bring a higher price or have expanded markets, especially in some of those areas of the world that are rejecting it.

However, that has not been the case. Biotechnology is now one of the most promising sectors of the economy. It is revolutionizing medicine with at least 95 biotech drugs already approved in the U.S., and there are another 371 drugs on the table for acceptance that are being developed for medications that could help cure cancer, heart disease, diabetes, and many other conditions. Biotechnology will produce higher-quality foods that can provide both nourishment and immunization to many of the billions of hungry people around the world.

In our NSF bill that was signed into law last December 22, we put language in that bill for grants to work with scientists from African countries to help develop the kind of products that could best help their particular country. Unfortunately, biotechnology has come under attack from some in the European Union and elsewhere who hope to avoid competition in this area. The Speaker of the House, USAID administrator, and leading scientists will testify at our congressional hearing June 12 on the safety and potential of plant biotechnology.

Back in the summer of 1999, the journal "Nature" published a study suggesting that pollen from genetically modified corn could harm the monarch butterfly population, really sort of sparking a worldwide controversy. While follow-up studies have since proven that such pollen presents no danger to monarchs, the foundations of fear based on emotion had been set, and soon other nonscience-based allegations about plant biotechnology emerged.

In response, my House Subcommittee on Research met with leading scientists across the country and followed with a series of hearings investigating the potential benefits and safety concerns associated with plant biotechnology. Our findings, compiled in a comprehensive report that we wrote that I entitled "Seeds of Opportunity," showed that crops developed through biotech were just as safe as those crops produced with traditional cross-breeding. Three years since we released the report, its findings still hold true and are now backed by an even larger body of scientific evidence. Also, America's three-pronged safety review by USDA, FDA, and EPA for biotech products comes as close to guaranteeing safety as you can get. I think that is why the Speaker of the House, DENNIS HASTERT, and several of us in Congress joined with Bush administration officials last month on May 12 to announce that the United States would file a WTO challenge to the European Union's import ban on genetically modified crops.

Enter Africa. President Bush rightly charged that the EU's ban is an unjust burden on the world's poorest countries. With approximately 180 million undernourished people and perennial low yields and quality brought about by droughts, insects and other disasters, Africa stands to benefit tremendously from GM crops. Yet here is the European Union exploiting Africa's dependency on the EU as a trading partner to stall acceptance of GM crops. Let me give Members an example. Starving Zambia rejected 23,000 tons of emergency U.S. food aid because Europe implied that it could respond by rejecting future corn exports from that particular country. There is even some evidence that EU pressure is impeding even research into new crop varieties that could feed Africa, that could cure a blight problem in bananas.

Our research subcommittee will be examining the barriers to plant biotechnology in Africa in more detail next week at the hearing and the Speaker of the House is going to be testifying about the challenge and about the safety as well as the administrator of AID and other scientists.

Mr. Speaker, in conclusion, sound science should drive what we do, not emotion.

Sound science, should drive trade and regulatory decisions associated with transgenic food crops, not protectionism masquerading behind a thin veil of unfounded fears. The U.S. challenge moves us one step closer to removing the unfair barriers that hurt American farmers and deny the people of Africa a wonderful tool for combating hunger.

REGARDING THE LATEST TAX CUT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, the President's spokespeople, the Republicans in Congress and the Republican National Committee, appear to be having some trouble with the truth, that is, because they have suggested that everyone who pays taxes would benefit from the recent tax cut. They have said that those who pay the taxes will get the tax cut, that those who earn the least will benefit the most.

It is simply not true. It is simply not true, because they made a decision to leave millions of families, with millions of children, out of the child tax credit, a tax credit that we give families to raise children. But they simply decided that those families earning between \$10,000 and \$26,000 a year would not be eligible for the child tax credit. Somehow I guess these families have additional money to raise their children that people over \$26,000 a year do not have so they get to do this. They made a fundamental decision about unfairness, about inequity, about greed; and they decided that they would rather give this money to 200,000 millionaires so they could get a tax cut of \$93,000 a year because if they gave this tax cut to those families who are going to work every day trying to support their children on low wages, that they would have to give those millionaires only \$88,000 a year. So those families, those working American families between \$10,000 and \$26,000 a year, got nothing in terms of the increase in the child tax credit. The rest of the families in America will get a \$400 check this summer. These families will get nothing. Yet the President, the Republicans in Congress, in the House and the Senate, want to suggest that this was an accident and they are going to cure it.

It was no accident. It was never in their bill, in either version of their bill. They simply made the decision that

they did not think these people were worthy of the child tax credit, a tax credit that passed this Congress on a bipartisan basis because we thought the government ought to do something to help these families with the cost of raising their children; so that those moms who wanted to stay home, maybe this would allow them to stay home, or those fathers who wanted to stay home, maybe this would allow them to stay home; or it would defer the cost of child care or health care or whatever it takes as we raise our children in this country. But the Republicans have now decided for millions of American families, they are not going to be treated the same.

Of course we find out as we look at this tax bill for almost 50 million Americans, they will not be treated the same because they are not going to get much of a benefit. They just simply decided that they were going to declare class warfare on low-income working people in this country. There is no other result.

But now they want to lie about it. Now they want to pretend like they were not part of it. Now they want to pretend like they are going to fix it. No, the Bush-Cheney class in America just declared warfare on working families. But that is only the beginning, because it is the Bush-Cheney class in America that has denied those same families an increase in the minimum wage because many of these families work at the minimum wage. The minimum wage today is worth \$4.75 in real wages. They will not increase it. They will not give those families the child tax credit. This week later on the floor they are going to try to take away their overtime pay, and they are passing regulations so fewer and fewer Americans are eligible for overtime, a pay that many Americans use to hold their families together because that increase in pay for overtime makes a difference in their yearly salary in the support of their families. And, of course, for many of these same children who will not get the child tax credit, they are taking away their health care at the State level.

When is it that the Bush administration decided that they were going to declare war on America's working families, especially low-income working families? One of my colleagues was here talking about how they fixed the marriage penalty, that they got rid of the marriage penalty. Well, if two people who are earning 10 or \$12,000 a year get married, as single people, they would get a \$2,500 credit because they are both low-income working people. If they get married, they lose \$1,000 of their credit. They have almost a 50 percent tax assessed on them because they get married.

Why is this happening to these people who are struggling to get up and go to work every day? Every day they go to work in hard, difficult jobs, jobs that many Americans would prefer not to do. And at the end of the year they end

up poor. They end up struggling to take care of their children. They end up struggling to educate them. They end up struggling to provide them health care. They end up struggling to provide them with decent housing. And this government, this administration, the Bush administration, has decided to cut them out of the tax bill.

And they want to talk about fairness in America? They want to talk about justice in America? They want to talk about freedom in America? I do not think so, Mr. and Mrs. America, because they made a conscious decision.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

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

The Chair must remind Members to avoid personally offensive references to the President.

Mr. GEORGE MILLER of California. . . .

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

REGARDING YESTERDAY'S FCC
DECISION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Washington (Mr. McDERMOTT) is recognized during morning hour debates for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I come to the floor today to make a public service announcement. Yesterday was an extremely important day in this country's history.

□ 1115

The FCC voted to allow increased consolidation of the media. They are tightening the noose on the neck of the First Amendment.

The NRA is opposed to what happened yesterday, and so is JIM McDERMOTT, so you know how damning what happened yesterday really is. If you can get people as far apart as the NRA and me on the same issue, you have got a real problem in this country.

Now, my public service announcement is this: Stop watching the U.S. press. Stop watching the television. It is the opiate of the masses. They are using it to put you to sleep. You should cancel your subscription and buy a subscription to a foreign newspaper, maybe the Financial Times of London, or the Guardian, or the Scotsman from Edinburgh or the Sunday Herald from Sidney, Australia.

Why do I say this? Because you have to read the foreign press to find out what is going on in this country. The Financial Times of London was the one that reported that the President hid, or, excuse me, I should not mention the President, it was the administration that hid the report that says we are going to be \$44 trillion in debt because of these tax cuts. To put that in per-

spective, that means every single American, every man, woman and child, everything they earn for 4 years, that is what \$44 trillion is. And the President and his folks did not want us to know about it, so they left it out. But the London Times found it.

Reuters came up with a story about the chaos in Iraq. You think the Iraq war is all over and there is no more problem. According to our press, the only thing that matters is this guy that blew up a bomb in Atlanta about 6 years ago. They have suddenly forgotten Iraq.

But if you listen to what happened, Reuters says they interviewed one of the chiefs in Baghdad who said the entire Iraqi people is a time bomb that will blow up in the Americans' face if they do not end this occupation. "The Iraqi people did not fight the Americans during the war. Only Saddam's people did. But if the people decide to fight them now, they are in big trouble."

One man said, "All of us will become suicide bombers. I will turn my six daughters into bombs to kill the Americans."

That is what we have created over there, and we are glossing over it now. But if you read Reuters, you will find that out. If you do not read Reuters, you will never get it out of our paper.

Then we come to the next issue. You have got to read the Scotland paper, the Edinburgh Scotsman. What do they say? They say regime change in Iran is starting a countdown. That is the editorial headline. Regime change has not been in any of the speaking so far, but you start to see that the phrase has found its way into a bunch of briefings. And now, it is not a done deal, there is a big fight between the war department and the State Department. The war department is the one that took us into Afghanistan, they took us into Iraq, and they are over there ready to go again. It sounds sort of familiar. It is the same way the drumbeat started in this country in September when I said that the President would lie to take us to war. People were outraged. How could you say such a thing?

Well, where are the weapons of mass destruction? Please tell me. I am looking. Mr. Blair is going to have an investigation of him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SCHROCK). Members must avoid personally offensive references to the President.

Mr. McDERMOTT. Mr. Speaker, I thank you for that reminder.

Mr. Blair is going to be under investigation in the British House of Commons. One member said it is worse than Watergate, what has gone on in Great Britain.

But in this country, do we expect the Republican Party to come out and investigate the President of the United States, misleading us, or the administration misleading us, excuse me? The administration misled us, these name-

less, faceless people they put out there, sent out there to tell what they wanted said.

That is what you have to get. You will get this if you read the Scotsman. If you do not read the Scotsman, you will not know where we are going next.

You know, last night another American soldier died, another American soldier died in Iraq, shot in an ambush. Now, every one of those soldiers is important. When I was a psychiatrist during the Vietnam War and I dealt with these kids coming back, they were all important, and that kid that was killed last night was important. But you will not hear anything about it in our media, because you are not reading the right stuff.

Get rid of the paper. It is the opiate of the masses.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon.

Accordingly (at 11 o'clock and 20 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at noon.

PRAYER

The Right Reverend John Clark Buchanan, Retired Episcopal Bishop of West Missouri, offered the following prayer:

Almighty God, You gave us this good land for our heritage. May we always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the diverse multitudes brought to this welcoming land. Endow with wisdom those to whom in Your name we entrust the authority of government, especially this House of Representatives, that there may be justice and peace at home, and that, through obedience to Your law, we may show forth Your praise among the nations of the Earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in You to fail, a prayer we bring to Your throne of grace. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Missouri (Ms. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCARTHY of Missouri 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.

ACKNOWLEDGING TODAY'S GUEST CHAPLAIN, THE RIGHT REVEREND JOHN CLARK BUCHANAN, RETIRED EPISCOPAL BISHOP OF WEST MISSOURI

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

Ms. MCCARTHY of Missouri. Mr. Speaker, it is an honor for me to acknowledge our guest chaplain today, the Right Reverend John Clark Buchanan. What a joy it was to hear his voice once again, inspiring me and others to do good work.

John Clark Buchanan is the retired Episcopal bishop of West Missouri, having served our area from 1989 to 2000. He has a diverse background, having been a lawyer in private practice and in the insurance industry prior to his ordained ministry.

Bishop Buchanan currently serves as a parliamentarian for the House of Bishops of the Episcopal Church. We in western Missouri are very grateful for the 11 years he served us. He created the most successful Bishop Spencer Place, a moderately priced retirement center for our elderly.

He also, in his 11 years, established stable financial funding for the church, and also did extensive planning for new churches in the area outside of greater Kansas City. Key among his reforms and his instrumental efforts were, of course, reaching out and creating and establishing Hispanic missions.

Bishop Buchanan lives in Charleston, South Carolina, with his wife Peggy. They have two daughters and two grandchildren. I thank him for taking his time to come and deliver this thoughtful prayer with us this morning.

CONGRATULATING CHRISTOPHER COLUMBUS HIGH SCHOOL ON WINNING FLORIDA STATE CLASS 6A BASEBALL CHAMPIONSHIP

(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 congratulate Christopher Columbus High School in my congressional district for winning the Florida State Class 6A Baseball Championship. Columbus enjoyed an 8-2 win, thanks to a seven-run rally in the bottom of the sixth. This marks the first State

baseball title for Columbus, that has long had one of the most outstanding baseball programs in Miami-Dade County and, indeed, in our State.

Christopher Columbus is a private Roman Catholic college prep school conducted by the Marist Brothers. In addition to its strong athletic program, Columbus has an exceptional academic program, as well. It uses a holistic approach to education where the entire person is encouraged to grow in truth and freedom.

Please join me in congratulating Christopher Columbus and its coach, Joe Weber, for their phenomenal win.

DEMOCRATS WILL BE HEARD TODAY DURING PROCEEDINGS UNDER SUSPENSION CALENDAR

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

Mr. RANGEL. Mr. Speaker, it is with a heavy heart that I approach the floor to alert the House that a substantial number of Members are prepared to see that we do not pass suspension bills until such time as the grievances of this great body are addressed.

As most of us know, recently this House passed a tax bill without the inclusion of one thought, one amendment, one idea that the Democrats have had. There comes a time that we have to say, enough is enough, not because we are Democrats, but because we represent people throughout these United States whose interests have been ignored.

Six and one-half million low-income working families and 12 million children have been denied the benefits that this House was allowed to believe existed in the tax bill. It was excluded. Why? It was excluded to make certain that the money borrowed from the Treasury would take care of the high-income people receiving relief from capital gains and from interest taxes.

We will be heard today, Mr. Speaker.

BURMA

(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, I was shocked and deeply disturbed by events over the weekend in Burma, the arrest of Aung San Suu Kyi and the death of the prodemocracy activists there. The Government of Burma should release Aung San Suu Kyi and end its brutal dictatorship of the people of Burma.

The government says that Suu Kyi is in "protective custody." Burma's record of protecting its people is highly suspect. The people of Burma have suffered for too long from the SPDC, from campaigns of systematic rape, murder, forced labor, destruction of villages, food sources, and a myriad of other atrocities, including the deaths of many small children.

The international community, particularly Burma's neighbors, must press the Burmese military government to recognize the fact that the people want freedom. The government must accept the legitimate election of the National League for Democracy. The world community should condemn the dictatorship's actions.

I call on the U.S. Government to take deliberate, serious action to help free Aung San Suu Kyi and the people of Burma. To the people of Burma, we stand with them.

HUMAN RIGHTS FOR THE TIBETANS AND THE BURMESE

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

Mr. KIRK. Mr. Speaker, I rise to draw attention to two recent events signaling a step backward for basic human rights. The Nepali Government violated international law by jailing 18 Tibetan refugees instead of turning them over to the United Nations. Nepal then made these refugees prisoners of the Chinese, the very people that they were fleeing.

International refugee law is well settled, that once Tibetans reach Nepal, they are turned over to the U.N. for safe passage. Nepal's action flies in the face of her commitment to international law, and American tourists should not visit Nepal.

Second, in Burma on Friday the military dictatorship detained many members of the National League of Democracy, including Nobel Peace Prize winner Aung San Suu Kyi, and closed all universities. Suu Kyi, the elected leader of her country, was beaten, and her whereabouts are currently unknown.

I want to commend Secretary Powell for speaking out against both governments, and urge Members of Congress to call attention to these two governments, Nepal and Burma, that are turning back the clock on human rights.

ACTION BY FCC ENDANGERS AMERICA'S BASIC FREEDOMS

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

Mr. SCOTT of Georgia. Mr. Speaker, I rise this morning to state how disappointed and, quite frankly, disturbed I am with the actions of the FCC on yesterday. That was a very dangerous vote to the future of this country. This country was founded on many, many freedoms, but none more basic than the freedom of the press, freedom of information, and the diversity of that information.

That action on yesterday by the FCC certainly puts us at a very clear and present danger of losing that freedom of the press in many respects. It will certainly short-circuit small business

people, entrepreneurs, and others from having an opportunity to own media. It will certainly lessen the diversity of thought, shaping the opinions, and will certainly almost completely devastate community values and community controls.

I daresay that certainly what is happening on the national stage and international stage is important, but is it not important knowing what happened to a parent's Little League son and how he performed, or what is happening in the board of education?

I urge Members to join with me in sponsoring a bill that will overturn this FCC ruling, the Byrd-Dingell bill.

EXPRESSING SUPPORT FOR THE AMERICAN FLAG

Mr. BURNS. Mr. Speaker, I rise today to express my support for the American flag. For more than 200 years, the American flag has been the symbol of our Nation's strength and unity. It has been a source of pride and inspiration for millions of citizens. It has been a prominent icon in our national history.

To the colonists, it represents the free country for which they fought. For the Jewish people in World War II, it simply symbolized survival. For African Americans, they view the flag as the promise of a time when all men will be treated equally. Now it symbolizes a new day in Iraq.

So many brave men and women sacrificed their lives to protect the principles for which it stands, a flag that embodies justice, democracy and, most of all, freedom. The American flag deserves to fly proudly throughout America.

FCC MEDIA OWNERSHIP DECISION

(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 to voice my concerns over the FCC's decision to relax media ownership rules. The new regulations would allow a single company to own 45 percent of media that reaches United States households, instead of the current 35 percent.

As it stands now, there are only a handful of media companies that we get to see, that we see, that we hear, and that we can read. When we do this, there will be an even smaller number of media companies owning a larger share of the media market.

□ 1215

And that moves us dangerously close to a monopoly-like situation in the mass media business. One of the greatest things about our country is freedom of press and freedom of speech. That is what our Constitution has in it. Under these new regulations, we are moving toward limiting the informa-

tion that citizens get to see because there will be fewer points of view brought forward because there are fewer companies. Congress should take a closer look at this.

DO NOT LEAVE CHILDREN AND VETERANS BEHIND

(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, this Congress has passed and the President has signed into law a tax cut that takes care of the millionaires but leaves many of our children and our veterans behind. Right today, young Americans are serving this Nation in Iraq with young children waiting for them here at home. And ironically, many of those children will not receive any benefit from the child tax credit that was contained in that tax bill.

Think of that. Young Americans fighting for this country and their children are going to be left out of the benefit. Not only children, but veterans are getting the shaft. It is shameful, it is shameful that we would drive this country into debt, take care of our millionaires, and leave our children and our veterans behind. It is time for the people of this country, Mr. Speaker, to wake up and realize what is happening.

CLOWN CAR TAX POLICY

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

Mr. McDERMOTT. Mr. Speaker, the Leave No Child Behind President recently signed into law the third largest tax cut in history. But the tax bill was really like one of those clown cars you see at the circus. Because of the budget gimmicks, the Republicans squeezed nearly a trillion dollars in tax cuts into something that only looked big enough to hold \$350 billion.

The whole tax bill was a big masquerade and the Congress participated in the party. While pressing for these tax cuts, President Bush declared, My jobs and growth plan will reduce tax rates for everyone. Everyone, I emphasize, who pays income tax. That is wrong.

In fact, 8.1 million lower- and middle-class Americans who paid billions of dollars in income tax will receive no tax reduction whatsoever; 36 percent of American households, 50 million households, in the United States will receive no benefit whatsoever.

Now, if I wonder where the next clown will pop up, maybe it will be in the White House.

TAX BILL ROBS MILITARY FAMILIES

(Mr. FILNER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, there they go again. When the Republicans are faced with a choice of helping millionaires with tax credits or giving low-income people some help they need with the same tax credits, they choose the millionaires every time.

Once again, the President, and the President's bill, and the Republicans have robbed millions of low-income families of the child tax credit that has long been part of the bill. What some might not realize is that a large number of low-income military families, that is right, military families, will be affected by this change. These are men and women who have been serving overseas, enduring economic hardship in order to protect our country. But by this shameful act of the majority that we should address immediately, they will not be able to get the same tax benefit that a millionaire will get.

It is offensive to say, it is offensive to say to the people of this Nation that we can afford to give huge tax credits to millionaires, but cannot come up with a few hundred dollars to help low-income military families who have sacrificed so much and need this money the most. I hope the sanity of this House will restore those tax credits.

ABSTINENCE EDUCATION

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

Mr. WELDON of Florida. Mr. Speaker, I rise today to remind my colleagues of the devastating effect of sexual activity on our Nation's youth.

Just today the Heritage Foundation released a new report entitled "Sexually Active Teenagers Are More Likely to Be Depressed And to Attempt Suicide." In this study, Robert Rector, Kirk Johnson, and Lauren Noyes outlined the psychological and emotional aspects associated with teenage sexual activity.

The data shows that there is a real correlation between teen sexual activity and depression and even between sexual activity and suicide in the ages of 14 through 17. Sexually active teenage girls are three times more likely to be depressed than their classmates who are abstinent. Sexually active boys in their teens are more than twice as likely to be depressed. Furthermore, 14 percent of sexually active teenage girls report having attempted suicide, a three-fold increase over their peers who are abstinent.

This report demonstrates the value of abstinence education.

TAX CUT LEAVES MANY FAMILIES OUT IN THE COLD

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

Ms. SOLIS. Mr. Speaker, I rise also today to express my outrage in passing an irresponsible tax cut that Republicans gave. They gave \$100,000 tax breaks to the largest and most polluting SUVs and left out millions of working-class families.

The \$350 billion tax cut left out the working poor, left out a lot of Latinos in my district and a whole lot of people in the State of California. That is because Republicans prevented families that I represent in my district that make under \$26,625 from receiving a child tax credit.

Thirty percent of Latino families in my district will not be able to claim any child tax credit at all; that is 1.6 million Latino families in the State. By contrast, only 17 percent of Latino families will see any benefit from the dividend tax cut. Thirty-one percent of Californian families also are not being helped by any child tax credit, and that is 2.4 million children in California alone, all children. So while SUVs continue to pollute our air, keep us dependent on foreign oil, spew out greenhouse gases and get a big tax break, working families get nothing.

BURMA SHOULD FREE AUNG SAN SUU KYI

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

Mr. ROHRBACHER. Mr. Speaker, shortly after I was elected to Congress 15 years ago, I went to the jungles of Burma and met with a group of young people who were then struggling for freedom and democracy in their country. They showed me a picture of Thomas Jefferson and said, We do not like Karl Marx. We want to have a government like you have in the United States, where people are free.

I will never forget that. They were up against one of the most brutal dictatorships in history, the SLORC regime, the military dictatorship that runs the country of Burma, although they would like to call it Myanmar.

The bottom line is the SLORC dictatorship is still in power after all of these years, and they have just put under arrest Aung San Suu Kyi, one of the true heroes of freedom on this planet, a Nobel Prize winner. Aung San Suu Kyi, we do not know where she is. She is under arrest. They murdered and brutalized many of the democratic activists there.

Today, this Congress needs to be aware of what is going on in Burma, and we must warn the dictators in Burma they will not get away with the dirty deed if they have touched one hair on the head of Aung San Suu Kyi.

NO MORE BUSINESS AS USUAL

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

Ms. DELAURO. Mr. Speaker, I rise to speak on a matter of urgent concern. Today we put the House on notice that business as usual will stop until this body restores tax relief for millions of working low-income Americans.

We act and we speak out today because of a simple act of treachery: Congress taking from hard-working poor people to give to the rich, an act that abandoned millions of families and their children, 12 million children, and a tax bill that will cost \$1 trillion over the next decade, that will give 184,000 millionaires a tax break of \$93,000. The administration and this Republican majority could not find \$3.5 billion to help one out of every six children.

These millionaires must somehow have greater moral value than the working poor, people who are scheduled to get nothing in this bill. Mr. Speaker, this is the most unconscionable legislation ever passed in this body with no economic justification and no moral justification; and we are through doing business as usual in this body until this gets fixed.

BUSINESS AS USUAL WILL STOP

(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, I want to join my colleague, the gentlewoman from Connecticut (Ms. DELAURO), in saying that it would be unconscionable for the House to continue to do business as usual when the voices and the needs of millions of hard-working American families have been closed out of the people's House. Without being able to participate in the final negotiations over the tax bill, with Vice President CHENEY in the room, the Republican leaders of the Senate, the Republican leaders of the House, they decided to simply exclude some 6 million families, some 12 million children who would be entitled to the \$400 increase in the child tax credit.

That means that this summer those families on behalf of their children, those families that go to work every day would not get a \$400 check as will millions of other American families on behalf of their children. But this administration and this Congress closed those voices out of the debate on the tax bill. They have quietly cut a bill to exclude the Senate amendment that was there to protect those families and to protect their children, and to help them educate their children and provide health care for their children.

No, we cannot continue to do business as usual when this Republican leadership and the administration cuts millions of Americans out of the Democratic system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of

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

RECORD votes on postponed questions will be taken later today.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

The Clerk read as follows:

S. 222

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Zuni Indian Tribe Water Rights Settlement Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination, religious freedom, political and cultural integrity, and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation.

(2) Quantification of rights to water and development of facilities needed to use tribal water supplies effectively is essential to the development of viable Indian reservation communities, particularly in arid western States.

(3) On August 28, 1984, and by actions subsequent thereto, the United States established a reservation for the Zuni Indian Tribe in Apache County, Arizona upstream from the confluence of the Little Colorado and Zuni Rivers for long-standing religious and sustenance activities.

(4) The water rights of all water users in the Little Colorado River basin in Arizona have been in litigation since 1979, in the Superior Court of the State of Arizona in and for the County of Apache in Civil No. 6417, In re The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source.

(5) Recognizing that the final resolution of the Zuni Indian Tribe's water claims through litigation will take many years and entail great expense to all parties, continue to limit the Tribe's access to water with economic, social, and cultural consequences to the Tribe, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Tribe and neighboring non-Indians have sought to settle their disputes to water and reduce the burdens of litigation.

(6) After more than 4 years of negotiations, which included participation by representatives of the United States, the Zuni Indian Tribe, the State of Arizona, and neighboring non-Indian communities in the Little Colorado River basin, the parties have entered into a Settlement Agreement to resolve all of the Zuni Indian Tribe's water rights claims and to assist the Tribe in acquiring surface water rights, to provide for the Tribe's use of groundwater, and to provide for the wetland restoration of the Tribe's lands in Arizona.

(7) To facilitate the wetland restoration project contemplated under the Settlement Agreement, the Zuni Indian Tribe acquired certain lands along the Little Colorado River near or adjacent to its Reservation that are important for the success of the project and will likely acquire a small amount of similarly situated additional lands. The parties have agreed not to object to the United States taking title to certain of these lands into trust status; other lands shall remain in tribal fee status. The parties have worked extensively to resolve various governmental concerns regarding use of and control over those lands, and to provide a successful model for these types of situations, the State, local, and tribal governments intend to enter into an Intergovernmental Agreement that addresses the parties' governmental concerns.

(8) Pursuant to the Settlement Agreement, the neighboring non-Indian entities will assist in the Tribe's acquisition of surface water rights and development of groundwater, store surface water supplies for the Zuni Indian Tribe, and make substantial additional contributions to carry out the Settlement Agreement's provisions.

(9) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and contribute funds for the rehabilitation of religious riparian areas and other purposes to enable the Tribe to use its water entitlement in developing its Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the Tribe and neighboring non-Indians;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers;

(3) to authorize and direct the United States to take legal title and hold such title to certain lands in trust for the benefit of the Zuni Indian Tribe; and

(4) to authorize the actions, agreements, and appropriations as provided for in the Settlement Agreement and this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) EASTERN LCR BASIN.—The term "Eastern LCR basin" means the portion of the Little Colorado River basin in Arizona upstream of the confluence of Silver Creek and the Little Colorado River, as identified on Exhibit 2.10 of the Settlement Agreement.

(2) FUND.—The term "Fund" means the Zuni Indian Tribe Water Rights Development Fund established by section 6(a).

(3) INTERGOVERNMENTAL AGREEMENT.—The term "Intergovernmental Agreement" means the intergovernmental agreement between the Zuni Indian Tribe, Apache County, Arizona and the State of Arizona described in article 6 of the Settlement Agreement.

(4) PUMPING PROTECTION AGREEMENT.—The term "Pumping Protection Agreement" means an agreement, described in article 5 of the Settlement Agreement, between the Zuni Tribe, the United States on behalf of the Tribe, and a local landowner under which the landowner agrees to limit pumping of groundwater on his lands in exchange for a waiver of certain claims by the Zuni Tribe and the United States on behalf of the Tribe.

(5) RESERVATION; ZUNI HEAVEN RESERVATION.—The term "Reservation" or "Zuni Heaven Reservation", also referred to as "Kolhu:wala:wa", means the following property in Apache County, Arizona: Sections 26, 27, 28, 33, 34, and 35, Township 15 North, Range 26 East, Gila and Salt River Base and

Meridian; and Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 23, 26, and 27, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means that agreement dated June 7, 2002, together with all exhibits thereto. The parties to the Settlement Agreement include the Zuni Indian Tribe and its members, the United States on behalf of the Tribe and its members, the State of Arizona, the Arizona Game and Fish Commission, the Arizona State Land Department, the Arizona State Parks Board, the St. Johns Irrigation and Ditch Co., the Lyman Water Co., the Round Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, the Tucson Electric Power Company, the City of St. Johns, the Town of Eagar, and the Town of Springerville.

(8) SRP.—The term "SRP" means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona.

(9) TEP.—The term "TEP" means Tucson Electric Power Company.

(10) TRIBE, ZUNI TRIBE, OR ZUNI INDIAN TRIBE.—The terms "Tribe", "Zuni Tribe", or "Zuni Indian Tribe" means the body politic and federally recognized Indian nation, and its members.

(11) ZUNI LANDS.—The term "Zuni Lands" means all the following lands, in the State of Arizona, that, on the effective date described in section 9(a), are—

- (A) within the Zuni Heaven Reservation;
- (B) held in trust by the United States for the benefit of the Tribe or its members; or
- (C) held in fee within the Little Colorado River basin by or for the Tribe.

SEC. 4. AUTHORIZATION, RATIFICATIONS, AND CONFIRMATIONS.

(a) SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this Act, such Settlement Agreement is hereby approved, ratified, confirmed, and declared to be valid. The Secretary is authorized and directed to execute the Settlement Agreement and any amendments approved by the parties necessary to make the Settlement Agreement consistent with this Act. The Secretary is further authorized to perform any actions required by the Settlement Agreement and any amendments to the Settlement Agreement that may be mutually agreed upon by the parties to the Settlement Agreement.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Zuni Indian Tribe Water Rights Development Fund established in section 6(a), \$19,250,000, to be allocated by the Secretary as follows:

(1) \$3,500,000 for fiscal year 2004, to be used for the acquisition of water rights and associated lands, and other activities carried out, by the Zuni Tribe to facilitate the enforceability of the Settlement Agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before the deadline described in section 9(b).

(2) \$15,750,000, of which \$5,250,000 shall be made available for each of fiscal years 2004, 2005, and 2006, to take actions necessary to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas as provided for in the Settlement Agreement and under this Act.

(c) OTHER AGREEMENTS.—Except as provided in section 9, the following 3 separate agreements, together with all amendments thereto, are approved, ratified, confirmed, and declared to be valid:

(1) The agreement between SRP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(2) The agreement between TEP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(3) The agreement between the Arizona State Land Department, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

SEC. 5. TRUST LANDS.

(a) NEW TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, and after the requirements of section 9(a) have been met, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 13: SW 1/4, S 1/2 NE 1/4 SE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4;

(B) Section 23: N 1/2, N 1/2 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SE 1/4 SW 1/4 SE 1/4;

(C) Section 24: NW 1/4, SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4; and

(D) Section 25: N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4.

(2) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 19: W 1/2 E 1/2 NW 1/4, W 1/2 NW 1/4, W 1/2 NE 1/4 SW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4;

(B) Section 29: SW 1/4 SW 1/4 NW 1/4, NW 1/4 NW 1/4 SW 1/4, S 1/2 N 1/2 SW 1/4, S 1/2 SW 1/4, S 1/2 NW 1/4 SE 1/4, SW 1/4 SE 1/4;

(C) Section 30: W 1/2, SE 1/4; and

(D) Section 31: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, E 1/2 SW 1/4, N 1/2 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4, E 1/2 SW 1/4 SW 1/4, SW 1/4 SW 1/4 SW 1/4.

(b) FUTURE TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 26E., Gila and Salt River Base and Meridian: Section 25: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, NW 1/4, N 1/2 NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4.

(2) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 14: SE 1/4 SW 1/4, SE 1/4;

(B) Section 16: S 1/2 SW 1/4 SE 1/4;

(C) Section 19: S 1/2 SE 1/4 SE 1/4;

(D) Section 20: S 1/2 SW 1/4 SW 1/4, E 1/2 SE 1/4 SE 1/4;

(E) Section 21: N 1/2 NE 1/4, E 1/2 NE 1/4 NW 1/4, SE 1/4 NW 1/4, W 1/2 SW 1/4 NE 1/4, N 1/2 NE 1/4 SW 1/4, SW 1/4 NE 1/4 SW 1/4, E 1/2 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, W 1/2 SW 1/4 SW 1/4;

(F) Section 22: SW 1/4 NE 1/4 NE 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, N 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4 NW 1/4, SE 1/4 SW 1/4 NW 1/4, N 1/2 N 1/2 SE 1/4, N 1/2 NE 1/4 SW 1/4;

(G) Section 24: N 1/2 NE 1/4, S 1/2 SE 1/4;

(H) Section 29: N 1/2 N 1/2;

(I) Section 30: N 1/2 N 1/2, N 1/2 S 1/2 NW 1/4, N 1/2 SW 1/4 NE 1/4; and

(J) Section 36: SE 1/4 SE 1/4 NE 1/4, NE 1/4 NE 1/4 SE 1/4.

(3) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 18: S 1/2 NE 1/4, NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4, S 1/2 NW 1/4 SW 1/4, S 1/2 SW 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SE 1/4;

(B) Section 30: S 1/2 NE 1/4, W 1/2 NW 1/4 NE 1/4; and

(C) Section 32: N 1/2 NW 1/4 NE 1/4, SW 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4.

(c) **NEW RESERVATION LANDS.**—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 9(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands in Arizona into trust for the benefit of the Zuni Tribe and make such lands part of the Zuni Indian Tribe Reservation in Arizona: Section 34, T. 14 N., R. 26 E., Gila and Salt River Base and Meridian.

(d) **LIMITATION ON SECRETARIAL DISCRETION.**—The Secretary shall have no discretion regarding the acquisitions described in subsections (a), (b), and (c).

(e) **LANDS REMAINING IN FEE STATUS.**—The Zuni Tribe may seek to have the legal title to additional lands in Arizona, other than the lands described in subsection (a), (b), or (c), taken into trust by the United States for the benefit of the Zuni Indian Tribe pursuant only to an Act of Congress enacted after the date of enactment of this Act specifically authorizing the transfer for the benefit of the Zuni Tribe.

(f) **FINAL AGENCY ACTION.**—Any written certification by the Secretary under subparagraph 6.2.B of the Settlement Agreement constitutes final agency action under the Administrative Procedure Act and is reviewable as provided for under chapter 7 of title 5, United States Code.

(g) **NO FEDERAL WATER RIGHTS.**—Lands taken into trust pursuant to subsection (a), (b), or (c) shall not have Federal reserved rights to surface water or groundwater.

(h) **STATE WATER RIGHTS.**—The water rights and uses for the lands taken into trust pursuant to subsection (a) or (c) must be determined under subparagraph 4.1.A and article 5 of the Settlement Agreement. With respect to the lands taken into trust pursuant to subsection (b), the Zuni Tribe retains any rights or claims to water associated with these lands under State law, subject to the terms of the Settlement Agreement.

(i) **FORFEITURE AND ABANDONMENT.**—Water rights that are appurtenant to lands taken into trust pursuant to subsection (a), (b), or (c) shall not be subject to forfeiture and abandonment.

(j) **AD VALOREM TAXES.**—With respect to lands that are taken into trust pursuant to subsection (a) or (b), the Zuni Tribe shall make payments in lieu of all current and future State, county, and local ad valorem property taxes that would otherwise be applicable to those lands if they were not in trust.

(k) **AUTHORITY OF TRIBE.**—For purposes of complying with this section and article 6 of the Settlement Agreement, the Tribe is authorized to enter into—

(1) the Intergovernmental Agreement between the Zuni Tribe, Apache County, Arizona, and the State of Arizona; and

(2) any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement.

(l) **FEDERAL ACKNOWLEDGEMENT OF INTERGOVERNMENTAL AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary shall acknowledge the terms of any intergovernmental agreement entered into by the Tribe under this section.

(2) **NO ABROGATION.**—The Secretary shall not seek to abrogate, in any administrative or judicial action, the terms of any intergovernmental agreement that are consistent with subparagraph 6.2.A of the Settlement Agreement and this Act.

(3) **REMOVAL.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), if a judicial action is commenced during a dispute over any intergovernmental agreement entered into under this section, and the United States is allowed to

intervene in such action, the United States shall not remove such action to the Federal courts.

(B) **EXCEPTION.**—The United States may seek removal if—

(i) the action concerns the Secretary's decision regarding the issuance of rights-of-way under section 8(c);

(ii) the action concerns the authority of a Federal agency to administer programs or the issuance of a permit under—

(I) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(IV) any other Federal law specifically addressed in intergovernmental agreements; or

(iii) the intergovernmental agreement is inconsistent with a Federal law for the protection of civil rights, public health, or welfare.

(m) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to affect the application of the Act of May 25, 1918 (25 U.S.C. 211) within the State of Arizona.

(n) **DISCLAIMER.**—Nothing in this section repeals, modifies, amends, changes, or otherwise affects the Secretary's obligations to the Zuni Tribe pursuant to the Act entitled "An Act to convey certain lands to the Zuni Indian Tribe for religious purposes" approved August 28, 1984 (Public Law 98-408; 98 Stat. 1533) (and as amended by the Zuni Land Conservation Act of 1990 (Public Law 101-486; 104 Stat. 1174)).

SEC. 6. DEVELOPMENT FUND.

(a) **ESTABLISHMENT OF THE FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a fund to be known as the "Zuni Indian Tribe Water Rights Development Fund", to be managed and invested by the Secretary, consisting of—

(A) the amounts authorized to be appropriated in section 4(b); and

(B) the appropriation to be contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement.

(2) **ADDITIONAL DEPOSITS.**—The Secretary shall deposit in the Fund any other monies paid to the Secretary on behalf of the Zuni Tribe pursuant to the Settlement Agreement.

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, make investments from the Fund, and make monies available from the Fund for distribution to the Zuni Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (referred to in this section as the "Trust Fund Reform Act"), this Act, and the Settlement Agreement.

(c) **INVESTMENT OF THE FUND.**—The Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) subsection (b).

(d) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—The funds authorized to be appropriated pursuant to section 3104(b)(2) and funds contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement shall be available for expenditure or withdrawal only after the requirements of section 9(a) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Zuni Tribe may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Zuni Tribe spend any funds in accordance with the purposes described in section 4(b).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any monies withdrawn from the Fund under the plan are used in accordance with this Act.

(3) **LIABILITY.**—If the Zuni Tribe exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Zuni Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the funds made available under this Act that the Zuni Tribe does not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Zuni Tribe remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) **ANNUAL REPORT.**—The Zuni Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) **FUNDS FOR ACQUISITION OF WATER RIGHTS.**—

(1) **WATER RIGHTS ACQUISITIONS.**—Notwithstanding subsection (e), the funds authorized to be appropriated pursuant to section 4(b)(1)—

(A) shall be available upon appropriation for use in accordance with section 4(b)(1); and

(B) shall be distributed by the Secretary to the Zuni Tribe on receipt by the Secretary from the Zuni Tribe of a written notice and a tribal council resolution that describe the purposes for which the funds will be used.

(2) **RIGHT TO SET OFF.**—In the event the requirements of section 9(a) have not been met and the Settlement Agreement has become null and void under section 9(b), the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to section 4(b)(1), together with any interest accrued, against any claims asserted by the Zuni Tribe against the United States relating to water rights at the Zuni Heaven Reservation.

(3) **WATER RIGHTS.**—Any water rights acquired with funds described in paragraph (1) shall be credited against any water rights secured by the Zuni Tribe, or the United States on behalf of the Zuni Tribe, for the Zuni Heaven Reservation in the Little Colorado River General Stream Adjudication or in any future settlement of claims for those water rights.

(g) **NO PER CAPITA DISTRIBUTIONS.**—No part of the Fund shall be distributed on a per capita basis to members of the Zuni Tribe.

SEC. 7. CLAIMS EXTINGUISHMENT; WAIVERS AND RELEASES.

(a) **FULL SATISFACTION OF MEMBERS' CLAIMS.**—

(1) **IN GENERAL.**—The benefits realized by the Tribe and its members under this Act, including retention of any claims and rights, shall constitute full and complete satisfaction of all members' claims for—

(A) water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial

through the effective date described in section 9(a) and any time thereafter; and

(B) injuries to water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent, claims for damages for deprivation of water rights, and claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a).

(2) NO RECOGNITION OR ESTABLISHMENT OF INDIVIDUAL WATER RIGHT.—Nothing in this Act recognizes or establishes any right of a member of the Tribe to water on the Reservation.

(b) TRIBE AND UNITED STATES AUTHORIZATION AND WATER QUANTITY WAIVERS.—The Tribe, on behalf of itself and its members and the Secretary on behalf of the United States in its capacity as trustee for the Zuni Tribe and its members, are authorized, as part of the performance of their obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraph 11.4 of the Settlement Agreement, for claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation, under Federal, State, or other law for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 9(a) and any time thereafter, except for claims within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and including claims for damages for deprivation of water rights and any claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 9(a); and

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and including any claims for damages for deprivation of water rights and any claims for changes to underground water table levels) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors.

(c) TRIBAL WAIVERS AGAINST THE UNITED STATES.—The Tribe is authorized, as part of the performance of its obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraphs 11.4 and 11.6 of the Settlement Agreement, for claims against the United States (acting in its capacity as trustee for the Zuni Tribe or its members, or otherwise acting on behalf of the Zuni Tribe or its members), including any agencies, officials, or employees thereof, for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands, from time immemorial through the effective date described in section 9(a) and any time thereafter;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) for Zuni Lands from time immemorial through the effective date described in section 9(a);

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for dam-

ages for deprivation of water rights) from time immemorial through the effective date described in section 9(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors;

(4) past and present claims for failure to protect, acquire, or develop water rights of, or failure to protect water quality for, the Zuni Tribe within the Little Colorado River basin in Arizona from time immemorial through the effective date described in section 9(a); and

(5) claims for breach of the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(d) TRIBAL WAIVER OF WATER QUALITY CLAIMS AND INTERFERENCE WITH TRUST CLAIMS.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) INTERFERENCE WITH TRUST RESPONSIBILITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for claims of interference with the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this Act.

(B) INJURY OR THREAT OF INJURY TO WATER QUALITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for—

(i) any and all past and present claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury to water quality accruing from time immemorial through the effective date described in section 9(a), for lands within the Little Colorado River basin in the State of Arizona; and

(ii) any and all future claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury or threat of injury to water quality, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin caused by—

(I) the lawful diversion or use of surface water;

(II) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(III) the Parties' performance of any obligations under the Settlement Agreement;

(IV) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(V) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(VI) any combination of the causes described in subclauses (I) through (V).

(2) CLAIMS OF THE UNITED STATES.—The Tribe, on behalf of itself and its members, is authorized to waive its right to request that the United States bring—

(A) any claims for injuries to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or any other applicable statute, for lands within the Little Colorado River Basin in the State of Arizona, accruing from time immemorial through the effective date described in section 9(a); and

(B) any future claims for injuries or threat of injury to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, accruing after the effective date described in section 9(a), for any lands within the Eastern LCR basin, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(3) LIMITATIONS.—Notwithstanding the authorization for the Tribe's waiver of future water quality claims in paragraph (1)(B)(ii) and the waiver in paragraph (2)(B), the Tribe, on behalf of itself and its members, retains any statutory claims for injury or threat of injury to water quality under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), as described in subparagraph 11.4(D)(3) and (4) of the Settlement Agreement, that accrue at least 30 years after the effective date described in section 9(a).

(e) WAIVER OF UNITED STATES WATER QUALITY CLAIMS RELATED TO SETTLEMENT LAND AND WATER.—

(1) PAST AND PRESENT CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all past and present common law claims accruing from time immemorial through the effective date described in section 9(a) arising from or relating to water quality in which the injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Little Colorado River basin in the State of Arizona; and

(B) all past and present natural resource damage claims accruing through the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Little Colorado River basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the

Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations.

(2) **FUTURE CLAIMS.**—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all future common law claims arising from or relating to water quality in which the injury or threat of injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Eastern LCR basin in Arizona accruing after the effective date described in section 9(a) caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v); and

(B) all future natural resource damage claims accruing after the effective date described in section 9(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Eastern LCR basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of their obligations under this Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(f) **EFFECT.**—Subject to subsections (b) and (e), nothing in this Act or the Settlement Agreement affects any right of the United States, or the State of Arizona, to take any actions, including enforcement actions, under any laws (including regulations) relating to human health, safety and the environment.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) **WAIVER OF SOVEREIGN IMMUNITY.**—If any party to the Settlement Agreement or a Pumping Protection Agreement files a lawsuit only relating directly to the interpretation or enforcement of this Act, the Settlement Agreement, an agreement described in paragraph (1), (2), or (3) of section 4(c), or a Pumping Protection Agreement, naming the

United States or the Tribe as a party, or if any other landowner or water user in the Little Colorado River basin in Arizona files a lawsuit only relating directly to the interpretation or enforcement of Article 11, the rights of de minimis users in subparagraph 4.2.D or the rights of underground water users under Article 5 of the Settlement Agreement, naming the United States or the Tribe as a party—

(1) the United States, the Tribe, or both may be added as a party to any such litigation, and any claim by the United States or the Tribe to sovereign immunity from such suit is hereby waived, other than with respect to claims for monetary awards except as specifically provided for in the Settlement Agreement; and

(2) the Tribe may waive its sovereign immunity from suit in the Superior Court of Apache County, Arizona for the limited purposes of enforcing the terms of the Intergovernmental Agreement, and any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement, other than with respect to claims for monetary awards except as specifically provided in the Intergovernmental Agreement.

(b) TRIBAL USE OF WATER.

(1) **IN GENERAL.**—With respect to water rights made available under the Settlement Agreement and used on the Zuni Heaven Reservation—

(A) such water rights shall be held in trust by the United States in perpetuity, and shall not be subject to forfeiture or abandonment;

(B) State law shall not apply to water uses on the Reservation;

(C) the State of Arizona may not regulate or tax such water rights or uses (except that the court with jurisdiction over the decree entered pursuant to the Settlement Agreement or the Norviel Decree Court may assess administrative fees for delivery of this water);

(D) subject to paragraph 7.7 of the Settlement Agreement, the Zuni Tribe shall use water made available to the Zuni Tribe under the Settlement Agreement on the Zuni Heaven Reservation for any use it deems advisable;

(E) water use by the Zuni Tribe or the United States on behalf of the Zuni Tribe for wildlife or instream flow use, or for irrigation to establish or maintain wetland on the Reservation, shall be considered to be consistent with the purposes of the Reservation; and

(F)(i) not later than 3 years after the deadline described in section 9(b), the Zuni Tribe shall adopt a water code to be approved by the Secretary for regulation of water use on the lands identified in subsections (a) and (b) of section 5 that is reasonably equivalent to State water law (including statutes relating to dam safety and groundwater management); and

(ii) until such date as the Zuni Tribe adopts a water code described in clause (i), the Secretary, in consultation with the State of Arizona, shall administer water use and water regulation on lands described in that clause in a manner that is reasonably equivalent to State law (including statutes relating to dam safety and groundwater management).

(2) LIMITATION.

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Zuni Tribe or the United States shall not sell, lease, transfer, or transport water made available for use on the Zuni Heaven Reservation to any other place.

(B) **EXCEPTION.**—Water made available to the Zuni Tribe or the United States for use on the Zuni Heaven Reservation may be severed and transferred from the Reservation to

other Zuni Lands if the severance and transfer is accomplished in accordance with State law (and once transferred to any lands held in fee, such water shall be subject to State law).

(c) RIGHTS-OF-WAY.

(1) **NEW AND FUTURE TRUST LAND.**—The land taken into trust under subsections (a) and (b) of section 5 shall be subject to existing easements and rights-of-way.

(2) ADDITIONAL RIGHTS-OF-WAY.

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary, in consultation with the Tribe, shall grant additional rights-of-way or expansions of existing rights-of-way for roads, utilities, and other accommodations to adjoining landowners if—

(i) the proposed right-of-way is necessary to the needs of the applicant;

(ii) the proposed right-of-way will not cause significant and substantial harm to the Tribe's wetland restoration project or religious practices; and

(iii) the proposed right-of-way acquisition will comply with the procedures in part 169 of title 25, Code of Federal Regulations, not inconsistent with this subsection and other generally applicable Federal laws unrelated to the acquisition of interests across trust lands.

(B) **ALTERNATIVES.**—If the criteria described in clauses (i) through (iii) of subparagraph (A) are not met, the Secretary may propose an alternative right-of-way, or other accommodation that complies with the criteria.

(d) **CERTAIN CLAIMS PROHIBITED.**—The United States shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Settlement Agreement against any Indian-owned land within the Tribe's Reservation, and no assessment shall be made in regard to such costs against such lands.

(e) **VESTED RIGHTS.**—Except as described in paragraph 5.3 of the Settlement Agreement (recognizing the Zuni Tribe's use of 1,500 acre-feet per annum of groundwater) this Act and the Settlement Agreement do not create any vested right to groundwater under Federal or State law, or any priority to the use of groundwater that would be superior to any other right or use of groundwater under Federal or State law, whether through this Act, the Settlement Agreement, or by incorporation of any abstract, agreement, or stipulation prepared under the Settlement Agreement. Notwithstanding the preceding sentence, the rights of parties to the agreements referred to in paragraph (1), (2), or (3) of section 4(c) and paragraph 5.8 of the Settlement Agreement, as among themselves, shall be as stated in those agreements.

(f) **OTHER CLAIMS.**—Nothing in the Settlement Agreement or this Act quantifies or otherwise affects the water rights, claims, or entitlements to water of any Indian tribe, band, or community, other than the Zuni Indian Tribe.

(g) NO MAJOR FEDERAL ACTION.

(1) **IN GENERAL.**—Execution of the Settlement Agreement by the Secretary as provided for in section 4(a) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) **SETTLEMENT AGREEMENT.**—In implementing the Settlement Agreement, the Secretary shall comply with all aspects of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable environmental laws (including regulations).

SEC. 9. EFFECTIVE DATE FOR WAIVER AND RELEASE AUTHORIZATIONS.

(a) IN GENERAL.—The waiver and release authorizations contained in subsections (b) and (c) of section 7 shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of all the following findings:

(1) This Act has been enacted in a form approved by the parties in paragraph 3.1.A of the Settlement Agreement.

(2) The funds authorized by section 4(b) have been appropriated and deposited into the Fund.

(3) The State of Arizona has appropriated and deposited into the Fund the amount required by paragraph 7.6 of the Settlement Agreement.

(4) The Zuni Indian Tribe has either purchased or acquired the right to purchase at least 2,350 acre-feet per annum of surface water rights, or waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(5) Pursuant to subparagraph 3.1.D of the Settlement Agreement, the severance and transfer of surface water rights that the Tribe owns or has the right to purchase have been conditionally approved, or the Tribe has waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(6) Pursuant to subparagraph 3.1.E of the Settlement Agreement, the Tribe and Lyman Water Company have executed an agreement relating to the process of the severance and transfer of surface water rights acquired by the Zuni Tribe or the United States, the pass-through, use, or storage of the Tribe's surface water rights in Lyman Lake, and the operation of Lyman Dam.

(7) Pursuant to subparagraph 3.1.F of the Settlement Agreement, all the parties to the Settlement Agreement have agreed and stipulated to certain Arizona Game and Fish abstracts of water uses.

(8) Pursuant to subparagraph 3.1.G of the Settlement Agreement, all parties to the Settlement Agreement have agreed to the location of an observation well and that well has been installed.

(9) Pursuant to subparagraph 3.1.H of the Settlement Agreement, the Zuni Tribe, Apache County, Arizona and the State of Arizona have executed an Intergovernmental Agreement that satisfies all of the conditions in paragraph 6.2 of the Settlement Agreement.

(10) The Zuni Tribe has acquired title to the section of land adjacent to the Zuni Heaven Reservation described as Section 34, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(11) The Settlement Agreement has been modified if and to the extent it is in conflict with this Act and such modification has been agreed to by all the parties to the Settlement Agreement.

(12) A court of competent jurisdiction has approved the Settlement Agreement by a final judgment and decree.

(b) DEADLINE FOR EFFECTIVE DATE.—If the publication in the Federal Register required under subsection (a) has not occurred by December 31, 2006, sections 4 and 5, and any agreements entered into pursuant to sections 4 and 5 (including the Settlement Agreement and the Intergovernmental Agreement) shall not thereafter be effective and shall be null and void. Any funds and the interest accrued thereon appropriated pursuant to section 4(b)(2) shall revert to the Treasury, and any funds and the interest accrued thereon appropriated pursuant to paragraph 7.6 of the Settlement Agreement shall revert to the State of Arizona.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ar-

izona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, S. 222, authored by Senator JOHN KYL and identical legislation provided by the Senator and introduced by me and other members of the Arizona delegation, would resolve water rights claims and litigation in the Little Colorado River basin.

I would like to commend the commitment and the perseverance of Senator JOHN KYL, who has put many hours and much time into this important bill.

The bill provides much-needed assurance to settlement participants and is the result of 4 years of good-faith negotiations between the Federal Government, the Zuni Indian Tribe, the State of Arizona, and local water users and utilities.

By settling water rights claims and litigation, the legislation will allow the Zuni Indian Tribe to restore and repair wetlands important to the tribe's religious and cultural traditions. Wetland restoration will be done through a variety of means, including surface and groundwater development, while grandfathering current non-Indian water rights. This grandfathering mechanism provides certainty to the local non-Indian communities that depend on water resources in the Little Colorado basin.

The settlement also avoids lengthy and costly litigation. The parties involved have come together to find a responsible, commonsense solution that improves the environment, fulfills religious and cultural traditions, and provides a clear water supply roadmap for the area.

It is now up to Congress to take the final steps to make the settlement a reality. I ask my colleagues to pass this important legislation.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, S. 222 is a unique water rights settlement, carefully designed to protect the Zunis' most sacred sites, while at the same time preserving access to water supplies for upstream water users.

□ 1230

I extend my compliments to the Zuni people, the State of Arizona and the non-Indian organizations who participated in the negotiations that resulted in this historic water settlement.

Mr. Speaker, we have no objection to the bill.

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

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from the First District and would like to pause at this time, Mr. Speaker, to really commend my new colleague for stepping into the people's House and doing the people's work, and again, I would just simply pause at this juncture, knowing that some of the atmospheric that are at work today, I would just, Mr. Speaker, ask my colleagues to stop and think about the legislation at hand and what other tactics may come into play that could be counterproductive and hurt the very people so many in this Chamber come to champion.

It was my privilege to originally sponsor this legislation in the 107th Congress, and it is my honor to cosponsor this bill with my good friend and colleague from the First District, the gentleman from Arizona (Mr. RENZI).

This legislation ratifies the settlement concerning the Zuni Indian tribe's water rights on the Little Colorado River in eastern Arizona. The bill will provide for a wetlands restoration at Zuni Heaven, an area of land along the Colorado River that is sacred to the Zuni tribe of New Mexico. Consistent with the principles of tribal sovereignty, Indian self-determination and religious freedom, this legislation will settle ancient water rights and ensure that those rights are preserved for all future generations of the Zuni people.

The Zuni tribe's water claim is no new development. In fact, litigation of the water rights on the Little Colorado River Basin has been ongoing for nearly a quarter of a century now. This legislation represents a culmination of this process in a way that will reduce expenses for all parties involved. Indeed, we should look at this settlement process demonstrated in this particular case as a model for other settlements.

The affected parties have recognized that final resolution of these water claims through litigation is counterproductive and hurtful to the tribe, neighboring non-Indian water users, local towns, utility and irrigation companies, the State of Arizona and, ultimately, Mr. Speaker, to the United States. Therefore, negotiations have brought forward a settlement agreed to by all parties; and we now, Mr. Speaker, in the people's House have the opportunity to codify this settlement with passage of this legislation.

Mr. Speaker, the merit of this legislation speaks for itself. Again, I commend my colleague, the gentleman from Arizona (Mr. RENZI), for bringing this bill forward in such an expeditious manner, making it one of his top priorities, bringing it to the floor today.

Mr. Speaker, I would like to end on a hopeful note, that while other atmospheric may be at work in this Chamber, this is a chance to strike a blow for common sense, for Native American self-determination and for something

that is vital to the people of Arizona and New Mexico.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank her for presenting this bill on the floor. And this bill has been properly represented. It is a matter of sorting out the equities between Indian water right users and non-Indian water right users, the needs for wetlands development and to protect the sacred rights of the lands of the Zuni people.

That is what the legislative process is supposed to be about, but that is not what it was about 2 weeks ago when we passed a tax bill. We could talk about balancing the equities of the Zuni people and the water rights of this bill.

POINT OF ORDER

Mr. RENZI. Requesting regular order, Mr. Speaker.

The SPEAKER pro tempore (Mr. CULBERSON). Members are reminded that they should always confine their remarks to the subject matter before the House.

Mr. GEORGE MILLER of California. Mr. Speaker, that I am.

We are talking about a bill that has gone through many, many years of negotiation and a bill that is designed to balance the equities. We spent considerable time on a tax bill.

Mr. RENZI. Mr. Speaker, I would ask for a germane issue and regular order; I would ask that the issue at hand, which is the water rights for the Zunis, be addressed and not be used for a side show, and ask for regular order, please.

Mr. GEORGE MILLER of California. Mr. Speaker, regular order is what the gentleman from California is following.

The SPEAKER pro tempore. The Chair will listen to the gentleman's remarks, and expects that the gentleman will confine his remarks to the bill before the House, and if the gentleman's remarks lose the requisite nexus, the Chair will sustain a point of order.

Mr. GEORGE MILLER of California. Mr. Speaker, once again, I would say that this bill is about a legislative process where all sides have been heard, agreement has come. That is why this bill is on suspension. And yet we have seen that that legislative process has not worked for millions of American families and their children when the tax bill left out their equitable claim; as the Zunis claim an equitable claim for their traditional water rights, for the historic water rights, these people were making an equitable claim on behalf of their children.

They were making an equitable claim that their children, their family, should get the same \$400 that millions of other American families got, but in designing the tax bill, the Republicans simply left out those wage earners, those people who go to work who earn \$10,000 to \$26,000 a year, some 12 million children who will not get the benefit of the child tax credit.

The Zunis would argue, if we simply cut them out of the water development rights, if we simply cut them out of their historic water rights and we gave it to non-Indians for use in development or we protected the wetlands and we did not take care of their sacred lands, they would argue it is not fair.

I am simply presenting that the arguments that are presented here today on behalf of the Zunis, which are very reasonable, very fair, were never presented on behalf of millions of Americans when they were cut out of a tax bill; and they will now not receive their check this summer as will others.

POINT OF ORDER

Mr. RENZI. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair would remind Members it is essential to maintain a nexus between the subject matter before the House and the scope of their arguments.

Mr. GEORGE MILLER of California. The gentleman from California would say to the Chair, I think there is a very strong nexus being maintained here. It is about equity and it is about justice, and it is about economic justice. It is about historic claims.

The child tax credit is not new. It is an old claim before this Congress, where the Congress decided the children of the Zuni tribe would be entitled to a tax credit if their parents worked. Many Zunis, I suspect, are eligible for that tax credit, but they are not under this tax bill because of the difficulty in finding the kind of wages that would pay what would make them eligible for that kind of tax credit.

The nexus is here. The nexus is clear. The nexus is about an abuse of the legislative process, unlike the one which we are going through here. That is why my colleague from Connecticut (Ms. DELAURO) said that we should not operate business as usual. The ranking member of the Committee on Ways and Means suggested the same thing, and I would just say that I think they are correct.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she might consume to the gentleman from Connecticut (Ms. DELAURO).

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

This bill will provide critical access to the Little Colorado River Basin to allow the Zuni Indian tribe acquisition of surface water rights and development of ground water. The acquisition of water rights and associated lands are vital to the Zuni Indian tribe's future economic development.

Along those same lines, the child tax credit is critical in helping low-income families achieve some level of economic security.

This bill secures tribal rights to assure water supplies for present and future generations, while at the same time providing for sound management

of an increasingly scarce resource. Because of the importance and the sacredness of all forms and sources of water, all prayers and songs of the three major components of the Zuni religion contain language asking for rain and snow to ensure that all crops have enough water to finish their life pass, to provide sustenance for their Zuni children.

Likewise, ensuring access to the child tax credit will help Zuni families to provide economic sustenance to their children. In Arizona, 138,000 families with children, 21 percent of families in the State, are not helped by the child tax credit increase because of the Republicans last-minute actions; 403,000 Arizona children, including Zuni children, would be eligible if the child tax credit were made fully refundable, with an additional \$259 million in credits going to families in that State. The children of military personnel, Zunis who have served in our military, their children are going to be left behind.

We cannot in good conscience debate a bill here today that does not take into consideration the economics of the issues of the Zuni tribe, their water rights, their religious rights, their economic rights. It is about the economic security of working families, of low-income wage earners in this country, that we debate here today: water rights, economic rights, child tax credit.

POINT OF ORDER

Mr. RENZI. Mr. Speaker, could I ask for regular order.

The SPEAKER pro tempore. The Chair would remind Members, quoting from annotations in the House Rules and Manual under rule XVII, clause 1, that during debate on a bill a Member under recognition must confine his remarks to the pending legislation; that is, the Member must not dwell on another measure not before the House. Rather, the Member must maintain a constant nexus between debate and the subject matter of the bill.

Ms. DELAURO. Mr. Speaker, I believe that the constant nexus has been made and that bridge has been kept.

I ask unanimous consent to bring up H.R. 2286 that would fix this terrible injustice.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers, as recorded on page 712 of the House Rules and Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

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

We are committed to the water rights settlement, but we are also committed to fixing the tax bill that was recently passed and providing benefits to the millions of people who have been left out.

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

Mr. RENZI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

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

I just wanted to ask any Member who has spoken to this bill on the other side if, in fact, they are in favor of the bill that is before us today? Would anyone like to enter into a colloquy?

No one would like to enter into a colloquy on that issue, whether or not they are in favor or opposed to the vote that is here?

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentlewoman yield?

Mrs. CUBIN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, what is the colloquy about?

Mrs. CUBIN. I would like to know whether or not the gentleman is in favor of the bill that is here before us today or not.

Mr. GEORGE MILLER of California. Mr. Speaker, I supported the bill. I just do not support business as usual right now, as the gentlewoman understands.

Mrs. CUBIN. Then follow-up question, does the gentleman intend to follow his support for the bill with an affirmative vote on the bill?

Mr. GEORGE MILLER of California. Mr. Speaker, I have a follow-up question for the gentlewoman from Wyoming. Does she support improving the child tax credit so that millions of American families can get a tax credit, many in the gentlewoman's State that have been cut out of the tax bill?

Mrs. CUBIN. Mr. Speaker, reclaiming my time, does the gentleman intend to answer the question?

Mr. GEORGE MILLER of California. Colloquies are two-way conversations. Would the gentlewoman support the unanimous consent request to bring up the fixing of the tax bill?

Mrs. CUBIN. No, sir, I do not.

Does the gentleman intend to answer my question?

Mr. GEORGE MILLER of California. Mr. Speaker, I answered the gentlewoman's question. I strongly support the bill.

Mrs. CUBIN. Will the gentleman vote in favor of the bill?

Mr. GEORGE MILLER of California. No, I will not.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 222.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1245

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

The Clerk read as follows:

S. 273

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Land Exchange Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Federal lands" means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term "Governor" means the Governor of the State of Wyoming.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "State lands" means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled "Private, State & County Inholdings Grand Teton National Park", dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an ap-

praisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly know as the "National Park Service Organic Act"), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume. I rise today to support a bill that is of great interest to the State of Wyoming and to many, many environmental groups across the country. It is not often that I can stand here and agree with the positions of most of the environmental groups that we deal with on a daily basis, but this Grand Teton National Park Land Exchange Act is one such environmental issue that I think everyone should support if they are in fact interested in maintaining the integrity of Grand Teton National Park.

One of the worst things that I can think of happening to Grand Teton National Park is to have an ultra-, ultra-wealthy person build themselves a mansion or a symbol of their wealth at the base of the Grand Tetons and destroy that beautiful open space and land that we fight so hard to protect and to fund every year. The Grand Teton National Park Land Exchange Act was introduced by Senator THOMAS and cosponsored by Senator ENZI and is supported by all five elected Wyoming State officials, the National Park Service, the local communities, and all of the environmental organizations that I am aware of. The measure passed the Senate on April 3, 2003, under unanimous consent.

This bill presents a unique opportunity with regard to Federal land management in our national parks that would greatly benefit the American people, as well as Wyoming school

children. The Grand Teton National Park was established by Congress on February 29, 1929, to protect the natural resources of the Teton range and Jackson's unique beauty. On March 15, 1943, President Franklin Delano Roosevelt established Jackson Hole National Monument adjacent to the park. Grand Teton National Park was then expanded to its present size by Congress on September 14, 1950, to include a portion of the land from the Jackson Hole National Monument.

The park currently encompasses approximately 310,000 acres of wilderness and some of the most amazing scenery to be found in any corner of the world. I would put the Jackson Teton National Park area in competition with any area in the world for its beauty and for its glory to nature. However, when Wyoming received its statehood in 1890, sections of the land were set aside for school revenue purposes. All income from these lands, whether it is rents, grazing fees, sales, or other sources is placed in a special trust fund for the benefit of school students in the State.

The establishment of these school sections predates the establishment of most national parks or monuments within our State's boundaries, creating several State inholdings within Federal land masses, such as the Grand Teton National Park. Currently, over 1,406 acres in State surface and mineral acres are held by the State of Wyoming in isolated plots within the Grand Teton National Park. This land ownership situation creates problems not only for the potential of very wealthy people building a shrine to themselves in the middle of the free open space in Grand Teton National Park, but it also puts the State of Wyoming, in order to meet its educational needs, in a situation where it may be forced to try to sell the land to private entities so that that land could be developed into housing developments or whatever. This legislation would stop any future attempts to do that.

The legislation would allow the State of Wyoming to trade or sell these precious State lands locked up inside the park to the Federal Government in exchange for other Federal lands, minerals, or appropriated dollars, or a combination of all three, to address Wyoming's public school needs. Further, the American public can consolidate under the National Park Service management the lands within the Grand Teton National Park's borders and protect them from future development pressures placed upon the State for the benefit of our school children.

This is a win-win scenario for everyone involved. Within 90 days after this bill is signed into law, the land would be valued through agreement by the Wyoming Governor and the Secretary of the Interior. If there is no agreement, an appraisal process will be set up to determine the value of the lands or minerals in question to ensure fairness to all parties. There will also be

an appeals process to further ensure fairness to all parties. Within 180 days after the land value is determined, the Interior Secretary, in consultation with the Governor, will determine an exchange of Federal assets for equal value of the State lands.

This body has an incredible opportunity to allow the consolidation of lands within Teton National Park and to allow the State of Wyoming to capture fair market value for the benefit of all Wyoming school children. I respectfully request that the Members of this body vote in favor of this bill.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, with 12 peaks soaring to more than 12,000 feet, 17 species of carnivores, more than 100 lakes, the headquarters of the Columbia River System, and more than 190 inches of annual snowfall, it would be difficult to find a place more beautiful or rugged than the Grand Teton National Park. Senators THOMAS and ENZI, as well as the gentlewoman from Wyoming (Mrs. CUBIN), are justifiably proud of the beauty of their home State and this national park.

If enacted, S. 273 would help accomplish one of the National Park Service's most important goals, that is, to consolidate the ownership patterns within existing national park units. In this case, this legislation would hopefully expedite Federal acquisition of approximately 1,400 acres of state-owned lands within the park boundary. Such an acquisition represents a significant portion of the more than 2,400 acres of inholdings within Grand Teton National Park.

Mr. Speaker, we are willing to support this bill once the leadership allows H.R. 2286 to be brought to the floor.

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

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

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

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

This is an important bill. These lands that were given to the State of Wyoming by the Federal Government were for the purposes of educating their children. It was an effort by the Federal Government to try to put resources into their hands so that the resources would be there for the State to provide for that education. That is what we do with the child tax credit; we try to put resources into the hands of parents so that they will have the money to provide for the health and welfare of their children and for the ex-

penses of holding their families together in difficult economic times, recognizing that we want our children properly cared for. That is what the State of Wyoming has done with these State lands. That is what the Federal Government did when it transferred the lands to the State of Wyoming; and it is for a very, very good purpose.

Now we have the opportunity to transfer those lands to keep them out of other development within the boundaries of the national park to make sure the park can be consistent in its mission. It is one of the great parks in the world. It is one of the great ecosystems in the world with its diversity and with its habitat that it protects and provides for. That possibly is now under threat from development from what the gentlewoman from Wyoming described as the ultra-, ultra-wealthy who might build homes there.

It sounds a little like class warfare. I do not think that is what is going on here, but since we opened up the subject of the classes here in the discussion of this bill, I want to raise the prospects of those individuals. Because not only is this a great national park in terms of its environment and ecosystems and its beauty and its importance in terms of the protections of surrounding areas and watersheds, it is also a huge economic engine. Because of its beauty, because of its importance, it drives millions of people from all over the world to come and visit the Tetons and come and visit Jackson and to experience the bounty of this country.

To service those people, we have people working in the service industry. They work for the concessionaires and the parks; they work for the restaurants and the hotels and the tourism industry. They work as guides for fishermen, they work as guides for people who want to hike the Tetons, they run climbing schools. At the end of the year, they do not make very much money, but they have families. They have children. And today they get a child tax credit if they have children. They file it like everyone else. And in the tax bill 2 weeks ago, we increased that tax credit for Americans, families with children, an additional \$400.

POINT OF ORDER

Mrs. CUBIN. Mr. Speaker, I make the point of order that the gentleman is focusing on the merits of other legislation that is not in front of us today.

Mr. GEORGE MILLER of California. The gentleman from California would say to the Chair that I am focusing on the employees of the Grand Teton National Park, which is the subject matter of this legislation. And the reason these lands are being given is to try to maintain the integrity of that park which provides so many economic benefits to the State of Wyoming and to our country through international tourism. And the welfare of those workers ought to be of as much concern to us as the integrity of the land base.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair will remind all Members and the gentleman being recognized that it is essential that he maintain a constant nexus between the legislation before the House; and that the remarks of the gentleman should be confined to the matter before the House, which relates to the acquisition of 1,406 acres of property to be added to the Grand Teton National Park.

Mr. GEORGE MILLER of California. Granted. If it is required by the Chair, I would be glad to put a map down on the table and talk about this in terms of the map of the Grand Teton National Park.

This is about a nexus. This is about whether or not people are going to be able to afford to take those jobs in that park that tourism generates, a very, very important part of the western economy in this country, a part of our economy that is in serious trouble.

There is a story today in the newspapers, I do not know if it is in The New York Times or the L.A. Times, that the national parks are suffering; that tourism is not only down from 9-11, it was down before 9-11. So what are the national parks trying to do? What are the concessionaires trying to do? What are the people who are on the perimeter of the park who run the hotels, run the lodging systems, the guide systems trying to do? They are trying to increase service to attract Americans and international visitors back to the national parks. But if their employees cannot sustain themselves with the jobs that are offered, then it is not going to work.

One of the things we do to help these people who are working in these jobs where the wages are not very good is we provide a child tax credit for those people who are working and have families. But somehow last week the Republican leadership decided that that tax credit would not go to the employees of the Grand Teton National Park, the subject matter which we are talking about.

POINT OF ORDER

Mrs. CUBIN. Mr. Speaker, I would like to point out that the gentleman is not speaking to the bill in front of us, but referring to the merits of another bill. But I would also like to say that he is doing a very good job of it.

The SPEAKER pro tempore. The Chair sees that the gentleman does appreciate the need to maintain a nexus to the pending legislation.

Mr. GEORGE MILLER of California. I am working hard, Mr. Speaker.

The SPEAKER pro tempore. However, the Chair would remind the gentleman that under the rules the gentleman may not dwell on the merits of other legislation, but must focus and direct his remarks to the legislation before the House.

Mr. GEORGE MILLER of California. I thank the Chair for the admonition, and I take it seriously.

I have counted my words and I have talked about the Grand Teton National

Park and the State land transfer and the employees of the park, I think on a ratio of about 12 to 1 to the tax credit, which those employees will be denied, as will some 34,000 other children in Wyoming who will not be eligible for the tax credit because of the actions of the Republicans.

But my ratio of nexus to this bill far exceeds my discussion of the tax bill. I have been doing this for many years. And because we do not have an opportunity, and we did not have an opportunity, to discuss a substitute to the tax bill, we have to find ourselves in a situation where we have to talk about it on other matters as they are presented to the House, always closely keeping the nexus between the matter at hand and the subject matter that is far more important to the American people, and especially for those families with those 12 million children who will not get the tax credits this summer because Republicans simply decided that low-income hard-working American families were not entitled to it.

□ 1300

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

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

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

Mr. Speaker, I ask all Members who are in favor of this bill to vote in favor of this bill. That is the democratic way; that is the method that we have set up to have government that is dependable, that we can base our future on.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 273.

The question was taken.

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

Mrs. CUBIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 273 and S. 222, the two matters just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 763) to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse."

The Clerk read as follows:

S. 763

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

SECTION 1. DESIGNATION OF BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, shall be known and designated as the "Birch Bayh Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Birch Bayh Federal Building and United States Courthouse.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Indiana (Ms. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, S. 763, which is identical to H.R. 1082 which was introduced by the gentlewoman from Indiana (Ms. CARSON), designates the Federal building and United States courthouse located at 46 East Ohio Street, in Indianapolis, Indiana, as the Birch Bayh Federal Building and United States Courthouse.

This bill has the bipartisan support of the entire Indiana delegation, and I thank the gentlewoman from Indiana (Ms. CARSON) for agreeing to bring S. 763 to the floor in lieu of her bill, which the Committee on Transportation and Infrastructure favorably reported out on May 21, 2003. I would like to have inserted into the RECORD that the gentlewoman from Indiana (Ms. CARSON) has been diligent not only in this Congress, but in the last Congress, in attempting to achieve passage of this legislation, not only in this body, but in the other body; and the Bayh family has a great champion on their side when it comes to the gentlewoman.

Senator Bayh was born in Terre Haute, Indiana, in 1928 to school teachers, and it is from them he inherited an ethic of public service. Upon graduation from high school, Senator Bayh volunteered for and served in the United States Army from 1946 to 1948. Upon his return, he attended and graduated from the Purdue University School of Agriculture at Lafayette in

1951. This education served him well, since throughout his long career, he always found time to work on and oversee the family farm, growing corn and soybeans for more than four decades.

Senator Bayh's political career began in 1954, when, at the age of 26, he was elected to serve in the Indiana House of Representatives. While serving in that body, he served as speaker in 1959 and as the Democratic floor leader in 1957 and 1961. Despite these responsibilities, he also found time to attend and graduate from Indiana University School of Law in 1960, and was admitted to the bar in 1961.

In 1962, at the age of 34, Senator Bayh entered the United States Senate where he served three terms from 1963 until 1981. While in the Senate, he served as chairman of the Senate Select Committee on Intelligence, working with the CIA, the National Security Agency and the FBI. He also was a member of the Appropriations Subcommittee on Transportation where he called for and funded efforts to build the District of Columbia's Metro subway system which so many of us enjoy, and to modernize the Amtrak rail system.

Senator Bayh is best known as chairman of the Constitution Subcommittee where he authored two amendments to the Constitution, something we will not see any time soon in subsequent Congresses, the 25th Amendment on Presidential and Vice Presidential succession, and the 26th Amendment which lowered the voting age from 21 to 18.

This is a fitting tribute to a dedicated public servant. I support this legislation and encourage Members to do the same.

PARLIAMENTARY INQUIRY

Mr. LATOURETTE. Mr. Speaker, I would like to make a parliamentary inquiry of the Chair.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LATOURETTE. Mr. Speaker, is the Chair aware of any rule of the House which would provide a nexus between this legislation and the tax bill except for the fact that Birch Bayh at one time was a child?

The SPEAKER pro tempore. The Chair will have to listen to the debate before making a determination.

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

Ms. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I rise to speak in favor of S. 763, I would like to pay respect to my colleague who also hails from the Midwest, the honorable gentleman from Ohio (Mr. LATOURETTE). There were several occasions where he felt he was being stalked to move this legislation forward, and I am very happy that he remained a gentleman and a genteel man in terms of allowing us to get this out. He indicated he had to have a companion from the other side of the aisle, and I presume he

found a companion on the other side of the aisle.

S. 763, as my colleague has mentioned, is a companion bill to the bill I introduced, H.R. 1082, and it really does not matter whose name appears first as author of this bill; the subject matter is very noteworthy on behalf of an individual who served this country well, the honorable former U.S. Senator Birch Bayh from the State of Indiana.

The bill, as Members know, designates the Federal building of the United States courthouse in Indianapolis, Indiana, in my district, as the Birch Bayh Federal Building and United States Courthouse. This is the second legislation I have authored. The first one I did was to put my predecessor's name on a Post Office, and now we are going to put Birch Bayh's name on the Federal building and United States courthouse, and I am pleased to sponsor, and it is cosponsored by the entire Indiana delegation.

As the gentleman from Ohio (Mr. LATOURETTE) indicated, the Honorable Birch Bayh was born to two school teachers in Terre Haute, Indiana, on July 22, 1928. He began his political career at the young age of 26 with his election to the Indiana House of Representatives in 1954, and in that body he rose to become minority leader in 1957 and then Speaker of the House in 1959. In 1962, he entered the United States Senate where he distinguished himself on the Subcommittee on the Constitution of the Committee of the Judiciary.

Now, there is some distinction between Terre Haute, Indiana, and a town called Schererville, Indiana, and apparently the United States Senator wants to be known as coming from Terre Haute instead of Schererville, but Schererville is immediately contiguous to Terre Haute so whichever place the gentleman wants him to be born, I am sure it is fine with him. But in all fairness, there has not been a lawmaker since the Founding Fathers who has authored successfully two amendments to the United States Constitution.

Senator Bayh was the principal architect of title IX, the provision of law which helped give access to athletic achievement for many of our daughters. In his 18 years in the United States Senate, he distinguished himself by ushering successfully through the amendment to the Constitution which provides for the succession of the President which was the 25th amendment to the Constitution, and he also successfully authored and ushered through the 26th amendment to the Constitution which lowered the voting age from 21 years to 18 years of age, which was ratified in 1971.

The Federal courthouse in Indianapolis was called the "Old Post Office," but now it rises to a magnificent building of importance, and that is where our Federal courthouse is located. It will now enjoy the name of a very honorable, incredible, dynamic public servant, the Honorable Birch Bayh. It is

very suitable historically to name that building for such a person who served this Nation with distinction.

Mr. Speaker, I am happy that the Honorable Birch Bayh is alive and well, and probably watching the presentation of this matter. I also thank Senator LUGAR, who is the senior Senator from Indiana, for authoring this bill and ushering it through the United States Senate.

While I do not agree with them most of the time, we have two Republicans, the honorable gentleman from Ohio (Mr. LATOURETTE), and I hope that does not impugn his motives, Mr. Speaker, and Senator LUGAR, and I speak about those two gentlemen very favorably, and I hope that does not violate House rules that I speak about Republicans favorably in this particular instance.

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

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, let me just say, I am sure that the historical accomplishments of Birch Bayh have been covered well by my colleagues. All I want to say is, though he is in the other party, he is a heck of a nice guy.

You can tell a lot about people by their children. EVAN BAYH, who is the United States Senator from Indiana and the son of Birch and Marvella Bayh, is in the other party, and we have our differences like all people do on a political basis, but EVAN is a real credit to the institution of the United States Senate, and I think a lot of that is due to his mother and his father. Birch Bayh and Marvella Bayh did an outstanding job in raising EVAN, and I think he is doing a good job in the United States Senate.

Let me just say that Birch Bayh, who was elected to the United States Senate, I think, when he was 34 years old, did a good job for the State of Indiana, and his wife Marvella was a real leader in Indiana as well.

One of the things that I most appreciate about Birch Bayh was a personal attachment that I received from him when my wife was suffering from breast cancer. His wife, Marvella, died of cancer, as my wife did, and he showed a great deal of concern for me and my family while we were going through that tragedy. And anybody like that, I think, deserves accolades from people regardless of their party affiliation.

Senator Bayh is a fine human being, and he was a fine United States Senator. His wife Marvella was a credit to the State of Indiana, and their son EVAN is doing a fine job in the United States Senate and is a credit to both his mother and father. And I want to add my two cents to the applause for Birch Bayh, and I think it is a fine and fitting thing that we are doing here today by naming the Federal building after him.

Born in Terre Haute in 1928, it seemed that Birch Bayh was destined for success. He received an undergraduate degree in Agriculture with distinction from Purdue University, and divided his time after graduating between farming and politics.

In 1955, Birch Bayh became a member of the Indiana General Assembly, and in 1957, he enrolled in law school. While still a law student, he was elected Speaker of the Indian House.

Senator Bayh was a skilled politician and excellent student. He received the prestigious Edwards Scholarship, which is awarded for merit and he graduated with distinction in 1960. However, as we all know, the story doesn't end there!

In 1962, at the age of 34, he was elected to the U.S. Senate and Senator Bayh went on to serve three terms.

As ranking member of the Senate Judiciary Committee, Senator Bayh was considered one of the Senate's foremost experts in constitutional law. As Chairman of the Subcommittee on the Constitution, he wrote and sponsored two amendments to the Constitution: the twenty-fifth amendment (for Presidential succession in case of death or disability) and the twenty-sixth amendment (lowering the voting age to 18).

From 1977 to 1980, Senator Bayh was Chairman of the Senate Select Committee on Intelligence. During his tenure as Chairman, he helped strengthen intelligence gathering while protecting American citizens from abuses of their rights.

Senator Bayh also served on the Senate Public Works Subcommittee on the Environment for 10 years.

In 1976, Senator Bayh entered the race for President of the United States. I have an Internet copy of a Birch Bayh for President 1976 Campaign Brochure. "Senator Birch Bayh—The Democratic candidate for President with a plan for economic recovery . . ." All one has to do is change the date and name and it could be used for the 2004 elections.

Senator Bayh's distinguished career goes beyond the Beltway. He was the founding partner in the Washington DC law firm of Bayh, Connaughton & Malone. He also served as the chairman of the Institute Against Prejudice and Violence from 1984 to 1994.

Senator Bayh is currently working for the Washington, DC law firm of Venable, Baetjer, Howard & Civiletti as a member of the Government Division's Legislative.

Also, Senator Bayh was appointed to the J. William Fulbright Foreign Scholarship Board by former President Clinton on July 20, 1995 and was reappointed in 1997 and 2000 for a term expiring September 22, 2003.

Senator Bayh's accomplishments are a source of pride for my home state of Indiana. I wish him congratulations on this designation.

[From a Birch Bayh for President 1976 Campaign Brochure]

SENATOR BIRCH BAYH—THE DEMOCRATIC CANDIDATE FOR PRESIDENT WITH A PLAN FOR ECONOMIC RECOVERY . . .

"We need a President who is less concerned that too many jobs will cause inflation, and more concerned that too few jobs will cause human suffering."

Two Republican Administrations following a deliberate policy of planned unemployment, have led us through two recessions and record inflation. Only a genius for ineptitude could have produced recession and in-

flation together. Only a totally insensitive Republican Administration could have tolerated both.

Despite some evidence that the current recession has hit bottom, the American economy is still a long way from recovery. Economic recovery will not come naturally. Economic recovery cannot be sustained by doing nothing. Only positive government action now can produce and sustain an economic recovery broad enough to put America back to work. That is the number one priority for a President today . . . and tomorrow . . .

With unemployment at 8.6 percent and American industry operating at two thirds of capacity, the President's concern that too strong a recovery will reignite an inflationary spiral is misplaced. We need a President who is less concerned that too many jobs will cause inflation, and more concerned that too few jobs will cause human suffering.

Nearly 8 million Americans are still unemployed, while millions more are either underemployed or have given up looking for employment. We are losing \$200 billion a year in our gross national product—that's more than \$3,000 for each American family and yet inflation continues because Republican economics is blind to the cost of oil monopolies and grain deals.

Unemployment cannot cure our current inflation—not only is it morally wrong, it is bad economics. Inflation is a serious problem, but the record of the last 5 years is clear—increasing unemployment does not reduce the monopolistic price of energy; increasing unemployment does not drive down the price of food. It only adds to the welfare rolls and increases unemployment insurance costs.

JOBES . . .

I believe that putting Americans back to work is the single most important task facing the President. A President committed to putting Americans back to work can do just that by:

Proposing a major tax cut for low and middle income families. We need to restore consumer confidence and stimulate consumer spending. That is the surest way to expand production and provide jobs. We need a tax cut plain and simple, without any political gimmicks about budget-cutting. The President's proposal to balance a tax cut with a budget cut is unacceptable economic policy. It will not produce and sustain economic recovery.

Pressuring the Federal Reserve to expand the money supply substantially and hold interest rates down. We can't afford to have the Federal Reserve working against an expansionary fiscal policy. A restrictive monetary policy and higher interest rates will short-circuit economic recovery before it is even underway. In order to avoid repeating the mistakes of monetary policy, we need to curb the independence of the Federal Reserve. That requires a Federal Reserve Board responsive to the public interest—shorter terms for members and publicly arrived at targets for monetary expansion are necessary ingredients in reforming the Fed.

Proposing a public service jobs program. We can find useful employment for the innocent victims of Republican engineered recessions. For example, I was successful in obtaining funds for a railroad track rehabilitation program that will put thousands of unemployed railroad workers back on the job—a job that needs to be done.

Preventing a New York City default by developing a national guarantee program that will enable state governments to assist their hard pressed cities. We will never have economic recovery if New York City defaults and the municipal bond market collapses.

Our recovery is much too fragile to absorb the shock of default—to say nothing of the disastrous consequences of the increased cost of borrowing for every state and local jurisdiction in the nation.

Proposing an anti-recessionary revenue sharing program that is triggered on and off by the unemployment rate. We need to temporarily compensate state and local governments for the increased costs of welfare and for the fall off in revenues that both result from a failure of national economic policy.

INFLATION . . .

Despite a major recession, inflation is still a serious problem? Why? Because of:

A failure in energy policy;
A failure in food policy; and
The monopoly market power of a few firms.

Energy—Oil and gas prices must be regulated. As long as OPEC maintains its solidarity and the major domestic oil companies are permitted to follow their non-competitive practices, there will be no free market in energy. Decontrol of oil and deregulation of natural gas prices will force all prices upward, increasing the Consumer Price Index by four percent. That is clearly inflationary.

Food—Food prices are subject to wide fluctuations in world demand, and weather conditions that affect production. We can't control world demand nor the weather, but we can insulate food prices from these forces by establishing a strategic grain reserve to achieve a better balance between supply and demand. A strategic reserve would have to include safeguards against dumping for political ends—but properly administered it could mean adequate supplies with price stability and that is in the long-term interests of family farmers and consumers alike.

Monopoly Pricing—When 20 oil companies control more than 75 percent of all oil production, refining and marketing in the U.S., and more than 90 percent of the oil pipeline capacity, it is clear they have the ability to set prices without regard to competition or market forces. And that is exactly what the oil companies are doing. Instead of letting the oil and other monopolistic forces repeal the law of supply and demand, we must take decisive action. That is why I have introduced and held hearings on legislation to break up the major domestic oil companies. We have a serious problem. We need a firm response.

Our economy is at a crucial turning point. The problems of skyrocketing energy and food costs and the inability of the free market to function effectively have led me to conclude that recent policy failures are the result of an outdated view of the American economy. Therefore, I am proposing the establishment of a Temporary National Economic Committee—similar to the Committee established by President Roosevelt in 1938—to publicly investigate the concentration of economic power in America today.

If economic power is too heavily concentrated in the hands of a few, then we need stronger anti-trust action. I want the free enterprise system to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that remarks in debate may not characterize a sitting Senator even on favorable terms.

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from Indiana (Mr. BURTON) for those kind remarks, and I know the Chair would not admonish him as much as it would me.

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

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

Mr. Speaker, I simply want to say, I will not choose to characterize a sitting Member of the United States Senate favorably or unfavorably. I would note historically that Senator BAYH did vote in favor of the tax package which has been discussed here today.

Mr. VISCLOSKY. Mr. Speaker, I first got to know Senator Birch Bayh through my father, John Visclosky, the former Mayor of Gary, Indiana, following his election to the United States Senate in 1962. My father has always had a deep respect and strong feelings towards Senator Bayh.

As a Member of Congress, I have always considered Senator Birch Bayh a friend and a mentor. As a citizen, I am grateful that he chose a life of public service, paying constant attention to the needs of working people and those who were not given a fair chance in life. Senator Bayh fought hard for those who wanted an honest days work at a living wage in order to support their families. For instance, he fought hard and was successful in obtaining crucial funding for a railroad track rehabilitation program that put thousands of unemployed workers back on the job.

While I am proud that we are naming a federal building after Senator Bayh today, we will forever be served by him through the two changes he authored to the Constitution. I have always believed that the Constitution is one of the two greatest documents ever written by man. To think of Birch Bayh improving it not once but twice is not only breathtaking, but expected from such a unique person. The structure of the Constitution had not been so impacted by a single lawmaker since its creation by the founding fathers.

Senator Bayh is a person who developed the talents that God gave him to serve others and a person of deep compassion and caring. A person who never lost his perspective, is fun to be with, and who can always make you laugh. My father would describe Senator Bayh as a "100 percent guy." I would too, and I congratulate him on this great honor.

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

□ 1315

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 763.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material

on S. 763, the matter just considered by the House.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

S. 222, by the yeas and nays;

S. 273, by the yeas and nays;

S. 763, by the yeas and nays.

Proceedings on H. Res. 231, debated yesterday, will resume at a later time.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 222.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 222, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 230]

YEAS—224

Aderholt	Capuano	Gilchrest
Akin	Carter	Gillmor
Baca	Castle	Gingrey
Bachus	Chabot	Goode
Baker	Chocola	Goodlatte
Ballenger	Cole	Goss
Barrett (SC)	Collins	Granger
Bartlett (MD)	Cox	Graves
Barton (TX)	Crane	Green (WI)
Bass	Crenshaw	Greenwood
Beauprez	Cubin	Grijalva
Bereuter	Culberson	Gutknecht
Biggett	Cunningham	Harris
Bilirakis	Davis, Jo Ann	Hart
Bishop (UT)	Davis, Tom	Hastings (WA)
Blackburn	Deal (GA)	Hayes
Blunt	DeLay	Hayworth
Boehkert	DeMint	Hefley
Boehner	Diaz-Balart, L.	Hensarling
Bonilla	Diaz-Balart, M.	Hobson
Bonner	Doolittle	Hostettler
Bono	Dreier	Houghton
Boozman	Dunn	Hulshof
Boswell	Ehlers	Hunter
Bradley (NH)	Emerson	Hyde
Brady (TX)	English	Isakson
Brown (SC)	Everett	Issa
Brown-Waite,	Feeney	Janklow
Ginny	Ferguson	Jenkins
Burgess	Flake	Johnson (CT)
Burns	Fletcher	Johnson (IL)
Burr	Foley	Johnson, Sam
Burton (IN)	Forbes	Jones (NC)
Buyer	Franks (AZ)	Keller
Calvert	Frelinghuysen	Kelly
Camp	Gallegly	Kennedy (MN)
Cannon	Garrett (NJ)	Kildee
Cantor	Gerlach	King (IA)
Capito	Gibbons	King (NY)

Kingston	Ose	Shaw
Kirk	Otter	Shays
Kline	Oxley	Sherwood
Knollenberg	Pastor	Shimkus
Kolbe	Pearce	Shuster
Kucinich	Pence	Simmons
LaHood	Peterson (PA)	Simpson
Latham	Petri	Smith (MI)
LaTourette	Pickering	Smith (TX)
Leach	Pitts	Souder
Lewis (CA)	Platts	Stearns
Lewis (KY)	Pombo	Sullivan
Linder	Porter	Sweeney
LoBiondo	Portman	Tancredo
Lucas (OK)	Pryce (OH)	Tauzin
Manzullo	Putnam	Taylor (NC)
Matheson	Quinn	Terry
McCotter	Radanovich	Thomas
McCrery	Ramstad	Thornberry
McHugh	Regula	Tiahrt
McInnis	Rehberg	Tiberi
McKeon	Renzi	Toomey
Mica	Reynolds	Turner (OH)
Miller (MI)	Rogers (AL)	Udall (NM)
Miller, Gary	Rogers (KY)	Upton
Moran (KS)	Rogers (MI)	Vitter
Murphy	Rohrabacher	Walden (OR)
Musgrave	Ros-Lehtinen	Walsh
Myrick	Royce	Weldon (FL)
Nethercutt	Ryun (KS)	Weller
Ney	Saxton	Whitfield
Northup	Schrock	Wicker
Norwood	Scott (GA)	Wilson (NM)
Nunes	Sensenbrenner	Wolf
Nussle	Sessions	Young (AK)
Osborne	Shadegg	Young (FL)

NAYS—188

Abercrombie	Gordon	Mollohan
Ackerman	Green (TX)	Moore
Alexander	Gutierrez	Moran (VA)
Allen	Hall	Murtha
Andrews	Harman	Nadler
Baird	Hastings (FL)	Napolitano
Baldwin	Hill	Neal (MA)
Ballance	Hinchey	Oberstar
Becerra	Hinojosa	Obey
Bell	Hoeffel	Olver
Berkley	Holden	Owens
Berman	Holt	Pallone
Berry	Honda	Pascrell
Bishop (GA)	Hooley (OR)	Paul
Bishop (NY)	Hoyer	Payne
Blumenauer	Inslie	Pelosi
Boucher	Israel	Peterson (MN)
Boyd	Jackson (IL)	Pomeroy
Brady (PA)	Jackson-Lee	Price (NC)
Brown (OH)	(TX)	Rahall
Brown, Corrine	Jefferson	Rangel
Capps	John	Rodriguez
Cardin	Johnson, E. B.	Ross
Cardoza	Jones (OH)	Rothman
Carson (IN)	Kanjorski	Royal-Allard
Carson (OK)	Kaptur	Ruppersberger
Case	Kennedy (RI)	Rush
Clay	Kilpatrick	Ryan (OH)
Coble	Kind	Sabo
Cooper	Klezcka	Sanchez, Linda
Costello	Lampson	T.
Cramer	Langevin	Sanchez, Loretta
Crowley	Lantos	Sanders
Cummings	Larsen (WA)	Sandlin
Davis (AL)	Lee	Schakowsky
Davis (CA)	Levin	Schiff
Davis (FL)	Lewis (GA)	Scott (VA)
Davis (IL)	Lipinski	Serrano
DeFazio	Lofgren	Sherman
DeGette	Lowe	Skelton
Delahunt	Lucas (KY)	Slaughter
DeLauro	Lynch	Snyder
Deutsch	Maloney	Solis
Dicks	Markey	Spratt
Dingell	Marshall	Stark
Doggett	Matsui	Stenholm
Dooley (CA)	McCarthy (MO)	Strickland
Doyle	McCarthy (NY)	Stupak
Duncan	McCollum	Tanner
Edwards	McDermott	Tauscher
Emanuel	McGovern	Taylor (MS)
Eshoo	McIntyre	Thompson (CA)
Etheridge	Meehan	Thompson (MS)
Evans	Meek (FL)	Tierney
Farr	Meeks (NY)	Towns
Fattah	Menendez	Turner (TX)
Felner	Michaud	Udall (CO)
Ford	Millender-	Van Hollen
Frank (MA)	McDonald	Velazquez
Frost	Miller (NC)	Visclosky
Gonzalez	Miller, George	Wamp

Waters Waxman Wu
Watson Weiner Wynn
Watt Woolsey

NOT VOTING—21

Clyburn Hoekstra Reyes
Conyers Istook Ryan (WI)
Davis (TN) Larson (CT) Smith (NJ)
Engel Majette Smith (WA)
Fossella McNulty Weldon (PA)
Gephardt Miller (FL) Wexler
Herger Ortiz Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). There are 2 minutes left to vote.

□ 1337

Mr. TURNER of Texas, Mr. JEFFERSON, and Ms. ROYBAL-ALLARD changed their vote from "yea" to "nay."

Messrs. PASTOR, BACA, and CAPUANO changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MAJETTE. Mr. Speaker, on rollcall No. 230, had I been present, I would have voted "nay."

GRAND TETON NATIONAL PARK
LAND EXCHANGE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 273.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 273, 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 217, nays 198, not voting 18, as follows:

[Roll No. 231]

YEAS—217

Aderholt Burns Dreier
Akin Burr Dunn
Bachus Burton (IN) Ehlers
Baker Buyer Emerson
Ballenger Calvert English
Barrett (SC) Camp Everrett
Bartlett (MD) Cannon Feeney
Barton (TX) Cantor Ferguson
Bass Capito Fletcher
Beauprez Carter Foley
Bereuter Castle Forbes
Biggett Chabot Fossella
Bilirakis Chocola Franks (AZ)
Bishop (UT) Cole Frelinghuysen
Blackburn Collins Gallegly
Blunt Cox Garrett (NJ)
Boehlert Crane Gerlach
Boehner Crenshaw Gibbons
Bonilla Cubin Gilchrest
Bonner Culberson Gillmor
Bono Cunningham Greigey
Boozman Davis, Jo Ann Goode
Boswell Davis, Tom Goodlatte
Bradley (NH) Deal (GA) Goss
Brady (TX) DeLay Granger
Brown (SC) DeMint Graves
Brown-Waite, Diaz-Balart, L. Green (WI)
Ginny Diaz-Balart, M. Greenwood
Burgess Doolittle Gutknecht

Harris McHugh Ryan (KS)
Hart McInnis Saxton
Hastings (WA) McKeon Schrock
Hayes Mica Scott (GA)
Hayworth Miller (MI) Sensenbrenner
Hefley Miller, Gary Sessions
Hensarling Moran (KS) Shadegg
Hobson Murphy Shaw
Hostettler Myrick Shays
Houghton Nethercutt Sherwood
Hulshof Ney Shimkus
Hunter Northup Shuster
Hyde Norwood Simmons
Isakson Nunes Simpson
Issa Nussle Smith (MI)
Janklow Osborne Smith (TX)
Jenkins Ose Souder
Johnson (IL) Otter Stearns
Johnson, Sam Oxley Stearns
Jones (NC) Pearce Sullivan
Keller Pence Sweeney
Kelly Peterson (PA) Tancredo
Kennedy (MN) Petri Tausin
King (IA) Pickering Taylor (NC)
King (NY) Pitts Terry
Kingston Platts Thomas
Kirk Pombo Thornberry
Kline Porter Tiahrt
Knollenberg Portman Tiberi
Kolbe Pryce (OH) Toomey
Kucinich Putnam Turner (OH)
LaHood Quinn Upton
Latham Radanovich Vitter
LaTourette Ramstad Walden (OR)
Leach Regula Walsh
Lewis (CA) Rehberg Wamp
Lewis (KY) Renzi Weldon (FL)
Linder Reynolds Weller
LoBiondo Rogers (AL) Whitfield
Lucas (OK) Rogers (KY) Wicker
Manzullo Rogers (MI) Wilson (NM)
Matheson Rohrabacher Wolf
McCotter Ros-Lehtinen Young (AK)
McCreery Royce Young (FL)

NAYS—198

Abercrombie Emanuel Lofgren
Ackerman Eshoo Lowey
Alexander Etheridge Lucas (KY)
Allen Evans Lynch
Andrews Farr Majette
Baca Fattah Maloney
Baird Filner Markey
Baldwin Flake Marshall
Ballance Ford Matsui
Becerra Frank (MA) McCarthy (MO)
Bell Frost McCarthy (NY)
Berkley Gonzalez McCollum
Berman Gordon McDermott
Berry Green (TX) McGovern
Bishop (GA) Grijalva McIntyre
Bishop (NY) Gutierrez Meehan
Blumenauer Hall Meek (FL)
Boucher Harman Meeks (NY)
Boyd Hastings (FL) Menendez
Brady (PA) Hill Michaud
Brown (OH) Hinchey Millender-
Brown, Corrine Hinojosa McDonald
Capps Hoeffel Miller (NC)
Capuano Holden Miller, George
Cardin Mollohan
Cardoza Honda Moore
Carson (IN) Hooley (OR) Moran (VA)
Carson (OK) Hoyer Murtha
Case Insee Musgrave
Clay Israel Nadler
Coble Jackson (IL) Napolitano
Cooper Jackson-Lee Neal (MA)
Costello (TX) Oberstar
Cramer Jefferson Obey
Crowley John Olver
Cummings Johnson (CT) Owens
Davis (AL) Johnson, E. B. Pallone
Davis (CA) Jones (OH) Pascrell
Davis (FL) Kanjorski Pastor
Davis (IL) Kaptur Paul
Davis (TN) Kennedy (RI) Payne
DeFazio Kildee Pelosi
DeGette Kilpatrick Peterson (MN)
DeLahunt Kind Pomeroy
DeLauro Kleczka Price (NC)
Deutsch Lampson Rahall
Dicks Langevin Rangel
Dingell Lantos Rodriguez
Doggett Larsen (WA) Ross
Dooley (CA) Lee Rothman
Doyle Levin Roybal-Allard
Duncan Lewis (GA) Ruppertsberger
Edwards Lipinski Rush

Ryan (OH) Snyder
Sabo Solis
Sanchez, Linda Spratt
T. Stark
Sanchez, Loretta Stenholm
Sanders Strickland
Sandlin Stupak
Schakowsky Tanner
Schiff Tauscher
Scott (VA) Taylor (MS)
Serrano Thompson (CA)
Sherman Thompson (MS)
Skelton Tierney
Slaughter Towns

NOT VOTING—18

Clyburn Istook Ryan (WI)
Conyers Larson (CT) Smith (NJ)
Engel McNulty Smith (WA)
Gephardt Miller (FL) Weldon (PA)
Herger Ortiz Wexler
Hoekstra Reyes Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1345

Mr. RANGEL and Mr. DAVIS of Tennessee changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

BIRCH BAYH FEDERAL BUILDING
AND UNITED STATES COURT-
HOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 763.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 763, 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 235, nays 179, not voting 19, as follows:

[Roll No. 232]

YEAS—235

Ackerman Buyer Deutsch
Aderholt Capito Dicks
Alexander Capps Dingell
Allen Capuano Doggett
Andrews Cardin Dooley (CA)
Baca Cardoza Doyle
Baird Carson (IN) Dreier
Baker Carson (OK) Edwards
Baldwin Case Emanuel
Ballance Castle Emerson
Becerra Chocola Eshoo
Bell Clay Etheridge
Bereuter Cooper Evans
Berkley Costello Farr
Berman Cox Fattah
Berry Cramer Filner
Bilirakis Crowley Flake
Bishop (GA) Cummings Fletcher
Bishop (NY) Davis (AL) Ford
Blumenauer Davis (CA) Fossella
Boswell Davis (FL) Frank (MA)
Boyd Davis (IL) Frelinghuysen
Brady (PA) Davis (TN) Frost
Brady (TX) Davis, Tom Gillmor
Brown (OH) DeFazio Gonzalez
Brown, Corrine DeGette Gordon
Burr Delahunt Goss
Burton (IN) DeLauro Green (TX)

Greenwood Majette
 Grijalva Maloney
 Hall Markey
 Harman Marshall
 Hastings (FL) Matheson
 Hill Matsui
 Hinchey McCarthy (MO)
 Hinojosa McCarthy (NY)
 Hoeffel McCollum
 Holden McDermott
 Holt McGovern
 Honda McIntyre
 Hooley (OR) Meek (FL)
 Hostettler Meeks (NY)
 Hoyer Menendez
 Inslee Mica
 Israel Michaud
 Jackson (IL) Millender
 Jackson-Lee McDonald
 (TX) Miller (NC)
 Jefferson Miller, George
 John Mollohan
 Johnson (IL) Moore
 Johnson, E. B. Moran (VA)
 Jones (NC) Nadler
 Jones (OH) Napolitano
 Kanjorski Neal (MA)
 Kaptur Oberstar
 Kennedy (RI) Obey
 Kildee Olver
 Kilpatrick Owens
 Kind Pallone
 Kleczka Pascrell
 Kucinich Pastor
 LaHood Paul
 Lampson Payne
 Langevin Pelosi
 Lantos Pence
 Larsen (WA) Petri
 LaTourette Pickering
 Leach Pitts
 Lee Platt
 Levin Pomeroy
 Lewis (GA) Price (NC)
 Lewis (KY) Rahall
 Linder Ramstad
 Lipinski Rangel
 LoBiondo Reynolds
 Lofgren Rodriguez
 Lowey Rohrabacher
 Lucas (KY) Ross
 Lynch Rothman

NAYS—179

Abercrombie Diaz-Balart, M.
 Akin Doolittle
 Bachus Duncan
 Ballenger Dunn
 Barrett (SC) Ehlers
 Bartlett (MD) English
 Barton (TX) Everett
 Bass Feeney
 Beauprez Ferguson
 Biggart Foley
 Bishop (UT) Forbes
 Blackburn Franks (AZ)
 Blunt Gallegly
 Boehlert Garrett (NJ)
 Boehner Gerlach
 Bonilla Gibbons
 Bonner Gilchrest
 Bono Gingrey
 Boozman Goode
 Boucher Murphy
 Bradley (NH) Granger
 Brown (SC) Graves
 Brown-Waite, Green (WI)
 Ginny Gutknecht
 Burgess Harris
 Burns Hart
 Calvert Hastings (WA)
 Camp Hayes
 Cannon Hayworth
 Cantor Hefley
 Carter Hensarling
 Chabot Hobson
 Coble Houghton
 Cole Hulshof
 Collins Hunter
 Crane Hyde
 Crenshaw Isakson
 Cubin Issa
 Culberson Janklow
 Cunningham Johnson (CT)
 Davis, Jo Ann Johnson, Sam
 Deal (GA) Keller
 DeLay Kelly
 DeMint Kennedy (MN)
 Diaz-Balart, L. King (IA)

Roybal-Allard Renzi
 Ruffersberger Rogers (AL)
 Hall Rogers (KY)
 Ryan (OH) Rogers (MI)
 Sabo Ros-Lehtinen
 Sanchez, Linda Royce
 T. Ryan (KS)
 Sanchez, Loretta Saxton
 Sanders Schrock
 Sandlin Sensesbrenner
 Schakowsky Sessions
 Schiff Shadegg
 Scott (GA) Shaw
 Scott (VA) Shays
 Serrano Sherwood
 Sherman
 Simpson
 Skelton
 Slaughter
 Snyder
 Solis
 Souder
 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
 Wamp
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Wolf
 Woolsey
 Wu
 Wynn

Shimkus
 Shuster
 Simmons
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Stearns
 Sullivan
 Sweeney
 Tancredo
 Tauzin
 Taylor (NC)
 Terry
 Thomas
 Thornberry

Tiaht
 Tiberi
 Toomey
 Turner (OH)
 Upton
 Vitter
 Walden (OR)
 Walsh
 Weldon (FL)
 Weller
 Whitfield
 Wicker
 Wilson (NM)
 Young (AK)
 Young (FL)

NOT VOTING—19

Clyburn Istook
 Conyers Jenkins
 Engel Larson (CT)
 Gephardt McNulty
 Gutierrez Miller (FL)
 Herger Ortiz
 Hoekstra Reyes

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). There are 2 minutes remaining in this vote.

□ 1353

Mr. ABERCROMBIE changed his vote from "yea" to "nay."

Messrs. CUMMINGS, RUPPERSBERGER, and RUSH changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unavoidably detained due to official business as a member of an official Congressional delegation traveling to North Korea and was not present for the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 230—"nay"; rollcall No. 231—"nay"; rollcall No. 232—"yea".

REQUEST FOR PERMISSION TO CONSIDER IN THE HOUSE H.R. 2286, EXPANDING CHILD TAX CREDIT AND MARRIAGE PENALTY RELIEF ACT

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the House consider H.R. 2286, a bill to expand the child tax credit and marriage penalty relief for families that were left out of the recently signed White House-supported tax law.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers as recorded on page 712 of the House Rules and Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

PARLIAMENTARY INQUIRIES

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will please state his parliamentary inquiry.

Mr. RANGEL. If we have unanimous consent that an error had been made

by the conferees and the House Republicans and Democrats would like to correct this error, what would the Chair recommend that we do, since we want to avoid the accusation that this is class warfare, when the working poor have been excised from the bill?

The SPEAKER pro tempore. The Members who propound unanimous consent requests are also guided by page 712 of the House Rules Manual. Therefore, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

Mr. RANGEL. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RANGEL. Could the Speaker tell me when the majority expects to bring additional Suspension Calendar requests to the floor?

The SPEAKER pro tempore. That as a matter of discretion is not a proper parliamentary inquiry.

Mr. RANGEL. I thank the Chair.

ANNOUNCEMENT REGARDING PROCEDURES FOR FILING OF AMENDMENTS ON H.R. 2143, UNLAWFUL INTERNET GAMBLING FUNDING PROHIBITION ACT

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

Mr. LINDER. Mr. Speaker, the Committee on Rules may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

The Committee on Financial Services ordered the bill reported without amendment on May 20, 2003, and filed its report with the House on June 2, 2003. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H312 of the Capitol by 3 p.m. on Wednesday, June 4.

Members should draft their amendments to the text of the bill as introduced on May 19, 2003. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format.

Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 255

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 joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), 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. Speaker, House Resolution 255 is a modified closed rule that provides for the consideration of H.J. Resolution 4, legislation proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the American flag.

This rule provides for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. House Resolution 255 waives all points of order against consideration of the joint resolution.

It makes in order an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

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

With respect to the underlying legislation, H.J. Res. 4, I want to commend the gentleman from California (Mr. CUNNINGHAM) for introducing this legislation and the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his persistent leadership on this important legislation, of which I am proud to be a cosponsor.

The gentleman from Wisconsin (Chairman SENSENBRENNER) has done a fine job in bringing this legislation to the House floor in the years since my very good friend and former chairman of the Committee on Rules, the late Jerry Solomon, originally sponsored this proposal in the 104th Congress and the 105th Congress.

As it should be, House Joint Resolution 4 is a simple, straightforward measure. It proposes to add an amendment to the U.S. Constitution that would simply give the Congress the authority to prohibit the physical desecration of the flag of the United States, if it chooses to exercise such power.

□ 1400

The proposed amendment contains a grand total of 17 words. To the credit of the House as an institution, we have passed proposed constitutional amendments of this nature with more than enough bipartisan support in the 104th Congress, the 105th Congress, the 106th Congress, and the 107th Congress. In each of those sessions, the U.S. House approved the proposed constitutional amendments with more than the two-thirds majority required to approve such modifications to the Constitution. Unfortunately, as has been the case too many times in recent years, the other Chamber has failed to approve the legislation and forward it to the States for consideration by their legislatures. Indeed, if the Senate could approve this proposed constitutional amendment, I understand from the Committee on the Judiciary that all 50 States have passed resolutions calling on the Congress to approve an amendment of this nature.

This is an ample reason to believe that if this amendment were sent to the States for ratification, more than three-quarters of the States are poised to ratify this measure, thereby making it a formal part of our Constitution.

In conclusion, Mr. Speaker, H. Res. 255 is a modified closed rule that will give the House an opportunity to work its will on a substitute put forward by the ranking member, the gentleman from Michigan (Mr. CONYERS), or his designee. I urge my colleagues to support the rule so we can move on to the underlying legislation.

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

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

Mr. Speaker, let me thank the gentleman from Georgia (Mr. LINDER) for yielding me time.

I rise in strong opposition to House Joint Resolution 4. I firmly believe that passing this constitutional amendment would abandon the very values and principles upon which the country was founded. Make no mistake, I deplore the desecration of the flag, and I am absolutely certain that 440 Members of the House of Representatives deplore the desecration of the flag.

Those who burn or otherwise desecrate the American flag tread on a symbol cherished by nearly every one of our citizens in this great country. While I am appalled at the notion of someone desecrating our flag, I am more concerned with tampering with the Constitution. The true test of any nation's commitment to freedom of ex-

pression lies in its ability to protect unpopular expression.

In 1929, Supreme Court Justice Oliver Wendell Holmes wrote that it was the most impressive principle of our Constitution that it protects not just freedom for the thought and expression we agree with, but freedom for the thought we hate.

The passage of this amendment would provide a dangerous precedent for future attempts to amend the Constitution, putting the essential freedoms it upholds at risk. If Congress amends the first amendment, something that has never happened in our Nation's history, it will open the door for other exceptions to liberty. Ultimately, we must remember that it is not simply the flag we honor but rather the principles it embodies. To restrict people's means of expression would do nothing but abandon those principles; and to destroy those principles would be a far greater travesty than to destroy its symbols.

I repeat a portion of that paragraph: to restrict people's means of expression would do nothing but abandon those principles, and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

Mr. Speaker, we are too secure as a Nation to risk our commitment to freedom by endeavoring to legislate patriotism. The flag burning amendment is one more example of the Republican tendency to play the patriot card, to distract the people from the consequences of their policy. And I wish to underscore that because there are no people in the House of Representatives who are not patriots. And there is no one here any more patriotic than anyone else. And for that reason alone we should not be toying with patriotism principles.

There are more important matters that Congress should be attending to. The way President Bush has short-changed our veterans, we could deal with that, who have fought in defense of all that Old Glory signifies, the way that he has done this is an outrage to all my colleagues and they should be prepared to fight about it. Why are we spending time arguing about the physical desecration of the United States flag instead of voicing anger about the disservices done to what the flag stands for?

One would like to believe veterans this year would receive more than a Top Gun flash visit. As a grateful Nation, we should ensure that all veterans have adequate access to health care and timely benefits. In my district alone, veterans are being told that they are not going to be able to get benefits, and we have some new super eight province that we have established that if their income is at a certain level they will not qualify. Those are some things that I believe we must seriously look at.

I also think we must seriously reexamine the President's budget priorities

that cause this Congress to provide inadequate funding for those in uniform so as to allow tax cuts that will mostly advantage some few wealthy Americans. And since veterans health services have not been appropriately funded, the Bush administration has proposed to increase co-payments for prescription drugs and to charge high annual enrollment fees.

I oppose this proposal, as I am sure many Members on both sides of the aisle do, which punishes those in need by charging them money they do not have to pay for services they do need but cannot pay.

Current Secretary of State, the retired four star Army general, Colin Powell, that so many people tout so often and a few denigrate, voiced opposition to a similar flag amendment in the year 2000. Here is what Secretary Powell said at that time: "The first amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend," Colin Powell says, "that great shield of democracy" that stands right behind the Speaker of this House, "to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

That sounded so good maybe I ought to repeat it again: "The first amendments exists to ensure that freedom of speech and expression applies not just to that which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

I thank Secretary Powell.

This is a shallow amendment that addresses a nonissue. This is an unnecessary amendment that helps no one, but is likely to hurt us all. This is a dangerous amendment that should not be approved.

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

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today I rise in strong support of this rule and the underlying legislation, H.J. Res. 4, the desecration of the flag resolution.

Our Nation's flag is a sacred symbol of our country's liberties that so many men and women in uniform have fought and died to defend. As the symbol of that liberty, the flag deserves our greatest respect. To desecrate the flag raised by soldiers at Iwo Jima, astronauts on the Moon, and rescue workers at the World Trade Center is an affront to the very values it represents. Even in the past week, young Americans have laid down their lives in Iraq to protect the freedom and liberty that we enjoy here at home.

It is disgraceful that people would desecrate, even burn, the flag that all

of our Nation's veterans have fought so valiantly to defend.

Even as American soldiers prepared for war in Iraq, there were reports of protesters defacing flags, even flags being displayed in a memorial to the victims of September 11, 2001. These acts are disgraceful. They are repugnant, and they should not happen in this great Nation.

The flag deserves and demands our respect. The physical desecration of the flag is not free speech nor should it be protected under the first amendment. The amendment before us will clarify that desecration of the flag does not fall under the first amendment and will prevent the courts from making such an assertion.

I urge my colleagues to support the underlying resolution. I urge my colleagues to support the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who serves on the Committee on the Judiciary with distinction.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a very solemn occasion. I thank the distinguished gentleman from Florida (Mr. HASTINGS) for yielding me time; and I also thank him for his detailed explanation of the needs of this House, the needs of the people of America.

Mr. Speaker, I know that he rarely mentions the fact that he has had the occasion to ably serve as a Federal judge, interpreting the Constitution on a very regular basis. I thought since we were discussing the privacy of this Nation, a freedom, that it would be important to do something that many Americans do not do. And I would encourage you to not only read the Constitution and the Bill of Rights, but I would encourage you and the children of this Nation to carry the Constitution with you.

Might I share with you the words of article I, which expresses the beliefs of Americans from the early stages of our founding: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press of the right of the people peaceably to assemble and to petition the government for redress of grievances."

I believe that the young men and women throughout the ages, whether it was the war of 1812 or World War I or II, Korean conflict, Vietnam, Bosnia, Kosovo or the war in Iraq, young men and women went off inscribed not with the symbol of a flag but with the understanding of what the Constitution says. They are not fighting for a symbol, a piece of cloth. They are fighting for the fact that in America, we rise every day and are able to speak our minds, go to our respective places of worship and no one is there to restrain us, handcuff us, or detain us.

How shameful it is that we come now the fourth, fifth, sixth time since I have been in the United States Congress to suggest to the American people that our values are woven into the stripes and stars of this flag. They are woven into our hearts and the words and the Constitution and the Bill of Rights which you carry with you through your citizenship rights and privacy.

How tragic it is that we have to stand on the floor today when we have young Marines dying every day in Iraq, when we have not finished, if you will, in bringing order to Iraq; when we pass a tax bill that eliminates close to 25 percent of the American people from being able to access relief through taxation, people who work every day making 10,000 to \$25,000 a year. This Congress, this Congress voted a tax bill that would eliminate any relief for them, no child tax credit for families having as many as 12 million children, or representing 12 million children. This is the Congress that wants to come and denigrate the Constitution, disrespect its interpretation.

What is the interpretation? Freedom of expression, freedom of speech. And what I would say to you is that my understanding and value and love for this Nation is not based upon someone's desire to express their beliefs by any commentary or any action on the flag.

□ 1415

I have never burned the flag. I have never desired to burn the flag. I have expressed my opinion by way of the democracy that this flag guarantees for the freedom of speech.

How tragic it is. Does it mean that when we pass this resolution that if someone desires to wear a tie, a T-shirt or shorts that has a reflection or symbol of the flag that they are then in violation of the law of this land? Does it mean that we again go to the United States Supreme Court? Time after time, the United States Supreme Court has rejected any attempt to qualify the expression of speech.

Let me say this. We realize that we cannot cry fire in a crowded theater, that we would hurt someone, but we realize that burning the flag or desecrating it in any way does not do that.

Let me tell my colleagues why I am against this rule: Because I offered an amendment that would simply say, let us protect political speech, let us make sure that this amendment does not disallow one from expressing himself politically or his different views with the United States of America.

What does the Committee on Rules do? Rejects the many amendments that we offered to bring light as to what the Constitution actually says.

Mr. Speaker, let me say to my colleagues that I am certainly disappointed that we would use this floor to be able to frivolously undermine the Constitution. There is a saying that says, "the measure of a man," and we can go on to talk about the great

things of that person, the measure of a woman, the integrity and the honesty, the measure of this Congress should be the good works that we have done, by the American people.

I would simply argue this is a bad rule, this is a bad resolution because we are denying the very underpinning that the bill is built on, that is, the Constitution of the United States.

I yield back this amendment, I yield back this resolution, and I stand with the Constitution.

Mr. Speaker, I rise in opposition to H. Res. 255 the rule governing debate on H.J. Res. 4, an amendment to the Constitution to prohibit physical desecration of the flag of the United States. I oppose the rule to H.J. Res. 4 because the rule allows inadequate debate on amendment to an overly broad infringement on the First Amendment Right to Freedom of Speech. This partisan, modified closed rule, severely limits amendment and debate on issues that affect every American citizen—the U.S. Constitution and the First Amendment.

I proposed an amendment to H.J. Res. 4, that was not made in order. My amendment to H.J. Res. 4, was designed to protect American's right to express their opinions and views about government activity. My amendment stated in pertinent part, "a person shall not have violated a prohibition under that section for desecrating the flag, if such desecration is an expression of disagreement or displeasure with an act taken or decision made by a local, State, or Federal Government of the United States."

Under my amendment Americans would have retained their freedom to speak out against actions taken by local, State, and Federal governments through desecrations of the flag symbolizing their views. Our democratic government is a government of the people. Our citizen's freedom of expression is at the very heart of our democracy. An attack on American's freedom of expression is an attack on our entire democracy. My amendment would have protected our democracy and protects our citizens.

This rule, on the other hand, is potentially harmful to our democracy and America's citizens. Freedom of speech and freedom of expression are fundamental components of our democracy. Limiting the ability of American citizens to voice their opinions about their government, through flag desecrations or otherwise, is a violation of the principles of our democracy that are symbolized in the American flag, including the First Amendment right to freedom of expression.

I hope that the Republican leadership sees the irony of their decision to draft such a restrictive rule. We are debating a resolution that, if passed, will severely restrict American's ability to speak openly, freely, and fully, on issue that are of great concern to the public. Under this rule, my colleagues on this side of the aisle are restricted from speaking openly, freely, and fully, on an issue that will have a drastic impact on the public, the First Amendment.

This proposed amendment to the Constitution, H.J. Res. 4, is a severe abridgement of the freedom of expression protected by the First Amendment of the U.S. Constitution. This rule is a severe abridgement of our ability to debate an issue that may have a profound impact on one of America's most fundamental rights.

Mr. Speaker, I oppose this rule and I encourage my colleagues to do likewise.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. TERRY). The gentleman will state his parliamentary inquiry.

Mr. LINDER. Mr. Speaker, when individuals abuse the time limit, is there an arrangement by which that time can be applied against their side's total time left?

The SPEAKER pro tempore. All time for proper debate comes out of the time that has been yielded.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, I rise in support of the rule, although unenthusiastically. I am not too excited about this process, and certainly I am not very excited about this proposal to amend the Constitution. As for my viewpoint, I see the amendment as very unnecessary and very dangerous. I want to make a few points along those lines.

It has been inferred too often by those who promote this amendment that those who oppose it are less patriotic, and I think that is unfair. And an earlier statement was made by the gentleman from Florida that everybody here is patriotic and nobody's patriotism should be challenged.

It has also been said that if one does not support this amendment to the flag that they are disloyal to the military, and that cannot possibly be true. I have served 5 years in the military, and I do not feel less respectful of the military because I have a different interpretation on how we should handle the flag. But nevertheless, I think what we are doing here is very serious business because it deals with more than just the flag.

First off, I think what we are trying to achieve through an amendment to the Constitution is to impose values on people, that is to teach people patriotism with their definition of what patriotism is. But we cannot force values on people; we cannot say there will be a law that a person will do such and such because it is disrespectful if they do not, and therefore, we are going to make sure that people have these values that we want to teach. Values in a free society are done voluntarily, not through coercion, and certainly not by the law, because the law implies that there are guns, and that means the Federal Government and others will have to enforce these laws.

Here we are, amending the Constitution for a noncrisis. How many cases of flag burning have we seen? I have seen it on television a few times in the last year, but it was done on foreign soil, by foreigners, who had become angry at us over our policies, but I do not see that

many Americans in the streets burning up flags. There were probably a lot more earlier in previous decades, but in recent years, it averages out to about eight, about eight cases a year, and they are not all that horrendous. It involves more vandalism, teenagers taking flags and desecrating the flag and maybe burning it, and there are laws against that.

This is all so unnecessary. There are already laws against vandalism. There are State laws that say they cannot do it and they can be prosecuted. So this is overkill.

As a matter of fact, the Supreme Court has helped to create this. I know a lot of people depend on the Supreme Court to protect us, but in many ways, I think the Supreme Court has hurt us. So I agree with those who are promoting this amendment that the Supreme Court overreacted, because I think the States should have many more prerogatives than they do. Many states have these laws, and I believe that we should have a supreme court that would allow more solutions to occur at the State level. They would be imperfect, no doubt, it would not be perfect protection of liberty by State laws. But let me tell my colleagues, when we come here as politicians and superpatriots and we pass amendments to the Constitution, that will be less than perfect, then it will be just like the Supreme Court—a poor national solution.

It is a ruling for everyone, and if we make a mistake, it affects everybody in every State, and that is what I am afraid we are doing here.

The First Amendment has been brought up on several occasions, and I am sure it will be mentioned much more in general debate. This amendment does not directly violate the First Amendment, but what it does, it gives the Congress the authority to write laws that will violate the First Amendment, and this is where the trouble is. Nothing but confusion and litigation can result.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER), my good friend.

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

Mr. FILNER. Mr. Speaker, I rise to speak against this rule and against the underlying motion.

As the chairman said in his eloquent opening remarks, our flag is a grand and glorious symbol of our great Nation, of our fundamental values of freedom, liberty, justice and opportunity; and it is those values we must protect.

We are not going to protect these values by tampering with the Bill of Rights and our Constitution. These have stood the test of time, and it is impossible to legislate patriotism. We protect these values through proper education of our children, nurturing their love and patriotism of our country and nurturing their respect for our

flag and the men and women who keep our Nation strong.

Yes, through the years our values have always included respect for our veterans, also. As a child, I heard from my veteran father of the sacrifices made by the men and women of our armed services to keep our Nation free during World War II; and we have just witnessed the willingness of our current generation to put themselves in harm's way without hesitation when called upon by their President and their Nation to in Iraq.

So why are we having this debate now? I would appreciate the attention of my good friend from California. Why are we having this debate now?

This is a shell game, Mr. Speaker. They want us to look at this shell that has the flag and they are waving it furiously. They are waving it furiously, but they do not want us to watch this shell which are veterans benefits, which they are taking away. They vote first, out of here, a \$25 billion cut in our Nation's veterans, and then it is down to \$15 billion.

Is this the way we honor our flag and honor our veterans? I find it deeply disturbing that many Members of the House of Representatives seem to be tenaciously determined, year after year, to pass this amendment at the very time, at the very time they vote for budgets that cut services and benefits to our Nation's veterans. This is hypocrisy, and the veterans who are here to lobby on this bill should understand the hypocrisy that is going on and the shell game that is happening. This hypocrisy will not escape these veterans.

True respect for our veterans means that we do not abandon them when they return to our shores. Do my colleagues know, and I ask the gentleman from California, 14,000 veterans right now have waited longer than a year and a half for their action, many more for four or five years, for adjudication of their claims. There are veterans in San Diego, I would tell the gentleman, who have died while waiting for their appeal to be adjudicated.

Two hundred thousand of our veterans right now are waiting longer than 6 months for their first health care appointment with the VA, their first health care appointment. This is the way we honor our veterans? Some of them will die before their first appointment.

We have educational benefits under the GI bill that do not pay for college education. My father went to college on the GI bill. He bought a home on the GI bill. I am in Congress because of the GI bill, and what are we doing now? We are not even given enough for anyone to buy a home or go to college.

This House has recommended to increase prescription drug copayments and impose a new enrollment of \$250 for many veterans whom we are supposedly honoring today. Let me tell my colleagues about concurrent receipt, which allows disabled veterans who are

retired from the military to receive both their disability compensation and their military retired pay. It has been on our agenda for years. The congressional leadership, the Republican leadership, while working diligently on passing this amendment, cannot find the courage, cannot muster up their skills at legislation to pass concurrent receipt. The very people who are arguing for this bill vote "no" when it comes to our veterans, vote "no" when it comes to our concurrent receipt.

I ask the gentlepeople from the majority party, what will be the morale of our soldiers, soon to be veterans when they return home from Iraq, when they know they will have to wait for the promised services that the VA has made, when they know that they will have to pay more for less? What will be their morale when they see we are not keeping our promise to veterans? Are they going to wave the flag?

I challenge my colleagues to put first our values that our great flag represents. We are patriots. We are Americans. Let us restore our contract with our Nation's veterans. That is the way to express our patriotism and to protect our Nation's flag.

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

I would just like to comment that I am surprised that, for as long as the previous speaker served on the Committee on Veterans Affairs, he has allowed it to go on this long.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

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

Sometimes in these debates one issue gets mixed up with another issue, and I think that is what is happening here. I rise in support of this rule.

I also want to make a comment to the previous speaker that this Congress, Republican majority, with the help of the Democratic minority, is increasing the amount of money that is going to a myriad of veterans programs all over the country. So when those veterans come back from Iraq, they will not only see us waving the flag in strong appreciation of the work they did in enhancing freedom in Iraq, but they will receive the kind of benefits that the previous speaker mentioned about going to college on the GI bill.

I went to college on the GI bill. I bought a house with the GI bill, and those kinds of services are for the veterans of today. These young people are children of democracy, and they deserve what we received many, many years ago in our service to our country, but we are here today to discuss the rule and the issue of flag burning amendment.

I want to ask the question, what does it mean to be patriotic? How do we protect the flag and honor the flag? We honor the flag by being good parents, by being good citizens, by being good neighbors, by understanding and re-

specting the rule of law and understanding the thread of tolerance that weaves its way through the quilt of democracy.

I rise today opposing the underlying bill. How many times have we seen the flag burned in the United States? We see it burned in China, we see it burned in Iraq, we see it burned in Syria. We see it burned all over the country, but we do not see it burned here. If a person burns the flag in China, they put them in jail. If they burn the flag in Iran, they probably cut their head off. If they burn the flag in Cuba, they go to jail. Do we want to follow that example and that precedent? I do not think so.

Our present Constitution blends together the best of our heart and our minds. Our present Constitution understands our responsibility to respect the rule of law, but it shows such humanity in the tolerance that we have for different opinions in this country.

□ 1430

Do we want to respect and honor those who lost their lives in defense of this Nation? The last verse of that wonderfully beautiful poem "In Flanders Fields" says, "If you break faith with us who die, we shall not sleep, though poppies grow in Flanders Field." How do you break faith with those who defended the country? You stop having tolerance. You start following the precedent of countries like the former Iraq or Cuba or China.

We want to raise the flag in honor of those people who have protected the flag. Be a good citizen, a good neighbor, a good American.

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

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the sponsor of the underlying legislation.

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

Mr. CUNNINGHAM. Mr. Speaker, I take umbrage at some who would say that this is frivolous legislation. Mr. Speaker, to me, patriotism demands more than standing on the House floor and stating that we are all patriotic or we all support the troops. Check the record of those Members that consistently vote against defense bills or intel or even our veterans. It is just not true. To me, there are Members who are unpatriotic in this body.

I would say that voting against this bill in itself is not unpatriotic. People have different reasons. But patriotism is always unfinished business. It requires action, not just verbiage. And I state again that a vote against this bill does not mean you are unpatriotic, but I think there is a combination of votes and support for our troops and our country that does classify some people with those actions.

Mr. Speaker, a few months ago, I watched on television as they played

the series "Glory." It was about a regiment of African American troops that volunteered to go up to the front. They knew in attacking a fort that it would be certain death. And as Denzel Washington, the actor, and his crowd started to go forward to this and attack, knowing that they would most certainly die, the question was asked, "If I should fall, who will carry this flag?" And echoed down the ranks was, "I will," "I will," "I will," and they each did so. Each time the flag fell, African Americans picked up that flag and carried it forward. Thousands upon thousands of African Americans died protecting that flag.

Who rejects the arguments of the few? This bill will pass. The same group rejects it every time. My friend, who is a libertarian, he votes against it. Many of the far left vote against it. Some people, in my opinion, attempt to hide behind the first amendment. But who says that they are wrong? Two hundred years of tradition. Abraham Lincoln, Jefferson, Washington, our forefathers, came forward and said that the flag is worth protecting.

In the Civil War, and I am not proposing this, but in the Civil War there was the penalty of death in desecrating the flag. That is extreme. But who says they are wrong are 80 percent of the American people. All 50 States have said they will ratify this if we pass this legislation on the floor. All 50 States, 80 percent of the American people, and 100 percent of the veterans groups. Look around and see the veterans groups around Capitol Hill today. They support this legislation. They do not think it is frivolous. They do not think it is unnecessary. They do not think it violates the Constitution, because of 200 years of tradition.

One Court, in a 5-to-4 decision, changed 200 years. Mr. Speaker, we are saying that that is wrong. Talk about extremism and affecting the Constitution, we think it is that decision in 1989. I reject their arguments. Mr. Speaker, 14 years ago, the Supreme Court did reverse 200 years of tradition.

In my own district there was a protest. It was not about the flag; it was about bilingual education. There was a group of Hispanics that came around to protest a bilingual education ruling. One of the Hispanics started tromping and burning an American flag, and a Hispanic from my district grabbed the flag and was beaten. He said, listen, I may disagree on bilingual education, but this flag is a symbol of why I came to this country. It stands for freedom, it stands for liberty, and you will not desecrate it in my presence.

Some people say, well, it does not exude violence. You burn the American flag, and generally there is violence that follows. And again I would say, Mr. Speaker, that patriotism is always unfinished business.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to my friend, the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I want to make two points in this 1 minute.

Number one, the gentleman who just talked disparaged the Supreme Court because of one decision, that we should not respect that decision. It is the same Supreme Court that 2 years ago arrogated to itself the right to take away from the American people the choice of the Presidency and said do not finish counting the votes, we declare George Bush the President of the United States. That decision has been respected. Though on the merits and on the intellect, that decision belongs in the garbage heap of history because it was not an honest decision, it was not honestly intended. It was a results-oriented decision.

Secondly, the gentleman said that there are Members of this body who are not patriotic as seen by the votes against defense bills. The fact of the matter is, you can vote for a defense bill, you can vote against it based on whether you think that bill is best for your country or not. But to ascribe unpatriotic motives to differences of opinion is to disrespect the Bill of Rights in the Constitution. To ascribe unpatriotic motives to people who differ with you politically is the methodology of a Soviet commissar. It is not an argument that should be heard on this floor. It is an argument that destroys liberty. It destroys freedom of speech.

And whether a particular defense bill was good or too small, or bad or good or deserved to be voted for should be addressed on the merits intellectually and not by disparaging the motives and saying that someone who votes against it is unpatriotic. That argument we could hear from Mr. Stalin, not from someone on this floor.

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

Mr. Speaker, Robert Williams wrote an article recently, and he is one of the Tuskegee Airmen, and the title of the article was "A Tuskegee Airman Salutes The Flag." He talked initially about how he became a fighter pilot in the Second World War. And then he goes on, and I am skipping his first three paragraphs, but I quote him: "That is why I cringe when I see Congress preparing to pass a constitutional amendment that would rewrite the first amendment for the first time ever to ban a form of protest. It is particularly hard for me," Mr. Williams says, "as an American war veteran to see this action taken in the name of patriotism. For while we as a country view our flag as the very essence of patriotism, it is, in reality, a symbol of that spirit.

"And if the proposed flag desecration amendment wins final approval, our flag will become a symbol without substance. Don't get me wrong," Mr. Williams says, "no one endorses the idea of burning the flag or desecrating it in any way. It is, to me, a very repugnant concept. But I find more threatening

the idea that we would change the Constitution every time some American came up with a new repugnant way to protest."

He talks a lot about what it took to become an airman from Ottumwa, Iowa, and how he and his buddy applied on the same day, and he was, with empathy, told to give up. He did not give up, and he became a part of a proud fighter force in our Air Force, the Tuskegee Airmen. And he closes, and I am skipping a lot of what Mr. Williams said, he said: "Today, as I sit and recall the terrible attacks that we endured just to get the right to fight for our country, I am more certain that the elimination of any right to freedom of speech is dead bang wrong. Protest, after all, takes many forms and many shapes. Some of them may be seen as distasteful by some Americans. But if we change the Constitution to outlaw these less than acceptable forms of protest, then what we are doing is just as repugnant as burning the flag itself."

Thank you, Robert Williams.

You know what we could or should be doing right now? We should be passing the 13 appropriation measures that is our mandate here in Congress. We should be providing proper health benefits, rather than turning veterans away, as they are in my district in Fort Lauderdale, Florida. We should be passing a prescription drug benefit rather than talking about desecrating the flag. We should be building schools for our children and grandchildren rather than leaving them deficits that will cause them not to even have school. We should be passing aid to public universities to stop tuition from going up the way it is in my State and 20 other States around this Nation.

How about providing a child care tax credit for working families, like the gentleman from New York (Mr. RANGEL) came here and asked unanimous consent to do, rather than talking about flag desecration?

We should be increasing the funding of the National Institute of Health research funds. We should be helping the Centers for Disease Control prepare us in the event there is a problem in this Nation. We should be passing pay raises for Federal judges in this country who too long have suffered at the whim of this United States Congress. We should be providing dollars for first responders in this country. We should be providing money for port security, better housing for veterans, paving roads, paying teachers; and I can go on and on.

But what we come here with is a repugnant measure. All of us, every man and woman in this House, is patriotic, whether they voted for the defense measure or not. All of us are super-patriots in the sense that we provide service for our country. And each in our own way ideologically, left and right, black and white, rich and poor come here for the purpose of upholding that great symbol of ours, the flag. And I do not need anybody to tell me about patriotism.

I lost relatives and friends in wars like every man and woman here has. And there are kids right now that would rather come home and know that we took care of some of those things that we needed to take care of rather than handle a handful of miscreants that might go out and foolishly burn a flag. There are laws, as one of our colleagues said, that takes care of that. Let those laws be sufficient for us. Let the flag reign supreme. Do not let it rain down the kind of desecration that not passing these measures would help us to do.

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

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to simply say that after that litany of spending measures, I believe the gentleman from Florida has forfeited any future opportunities to complain about deficits.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1445

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 255, I call up the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 255, the joint resolution is considered read for amendment.

The text of House Joint Resolution 4 is as follows:

H.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

“ARTICLE—

“The Congress shall have power to prohibit the physical desecration of the flag of the United States.”

The SPEAKER pro tempore. After 2 hours of debate on the joint resolution, it shall be in order to consider an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman

from New York (Mr. NADLER) each will control 1 hour of debate on the joint resolution.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 4.

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

There was no objection.

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

Mr. Speaker, H.J. Res. 4 is a proposed amendment to the United States Constitution that would simply return to Congress the authority that it possessed for over 200 years to prohibit the physical desecration of the flag of the United States. H.J. Res. 4 does not outlaw flag desecration; rather, this proposal merely sets the boundaries by which Congress can enact subsequent implementing legislation, if it so chooses, to prohibit such conduct.

The flag is the most revered and beloved symbol of our great Nation, representing all that is American and reminding the world of our undying love of freedom and democracy. The flag serves as a shining bedrock of our principles and values as a country, leading our men and women into conflicts around the globe and draping the caskets of those same individuals when they return home after giving the ultimate sacrifice in defense of such values. It is the flag to which we pledge allegiance here in the halls of Congress and in schools throughout our country. It is this object and all that it represents that we as Americans hold so dear.

While the Federal Government and almost every single State validly protected the flag without constitutional objection for numerous years, this protection was circumscribed by the United States Supreme Court in *Texas v. Johnson* in 1989. In the *Johnson* case, a majority of five justices held that burning the flag was expressive conduct protected by the First Amendment to the Constitution. Congress responded to this decision in 1990 by enacting a Federal statute to outlaw such conduct in accordance with the Supreme Court's decision in *Johnson*. However, the Supreme Court that same year ruled in *United States v. Eichman* that the recently enacted Federal statute also violated the Constitution. Thus, the American people are now left with no other alternative but to amend the Constitution in order to protect their flag.

House Joint Resolution 4 will simply overturn these two erroneous Supreme Court decisions, restoring the original interpretation to the First Amendment that had persisted for over two centuries since the birth of our country.

When considering the powers of our respective branches of government in effecting the will of the American people, we should be reminded of the words of Abraham Lincoln in his first inaugural address in 1861, “If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers.”

Thus, because the Constitution expressly designates “We the People” as possessing the ultimate authority in this great Nation, and not the Supreme Court, we as representatives of the people must respond and act according to the will of the people in approving this proposed constitutional amendment.

Contrary to what opponents of House Joint Resolution 4 will claim, this proposal does not amend the First Amendment or the Bill of Rights for the first time in history. Rather, it was the Supreme Court that first amended our constitutional rights and liberties as Americans in this area of the law in 1989 by denying the American people the authority to protect their flag. H.J. Res. 4 will simply restore this sacred right and the original understanding of the First Amendment and the Bill of Rights that had persisted since the very beginning of our country. Thomas Jefferson, the author of the Declaration of Independence, and James Madison, the father of our Constitution, both agreed that the government could prohibit acts of flag desecration.

Rights guaranteed under the First Amendment are not unlimited. Rather, Americans are constrained in their speech to a certain degree, whether pursuant to libel and slander laws, perjury laws, laws against inciting breach of the peace or riots, or obscenity laws. Furthermore, conduct that is arguably associated with speech has also always been validly regulated. While someone seeking publicity or wanting to protest may think that the best method to convey a particular message may be to parade nude in Lafayette Square across from the White House, that form of conduct is illegal. H.J. Res. 4 simply seeks to give Congress the authority to prohibit another particular form of conduct, flag desecration, without regard to the speech being broadcasted during such conduct.

Those seeking to express themselves would be left with, as Chief Justice Rehnquist put it, “a full panoply of other symbols and every conceivable form of verbal expression” by which to make their ideas known. As the Supreme Court has stated, “the First Amendment does not guarantee the right to employ every conceivable method of communication at all times and in all places.”

I urge my colleagues to recognize the wishes of the American people and restore the original interpretation and understanding of the First Amendment and the Bill of Rights to the Constitution by supporting this resolution.

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

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

Mr. Speaker, today we are enduring the annual Republican rite of spring, a proposed amendment to the Bill of Rights to restrict what it calls flag desecration.

Why spring? Because the calendar tells us that June 14 is Flag Day, and then, of course, we have July 4. Members need to send out a press release extolling the need to protect the flag, as if the flag needed protection by Congress. We do not see a great epidemic of flag burning. This amendment is truly an answer in search of a problem.

The flag is a symbol of a great Nation and of the fundamental freedoms for which this Nation stands. If the flag needs protection at all, it is from Members of Congress who value the symbol more than the freedoms that the flag represents, and would, in fact, limit those freedoms to protect the symbol.

The argument that we must, for the first time in our Nation's history, amend the Constitution to limit freedom of speech because the flag stands for freedom would sound like a bad joke if the danger to the First Amendment were not so real. I warn my colleagues, once we get into the business of amending the Constitution, every time someone does something we do not like, there will be no end to it. We have never in the 200 years of this country so far, of this Republic, amended the Bill of Rights, and we should not start now.

There is unpopular speech that people find offensive, unpopular religions that people do not like. We had a Member of the House on the floor a few years ago excoriate the Army for allowing a wicked religious service on an Army base. The man with the protest sign in a crowd of people favoring the President and his policies, he was threatened with arrest if he did not leave or get rid of his sign because it did not agree with the other signs. Maybe some of our Republican friends think we need a constitutional amendment for protesting against Republican Presidents. Quite frankly, the crass political use of the flag to question the patriotism of those who value our fundamental freedoms is a greater insult to those who died in the service of our Nation than even the burning of the flag. It is the civic equivalent of taking the Lord's name in vain.

People have rights in this country that supersede public opinion, even strongly held public opinion. If we do not preserve those rights, the flag would have been desecrated far beyond the capability of any individual with a cigarette lighter. Let there be no doubt, this amendment is aimed directly at unpopular political ideas.

Current Federal law says that the preferred way to dispose of a tattered and old flag is to burn it, but there are those who would criminalize the same act if it was done to express political dissent. So if you burn the flag, if you physically burn the flag while standing

around saying nice things, pleasant things, platitudes about patriotism, then that is a wonderful thing to do. But if you burn the flag while criticizing the conduct of the current administration or some political decision, then you will be arrested.

Is the act of burning the flag any different in those two instances? No. What is different is the words said in association with it. In one instance, the words are pleasant and nice and therefore protected by the First Amendment; and in the other instance, the words are unpleasant and disagreeable and, therefore, we are going to pass a constitutional amendment to throw someone in jail for uttering the wrong words while he burns the flag, because if he uttered the nice words while he burned the flag, that would be the correct way of disposing of the flag.

Clearly, the Supreme Court was right, it is the expression of unpopular political opinions that this amendment is aimed at, and that is why this amendment should not be passed because we should protect the right to utter all opinions in this country, even those we think are harmful because bad ideas should be driven out of the arena of public opinion by good ideas, not by repression by the State or by the police. That is why we have the Bill of Rights, and that is why this amendment should not pass.

One other example, and that is if someone produced a movie or play in which actors impersonated Nazi soldiers, and during the course of that play, the Nazi soldiers trampled on the flag to show the contempt the Nazis had for freedom and the United States, no one would think of arresting the actors because they know they did not mean it. They would know they were showing what Nazis thought of the flag and the United States, not what the actors think. So it is clearly the ideas associated with the act of desecrating the flag, it is the speech that we are criminalizing here, and that is why the Supreme Court was right to say we cannot criminalize speech.

We heard in the hearings conducted before the Committee on the Judiciary from a Vietnam veteran who has been in a wheelchair for the last 30 years as a result of his combat wounds in Vietnam. He made clear he did not want his sacrifice to be used to destroy the freedoms for which he fought and for which many of his friends made the ultimate sacrifice. I would urge my colleagues to listen to all veterans and understand that those who support this amendment do not speak for all veterans.

General Colin Powell, for example, had this to say about this amendment a few years ago, "The First Amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

Jim Warner, a Vietnam veteran and prisoner of the North Vietnamese from October 1967 to March 1973, wrote, "The fact is, the principles for which we fought, for which our comrades died, are advancing everywhere upon the earth, while the principles against which we fought are everywhere discredited and rejected. The flag burners have lost, and their defeat is the most fitting and thorough rebuke of their principles which the human mind could devise. Why do we need to do more? An act intended merely as an insult is not worthy of our fallen comrades. It is the sort of thing our enemies did to us, but we are not them, and we must conform to a different standard. Now, when the justice of our principles is everywhere vindicated, the cause of human liberty demands that this amendment be rejected. Rejecting this amendment would not mean that we agree with those who burn our flag, or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom, even for those expressions we find repugnant."

I would add that rejection of this amendment would mean that we understand that democracy in the United States and our protection of freedom of expression in the United States is stronger than the ill will and the venom that motivates people who might desecrate our flag, and that we do not need a constitutional amendment to protect us against them.

□ 1500

These thoughts are echoed by Terry Anderson, a former U.S. Marine staff sergeant and Vietnam veteran who was held hostage in Lebanon, who wrote:

"This constitutional amendment is an extremely unwise restriction of every American's constitutional rights. The Supreme Court has repeatedly held that the first amendment protects symbolic acts under its guarantee of free speech. Burning or otherwise damaging a flag is offensive to many, including me, but it harms no one and is so obviously an act of political speech that I'm amazed anyone could disagree with the Court."

Mr. Speaker, people have died for this Nation and the rights which this flag so proudly represents. Let us not destroy the freedoms and the way of life for which they made the ultimate sacrifice. Let us not demean our freedoms. Let us not demean our country. Let us not for the first time in the history amend the Bill of Rights to say we cannot be trusted with that freedom. Let us not pass this amendment.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

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

Before I get into the bulk of my talk, Mr. Speaker, the gentleman from New

York has mentioned once again a letter from Colin Powell. I have in my hand here a letter written by another distinguished American general, Norman Schwarzkopf, who in essence indicates, and I will just take one sentence here, "I regard legal protections for our flag as an absolute necessity and a matter of critical importance to our Nation." He goes on in support. I think both Colin Powell and Norman Schwarzkopf are great Americans but oftentimes, as on many other issues, good people can come to differing opinions on an important issue, and they have in this particular case. I do believe that we do need to protect the flag.

The flag of the United States of America has become the physical manifestation of democracy and freedom in the world today. The flag has been described as a national asset, akin to the Grand Canyon and the Washington Monument, as it symbolizes the strength and endurance of this great Nation and the embodiment of its ideals and its values. As Chief Justice Rehnquist has noted, "Millions and millions of Americans regard it with an almost mystical reverence, regardless of what sort of social, political or philosophical beliefs they may have." We pledge our allegiance to the flag, we pay tribute to the flag through song as illustrated by our national anthem, and we honor our fallen soldiers by draping flags over their coffins, planting flags at Arlington National Cemetery as we did most recently on Memorial Day not long ago, and presenting flags to widows and widowers. To say that the American flag is simply a colored piece of cloth mischaracterizes the nature of the symbol and its importance to our country. As the flag goes, so goes our country. If we allow its defacement, so too do we allow our country's gradual decline. Therefore, in order to ensure the future of our country, we must ensure the future of our flag.

Over the years, there have been countless acts of flag desecration. The gentleman has said, and we have heard this in committee, that it does not happen that often anymore; but since 1994 alone there have been over 115 reported incidents, and those are reported incidents, of flag desecration, occurring in 35 States, here in the District of Columbia, and in Puerto Rico. The States and the Federal Government have been prevented from prohibiting such conduct since 1989 when the United States Supreme Court ruled in *Texas v. Johnson* that flag burning was expressive conduct protected by the first amendment to the Constitution. That was a 5 to 4 vote, I might add. Congress immediately responded by passing the Flag Protection Act of 1990. However, shortly thereafter, the Supreme Court in *United States v. Eichman* held that the act was unconstitutional for the same reasons as in the *Johnson* case. Thus, the only option remaining for the American citizenry to address and correct this prob-

lem is through the constitutional amendment process as set forth in article 5 of the United States Constitution. That is why we are here today. It is the only way that we now can protect the flag because of these two Supreme Court cases.

H.J. Res. 4 will simply restore the constitutional authority that Congress had possessed for more than 200 years to protect the flag from physical desecration. While opponents claim that amending the Constitution to remedy a problem that they contend does not exist will open the floodgates to other amendments, history has proven this assertion false. In fact, since the adoption of the Bill of Rights, there have been over 11,000 proposed constitutional amendments with only 17 approved and ratified.

So we have only amended the Constitution 17 times plus the 10 times it was amended in the Bill of Rights. Thus, the fear of an onslaught of constitutional amendments and the eventual destabilization of the document itself is unfounded. In addition, opponents claim that this proposed constitutional amendment will infringe upon speech and adversely impact those protesting against government policies. First, H.J. Res. 4 is in no way related to the suppression of free speech and is not at all concerned with content of any type of expression. Rather, H.J. Res. 4 is concerned only with the vehicle through which some individuals choose to express their ideas. Just as people cannot burn a dollar bill or burn their draft cards to express their ideas, so too should people be prohibited from burning or desecrating the American flag. H.J. Res. 4 would not interfere with a speaker's freedom to express his or her ideas by any other means.

Secondly, this amendment would not unfairly target those who protest against government policy, as there were numerous statutes in the past outlawing the desecration of the flag, and there is no evidence of prosecutorial abuse in this regard. The exaggerated scenarios that opponents of this measure paint are intended not to illustrate reality but only to incite fear and hostility toward this measure.

Opponents also argue that the words encompassed in the proposal such as "flag" and "desecration" are too broad and ambiguous, leaving the public uninformed as to the type of conduct that will ultimately be prohibited. The simple answer to this is that H.J. Res. 4 is a proposed constitutional amendment which by definition necessitates ambiguous terms in order to give Congress sufficient flexibility to draft and adopt authorizing legislation. Consider the calamity that would have resulted if the drafters of the 14th amendment would have been required to specifically define "due process" or "equal protection." The nature of the Constitution requires that such terms be broad and subject to interpretation.

Desecration of the flag necessarily diminishes and adversely affects those

values and principles for which the flag stands.

We believe very strongly that this should be passed.

Mr. NADLER. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to place this debate in context because every time we cut veterans benefits, we pull out this resolution. Just a few weeks ago, we voted to cut veterans benefits by \$28 billion. And so far those cuts have been restored, but many in this House, a majority, in fact, of this House, will have to explain those votes. Challenging the patriotism of those of us who voted "no" on those cuts will not cover up the fact that those votes were actually cast.

Mr. Speaker, we should acknowledge that the whole purpose of the underlying constitutional amendment is to stifle political expression that we find offensive. While I agree that we should respect the flag, I do not think it is appropriate to use the criminal code to enforce our views on those who disagree with us. The Supreme Court has considered restrictions on the Bill of Rights that are permissible by the government. For example, under the first amendment with respect to speech, time, place and manner may generally be regulated while content cannot. There are, of course, exceptions. Speech that creates an imminent threat of violence or threatens safety or patently offensive expression that has no redeeming social value, those may be restricted. But generally you cannot restrict content. The distinction is that you can restrict time, place and manner but not content. And so you can restrict the particulars of a march or demonstration, what time it is held, where it is held; but you cannot restrict what people are marching or demonstrating about. You cannot ban a particular march or demonstration just because you disagree with the message unless you decide to ban all marches. You cannot allow marches by the Republican Party but not by the Democratic Party.

Some have referred to the underlying resolution as the anti-flag burning amendment and they speak about the necessity of this amendment to keep people from burning flags. But, really, the only place we ever see flags burned is in compliance with the Federal code at flag ceremonies, disposing of a worn-out flag. If you ask any Boy Scout or any member of the American Legion, how do you dispose of a worn-out flag, they will tell you that you burn the flag at a respectful ceremony. This proposed constitutional amendment is all about expression and all about prohibiting expression in violation of the spirit of the first amendment. By using the word "desecration," we are giving government officials the power to decide that one can burn a flag if you are saying something nice or respectful,

but you are a criminal if you burn the flag while saying something offensive or insulting. This is an absurd distinction and is in direct contravention with the whole purpose of the first amendment.

Mr. Speaker, in addition to the violation of the spirit of the Bill of Rights, this legislation has practical problems. For example, what is a flag? Can you desecrate a picture of a flag? Can a flag with the wrong number of stripes or stars be desecrated?

Mr. Speaker, during the Vietnam War, laws were passed prohibiting draft cards from being burned and protesters with great flourish would say that they were burning their draft cards and offend everybody, but then nobody would know whether it was a draft card or just a piece of paper. Mr. Speaker, what happens if you desecrate your own flag in private? Are you subject to criminal prosecution if someone finds out?

And finally, Mr. Speaker, I feel compelled to comment on the ridiculous suggestions that stealing and destroying someone's personal property is protected if that property happens to be a flag. That is wrong. It is theft and destruction of personal property. What this legislation is aimed at is criminalizing political speech. And so we should not politicize criminal speech we disagree with just because we have the votes.

I would hope, Mr. Speaker, that we would defeat the resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), the author of the resolution.

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

Mr. CUNNINGHAM. Mr. Speaker, my friend on the other side mentioned a gentleman from the Tuskegee Airmen, a very honored group. As a matter of fact, there is a chapter in San Diego. I spoke to them about this resolution in San Diego years ago. They support this resolution. They are good friends of mine. These are the men that fought against racism and flew P-51s in WWII. Not a single bomber was lost while the Tuskegee Airmen escorted them.

Opponents say that this is frivolous, that we are offering a frivolous amendment. In the Tuskegee Airmen letter, it said that this for the first time was denying first amendment rights. It is not. For 200 years-plus, this was tradition in our country. Abraham Lincoln, Washington, Jefferson, yes, and even Betsy Ross knew the threads that held this country together. During the Civil War, it was a death penalty to desecrate the flag. No one is asking us to do this. As a matter of fact, this vote today only gives the States the right to ratify this resolution. Even if we pass this here today, if the States say "no," it will not pass.

The gentleman from New York said, do we know democracy? Fifty State

resolutions say that they will ratify this. That to me is democracy. Two hundred years of tradition wiped away by a 5 to 4 Supreme Court vote. That is democracy. Eighty percent of the American people support this bill. To me that is democracy. Two hundred Members of this House and one vote short in the other body on these resolutions. That is democracy.

□ 1515

Even the dissenters of the Supreme Court, and I quote, noted that "In times of national crisis, the flag inspires and motivates the average citizen to make personal sacrifices in order to achieve societal goals of importance."

Not just during war, but maybe there is an earthquake or a fire. It inspires people.

So what do you think on the other side it does to these same people when you desecrate that symbol that lifts them up? And that is why this is important, Mr. Speaker. This is 200 years of tradition.

What is patriotism? I told you in the rule vote about a young Hispanic, that other Hispanics were desecrating the flag and he grabbed the flag and he was beaten, and he stood up and said, "That is why I immigrated to this country. This flag represents the traditions, the freedoms, the liberty that I stand for." And he did not let them burn it.

I mentioned about "Glory," African Americans that picked up the flag when one of their fellow soldiers fell, knowing that they would die. Ask those African American soldiers that charged that fort what they would think of you today rationalizing against this vote that it is a First Amendment vote. It is not.

You have all kinds of actions. You can swear, you can yell, you can protest, you can hold up signs, but just do not desecrate the American flag.

I have a story that I have, a friend that was a prisoner of war for 6½ years. It took him 6 years to gather bits of thread to knit an American flag on the inside of his shirt. And that was fine, until the Vietnamese guards broke in, and they saw the POW with a flag that he hung above on the wall when they were able to get together.

They saw the flag. They ripped it to shreds. They dragged the POW out and they beat him unconscious, so bad that the other prisoners did not think he would survive. And they comforted him as much as they could. He went back in the corner, and a few minutes later they looked and saw this broken-body POW drag himself to the center of the floor and started gathering those bits of thread to knit another American flag.

That is action. Patriotism takes action, and it is action that is unfinished business at all times.

This is not frivolous to us. I was shot down on my 300th mission over Vietnam. The actors that protested the war, that was their right under the

First Amendment. I may disagree with them, but it was their right.

Protest in any way you want, just do not burn the American flag. Vote yes on this resolution.

Mr. NADLER. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

Mr. Speaker, this is about choices, and it is about differences of opinion, so I respect greatly my good friend from California for his desire to move on this legislation. But I think the American people need to be able to flush out what this debate is all about.

H.J. Res. 4, were it to pass, would be the first time in United States history that the Constitution is amended in order to curtail an existing right. Just a few minutes ago on this floor I held up the Constitution, and I said that Americans need to begin to read the Constitution again, that is, to understand that it is a document to give rights, to protect as opposed to prohibit.

We have seen the courts over the years refine our laws, and I have admitted on this floor that crying fire in a crowded theater certainly has been enunciated as being against the order, against law and order, and against the protection of the people. But this amendment does nothing to enhance the rights of Americans.

I have heard my good friend utilize Hispanics and African Americans. I certainly welcome his right to express his viewpoints and whatever characterization he is trying to suggest. But I would offer to say that today we all stand as patriots and Americans, Hispanics, African Americans, Asians; in Texas, Anglos or Caucasians, Native Americans, new immigrants, people seeking opportunity.

The real question is that there is no prohibition for some valiant soldier to rise to the occasion and take a flag across a battlefield. We do not stop that. We applaud that. Nor is there any prohibition likewise for someone who has a disagreement on the political philosophy of this Nation to be able to rise up in disagreement.

Clearly, during the civil rights era, might I say, thank God for the First Amendment, that there were brave souls enough to speak against the horribleness of segregation. If you took the laws of the South, those people should have been jailed, as they were over and over again, you would have confirmed their being jailed for expressing their right to associate against segregation. So this is a matter of choice and a matter of disagreement.

Two generals who were annunciated by my friends, General Powell indicating his position, and a different position, difference of opinion; and this is what this amendment stands for, not accepting differences of opinion.

The Supreme Court in the Gregory Johnson case right out of Texas when this individual in 1989 burned a flag in front of the Republican convention, sounds horrific, sounds embarrassing, but yet the Court of Appeals and the Supreme Court indicated that the lower court's decision should be reversed, holding that the Texas law had been unconstitutionally applied to Johnson in violation of his First Amendment rights. The Supreme Court upheld that right for him to have political expression.

I had such an amendment before the Committee on Rules that political content, speech, should be protected, but yet it was rejected.

I would simply say, Mr. Speaker, in closing, it is a matter of choice and a matter of right. I beg my colleagues not to pass an amendment that restricts the Constitution. That would be wrong and misdirected.

Mr. Speaker, I rise in opposition to H.J. Res. 4, an amendment to the Constitution to prohibit physical desecration of the flag of the United States. I oppose H.J. Res. 4 because this resolution is an overly broad infringement on the First Amendment Right to Freedom of Speech.

BACKGROUND

This is not the first time this Chamber has considered this very Amendment to the Constitution. In 1990, Congress considered and rejected H.J. Res. 350—an Amendment to the U.S. Constitution specifying that "The Congress and the States have the power to prohibit the physical desecration of the flag of the United States." This failed to get the necessary two-thirds congressional majority by a vote of 254–177 in the House and 58–43 in the Senate. Again in 1995 Congress considered the same amendment, H.J. Res. 79, but did not get the necessary two third majority vote of the Senate. In 1999, this Constitutional Amendment, then call H.J. Res. 33, also failed to be passed.

If H.J. Res. 4 were to pass, it would mark the first time in United States' history that the Constitution is amended in order to curtail an existing right. In this case, the proposed amendment would severely narrow the scope of the First Amendment's protection of free expression codified in the Bill of Rights. This dangerous and unnecessary assault on our fundamental liberties would set a terrible precedent.

I renew my opposition to this Constitutional Amendment. Despite my opposition, I agree with the proponents of this Constitutional Amendment that the American flag is a symbol of all of the principles and ideals that this country is built upon—freedom of assembly, freedom of religion, equality, and justice to name a few.

FLAG DESECRATION AND THE FIRST AMENDMENT

One of the most important ideals that the flag symbolizes is the First Amendment protection of freedom of speech. I believe that freedom of speech should be protected without condition. The Supreme Court of the United States, as it relates to desecration of the flag, appears to agree.

In 1989 the Supreme Court addressed the issue of flag desecration as it related to the First Amendment. In 1989, the Supreme Court finally addressed whether a flag burning stat-

ute violates the First Amendment in *Texas v. Johnson*.

In that case, Gregory Johnson was arrested for burning the U.S. flag during a demonstration outside of the Republican National Convention in Dallas. Mr. Johnson's actions were deemed to be in violation of Texas' "Venerated Objects" law. The Texas statute outlawed "intentionally or knowingly" desecrating a "national flag." The statute, defined the term "desecrate" to mean "to deface, damage or otherwise physically mistreat in a way that the actor knows will seriously offend one or more persons likely to observe or discover his action." The Court of Appeals for the Fifth District of Texas upheld Johnson's conviction under the Venerated Objects law. The Court of Criminal Appeals, Texas' highest criminal court, reversed the lower court decision, holding that the Texas law had been unconstitutionally applied to Johnson in violation of his First Amendment rights.

The Supreme Court affirmed the Texas Court of Criminal Appeals ruling and determined that the First Amendment protects those citizens who burn the U.S. flag in political protest from prosecution. The Supreme Court ruled that Johnson's conduct constituted a symbolic expression that was both intentional and overly apparent. According to the Supreme Court, the Texas statute was "content-based" and, therefore, subject to "the most exacting scrutiny test" outlined in another Supreme Court case, *Boos v. Barry*. The Texas statute was deemed content-based because Johnson's guilt depended on the communicative aspect of his expressive conduct and was restricted because of the content of the message he conveyed. Furthermore, the Court stated that, although the Government has an interest in encouraging proper treatment of the flag, it was prohibited from criminally punishing a person for burning a flag as a means of political protest. The Court determined that the Texas statute was designed to prevent citizens from conveying "harmful" messages, reflecting a government interest that violated the First Amendment principle that government may not prohibit expression of an idea simply because it finds the idea offensive or disagrees with the idea.

In response to the Johnson ruling, Congress passed the content-neutral "Flag Protection Act of 1989." The Flag Protection Act of 1908 prohibited flag desecration under all circumstances by removing the requirement that the conduct cast contempt upon the flag. The statute also narrowly defined the term "flag" in an effort to avoid any vagueness problems. After the Flag Protection Act was passed, a series of the flag burnings took place in cities across. Criminal charges were brought against protesters who participated in flag burning incidents in Seattle and Washington, D.C. In both cases, the federal district courts relied on Johnson, striking down the 1989 law as unconstitutional when applied to political protesters.

In *U.S. v. Eichman*, the Supreme Court protected First Amendment freedom of speech, and in a 5–4 decision upheld the lower federal court rulings and struck down the Flag Protection Act of 1989. The Court ruled, again, that the Government's stated interest in protecting the status of the flag "as a symbol of our Nation and certain national ideals" was a "suppression of free expression" that gave rise to an infringement of First Amendment rights.

The Court acknowledged that the 1989 law, unlike the Texas statute in Johnson, contained no content-based limitations on the scope of protected conduct. However, the Court determined, the federal statute was subject to strict scrutiny because it could not be enforced without reference to the message of the "speaker."

The supporters of H.J. Res. 4 argue that flag desecration should not be considered speech within the meaning of First Amendment. On the contrary, it is precisely the expressive content of acts involving the flag that the amendment would target. These expressive acts are within the definition of speech. It is obvious that the criminal sanctions against flag burning in the Johnson case, and the criminal sanctions the sponsors of this amendment will likely seek to enact if H.J. Res. 4 is adopted, are directly related to the expressive content of the act of burning the flag.

Under current law "[t]he flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning." It is clear then, that the prohibitions against flag burning or "physical desecration" in H.J. Res. 4 are fundamentally content-based. Burning a flag to demonstrate respect or patriotism is permissible under current law. Should the proposed amendment pass, burning the flag to convey a political viewpoint of dissent or anger at the United States would become a crime.

The airing of unpopular, dissenting views is an affirmative social good. Attempt to place limits on the manner of form of expressing unpopular views must inevitably translate into limits on the content of the unpopular views themselves. Likewise, limitations on the use of the flag in political demonstrations ultimately undermines First Amendment free speech.

Adoption of H.J. Res. 4 will also create a number of dangerous precedents in our legal system. The Resolution will encourage further departures from the First Amendment and diminish respect for our Constitution. Doing so would make it unlikely to be that this would be the last time Congress acts to restrict our First Amendment liberties.

H.J. RES. 4 DOES NOT HONOR AMERICA'S VETERANS

It also flawed reasoning to argue that this amendment honors the courage and sacrifice of America's veterans. It may be the opinion of many American's that we should condemn those who would dishonor our nation's flag. However, H.J. Res. 4 will dishonor the Constitution and betray the very ideals for which so many veterans fought, and for which so many members of our armed forces made the ultimate sacrifice. In a May 18, 1999 letter to Senator PATRICK LEAHY, General Colin L. Powell said:

The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will fly proudly long after they have slunk away.

Another honored member of our Armed Services, Jim Warner, a Vietnam veteran and prisoner of the North Vietnamese from October 1967 to March 1973, wrote:

The fact is, the principles for which we fought, for which our comrades died, are advancing everywhere upon the Earth, while the principles against which we fought are

everywhere discredited and rejected. The flag burners have lost, and their defeat is the most fitting and thorough rebuke of their principles which the human could devise. Why do we need to do more? An act intended merely as an insult is not worthy of our fallen comrades. It is the sort of thing our enemies did to us, but we are not them, and we must conform to a different standard. . . . Now, when the justice of our principles is everywhere vindicated, the cause of human liberty demands that this amendment be rejected. Rejecting this amendment would not mean that we agree with those who burned our flag, or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom, even for those expressions we find repugnant.

The flag is a symbol of our freedoms. The right to speak openly, even if that speech is unpopular, is a freedom. As we consider this Amendment we are faced with a difficult question: Do we protect a symbol of freedom of speech, or do we protect free speech itself? When given the choice, I choose to protect freedom itself over a symbol of freedom.

Mr. Speaker, while many Americans find desecration of the flag offensive or distasteful, the strength of our nation lies in our ability to tolerate dissent and allow free speech especially when we disagree. We should not let a handful of offensive individuals cause us to surrender the very freedoms that make us a beacon of liberty for the rest of the world. For these reasons, I urge my colleagues to vote no on H.J. Res. 4.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the word seems to be around here that the Supreme Court decisions are sacrosanct and we should never amend the Constitution when the Congress and the several States believe the Supreme Court is wrong. I believe the Supreme Court is wrong in this, and that is why this amendment is before us.

But I point out that in three of the 17 instances since the Bill of Rights was ratified, the Congress and the States have amended the Constitution to reverse Supreme Court decisions. The 11th Amendment reversed the decision relative to the judicial power of the United States. The 14th Amendment reversed the Dred Scott decision. The 16th Amendment reversed the decision on the income tax. So, three of the 17 amendments that have been ratified since 1791 have reversed Supreme Court decisions that the Congress and the States have thought were erroneous.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

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

I must tell you, Mr. Speaker, I think this is a great debate. As a member of the Committee on the Judiciary, as someone trained in constitutional law, I find the passion that I hear on this floor today for the First Amendment truly inspiring, and I respect it immensely.

In fact, would that we had heard that same passion for protecting the free speech rights of Americans when last

year this Congress adopted severe limitations on campaign speech in the so-called campaign finance reform legislation. But that is a battle for another branch of this government and another day.

I rise today, rather, Mr. Speaker, to try and express from my heart what I believe this amendment means to millions of patriotic Americans who support it, and I do so with a sincere heart, to speak to those millions of patriotic Americans who oppose it.

After surviving the bloodiest battlefield since Gettysburg, a squad of Marines trudged up Mount Suribachi on Sulfur Island with a simple task: to raise the American flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his men, history records that a thunderous cheer rose from the troops on land and on sea, in foxholes and on stretchers. Hope returned to that field of battle when the American flag began flapping in the wind.

It is written, Mr. Speaker, that without a vision, the people perish. The flag was the vision that inspired and rallied our troops on Iwo Jima, and I would offer to you humbly today, the flag is still the vision for Americans who cherish those who stood ready to make the necessary sacrifices. It may well be why every single veterans group in America is scoring the vote in favor of the flag resolution today.

I would offer that by adopting this flag protection amendment, we will raise Old Glory again. We will raise her above the decisions of the judiciary that was both wrong on the law and on history. We will raise the flag above the cynicism of our times. We will say to my generation of Americans those most unwelcome of words, there are limits. Out of respect for those who serve beneath it and for those who died within the sight of it, we must say there are boundaries necessary to the survival of freedom.

Let us raise the American flag to her Old Glory again.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, we are gathered here today to debate a constitutional amendment that would restrict the right of an American to make a foolish, foolish mistake with his own property. My primary objection to this amendment is that it will give government a tool with which to prosecute Americans with minority views, particularly at times of great national division, behavior that would have been perceived as patriotic if done by the majority.

Unfortunately, our history has abundant examples of patriotism being used to hurt those who express views in disagreement with that of the majority. Let me share with you some news stories taken from the New York Times in years of great strife in America.

The first one I would like to read is from April 7, 1917, 1917, headline: "Din-

ers Resent Slight to the Anthem. Attack a Man and Two Women Who Refuse to Stand When It Is Played. There was much excitement in the main dining room at Rectors last night following the playing of the Star Spangled Banner. Frederick Boyd, a former reporter on the New York Call, a Socialist newspaper, was dining with Miss Jessie Ashley and Miss May Towle, both lawyers and suffragists. The three, alone of those in the room, remained seated. There were quiet, then loud and vehement protests, but they kept their chairs.

"The angry diners surrounded Boyd and the two women and blows were struck back and forth, the women fighting valiantly to defend Boyd. He cried out he was an Englishman and did not have to get up, but the crowd would not listen to explanation. Boyd was severely beaten when the head waiter succeeded in reaching his side. Other waiters closed in and the fray was stopped.

"The guests insisted upon the ejection of Boyd and his companions and they were asked to leave. They refused to do so, and they were escorted to the street and turned over to a policeman who took Boyd to the West 47th Street Station, charged with disorderly conduct.

"Before the magistrate, Boyd repeated that he did not have to rise at the playing of the National Anthem, but the court told him that while there was no legal obligation, it was neither prudent nor courteous not to do so in these tense times, and he was found guilty of disorderly conduct and released on suspended sentence."

Another one, July 2, 1917, headline: "Boston Peace Parade Mobbed. Soldiers and Sailors Break Up Socialist Demonstration and Rescue Flag. Socialist Headquarters Ransacked and Contents Burned, Many Arrests for Fighting.

"Riotous scenes attended a Socialist parade today which was announced as a peace demonstration. The ranks of the marchers were broken up by self-organized squads of uniformed soldiers and sailors. Red flags and banners bearing socialistic mottos were trampled on, and literature and furnishings in the Socialist headquarters in Park Square were thrown into the street and burned.

"At Scollay Square there was a similar scene. The American flag at the head of the line was seized by the attacking party and the band, which had been playing 'The Marseillaise' with some interruptions, was forced to play 'The Star Spangled Banner' while cheers were given for the flag."

The last one, from March 26, 1918.

□ 1530

"Pro-Germans Mobbed in Middle West. Disturbances Start in Ohio and are Renewed in Illinois. Woman among Victims.

"Five businessmen of Delphos, a German settlement in western Allen County near here, accused of pro-Germanism, were hunted out by a volunteer vigilance committee of 400 men and 50 women of the town, taken into a brilliantly lit downtown street and forced to kiss the American flag tonight under pain of being hanged from nearby telephone poles."

What do these old stories from the New York Times have to do with this very important and heartfelt debate today? The decision we make today, it seems to me, is a balancing, a weighing of what best preserves freedom for Americans. There may well be a decrease in public deliberate incidents of flag desecration, acts that we all deplore, if this amendment becomes part of our Constitution.

On the other side of our ledger, if this amendment becomes part of our Constitution, in my opinion, it will become a constitutionally sanctioned tool for the majority to tyrannize the minority. As evidenced by these news stories from a time of great divisiveness in our Nation's history, government, which ultimately is human beings with all of our strengths and weaknesses, will use this amendment to question the patriotism of vocal minorities, will use it to find excuses to legally attack demonstrations which utilize the flag in an otherwise appropriate manner.

Let me give an example. I was at a rural county fair in Arkansas several years ago, and a group had a booth with a great patriotic display in addition to handouts and signs. They had laid across the table like a tablecloth an American flag. I knew these people thought this to be a very patriotic part of the display. I watched as one of the volunteers sat on the table, oblivious to the fact he was sitting on our American flag. His action was a completely innocent mistake, and he did not realize such behavior is inconsistent with good flag etiquette.

I believe that had this group been a fringe group, those with views contrary to the great majority, and should we have laws prohibiting physical desecration of the flag, such an action as I described would not be excused as an innocent mistake. Instead, a minority group might be prosecuted, out of anger, out of disgust, but make no mistake, the motivation for such a prosecution would be that they hold a minority view.

Mr. Speaker, I do not think our Constitution will be improved nor our freedoms protected by placing within it enhanced opportunity for minority views to be legally attacked, ostensibly because of their misuse of the flag, but in reality because of views that many consider out of the mainstream.

I urge a "no" vote on the proposed amendment, and for the same reasons, a "no" vote on the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois (Mr. HYDE), my distinguished predecessor as chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Speaker, one of the great aspects of the privilege of being a Congressman is that we get to debate some pretty noble issues. We get to engage in them. This is certainly one. I am delighted this debate is occurring.

In my view, there is something larger at work here than simply the flag itself. I think this amendment offered by the gentleman from California (Mr. CUNNINGHAM) is an effort by mainstream Americans to reassert community standards. This bill is a protest against the vulgarization of our society.

In our popular culture, decent standards are under constant and withering assault. This amendment is an assertion that the community has some rights, too, and that with rights go responsibilities which help provide a moral compass for our "anything goes" society.

This amendment partially corrects the oversight in our Constitution whereby we have a Bill of Rights, oh, do we have a Bill of Rights, but no bill of responsibilities. Then, of course, a right is meaningless unless we are all responsible for respecting it, so one depends on the other.

This amendment asserts that our flag is not simply a piece of cloth, but like a photograph of our families on our desks, it symbolizes certain unifying ideals that most Americans hold sacred.

Our national motto, "E Pluribus Unum," underscores the fact that we are a thoroughly diverse Nation. If we look around this room, not at this moment, but when we are all present, we see a wildly diverse group of Irish and Greeks and Poles and African Americans and Hispanics, et cetera, et cetera. Our whole country is a diverse exposition of people coming together, proud of their ethnicity, of their language, their native music, their culture.

But at the same time, there are unifying principles, things we share together. That is what "E Pluribus Unum" means, "one from many." We are still one Nation. We are all blessed, no matter our background, with the rule of law. That is a unity worth celebrating, not denigrating.

What is it about this swatch of fabric we call a flag? What gives it such beauty and power as it floats in the breeze? Well, men have followed it into battle again and again in defense of freedom, draped it over the coffins of heroes returned.

I remember standing at a gravesite in Normandy and looking at the cross. It says, "Here lies in honored glory, a comrade in arms known but to God." And decorating that sparse, grim grave was a little flag that somebody had put near the cross. I looked at that and I

thought that little flag was saying thank you for all America to that unknown soldier, thank you and God grant you peace.

If we ask an old veteran attending a Memorial Day ceremony as he struggles to his feet to salute the flag, what does he think of when we see the flag, he will tell us freedom, sacrifice, and hope. Yes, it is called Old Glory because it is old; it has been handed down from generation to generation, and Glory because it stands for the most precious ideas human beings have ever known.

Justice Frankfurter in a 1940 case said, "We live by symbols." He went on to say, "The ultimate foundation of a free society is the binding tie of cohesive sentiment."

Woven into the fabric of the flag is the collective memory of America from Bunker Hill to Baghdad. America lacks the cultural homogeneity that China or Japan or even France has, but as Americans, we share the unity of the Declaration.

But cohesive sentiment is what the flag symbolizes, and as tombstones are not for toppling nor churches for vandalizing, flags are not for burning. Burn a \$10 bill and you violate the law. Walk down Constitution Avenue at high noon without your clothes on and you will soon learn the limits of self-expression. Free speech is not absolute, never has been. We have slander and libel laws, copyright laws, and many other limitations.

This amendment does not trivialize our Constitution, far from it. It recognizes that nothing is more important in a democratic society than emphasizing the tradition of responsibility that nourishes our liberty.

Saul Bellow, the novelist, said years ago, "A great deal of intelligence can be invested in ignorance when the need for illusion is great." When I hear my learned friend, the gentleman from New York (Mr. NADLER), managing this bill on the other side of the aisle, saying that never in 200 years have we attempted to amend the first amendment, I refer him to the 13th amendment and the 14th amendment, 1865-1868, and suggest that maybe some law schools are better than others.

In any event, let me close with a paragraph from an article that I have saved over the years written by a woman named Diane Schneider. "You, of course, have the right to burn Old Glory. If you are compelled to so express your disdain, if you can find no civil outlet in speech or song, you are protected by law. But if I am there when you put a match to the colors, know this: I will take the flaming fabric in my hands, crush the embers and hold the star-spangled banner as high as I can in the free wind."

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding time to me, my New York colleague. He and I both came to Congress together.

I rise in support of and cosponsor this resolution which proposes an amendment to the Constitution allowing Congress to ban the desecration of our American flag. You can speak your mind, but do not burn our flag.

I am a strong supporter of our first amendment rights to the freedom of expression. However, we do have limits. If I burn my car, protesting the auto maker, I am fine. If I burn a U.S. dollar, it is illegal.

For instance, court-made law restricts our freedom of speech as limited by the example given in law school classes about not screaming fire in a theater. That is court-made law that restricts my freedom of speech.

What we are trying to do today with this amendment is similar. We want the authority to enact legislation to say that desecration or burning the symbol of our country is unjust, just as yelling fire in a crowded theater is unjust.

A hallowed symbol like our flag deserves to be respected and protected as a national treasure. Our flag represents a principle our Nation was founded on and many people have given their lives for. I believe it should be afforded the maximum protection we can give it legislatively.

For these reasons, I am proud to be a cosponsor, and urge my colleagues to join me in supporting it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, the issue that we face this afternoon is very simple. It is whether or not the American flag is of such importance to the American people that their elected Representatives should have the right to protect the desecration of that flag.

I would submit that the answer to that is deafening from voices from every military base, local barbershop, restaurant, church, school, or veterans group in America.

Last week I had the privilege to fly out to the USS *Roosevelt* as she returned home from her great efforts in Iraq. Just before that great aircraft carrier made its turn into the pier, all of those sailors in white uniforms circled around the aircraft carrier and in each of their hands was an American flag. As they turned and looked at the pier, they all raised their flags up, and the people on the pier raised their flags up in a great symbol of unity.

If we ask any of them if the flag is worth protecting, they will tell us that we are absolutely doing the right thing.

But Mr. Speaker, I will tell the Members that the testimony that was most compelling to me did not come from any of these, or any of the testimony before the subcommittee or the full committee, but it came really in the unintentional testimony of my 17-year-old son, Justin, that convinced me of what we were doing today and that it was the right thing.

Justin is like a lot of teenagers, he does not like politics and his greatest

love is basketball. My wife and I were therefore surprised when we discovered a few weeks ago that he had written an essay that had been selected as the number one essay on patriotism in Virginia by the State PTA.

He wrote that he was just an ordinary teenager who spent most of his time talking about girls, playing basketball, or fixing up his 1981 Jeep. He said he had an ordinary grandfather who was neither richer, smarter, nor better-looking than most people. Yet when his grandfather was 19 years old, he left for the Army only 3 days after he got married, and he ended up in a little place called Normandy. Fortunately, he arrived several weeks after the initial invasion, but Justin wrote that he could not get over the courage and commitment of 19-year-old boys coming off landing craft.

He wrote about September 11, when he looked at ordinary men and women who did extraordinary things across the country, and the thing that united them was the American flag.

Mr. Speaker, Justin concluded by saying that most of our heroes are very ordinary people who do very extraordinary things. He said that even though he might be ordinary, there was one time when he became very extraordinary, and that was when he held his flag high. That united him with his grandfather, it united him with the victims of 9/11, and it united him with all the other great heroes of this country.

I agree with him. I think it is time we hold this flag up high. It is time we say it really is a special piece of cloth.

Mr. Speaker, I think it is time we pass this legislation.

Mr. NADLER. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, certainly I am totally appreciative of my dear friend, the gentleman from New York (Mr. NADLER), yielding time to me.

When I first came to Congress, and each Congress since, I raised my right hand and swore to uphold and defend our Constitution. I rise today in the spirit of that oath.

Flag desecration offends all of us. Above all, we are a nation of law. Our Supreme Court has consistently held that behavior to be political expression, the very sort of unpopular speech the first amendment was intended to protect. No matter how rude or unpleasant, political expression of opposition to the government is constitutional.

This Congress, Mr. Speaker, is made up of people from all walks of life, of all political, religious, and philosophical persuasions. That does not deduce our patriotism among any of us. I was not born Julia Carson; I was married into the family of Carsons. My husband, Sam Carson, was a 100 percent service-connected Korean War veteran. My son, Sam Carson, is also a veteran of the Marine Corps.

Once again this week, in the fifth Congress in a row, in anticipation of Flag Day we are called upon to consider a bill to bring about an amendment to the Constitution to get around the Supreme Court's repeated holdings that tampering with, insulting, or defiling the flag is protected conduct under the first amendment, the bedrock of our Bill of Rights.

□ 1545

I heard one of my distinguished colleagues indicate how good it is for soldiers to come back into this country and be met by the waving of the flag.

I was very troubled recently to see on the news where so many of our reservists who were called up and who leave families behind, families are in dire straits economically. One particular reservist left a \$25,000 job to serve his country and his family; his wife and four children had to move in with her parents in very small and cramped quarters. Yet we do a tax cut and cut out the families of those who are sent to protect the freedom of Iraq and the freedom of America.

Over the years we have made constructive changes to our Constitution. But in the 200 years we have enjoyed its protections, we have never before changed the meaning of the Bill of Rights, not so much as a single comma, recognizing and protecting that document as our freedom shield. I believe that this is no time to change the first amendment's protection of freedom and expression, so basic and so critical to the way American democracy works. This is brought home especially by the sacrifice of soldiers fighting and dying even today to ensure that Iraqi people have the right to speak and live freely and the right to protest against their own government. This is a fundamental value of freedom's promise, no less in Iraq, no less in the United States.

When first I came to Congress, and each Congress since, I raised my right hand and swore to uphold and defend our Constitution. Mr. Speaker, I rise today in the spirit of that oath.

Flag desecration offends us all but, above all, we are a nation of law. Our Supreme Court has consistently held that behavior to be political expression, the very sort of unpopular speech the first amendment was intended to protect—no matter how rude or unpleasant—political expression of opposition to the government.

Once again this week, in the fifth Congress in a row, in anticipation of Flag Day we are called upon to consider a bill to bring about an amendment to the Constitution to get around the Supreme Court's repeated holdings that tampering with, insulting or defiling the flag is protected conduct under the first amendment, the bedrock of our Bill of Rights.

The main objective of the first amendment is to stop Congress and the courts from picking and choosing what kinds of speech are permitted. It is clear that what would be regulated by this amendment is not physical desecration of the flag, but the sentiments expressed by the action.

Over the years we have made constructive changes to our Constitution but in the 210

years we have enjoyed its protections we have never before changed the meaning of our Bill of Rights—not so much as a single comma—recognizing and protecting that document as our freedom's shield.

I believe that this is no time to change the first amendment's protection of freedom of expression, so basic and so critical to the way American democracy works. This is brought home especially by the sacrifice of our soldiers fighting and dying—even today—to assure the Iraqi people the right to speak and live freely, and the right to protest against their own government. This is a fundamental value of freedom's promise, no less so in places where we would see freedom take new root than here at home.

However offensive such conduct may feel, the answer is not to restrict the freedom to speak. Rather, the answer is to remind our fellow citizens of how important unfettered political speech is to our democracy, how fundamental to our freedom. Supreme Court Justice Robert Jackson put it well back in 1943—during World War II: "Freedom to differ is not limited to things that do not matter. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

Sometimes we make a law because we can and not because we should, a powerful temptation we should resist. Changing the meaning of the Constitution to address hateful conduct by a tiny minority is unnecessary.

Together we have weathered severe crises over the past 2 years, proof that we can withstand the ugly actions of a few misguided protesters. Secretary of State Colin Powell said it well, "I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

Patriotism that forces reverence for national symbols at the expense of vital constitutional rights is not what our country is about.

I will honor and celebrate the flag by taking a stand for liberty and to support the Constitution and the Bill of Rights by voting to defeat this proposal.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I am getting a little sick of hearing that this is an assault on the first amendment. We are using constitutional processes to overturn a Supreme Court decision that made no sense.

Now, last year a lot of my colleagues, not me, voted for a campaign finance reform bill that significantly restricted people's rights to express themselves on political issues. And that was emaciated by a lower Federal court, and it probably will be declared unconstitutional as well by the Supreme Court. So let us be consistent, the first amendment is not absolute.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding me time. I wish to associate myself with the gentleman's remarks just previous and also restate the Supreme Court has changed the meaning of the Bill of Rights. That is why we are here today.

I am a cosponsor of House Joint Resolution 4, which empowers Congress to

protect the paramount symbol of liberty of the United States by providing that "the Congress shall have power to prohibit the physical desecration of the flag of the United States."

To desecrate the American flag is equal to inciting a riot. Those that burn the flag do so for the sole purpose of striking horror into the hearts of veterans, members of armed services and patriots across the country.

For over half a century, every single State in the Union, and later the Federal Government, outlawed flag desecration without constitutional objection. Such laws have now been negated by a single opinion that the five Justices of the United States Supreme Court rendered in 1989 in *Texas v. Johnson*.

Countless Americans have fought and died under our flag. Our flag stands for our freedom as a Nation, a bulwark signifying not only our sovereignty but our resolve as a people against tyranny and terror. We must restore our great symbol of liberty to its rightful place under the laws so that our ancestors and immigrants, our friends and enemies, will have no doubt about its value, its meaning, or the very dear price paid to preserve our freedom.

I witnessed the desecration of hundreds of flags in this city this year. It is a sad and sickening sight. I urge you to vote for H.J. Res. 4 to protect our flag that Americans have fought and died for.

Mr. NADLER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, last year this House and the other body and the President all cooperated in passing legislation to improve campaign financing techniques. Some people say that regulated speech. What it did was regulate expenditures of money. Many people do not consider money as speech. It is a different issue.

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

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

Mr. TANNER. Mr. Speaker, I rise to oppose what I think is a well intentioned but misguided effort here to amend the first amendment, the Bill of Rights.

Every nation on Earth that I know of has a flag. There is only one that has a bill of rights and that is us. And that is the difference here. Every repressive regime I know of throughout history has tried in some form or another to repress the destruction of whatever they have consider symbolic. Again, every nation on Earth has a flag. There is only one that has a bill of rights, and that is us. We are talking about the first amendment.

For Congress to knowingly give to the government the power to prescribe what is permissible protest when that protest does not affect any other freedoms, nor does it physically harm anybody else, but yet give to the government the right to prescribe limits on

that I think is wrong. And I just say this, once we breach the Bill of Rights, they then become relevant. Up until now they are not. We breach those, they become relevant, believe you me it will not be long before there will be some on this floor talking about the second amendment and why we need to change that.

So I want all the conservative thinkers in this body and around the country to think about what we are doing. As a symbol, we are going over ground that has not been plowed. Every nation has a flag only. One has a bill of rights, and that is why I think this is a misdirected effort.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, even though I generally do not support amending the Constitution, today I rise in strong support of this proposed constitutional amendment.

We have come here today because five individuals in black robes have opined that we must tolerate flag desecration as protected speech. As a result of that opinion, 48 States and the District of Columbia have decided not to enforce their own laws prohibiting the desecration of the flag of the United States of America.

Clearly, I believe the Supreme Court has it wrong. The flag is a unique symbol that merits our special recognition. The flag represents our freedom, our history, and our values as a Nation. In battles spanning 2 centuries in all corners of the globe, the flag has served as an inspiration and rallying point for U.S. soldiers fighting for the ideals it embodies.

More than a million Americans have given their lives in defense of our flag and our unique way of life. Many of those who gave the last full measure of devotion in serving their Nation were honored with a flag draped over their caskets. This proposed amendment places the debate exactly where our framers intended for it to take place, in the town halls across America. It is the American people, not the Supreme Court, that have the ultimate responsibility to answer constitutional questions. And that is encouraging to me, Mr. Speaker, because as it was suggested earlier that we act today to amend the Constitution because of the vulgarization of society, I believe we are here actually today because of the facilitation of the vulgarization of society by the highest Court in the land, the Supreme Court of the United States.

Forty-nine State legislatures, including my home State of Indiana, have passed resolutions asking that Congress approve this amendment to the Constitution. Moreover, Mr. Speaker, I find the words of the Pledge of Allegiance telling: "I Pledge Allegiance to the flag of the United States of America and to the republic for which it stands."

I would underscore that this simple phrase recited every morning in this

very Chamber pledges our allegiance not only to the Republic but to the flag itself. Mr. Speaker, others will argue that the ideals of the flag are the only things that are worth protecting. I must respectfully disagree with their argument.

The flag itself occupies a unique place in our Republic. It is the one symbol that merits our allegiance. Why do we continue to pledge our devotion and support to a flag if we are not willing to protect it from desecration? I urge my colleagues to support the proposed amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I thank the ranking member for yielding me time.

When I was a little girl in elementary school and I learned the Pledge of Allegiance, I was so very proud. Even in my French class our French teacher taught us how to say the Pledge of Allegiance in French. As I stand here today, I know I can still remember those words.

I am so pleased to hear so many talk about allegiance to the flag and to the Republic, and they drape themselves in the flag and talk about all these issues that are important to them; yet I have stood here on the floor of the House and listened to my colleagues pass legislation that denies liberty and justice for all in this country.

I have seen us pass legislation that denies liberty and justice for all with regard to the child care credit. I have seen them deny liberty and justice for all for a whole lot of reasons. But what I say to you today is this debate is not about that piece of material up there, the flag that we all revel. This debate is merely about whether we are going to stand here and be divided, one side or the other, about whether or not people have a right to free expression and a right to free speech. And I stand with those who are entitled to free speech and a right to speak out on their own.

I love the flag. All of us love the flag. But let us not fool anybody about why we are debating the issue. It would be great. I even heard someone talk about African American soldiers. My father was an African American soldier. He is 83 years old. He was denied his rights of liberty and justice because he had to serve in a segregated Army, and he talks to me about that all the time.

So let us get real. Let us talk about the facts, and let us say the only reason we are up here debating this issue is because there are some who want to deny people the right of free expression and the right of free speech. So I stand here opposed to this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, I rise in opposition to this amendment. I do not believe much good will come of it. A lot of good intentions are put into the effort, but I see no real benefit.

It was mentioned earlier that those who supported campaign finance laws were inconsistent. And others would say that we do not have to worry about the first amendment when we are dealing with the flag amendments. But I would suggest there is another position. Why can we not be for the first amendment when it comes to campaign finance reform and not ask the government to regulate the way we spend our money and advertise, at the same time we protect the first amendment here?

It seems that that consistency is absent in this debate.

It is said by the chairman of the committee that he does not want to hear much more about the first amendment. We have done it before, so therefore it must be okay. But we should not give up that easily.

He suggested that we have amended the Constitution before when the courts have ruled a certain way. And he says absolutely right, we can do that and we have done that. But to use the 16th amendment as a beautiful example of how the Congress solves problems, I would expect the same kind of dilemma coming out of this amendment as we have out of the 16th amendment which, by the way, has been questioned by some historians as being correctly ratified.

I think one of our problems has been that we have drifted away from the rule of law, we have drifted away from saying that laws ought to be clear and precise and we ought to all have a little interpretation of the laws.

The gentleman earlier had said that there are laws against slander so therefore we do violate the first amendment. Believe me, I have never read or heard about a legislative body or a judge who argued that you can lie and commit fraud under the first amendment. But the first amendment does say "Congress shall write no laws." That is precise. So even the laws dealing with fraud and slander should be written by the States. This is not a justification for us to write an amendment that says Congress shall write laws restricting expression through the desecration of the flag.

□ 1600

So we do not know what the laws are, but when the laws are written, that is when the conflict comes.

This amendment, as written so far, does not cause the conflict. It will be the laws that will be written and then we will have to decide what desecration is and many other things.

Earlier in the debate it was said that an individual may well be unpatriotic if he voted against a Defense appropriation bill. I have voted against the Defense appropriation bill because too

much money in the Defense budget goes to militarism that does not really protect our country. I do not believe that is being unpatriotic.

Mr. Speaker, let me summarize why I oppose this Constitutional amendment. I have myself served 5 years in the military, and I have great respect for the symbol of our freedom. I salute the flag, and I pledge to the flag. I also support overriding the Supreme Court case that overturned State laws prohibiting flag burning. Under the Constitutional principle of federalism, questions such as whether or not Texas should prohibit flag burning are strictly up to the people of Texas, not the United States Supreme Court. Thus, if this amendment simply restored the State's authority to ban flag burning, I would enthusiastically support it.

However, I cannot support an amendment to give Congress new power to prohibit flag burning. I served my country to protect our freedoms and to protect our Constitution. I believe very sincerely that today we are undermining to some degree that freedom that we have had all these many years.

Mr. Speaker, we have some misfits who on occasion burn the flag. We all despise this behavior, but the offensive conduct of a few does not justify making an exception to the First Amendment protections of political speech the majority finds offensive. According to the pro-flag amendment Citizens Flag Alliance, there has been only 16 documented cases of flag burning in the last two years, and the majority of those cases involved vandalism or some other activity that is already punishable by local law enforcement!

Let me emphasize how the First Amendment is written, "Congress shall make no law." That was the spirit of our Nation at that time: "Congress shall make no laws."

Unfortunately, Congress has long since disregarded the original intent of the Founders and has written a lot of laws regulating private property and private conduct. But I would ask my colleagues to remember that every time we write a law to control private behavior, we imply that somebody has to arrive with a gun, because if you desecrate the flag, you have to punish that person. So how do you do that? You send an agent of the government, perhaps an employee of the Bureau of Alcohol, Tobacco and Flags, to arrest him. This is in many ways patriotism with a gun—if your actions do not fit the official definition of a "patriot," we will send somebody to arrest you.

Fortunately, Congress has modals of flag desecration laws. For example, Saddam Hussein made desecration of the Iraq flag a criminal offense punishable by up to 10 years in prison.

It is assumed that many in the military support this amendment, but in fact there are veterans who have been great heroes in war on both sides of this issue. I would like to quote a past national commander of the American Legion, Keith Kreul. He said:

Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a golden calf. Instead, they carried the banner forward with reverence for what it represents, our beliefs and freedom for all. Therein lies the beauty of our flag. A patriot cannot be created by legislation.

Secretary of State, former Chairman of the Joint Chiefs, and two-time winner of the Presidential Medal of Freedom, Colin Powell has also expressed opposition to amending the constitution in this manner:

I would not amend that great shield of democracy to hammer out a few miscreants. The flag will be flying proudly long after they have slunk away.

Mr. Speaker, this amendment will not even reach the majority of cases of flag burning. When we see flag burning on television, it is usually not American citizens, but foreigners who have strong objections to what we do overseas, burning the flag. This is what I see on television and it is the conduct that most angers me.

One of the very first laws that Red China passed upon assuming control of Hong Kong was to make flag burning illegal. Since that time, they have prosecuted some individuals for flag burning. Our State Department keeps records of how often the Red Chinese persecute people for burning the Chinese flag, as it considers those prosecutions an example of how the Red Chinese violate human rights. Those violations are used against Red China in the argument that they should not have most-favored-nation status. There is just a bit of hypocrisy among those members who claim this amendment does not interfere with fundamental liberties, yet are critical of Red China for punishing those who burn the Chinese flag.

Mr. Speaker, this is ultimately an attack on private property. Freedom of speech and freedom of expression depend on property. We do not have freedom of expression of our religion in other people's churches; it is honored and respected because we respect the ownership of the property. The property conveys the right of free expression, as a newspaper would or a radio station. Once Congress limits property rights, for any cause, no matter how noble, it limits freedom.

Some claim that this is not an issue of private property rights because the flag belongs to the country. The flag belongs to everybody. But if you say that, you are a collectivist. That means you believe everybody owns everything. So why do American citizens have to spend money to obtain, and maintain, a flag if the flag is community owned? If your neighbor, or the Federal Government, owns a flag, even without this amendment you do not have the right to go and burn that flag. If you are causing civil disturbances, you are liable for your conduct under state and local laws. But this whole idea that there could be a collective ownership of the flag is erroneous.

Finally, Mr. Speaker, I wish to point out that by using the word "desecration," which is traditionally reserved for religious symbols, the authors of this amendment are placing the symbol of the state on the same plane as the symbol of the church. The practical effect of this is to either lower religious symbols to the level of the secular state, or raise the state symbol to the status of a holy icon. Perhaps this amendment harkens back to the time when the state was seen as interchangeable with the church. In any case, those who believe we have "no king but Christ" should be troubled by this amendment.

We must be interested in the spirit of our Constitution. We must be interested in the principles of liberty. I therefore urge my colleagues to oppose this amendment. Instead, my colleagues should work to restore the

rights of the individual states to ban flag burning, free from unconstitutional interference by the Supreme Court.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, I love our flag and that for which it stands. It stands for a Nation founded by people fleeing from an oppressive regime. It stands for freedoms, not the least of which is the freedom of opinion and the unimpeded expression thereof, including the freedom to protest.

Bear in mind, this was a Nation founded by protesters. When our Founding Fathers sought to guarantee these freedoms, they created not a flag but a Constitution, debating the meaning of each and every word, every amendment, every one of which gives people rights. They did not debate a flag. The flag would become a symbol of these rights.

There are those who would have fewer rights. Why? What is the threat to the Republic that drives us to erode the Bill of Rights?

Well, someone burned the flag. Whatever happened to fighting to the death for somebody's right to disagree? We now choose instead to react by taking away a form of the right to protest. Most people abhor flag burners, but even a despicable, low-life malcontent has a right to disagree and disagree in an obnoxious fashion if he wishes. That is the true test of free expression, and we here are about to fail that test.

These are rare but vile acts of desecration that have been cited by those who would propose changing our founding document, but these acts do not harm anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk. We are offended. To change our Constitution because someone offends us is, in itself, unconscionable.

Hitler banned the burning of the flag. Mussolini banned the burning of the flag. Saddam banned the burning of the flag. Dictatorships fear flag burners. The reason our flag is different is because it stands for burning the flag.

Though we in proper suits may decry the protests and the protestors and the flag burners, protecting their right is the true stuff of a democracy. The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshiped as pagans would, rather than to be kept as the beloved symbol of our freedom that is to be cherished.

It is not the flag burners who threaten democracy. Rather, it is those who would deny them. In the name of our Founding Fathers, save us from those who would put up this defense.

The Constitution was written by intellectual giants and is here today

being nibbled by small men with press secretaries. If flag burners offend us, do not beat a cowardly retreat by rushing to ban them. Protesters, like grapes, cannot be eliminated by stomping on them. Meet their ideas with bigger ideas for an ever better America to protect the flag by protecting democracy, not by retreating from it.

We cannot kill a flag. It is a symbol, and yes, patriots have died; but recall what they have died for. They have died for liberty. They have died for democracy. They have died for the right to speak out in protest. They have died for values.

The flag is a symbol of those values. What they died for are American principles. Saying that people died for the flag is symbolic language. The Constitution gives us our rights. The Constitution guarantees our liberties. The Constitution embodies our freedoms. It is our substance. The flag is the symbol for which it stands.

True patriots choose substance over symbolism. Diminish one right and it shall forever stand for less. Do not pass this amendment. Do not diminish the Constitution. Do not cheapen the flag.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I thank my chairman for yielding me the time.

Mr. Speaker, I rise in strong support of this resolution to amend the Constitution to give the Congress the authority to prevent the physical desecration of the American flag, and I would note the comments of the gentleman from New York, citing some dictators who have prohibited destroying flags, and would point out that many others of a very different mindset have strongly supported this, including President Abraham Lincoln. Many justices of the Supreme Court, as disparate in their views as Earl Warren and William Rehnquist and Hugo Black have found that the laws of the many States prohibiting the desecration of the flag to be constitutional, and it is only because of a narrow five-four majority at one moment in time in our Court's history, finding these laws to be unconstitutional and overturning the work of 48 States and the District of Columbia, that it is necessary for the Congress to address this.

I would argue to the gentleman from Texas, for whom I have respect, that we are turning away from the rule of law when we do not recognize that with freedom comes responsibility, and we have always recognized in the first amendment that there are a number of instances in which free speech is limited. A person cannot shout fire in a crowded theater. They cannot engage in slander or libel. They cannot engage in fighting words. There are a number of such restrictions, and certainly, the prohibition on the physical act of destroying a flag should be included

amongst them because it is the equivalent of fighting words to burn a flag in front of a group of veterans who put their lives on the line for their country and fought for the freedom which that flag represents.

This is a very basic, very straightforward amendment supported by the overwhelming majority of the American people, and I urge my colleagues to support this resolution.

Mr. NADLER. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

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

Mr. HOYER. Mr. Speaker, it has been said before and will be said again that everyone who speaks on this amendment loves this flag that hangs behind me as a symbol of the greatest democracy on the face of the earth, as a symbol of the country that has demonstrated throughout history the greatest countenance in the principles for which that flag stands.

It gives me absolutely no pleasure to oppose this proposed constitutional amendment providing the physical desecration of our flag. I believe people ought not to engage in that kind of activity, but our flag is more than mere cloth. It is a universal symbol for freedom, democracy and liberty, and it will continue to be so for so long as the symbols for which it stands flies high in the hearts of every American. That is where it needs to fly high, in our hearts and in our intellect.

Those who would desecrate it only seek to grab attention for themselves and inflame the passions of patriotic Americans. Without doubt, they deserve both our contempt and our pity for their stupidity, but while I appreciate and respect the motivations of those who offer and support this amendment, I will oppose it for the reasons so eloquently articulated by the gentleman from Texas (Mr. PAUL) and Senator MCCONNELL of Kentucky.

In opposing a similar amendment a few years ago, Senator MCCONNELL stated that it "rips the fabric of our Constitution at its very center, the first amendment." That was Senator MCCONNELL. He added, "Our respect and reverence for the flag should not provoke us to damage our Constitution, even in the name of patriotism."

The question before us today is how we, the United States of America, the greatest democracy the world has ever known, the greatest bastion of freedom the world has ever known, a bastion of freedom that remains free because of the efforts of the Duke Cunninghams and the Sam Johnsons and so many others who risked their lives to maintain that freedom, the question before us is how to deal with those individuals who dishonor our Nation in this manner.

Mr. Speaker, a constitutional amendment, in my opinion, is neither the appropriate nor the best method for deal-

ing with these malcontents. As the late Justice Brennan wrote in the Supreme Court of Texas v. Johnson, "The way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong."

That is what Thomas Jefferson talked about, that the best response to wrong speech was right speech, not prohibiting speech.

Our traditions, our values, our democratic principles, all embodied in our Constitution and the Bill of Rights, should not be overridden to prohibit this particularly offensive manner of speech, no matter how much we may disagree with it or how much contempt we may have for those who would express themselves in such an inappropriate and negative way.

The inflammatory actions of a few misfits cannot extinguish, it must not extinguish, our ideals. We can only do that ourselves, and I submit that a constitutional amendment to restrict speech, even speech as this, is the surest way to stoke the embers of those who will push for even more restrictions.

"America" is one of the great songs, and one of the lines from that song is "Long may thy land be bright with freedom's holy light." Freedom is not allowing those with whom we agree to express their opinion; it is allowing those with whom we deeply disagree to express theirs.

Long may this land be bright with freedom's holy light. That is our responsibility. That is our oath.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this proposed constitutional amendment does not restrict anybody from saying whatever they want to say about the flag, about the government, about their opinions of any public official, of any candidate for office, of the policies that have been made by the Federal Government, the State government or the local government. What it does do is to prohibit offensive acts, such as burning the flag or, in my own State, using the Johnson and Eichman decisions, the State Supreme Court said that defecating on the flag was an act that was a protected political expression under the first amendment to the United States Constitution.

The only way to put sense back into the law is to pass H.J. Res. 4.

Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to defend not only the flag of the United States, but also what it stands for and for those who have defended it throughout our Nation's history.

□ 1615

The American flag is the greatest symbol of hope and freedom in the world. Countless Americans have fought and died for the freedom that

our flag represents, and the desecration of our great flag is an assault on their sacrifice.

Police officers and firefighters, as well, wear the flag on their sleeves each and every day as they do their duty to protect our communities. And on September 11, every American witnessed those brave firefighters raising Old Glory out of the rubble of the World Trade Center. That was a symbol of America's resolve that our freedom will reign even in the face of unprecedented terror.

To allow the desecration of the flag is to give hope to those whose goal it is to destroy our freedom. I urge my colleagues to stand up for the freedom that the flag represents, to stand up for those who have fought and died to defend our freedom, to stand up for those who protect our communities and our Nation, to stand up for our flag.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I rise today as a law professor who fiercely believes in the first amendment, but I am also the son and grandson of Army generals and a veteran of ground combat in Vietnam.

I accept the argument that I, my father, my grandfather, other relatives, many of whom were wounded, some of whom died, did not fight for a piece of cloth, but rather for what it symbolizes. Yet our memories and emotions are inextricably intertwined with that cloth itself. And the cloth symbolizes a country whose Constitution is not writ in stone, immutable for all time. Instead, our Constitution establishes a process for its amendment.

Mr. Speaker, no harm or violence is done here to our constitutional system by an amendment designed to respect the memories and emotions that are inextricably interwoven with the cloth of our flag. In fact, I believe that respecting those memories and emotions nourishes a vital spirit in this country, the spirit of individual sacrifice in combat for the good of the country.

Our country's great freedoms were won and enjoyed today because of the selfless sacrifices of countless, often nameless, sometimes unknown heroes. Amending the Constitution to prohibit flag desecration is a small way to thank these individuals who cannot be thanked enough. And this amendment is a small price to pay if it strengthens our Republic and helps ensure its future.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the gentleman from California (Mr. CUNNINGHAM) made the statement, and it is true, that during our Civil War flag desecration was regarded as treasonous and punishable by death.

Today's resolution brings to mind when I was a POW in Vietnam. All they told us was that there were demonstrations here in this country; that people were burning our flag; that people were against the war. And you know what that did for our morale? Nothing. It was bad. We need to stop that.

I well remember when, at our homecoming, which was the day the longest-held prisoners left Vietnam for America, and I was part of that group, I remember cheering when we got out over the water. And looking out the window of our C-130 as we got in to Clark Air Base, guess what we saw? The American flag, the flag of the United States of America, with all the people on that base out to welcome us waving those flags. Not one of them was burning it or desecrating it. They were draped on the hangars, they were draped on the buses. What I remember most was how happy everyone looked, including those of us who were returning to this country to see the American flag hanging from a hangar.

We are truly blessed to call America the land of the free and the home of the brave, and I do not think we should disrespect all she stands for and all those who have fought for her. We need to protect this great flag. Vote for this amendment.

Mr. NADLER. Mr. Speaker, how much time do I have left, please?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. NADLER) has 20 minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 17½ minutes remaining.

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

Mr. Speaker, first let me comment on what was just said by the distinguished gentleman from Texas, by reading an article written by a prisoner of war named James Warner. He wrote in "The Retired Officer" on September of 1989 of his experience as a prisoner of war in Vietnam. He writes as follows:

"We could subvert them," meaning his torturers, the North Vietnamese, "by teaching them about freedom through our example. We could show them the power of ideas. I did not appreciate this power before I was a prisoner of war. I remember one interrogation, where I was shown a photograph of some Americans protesting the war by burning a flag. There, the officer," that is the enemy officer, "there, the officer said, people in your country protest against your cause. That proves that you are wrong. No, I said, that proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us. The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto a table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him."

That is the close of the quote from this article from "The Retired Officer" by James Warner, former prisoner of war in Vietnam.

Mr. Speaker, the truth of the matter is we have heard today that desecration of the flag ought to be made unconstitutional because it is not valid speech. True, the first amendment is not absolute. We do not allow people to yell fire in a crowded theater unless there is evidence that there is a real fire. The Supreme Court ruled that many years ago. But the core protection of the first amendment is for ideas, for outrageous ideas, for obnoxious ideas, for ideas that we find horrible and offensive and dangerous.

Our philosophy, what makes this country different and unique, is that this country is built on a foundation, the foundation being the belief in freedom, in liberty, in the fact that, not always the case but we fervently believe in the fact that good ideas will drive out of the marketplace of bad ideas; that good speech will defeat bad speech. And we do not legislate against bad speech; we do not legislate against speech that we disagree with or find outrageous.

Now, we have heard, of course, that we are not talking about speech here, we are talking about expressive acts. But the fact of the matter is, again, we are talking about speech. We are talking about speech that people are frightened of and outraged about because it offends them. Because, again, the very acts we would be outlawing or permitting Congress to outlaw with this amendment would not, by anybody's stretch of the imagination, be outlawed unless accompanied by the wrong speech.

Again, as the gentleman from Virginia earlier today told us, and as I mentioned in my opening remarks, the recommended manner, recommended by the law, of disposing of a flag is to burn it. So, again, if you burn the flag, and while you burn it you say respectful things, that is wonderful. But if you burn the flag while saying what a terrible policy the current administration is following or if you burn the flag while saying what a terrible policy we are conducting and that we do not like this country, then we would make that criminal. Why? Not because the act of the flag burning is any different than when it was done with respectful words, but because in the one case the words were respectful and in the other case the words were obnoxious.

I agree the words are obnoxious. But the whole idea of freedom is to protect obnoxious words, especially obnoxious words or words that I or you may regard as obnoxious, though someone else may regard as fine and intelligent. That is their privilege. That is what freedom is about. The freedom of speech is not freedom for what we agree with, but freedom for what we find outrageous. Not just disagreeable, but outrageous.

When someone criticizes our country and says the war we are fighting is

wrong, or the conduct of our troops is terrible, or whatever they may say that we may find disagreeable, outrageous and horrible, the glory of this country is that we give them the freedom to say it. And when someone burns a flag, and again there is no epidemic of flag burning, this amendment is really directed not at an existent problem, or has not existed really in the last 30 years of any size, but when you burn a flag and say respectful things, that is okay, because the law says that is okay; but when you burn a flag and say disrespectful things, that is not okay, what these circumstances say and that what we are really legislating against is the speech and not the act.

The act, accompanied by the right circumstances, would never be outlawed. We would not prosecute people who desecrated the flag as part of a movie or a play when they were portraying enemy soldiers, Nazi soldiers, or Chinese soldiers in the Korean War, because we do not think they mean it. What do they not mean? The speech. It is the ideas and the speech that we are outlawing by such an amendment. That is at the core of protected speech, at the core of the first amendment, at the core of the values we are supposed to hold dear. And that is why this amendment is so wrongheaded and ought not to be adopted.

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

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

Mr. Speaker, the Constitution of the United States was ratified and came into effect in 1789. For 200 years, nobody seriously said that desecrating the American flag violated the first amendment to the Constitution. In fact, the Federal Government, 48 States and the District of Columbia passed statutes declaring flag desecration criminal conduct and prescribing criminal penalties.

It was only after 200 years and the Vietnam War that a flag desecration case claiming that first amendment rights were violated reached the Supreme Court of the United States. And what were the facts of the Johnson case? The Johnson case did not involve protesting the Vietnam War. It was burning the flag in front of the 1984 Republican National Convention that was held in Dallas.

Five years later, the case reached the Supreme Court. They decided, by a 5 to 4 margin, that flag desecration was political expression that enjoyed constitutional protection. And that was the first time in over 200 years of this Constitution being affected that the courts ruled that that type of activity was constitutionally protected.

I agree with what Chief Justice Rehnquist said in the dissenting opinion: "I cannot agree that the first amendment invalidates the act of Congress and the laws of 48 of the 50 States which made criminal the public burning of the flag."

If Members agree that the first amendment does prohibit this, then vote "no" on the constitutional amendment. I do not impugn anybody's patriotism. This is a legitimately held political position. But if my colleagues think that the Constitution should allow a criminal statute to prevent the public desecration of the American flag, the only way this can be accomplished is through the strong medicine of amending the Constitution.

The Supreme Court has twice said that if this is attempted to be done by statute, the first amendment is violated. I think that the government should be able to prevent the physical desecration of the American flag no matter how it is done. That is why I support this amendment, and I would hope that over two-thirds of the Members of this House of Representatives will support this amendment when we vote on it shortly.

Mr. SOUDER. Mr. Speaker, for more than two hundred years, the American flag has occupied a unique position as the symbol of our nation. During the Second World War, U.S. Marines fought hand to hand against thousands of Japanese at Iwo Jima. Upon reaching the top of Mount Suribachi, a group of these Marines raised a piece of pipe and from one end fluttered a flag. This ascent cost nearly 6,000 American lives. As you know, the Iwo Jima Memorial in Arlington National Cemetery memorializes that event. There would seem to be little question about the power of Congress to prohibit the mutilation of this monument. The flag itself can be seen as a monument, subject to similar protection.

It is true that a person may, in a sense, "own" the flag. But this ownership is subject to special burdens and responsibilities. Congress has prescribed detailed rules for the design of the flag, the time and occasion of the flag's display, the position and manner of its display, respect for the flag and conduct during hoisting, and lowering and passing the flag. With the exception of Alaska and Wyoming, all the States have statutes prohibiting the burning of the flag.

When the desecration of the flag is used as a protest, far more than a single flag is being violated. The devotion of every American who has expended their blood, sweat, and tears for this great nation is being battered. This amendment takes on even more importance given the events of September 11th. After watching the horrific events unfold on television, our nation came together through the patriotic display of old glory. The flag became a rallying point and sent a message to our enemies that we will not back down.

I commend the gentleman from California for this important piece of legislation. As it is phrased, H.J. Res. 4 would permit Congress to enact laws addressing physical desecration of our flag. Passage of this legislation through both the House and Senate would allow the American people to vote on this amendment. In doing so we will not only affirm the right to speak one's opinions, but also to protect the symbol of those freedoms that thousands of Americans have died giving their last full measure of devotion to protect.

Mr. SWEENEY. Mr. Speaker, I cannot tell you how excited I am that we are finally going to have the chance to pass this amendment

that will restore the American flag to its rightful position of honor. I share much of the feelings of my predecessor in this seat: the Honorable Gerald Solomon. It has been a long time coming since that tragic day in 1989 when five Supreme Court justices decided it was OK to burn the flag and thereby hurt so many feelings around this country. That is why I am so proud to cosponsor this amendment on behalf of the American people. Today, we are going to hear the same arguments against this amendment that we have heard for years now. I respect the opinions of those opponents. That is their first amendment right.

But, Mr. Speaker, supporters of this amendment come to the floor today with the overwhelming support of nearly 80 percent of the American people. They are people from all walks of life: from religious organizations like the Knights of Columbus and the Masonic Orders, from civic organizations like the Polish and Hungarian and Ukrainian federations, from fraternal organizations like the Benevolent Order of Elks, Moose International, and the Federation of Police, and from other groups like the National Grange and Future Farmers of America.

Perhaps most impressive is the resounding support from the States around this country. All 50 States support this Flag Protection Amendment. After all, when have all 50 States agreed on anything?

Some opponents of this amendment claim it is an infringement of their First Amendment rights of freedom of speech, and they claim if the American people knew it, they would be against this amendment. Well, there is a Gallup poll taken of people outside the Beltway—that is real people, you know, real down-to-earth people. Seventy-six percent of the people in that poll say "No," a constitutional amendment to protect our flag would not jeopardize their right of free speech. In other words, the American people do not view flag burning as a protected right, and they still want this constitutional amendment passed, no matter what.

Mr. Speaker, we should never stifle speech, and that is not what we are seeking to do here today. People can state their disapproval for this amendment. They can state their disapproval for this country, if they want to. That is their protected right. However, it is also the right of the people to redress their grievances and amend the Constitution as they see fit. They are asking for this amendment. Therefore, I am asking you to send this amendment to the States and let the American people decide. That is really what America is all about.

And speaking of America, what is more important than Old Glory. It is what makes us Americans—and not something else. Over the past two centuries and especially in recent years, immigrants from all over this world have flocked to America, knowing little about our culture and our heritage. But they know a lot about our flag and respect it! Salute it—pledge allegiance to it. Mr. Speaker, it is the flag, which has brought this diverse group together, and made them Americans. No matter what our ethnic differences; no matter where we come from, whether it is up in the Adirondack Mountains of New York where I come from or Los Angeles, California; no matter what our ideology point of view, be it liberal or conservative, we are all bound together by those uniquely American qualities represented by our flag.

It is that common bond which brings us to this point, where we can elevate the Stars and Stripes above the political fray, and carry out the will of the vast majority of the American people. It is only appropriate, that the Constitution, our most sacred document, include within its terms, a protection of Old Glory, our most sacred and beloved national symbol. All that is required now, is for each of us to draw upon our patriotic fire, and do all we can to effect this demanded change to our Constitution. Please vote for this constitutional amendment.

Mr. VAN HOLLEN. Mr. Speaker, my father served in World War II and when I look at the American flag I see the sacrifices he and our nation's troops and veterans have made for us to be able to live freely. An important part of that freedom is the ability of our citizens to express themselves in any way that does not infringe on the rights of others. That is what sets the United States apart from so many other nations. Our constitutionally assured freedom of speech serves as a check against government oppression and injustice.

The Supreme court has held in several important First Amendment cases that a person may desecrate a flag, so long as a danger is not created. In 1989, the Supreme Court stated in *Texas V. Johnson* that any speech, particularly such intentionally expressive and overtly political speech as the burning of the flag, is protected; it is within the realm of liberties which our constitution guarantees us. Our government cannot dictate how we express ourselves politically, so long as we do not endanger or violate the rights of others.

While I personally find the desecration of this country's flag to be reprehensible, even more important than the flag itself is the freedom and liberty it represents. It is a sad day when, in the name of patriotism, we limit the freedoms enshrined in the First Amendment of the constitution. The flag is a symbol of the principles and freedoms that make our country great. When we encroach upon those freedoms, we risk doing far more harm to our nation than any flag burner could ever do.

Mr. LARSON of Connecticut. Mr. Speaker, I regret that due to a family medical emergency I could not be present today during the debate and votes on H.J. Res. 4, a proposed amendment to the Constitution of the United States to make burning or otherwise desecrating a United States flag a federal offense. I would, however, like to submit this statement for the record so that my position on this resolution is clear.

The flag burning amendment is an emotional issue that in my opinion cuts to the core of the things we hold dear and value as a nation. I do not question anyone's patriotism or conviction no matter where they stand on this issue. Mine is a matter of record. As a member of the Connecticut State Senate I voted to protect the flag, I did so not to limit peoples' freedom of expression, but to limit hateful behavior. Burning the flag is not speech, and as an expression it seeks to engender hate.

I am not a constitutional scholar, but have long felt that honoring my father's memory and that of so many veterans of his generation and mine, who have given their lives in defense of the nation should be afforded the respect they richly deserve. I do not believe that we endanger our freedom by protecting the flag and honoring their memory.

While I do support this proposed amendment, and have voted for it in the past, I also

understand and respect the opinions of those who have expressed concern about the possibility that this amendment could affect First Amendment rights guaranteed under the U.S. Constitution. I would, therefore, consistent with my votes in the 107th Congress on this issue, also support the substitute amendment offered by my colleague Congressman Watt that I believe represents an acceptable compromise on this issue.

I will remain steadfast in protecting peoples' freedom of speech, and speaking out against discrimination and injustice. As someone who adamantly supports the crime legislation, I cannot be oblivious to the incendiary nature and emotional response evoked by burning the nation's flag. For many Americans, burning the flag is a hateful action that is as repugnant as burning a cross on a lawn, or painting a swastika on a synagogue.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to H.J. Res. 4, an amendment to the Constitution of the United States to authorize Congress to prohibit the desecration of the flag. This amendment not only stands in stark contrast to what the flag represents, but this debate today is keeping the House from addressing more urgent matters facing our country.

The flag is a symbol of American greatness. It inspires awe and pride and is the official emblem of our nation. And, above all, it stands for freedom; the freedom we are guaranteed by being lucky enough to live in America. Ironically, this amendment would punish those who exercise that freedom. In our country, dissenting views are allowed and tolerated, even expressions as offensive as flag desecration. To take away this fundamental freedom of expression is to dishonor the flag and the liberty it represents.

Furthermore, this amendment is uncalled for. At this time when there are so many issues that this House should be addressing—when American soldiers continue to die every day in Iraq, when millions of low-income families are being left behind by the Republican Congress and the Bush Administration, when seniors across America can't afford their prescription drugs and millions more lack any health care coverage, and when millions of schoolchildren lack such basic resources as textbooks and safe classrooms—the House is instead debating a bill that is unnecessary, controversial, vague, and, if passed, would undermine our democracy.

Webster's dictionary defines "desecrate" as "violating the sanctity of" and "treating disrespectfully, irreverently, or outrageously." This bill does not specifically define "desecration." Therefore, if the amendment were to be passed, we would then be forced to discuss whether flag desecration included printing the flag on clothing or dropping small plastic flags on the ground after parades; we would have to discuss if the "protected flags" had size regulations or had to be made of specific material; we would have to decide if flags on personal property were "protected"; and on and on. These debates are necessary. Instead of debating what freedoms we should be infringing upon and taking away, this House of Representatives should be doing everything it can to protect people's freedoms, especially our freedom of speech, and be working toward solutions to the problems that plague our constituents every day.

I urge my colleagues to vote no on H.J. Res. 4.

Mr. VITTER. Mr. Speaker, I rise today in strong support of House Joint Resolution 4 to ban the desecration of the United States flag. Following the horrific events of September 11th, our nation responded with an overwhelming show of patriotism. Across our land Americans proudly flew their flags from their homes, cars and workplaces as a demonstration of their love for the United States, our values, and their support for the war against terrorism.

These actions clearly illustrate that the American people see the flag as a symbol of hope, strength, and freedom. It is the one national symbol that we can all unify behind. In the flag is at one time our history, our aspirations, and our identity. Therefore, we should act today as reaffirmation of what our country stands for.

I would be the first person to stand up in defense of freedom of speech; however, there are some actions that are not free political speech but behaviors gauged to anger. Defacing the United States flag is one of these actions. Those who wish to protest against the actions of our country can do it through our media, hold rallies, give speeches, and march in demonstrations. Those same people can contact elected officials, sign petitions, and express their views in many ways.

To burn the flag not only suggests disgust for our great country, it also shows a lack of respect for the men and women who are currently fighting overseas, and even more so for those who have fought and died to make the United States of America what it is today.

I urge my colleagues to support the Resolution and vote in favor of final passage.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this resolution.

I am not in support of burning the flag. But I am even more opposed to weakening the First Amendment, one of the most important things for which the flag itself stands.

I agree with the Boulder Daily Camera that "If Congress and the states embraced this amendment, it would shield a symbol of freedom while assailing the very freedom it signifies. That symbolic flag desecration would be far more egregious than the theatrics of any two-bit protester."

As the Denver Post put it when the House considered a similar proposal two years ago. "The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity."

I completely agree. So, like Secretary of State Colin Powell, former Senator John Glenn, and others who have testified against it, I will oppose this resolution.

For the benefit of our colleagues, I am attaching the editorials on this subject in the Daily Camera and the Denver Post:

[From the Boulder (CO) Daily Camera, May 7, 2003]

THE REAL DESECRATION
"FLAG PROTECTION AMENDMENT" ASSAILS
AMERICAN VALUES

Colin Powell loves our country, its Constitution and the flag. A general and a statesman, he has spent decades defending

all three. Unlike many members of Congress, however, Powell can differentiate between our sweet liberty and a cherished symbol of that liberty.

Congress should heed Powell's advice. Let's hope it does. In the U.S. House of Representatives today, a committee is scheduled to consider a proposed constitutional amendment on "flag protection."

If ratified by three-fourths of the state legislatures, the amendment would allow Congress to do what the First Amendment forbids: to criminalize the physical desecration of the U.S. flag.

The House version of the flag-protection resolution has 135 co-sponsors, including Colorado Reps. Bob Beauprez, Joel Hefley, Marilyn Musgrave and Tom Tancredo. Colorado Sens. Wayne Allard and Ben Nighthorse Campbell are among the 55 Senate co-sponsors.

For years ago, Powell was asked about the flag-desecration amendment, which members of Congress were then, like now, pursuing. First, Powell noted, very few Americans burn the flag. Second, he said, these desecrators are irrelevant: "They may be destroying a piece of cloth, but they do no damage to our system of freedom, which tolerates such desecration."

Powell said he would not alter the Constitution on their account. "I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away."

It's just that simple. If Congress and the states embraced this amendment, it would shield a symbol of freedom while assailing the very freedom it signifies. That symbolic flag desecration would be far more egregious than the theatrics of any two-bit protester. It is nothing short of stupefying that many of our leaders continue to ignore this self-evident truth.

[From the Denver (CO) Post, June 25, 2001]

FLAG AMENDMENT SHOULD DIE

Although a proposed constitutional amendment to ban desecration of the American flag continues to lose steam, it nonetheless is once again being considered in the U.S. House.

The amendment, one of the most contentious free speech issues before Congress, would allow penalties to be imposed on individuals or groups who burn or otherwise desecrate the flag.

In past years, the amendment has succeeded in passing the House only to be killed, righteously, on the Senate floor.

The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity.

American war heroes like Secretary of State Colin Powell and former Sen. John Glenn strongly oppose this amendment. Glenn has warned that "it would be a hollow victory indeed if we preserved the symbol of freedoms by chopping away at those fundamental freedoms themselves."

In addition, the Supreme Court has ruled that desecration of the flag should be protected as free speech.

Actual desecration of the flag is, in fact, a rare occurrence and hardly a threat. There have been only a handful of flag-burnings in the last decade. It's not a national problem. What separates our country from authoritarian regimes is the guarantee of free

speech and expression. It would lessen the meaning of those protections to amend our Constitution in this way.

The amendment is scheduled to go before the House this week, although if it passes it would still have to face a much tougher audience in the Senate. The good news is that House support of the amendment has been shrinking in recent years. It is possible that if that trend continues, the amendment could not only die this year but fail to return in subsequent years. We urge House lawmakers to let this issue go.

Ms. LEE. Mr. Speaker, I will not vote for any constitutional amendment that undermines the First Amendment, which, as the U.S. Supreme Court has repeatedly affirmed, protects even unpopular forms of dissent. Our founding fathers well know the importance of free speech and expression, and carrying on that tradition, we should do everything possible to ensure that this fundamental cornerstone of our democracy remains intact.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in opposition to this legislative proposal to amend the Constitution, giving Congress the power to prohibit the physical desecration of the flag.

For more than 2 centuries, the first amendment to the Constitution has safeguarded the right of our people to write or publish almost anything without interference, to practice their religion freely and to protest against the Government in almost every way imaginable. It is a sign of our strength that, unlike so many repressive nations on earth, ours is a country with a constitution and a body of laws that accommodates a wide-ranging public debate.

There is little question that those who would desecrate the flag have a lack of respect for this great nation. But we need not give these misinformed individuals any more attention than they deserve.

One can imagine the future protest situations that would take place should this legislation ever receive the massive support required of a constitutional change. It would be outrageous. And the contribution to the average hardworking American? More taxpayer dollars and police manpower wasted in the pursuit of little more than an offender lacking patriotism and good taste. The American flag does not need protection from such poor behavior. The principles embodied in it outshine such cowardly attempts to defame its stature.

Rather than spending time today arguing the merits of the 1st amendment, we should be focusing more attention on improving the daily lives of millions of Americans. From the rising costs of health care to a lack of affordable housing, many of our nation's veterans are struggling to make ends meet and now brace for the substantial cuts in benefits passed by this body. But instead of tackling those issues, we stand here debating a solution in search of a problem. Those brave men and women who risked their lives protecting our democracy need more than politicians paying them lip service, they need money to help pay the bills.

Heck, they can't even get a proper military burial service at Arlington National Cemetery because cuts to Veterans Affairs funding have eliminated the use of live buglers and replaced them with battery powered boom boxes. What a shame.

In short, the amendment in question is unnecessary. We don't need it and we must not become the first Congress in U.S. history to

chill public debate by amending the Constitution in such a way. This issue truly tests the notion of freedom of speech guaranteed by our fore fathers. Let's pass this test and do the right thing by opposing this unmerited resolution.

Mr. SHAYS. Mr. Speaker, I rise today in opposition to H.J. Res. 4, which would amend the Constitution to allow Congress to pass laws banning the desecration of the flag.

I find it abhorrent anyone would burn our flag. And if I saw someone desecrating the flag, I would do what I could to stop them at risk of injury or incarceration. For me, it would be a badge of honor.

But I think this Constitutional Amendment is an overreaction to a nonexistent problem. Keep in mind the Constitution has been amended only 17 times since the Bill of Rights was passed in 1791.

This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote and guarantees freedom of speech and freedom of religion.

Amending the Constitution is a very serious matter. I do not think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag now, without an amendment. I agree with Colin Powell who, when he served as Chairman of the Joint Chiefs of Staff, wrote it was a mistake to amend the Constitution, "that great shield of democracy, to hammer a few miscreants."

When I think of the flag, I think about the courageous men and women who have died defending it and the families they left behind. What they were defending was the Constitution of the United States and the rights it guarantees as embodied by the flag.

I love the flag for all it represents, but I love the Constitution even more. The Constitution is not just a symbol; it is the very principles on which our nation was founded.

I urge my colleagues to vote against this resolution.

Mr. BUYER. Mr. Speaker, I rise in support of this constitutional amendment to empower Congress to enact legislation to protect Old Glory from desecration.

This is not an issue about what people can say about the flag, the United States, or its leaders. Those rights are fully protected. The issue here is that the flag, as a symbol of our Nation, is so revered that Congress has a right and an obligation, to prohibit its willful and purposeful desecration. It is the conduct that is the focus.

After September 11, Old Glory of any size, any fabric, including ones made by school children from construction paper; those stuck in flower pots, pinned on lapels, or decals posted in the back window of pickup trucks were displayed everywhere. On the news, Tom Brokaw referred to this phenomenon "like countless bandages of patriotism covering a nation's wounds—a reassuring symbol" of what it means to be an American. It represents the physical embodiment of everything that is great and good about our nation—the freedom of our people, the courage of those who have defended it, and the resolve of our people to protect our freedoms from all enemies, foreign and domestic.

It is not a coincidence that when others seek to criticize America, they burn the American flag. Old Glory is the embodiment of all that is America—the freedoms of the Constitu-

tion, the pride of her citizens, and the honor of her soldiers, not all of whom make it home.

I have seen the Stars and Stripes on a distant battlefield. Across the river from here is a memorial of another battlefield and to the valiant efforts of our fighting men to raise the flag at Iwo Jima. It was not just a piece of cloth that rose on that day over 50 years ago. It was the physical embodiment of all we, as Americans, treasure—the triumph of liberty over totalitarianism; the duty to pass the torch of liberty to our children undimmed.

The flag is worth protecting, defending. I urge the adoption of the Amendment.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in strong support of H.J. Res. 4. This amendment rightfully restores authority to Congress to regulate the treatment of our most precious national symbol—the American flag.

The flag has been a symbol of our freedoms for over 200 years.

Our flag has sailed around the world, it has traveled to the moon, it has flown atop the North Pole and Mt. Everest, it has withstood war both on our soil and abroad—each time representing what our nation stands for—freedom and democracy.

Over the years our flag has not only inspired but has comforted our nation. This was never more evident than the days, weeks and months following September 11. It was a photo of 3 firefighters raising the flag amidst the rubble of the World Trade Center that showed not only our nation, but the world we would not fall. A few days later we watched as the flag was draped over the Pentagon—we showed the world with that one action—terrorists may have tried but they did not succeed in destroying our nation and all we hold dear.

On September 11 the terrorists forced war upon our country. Since that day our military has been fighting a global war against terrorism. These brave young men and women risk their lives every day to defend the very freedoms the flag represents.

I served in the United States Army, fortunately during peacetime, but as a Captain in the US Army if my country called, myself and those who I served alongside, were prepared to make the ultimate sacrifice to defend the freedoms our flag represented.

It saddens me to see people in foreign countries celebrate as they burn our flag—I cannot do anything about what they do in their streets, but I can try to do something about what happens in our streets. It disgusts me when I see our own citizens desecrate the flag, the flag represents all our nation has been through and embodies all our nation stands for—to burn the flag is to burn all it stands for.

I wonder how the soldiers in Afghanistan or Iraq, who fight every day to protect our nation from ever seeing the horrors of another September 11, feel when they see or hear about American citizens burning the American flag—the very flag they fight under.

Therefore, I urge my colleagues to support H.J. Res. 4, the U.S. Flag Protection Constitutional Amendment.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of House Joint Resolution 4, the Constitutional Amendment to prohibit flag desecration.

Our flag is a symbol of the American character and its values. It tells the story of victories won—and battles lost—in defending the principles of freedom, and democracy.

These are stories of real men and women who have selflessly served this Nation in defending that freedom. And many of them lost their lives for it. Bunker Hill, Gettysburg, San Juan Hill, Iwo Jima, Korea, Da Nang, Persian Gulf—our men and women had one common symbol—the American flag.

The American flag belongs to them, as it belongs to all of us.

Critics of the amendment believe it interferes with freedom of speech. I disagree. Americans enjoy more freedoms than any other people in the world. They have access to public television. They can write letters to the editors to express their beliefs, or call into radio stations. I meet with constituents everyday in order to best represent their interests in Washington. Americans can stand on the steps of the Nation's capitol building to demonstrate their cause.

They do not need to demonstrate our noble flag to make their statement, and I do not believe protecting the flag from desecration deprives Americans of the opportunity to speak freely.

And let us be clear: speech, not action, is protected by the Constitution. Our Founding Fathers protected free speech and freedom of the press because in a democracy, words are used to debate and persuade, and to educate. A democracy must protect free and open debate, regardless of how disagreeable some might find the views of others. Prohibiting flag desecration does not undermine that tradition.

The proposed amendment would protect the flag from desecration, not from burning. As a member of the American Legion, I have supervised the disposal of over 7,000 unserviceable flags. But this burning is done with ceremony and respect. This is not flag desecration.

Over 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African-American Women's Clergy Association all support this amendment.

Forty-nine states have passed resolutions calling for constitutional protection for the flag. In the last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 298 to 125, and will rightfully pass it again this year.

Mr. Speaker, I am proud to be an original cosponsor of H.J. Res. 4 and ask that my colleagues join me in supporting this important resolution that means so much to so many.

Mr. TERRY. Mr. Speaker, I rise in strong support of H.J. Res. 4 to allow Congress to ban the physical desecration of the flag.

During the War of 1812, American soldiers valiantly fought at Fort McHenry, Maryland to preserve the newly-formed United States. The story of the fort's battle flag, which continued to wave despite the barrage of bombs from British warships, was captured in the poetry of Francis Scott Key. He marveled at the resiliency of our flag, and the unflinching courage it brought to the men battling for freedom under its stars and stripes. His words are now our national anthem, sung in school rooms, at sporting events, and whenever our nation pays homage to its fallen heroes. The image of our flag is ingrained in the hearts of all freedom-loving Americans.

The flag represents our ideals of freedom, liberty, and justice for all. It also symbolizes

the sacrifice of 41 million Americans who have fought our wars dating back to the Revolution, and the one million Americans who have died to defend our freedoms. We live in liberty today because they did not shrink from duty. The least we can do to show our eternal gratitude is to protect our flag—our treasured symbol of those who made the ultimate sacrifice.

We are debating H.J. Res. 4 today because the Supreme Court has ruled that flag burning is "protected expression" under the First Amendment. Since this misguided decision was handed down, every state in the union has asked Congress to approve a Constitutional Amendment to protect Old Glory from physical desecration. Our First Amendment does not allow citizens to yell "fire!" in a crowded theater, nor does it protect intentionally outrageous acts of destruction. Desecrating our flag falls squarely into this category.

We are not debating free speech rights today. We are debating whether our sons and daughters will appreciate the sacrifices of their forefathers when they see the flag waving. The freedom, honor and sacrifice symbolized by Old Glory must never be taken for granted.

Mr. Speaker, I urge my colleagues to join me in supporting H.J. Res. 4.

Mr. BACA. Mr. Speaker, I rise in support of H.J. Res. 4 to protect our nation's flag.

Our flag is a symbol of pride to all of the veterans who have bravely fought for this nation. It is a symbol of hope and prosperity to the many immigrants who have traveled to this land seeking a better way of life. But most of all, it is a symbol of freedom to all Americans.

We must ensure that our symbol, representing all of the things Americans hold sacred is respected. We must stand up and protect our flag from destruction.

Just as no one has the right to take away our freedom and democracy, no one should have the right to burn our flag.

Many soldiers have died protecting our freedom and democracy. The rights and freedoms that we enjoy today are because of the courage of our brave soldiers. Our flag, flies as a constant reminder of our military's victories.

We must not forget that all of our soldiers have not yet returned from war. Many of our men and women are still in the Middle East trying to safeguard Iraq. Many of our soldiers are still in Afghanistan, searching for Osama Bin Laden. The battle for peace in the Middle East is not over.

Our soldiers are still risking their lives and dying in the name of this nation. Now is not the time to question patriotism. We must be united and stand behind our soldiers and our symbols of freedom.

When a soldier or a veteran dies, his family receives a flag honoring the loss of their loved one. We proudly drape the flag over their coffins. We must make sure the families know that their loved one did not die in vain. The American Flag is the symbol that represents the soldier's sacrifice and a nation's respect.

Many people come to this land seeking religious freedom, freedom from oppressive governments, economic prosperity and a better way of life for their children. Many people come to this land and join the military because they know America is a land worth protecting. To them the flag is a promise of liberty, security, and opportunity.

Our flag flies high symbolizing the hopes and dreams of immigrants all over the world.

We must keep our flag sacred to welcome those believing in the American Dream.

Just as you would not melt the Liberty Bell, tear up the Declaration of Independence, or destroy the Statue of Liberty, we must protect our nation's flag. I stand in support of this legislation for the soldiers and veterans who have fought to protect it, the immigrants who believe in its promise, and all of the Americans who pledge their allegiance to it. We must keep our flag flying high.

Mr. SKELTON. Mr. Speaker, even before we were a nation, we had our flags. Different from today's to be sure. But serving the same purpose—symbols of unity, and of our hopes, achievements, glory, and high resolve.

Brave New England patriots faced down British regulars at a place called Bunker Hill under the Continental Flag which prominently featured a pine tree.

"Don't Tread on Me," said the colonists in the South, and a coiled rattlesnake on their flag reinforced that message.

The Grand Union Flag went to sea with John Paul Jones and marched under George Washington in the early days of our Revolution. By combining the British Union Jack with thirteen red and white stripes it reflected the thinking of the colonists during that time: allegiance to the Crown, but willing to fight for their rights as Englishmen.

That thinking had changed, however, by July 4, 1776. The Declaration of Independence—"That these United Colonies are, and of Right ought to be Free and Independent States"—set us on a new course, from which there was no turning back. It was a realization that a people could not at once fight against the king and at the same time profess their loyalty to him. And, it meant that the new United States would need a national flag.

On June 14, 1777—the day we now celebrate as Flag Day—the Continental Congress adopted the following brief resolution: "Resolved, that the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation."

It is now believed that Francis Hopkinson, a signer of the Declaration of Independence, designed the first national flag that legend attributes to Betsy Ross. For his services, he submitted Congress a bill for nine dollars. Of course, government in 1777 was not really much different from government today. Hopkinson never got paid.

So, we had a national flag, the "Stars and Stripes." In 1792, the first version with thirteen stars in a circle appeared. In 1795, the flag was changed to recognize the entry of Vermont and Kentucky into the Union with the addition of two stars and two stripes. This flag of fifteen stars and fifteen stripes figured in many stirring episodes. It was the first flag to be flown over a fortress of the Old World when it was raised at Tripoli in 1805. It was flown at the Battle of Lake Erie and by Andrew Jackson at New Orleans. And it was flown at our young nation's most inspiring moment.

In 1812, our nation had declared war on Great Britain because of British seizure of neutral U.S. trading vessels, and the impressment of American seamen into service on British ships. The British, preoccupied with Napoleon, were not amused. They were even less amused when we sent forth speedy privateers to seize their merchant ships and to frustrate their heavily gunned men-of-war.

In 1814, with Napoleon exiled to the island of Elba, the British determined to put the upstart former colonists in their place. They dispatched a 50-ship expeditionary force—veteran soldiers and sailors from the world's strongest military power. Up the Chesapeake Bay they came, and on August 24 and 25, 1814, they burned Washington. Their next target: Baltimore—third largest city in the U.S., a rich trading center, and home to many of the fleet privateers that had humiliated the proud Royal Navy.

As the British moved on Baltimore, one thing blocked their way—Fort MCHenry, whose guns dominated the channels leading into Baltimore Harbor. Unless they could get past the fort, the British Navy could not support its ground forces whose advance on the city had been stalled.

So, at dawn on September 13, a 25-hour bombardment began. At the same time, a 35-year-old American lawyer was being held on board a British ship pending the end of the battle. Francis Scott Key watched the “rockets red glare” and “the bombs bursting in air” through the night. At the first light of dawn, Key was relieved to see that Fort MCHenry's giant flag—30 feet by 42 feet—“The Star Spangled Banner”—did indeed still wave over “the land of the free and the home of the brave.” Inspired by the sight, he took pen in hand and gave us what would become our National Anthem.

The burning of Washington and the victory at Ft. MCHenry united our young nation like nothing before had done. We emerged from the War of 1812, with a new national identity, confidence, and patriotism, a recovering economy, and a place in the world. And we continued to grow—to the valleys of the Ohio and Mississippi Rivers and beyond with new states joining the union and the number of stars in that field of blue growing.

Less than 50 years after the end of the War of 1812, our flag would face one of its greatest challenges. As our nation was split asunder in a great civil war, and its ability to endure as one hung in the balance, courage related to the flag often spelled the difference between victory and defeat.

Missionary Ridge, Tennessee, November, 1863. A key link between the east and west for the Confederacy. Confederate troops entrenched along a 400-foot-high, seven-mile-long summit. Sixty Union regiments under General George Thomas attacked positions at the foot of the ridge, and then, unexpectedly, surged up the slope. Flag bearers led the way. When one fell, another stepped forward to grab the colors, and the advanced continued. A young First Lieutenant—not yet 20 years old—caught the flag of the 24th Wisconsin as it was about to fall, and carried it to the crest. Arthur MacArthur's bravery earned him a battlefield promotion to major and the Medal of Honor that day. Many of you here today may have served under his son, Douglas, in the Pacific or Korea. In all, seven flag bearers won the Medal of Honor at Missionary Ridge. At day's end, the flags of 60 Union regiments lined the summit.

The War ended and the Union was preserved. And the flag proved as inspiring in peace as it was in war. In 1868, a former Union Army Sergeant, Gilbert Bates, set out to carry the Stars and Stripes from Vicksburg, Mississippi, to Washington, D.C., to prove to friends back in Wisconsin that we were once

again one nation. Crowds cheered him at every town and village as he marched through the heart of the Old Confederacy. Ironically, and maybe today we could say prophetically, Sergeant Bates and his flag encountered real hostility and opposition only in our nation's capital.

Westward we moved, behind the flag. Across the Wide Missouri, and along the South Platte to the Rockies, and beyond to Oregon and California. South to Santa Fe and the Rio Grande—conquering a wilderness, settling a continent, and fulfilling our destiny. New stars added to the flag and more people to enjoy the blessings of liberty it embodies: people in the new lands, and immigrants from the Old World—the “huddled masses yearning to breathe free.”

Our flag went to foreign shores. Up San Juan Hill with Teddy Roosevelt in the Spanish American War ending four centuries of Spanish colonialism in the New World. At Veracruz, on the Gulf coast of Mexico, its honor was defended by brave sailors and marines. “Over there” it went with a Missourian, General John Pershing, in the “War To End All Wars.”

Our flag was tattered, but not lowered at Pearl Harbor. And we rallied behind it, lifted it higher. We took it ashore at Normandy, and across the Rhine with Eisenhower, Bradley, and Patton, and Hitler's “Thousand Year Reich,” the worst tyranny the world has yet known, crumbled at its advance. Across the South Pacific it went, island by island. In 1944, the most dramatic flag raising in American history, on a rocky Pacific island called Iwo Jima. When the sun rose the next day on that flag atop Mount Suribachi, the sun of Japanese Imperialism began to set.

The flag was with us: In Korea helping to preserve democracy for half of a divided nation. In Vietnam, where brave American POWs fashioned handmade flags to defy their captors. It went to the moon with the astronauts of Apollo 11.

Yes, our flag has stood by us—leading us, inspiring us, sustaining us—in all of our national endeavors, in war and in peace, for over 200 years.

Now, sadly, it seems that some people don't want to stand by our flag. The Supreme Court has said that it is all right to desecrate our flag, to burn it even, in the name of free speech. “Government,” says the Court, “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”

I agree that everyone in this country has the right to make his views known on any issue, no matter how irrational, how wrong, or how unpopular those views might be. But does that mean that every form of conduct is permissible as a means of exercising rights guaranteed by the First Amendment to the Constitution? I say no. And I say so as a student of law and of history. The framers of the Bill of Rights used words carefully to convey a precise meaning. The First Amendment to the Constitution says “Congress shall make no law . . . abridging the freedom of speech, . . .” It says nothing about “expression.”

Legal precedent and common sense tells us that there can be limits on conduct which are not inconsistent with First Amendment rights. Consider some extreme examples: Would anyone, even the Supreme Court, contend that we must permit human sacrifice under the guise of free exercise of religion? Would

someone be allowed to blow up the Lincoln Memorial to express a political view?

Flag burning does not merit First Amendment protection. It is conduct that is offensive and provocative to the overwhelming majority of Americans. Moreover, it is unnecessary. Any point of view that can be expressed by flag burning can be better expressed in a manner that is reasoned, rational and more effective in communicating an idea or attempting to persuade others.

We have a great system of government, and one reason it is so great is that if you disagree with a government action, even a decision of the highest court in the land, you can work to change it.

Therefore, I support legislation being considered by the House of Representatives today that will create a Constitutional Amendment that will allow Congress and the States to ban flag burning and other similar forms of flag desecration. The process of changing the Constitution is not fast and easy. The framers wanted to make amending the Constitution a difficult, deliberative process.

I am confident that a Constitutional Amendment can be passed. But if it fails, or if it stalls, we can move in other areas. We can redraft and enact new flag desecration statutes that attempt to meet the Court's objections to the Texas statute. If those new statutes won't pass muster, we'll enact new ones.

We can do still more. Our children must be taught to respect the flag not only in our schools, but by our example. We must instruct them to display it and use it properly and salute it appropriately. We must encourage our children and every future generation to value the freedoms we enjoy and to stand tall and proud when they say, “I pledge allegiance to the Flag of the United States of America . . .” We must instill in them a strong sense of the heritage embodied in our flag, and the pride of being an American. Finally, we must ensure that they continue to recognize and honor the great sacrifices made by previous generations of Americans, many of whom gave “the last full measure of devotion” so that we could live free.

The poet Edgar A. Guest said it best when he penned:

THE BOY AND THE FLAG

I want my boy to love his home, his Mother,
yes, and me;
I want him, wheresoe'er he'll roam, With us
in thought to be.
I want him to love what is fine, Nor let his
standards drag,
But, Oh! I want this boy of mine To love This
country's flag!

Let me take a moment and put a few things in perspective. As much as the Supreme Court decision has disappointed me, it is in the final analysis no real threat to our nation. Our flag stands for too much to be brought down by matches lit by those who would desecrate it. Its glory cannot be diminished by a U.S. Supreme Court ruling. It cannot be threatened by any enemy, foreign or domestic. If they step on it, write on it, tear it to shreds, even burn it to ashes, we'll just raise it up again, and it'll fly higher and more gloriously than ever before.

A few years ago, we had a flag day ceremony in the House of Representatives. Country-western singer Johnny Cash recited these lyrics that he had written:

RAGGED OLD FLAG
(By Johnny Cash)

I walked through a county courthouse square
On a park bench an old man was sitting
there
I said, "Your old courthouse is kinda run
down."
He said, "Naw, it'll do for our little town."
I said, "Your old flag pole is leaned a little
bit."
And that's a ragged old flag you got hanging
on it."
He said, "Have a seat." And I sat down.
"Is this the first time you've been to our lit-
tle town?"
I said, "I think it is." He said, "I don't like
to brag,
But we're kind of proud of that ragged old
flag."
"You see, we got a little hole in that flag
there
When Washington took it across the Dela-
ware
And it got powder burned the night Francis
Scott Key
Sat up watching it, writing 'Say Can you see'
It got a bad rip in New Orleans
With Packingham and Jackson pulling at its
seams
And it almost fell at the Alamo,
Beside the Texas flag, but, she waved on
though
She got cut with a sword at Chancellorsville
And she got cut again at Shiloh Hill
There was Robert E. Lee, Beauregard and
Bragg
The South wind blew hard on that Ragged
Old Flag
On Flanders field in World War One
She got a big hole from a Bertha gun
She turned blood red in world War Two,
She hung limp and low by the time it was
through
She was in Korea and Viet Nam
She went where she was sent by he Uncle
Sam
She waved from our ships upon the briny
foam
And now they've about quit waving her back
here at home
In her own good land she's been abused
She's been burned, dishonored, denied, re-
fused
And now the government for which she
stands
Is scandalized throughout the land
And she's getting threadbare and she's wear-
ing thin
But she's in good shape for the shape she's in
Cause she's been through the fire before
And I believe she can take a whole lot more
So we raise her up every morning
Bring her down slow every night
We don't let her touch the ground
And we fold her up right.
On second thought, . . . I do like to brag,
Cause I'm mighty proud of that ragged Old
Flag."

Mr. Speaker, I urge all my colleagues to support H.J. Res. 4 and to give Old Glory the respect it deserves.

Mr. KIND. Mr. Speaker, I have the utmost reverence and respect for the flag of the United States, one of the most recognizable symbols of freedom and liberty in the world. And I have the utmost respect for those who want to protect it. Among other things, the flag represents our rights as Americans, including those protected by the Bill of Rights. The first amendment in particular is the amendment that embodies the very essence upon which our democracy was founded because it stands for the proposition that anyone in this country can stand up and criticize this government and its policies without fear of prosecution.

The first amendment is perhaps the best known provision of the Constitution and has been well guarded over the years by Congress and the Courts. But today's amendment would create a tremendous spiritual change, effectively turning the words "no law" in "Congress shall make no law" into "few laws." Which is to say it would sap the first amendment of the principle it represents, the one that insists that this country does not punish ideas, no matter how unpopular.

But here we are, yet again, debating an amendment that would for the first time in our Nation's history change the first amendment to our Constitution, without a compelling reason. Flag burning is exceedingly rare. Yet supporters have never let themselves be restrained by the fact that the amendment represents a non-solution to a non-problem, and whose predictable outcome would be to make flag burning the "in" protest among the young and antisocial.

I am going to oppose this legislation, not because I condone or do not feel repulsed by the senseless act of disrespect that is shown rarely against one of the most cherished symbols of our country, the American Flag, but because I recognize that our Constitution can be a challenging document. It reminds us that our democracy requires all of us to permit the expression of ideas that we may spend a lifetime opposing—and not simply move to pass an amendment to silence their voice. Our democracy, rather, is about advanced citizenship. It asks all Americans to fight and even protect the right of our fellow citizens to express views that are against what we believe and value most in our country.

There are few things that evoke more emotion, passion, pride or patriotism than the American Flag. But if we pass this amendment today, where do we stop? Do we move to protect other icons of American patriotism? Should we pass an amendment that prohibits the burning of a copy of the Declaration of Independence or of the Constitution? Let us not go down that path today. We have done well these past two centuries without having to amend the Bill of Rights.

In a country of over 280 million people, I do not believe that the actions of a few individuals should compel us to change our most fundamental principles. I respect our flag as well as those who have fought and died to protect the ideals which it symbolizes, but I also respect those very ideals and principles contained in our Constitution. The purity of the first amendment should not be adulterated now so that Congress can protect flags that nobody's burning anyway.

Mr. KLECZKA. Mr. Speaker, the American flag is a visible symbol of all the freedoms that make our Nation great, and this includes our First Amendment right to express ourselves freely. Our Constitution protects even those forms of speech that others may disagree with or find offensive. It is this very liberty to publicly voice one's opinions and ideas no matter how controversial they may be that distinguishes our great Nation from others.

While the desecration of our flag triggers an almost universal reaction of disgust by Americans, we are strong enough as a nation to allow individuals to express themselves in this manner, and stronger still to resist the urge to stamp out free speech that challenges us. By outlawing the expression displayed in desecrating the flag, we would diminish and under-

mine our flag's value by suppressing the very freedoms that it represents.

We must also note that this amendment offers a solution to a problem that simply doesn't exist. Only 45 incidents of flag desecration were reported between 1777 and 1989. Since then, these acts have been very rare. This was particularly noteworthy during the lead-up to the War in Iraq. Despite vehement anti-war sentiment, no groups burned or desecrated the flag during rallies or protests. I fail to see why it is necessary to tinker with the Bill of Rights—the bedrock of our Republic—for the first time in 211 years to outlaw an act that rarely occurs.

The United States of America has a long and proud history of protecting the right of free expression for its citizens, and I do not believe that the voice of freedom should be muzzled.

Mr. STARK. Mr. Speaker, I rise today to oppose H.J. Res. 4, a constitutional amendment to prohibit the desecration of the U.S. flag. In doing so, I rise in support of protecting the right to free speech.

The First Amendment to the Constitution says, "Congress shall make no law . . . abridging the freedom of speech . . ." Yet, this bill would overturn two Supreme Court decisions upholding flag burning as symbolic speech protected under the First Amendment. If ratified, this amendment would be the first time ever that the Bill of Rights has been altered and in a manner that limits the freedoms that belong to the American people.

Conveniently, we debate this bill just before Flag Day. Now Republicans can run back to their districts to flaunt what they believe is patriotism. But, we must ask ourselves: is it patriotic to trample upon the Constitutionally protected freedoms? The freedom of speech is vital to our democracy—it sets our nation apart from those oppressive regimes we have fought and deposed throughout our history.

Some of my colleagues—mainly on the other side of the aisle—will mention today that veterans across the nation support this amendment. I respect these brave Americans and what the flag means to them. But, the Republicans are using this issue to cover over their failure to fully compensate our veterans for their heroic service.

Republicans have no intention to provide for the real needs of these men and women, like improved veterans benefits, better health care for them and their families, access to affordable housing and affordable educational opportunities to name a few. Instead, Republicans are using this amendment for political gain without paying respect to those things that bring real dignity and honor to our veterans. And let us not forget, these veterans fought for our freedoms and everything our Constitution stands for.

Opening the door to limiting the freedoms of all Americans is a dangerous precedent. I fear what could be next if the Republican leadership of this House have their way. I ask my colleagues to stand up for our Constitution and vote no on this amendment.

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to H.J. Res. 4, which would add an amendment to the Constitution banning the desecration of the American flag.

I believe that desecrating the American flag is a terrible way to exercise one's freedom of expression. It is hurtful and offensive. Yet, freedom of speech is one of the bedrock principles of this Nation's democracy. Some of the

most powerful movements in the history of America occurred because our Constitution guarantees everyone the freedom to express themselves.

While desecrating the American flag in protest offends many people, the flag is a symbol of our Nation's powerful democracy. Protecting our citizens' right to express themselves is more vital to the strength of our democracy than the physical appearance of the flag.

I believe that all Americans should respect and honor the flag. However, I oppose placing restrictions on the First Amendment by adding this amendment to our Constitution.

While this is an important issue and it deserves to be debated by this body, we cannot forget another issue of vital importance to America's veterans. The budget proposed by the Majority includes serious cuts to the Department of Veterans Affairs.

The proposed \$15 billion cut in benefits and \$9.7 billion cut in health care would leave many veterans without access to critical resources. With the ongoing conflict in Iraq, there will undoubtedly be more soldiers who will need care in the future. Rather than cut the funding for the VA, we should be providing adequate funding so that the Department will be prepared for caring for the soldiers who may need care after the current conflict has ended.

Mr. OXLEY. Mr. Speaker, I stand in strong support of H.J. Res. 4, which calls for a constitutional amendment permitting Congress to protect our Nation's flag.

As the vast majority of our constituents all know, Old Glory is far more than a piece of cloth. Especially in this post-September 11 era, it is the most visible symbol of our Nation and the freedoms we have too often taken for granted. It is a unifying sign in times of peace and war, instilling pride in our great country and continued hope for our future.

Americans from across the political spectrum and from every walk of life support the passage of this amendment. Since the Supreme Court in 1989 invalidated state-passed flag protection laws, the legislatures in each of the 50 states have passed resolutions petitioning Congress to propose this amendment. I am proud that the House is taking this important step toward a constitutional amendment today.

Mr. Speaker, my hometown of Findlay, Ohio, is well known for its civic pride and spirited celebration on Flag Day. The annual display of many thousands of flags on houses and businesses throughout Findlay earned the community the designation "Flag City USA." Arlington, Ohio, which I am also privileged to represent, has been named "Flag Village USA" for the patriotism inherent in its citizens. The letters, phone calls, and e-mails I have received from Findlay, Arlington, and throughout my congressional district in recent weeks express strong support for the protection of Old Glory.

I am proud again this year to be cosponsor of Duke Cunningham's joint resolution, and recognize him for his unwavering leadership on this issue. I urge my colleagues to support their constituents and vote in favor of sending this amendment to the states for ratification.

Mr. THOMAS. Mr. Speaker, I rise today in support of H.J. Res. 4, which would amend the United States Constitution to restore to Congress the power to prohibit the physical desecration of the flag of the United States.

Amending the United States Constitution is not something that should be undertaken in a cavalier manner. The gravity with which such changes in the document that provides the structure for our system of governance should be taken is reflected by the amendment process devised by the Founding Fathers. Article V of the Constitution provides that amendments can be proposed by two-thirds of both Houses or through a convention called by two-thirds of the states. Additionally, the Article provides that these proposed amendments must be ratified by three-fourths of the state legislatures or by conventions in three-fourths of the states.

So, the question before us today is whether we believe that we should restore to Congress the power to protect the flag if Congress so chooses. As I have stated previously, we are considering this question because the United States Supreme Court has taken what the Bill of Rights says is protected speech, and has extrapolated it to encompass behavior that the Bill of Rights does not specifically mention, the burning or otherwise desecration of the United States flag. When the Supreme Court did this, it handcuffed Congress in order to provide Constitutional protection to behavior that many Americans find despicable. Notwithstanding those assertions that H.J. Res. 4 itself would ban the desecration of our flag, H.J. Res. 4 would instead unlock the handcuffs that the Supreme Court slapped on Congress.

While the question of protecting our Nation's flag from desecration is not before us today, I do recognize that man of my constituents do not view the flag as merely a compilation of red, white, and blue cloth; rather, they see that cloth as the enduring emblem of freedom and America. I also recognize that to preserve both freedom and America, many American men and women, including some of my constituents in the recent Middle East conflicts, have willingly sacrificed their lives and limbs and have endured hardships that few of us can comprehend. And, I know that the desecration of our flag is a direct affront to these brave men and women and their sacred sacrifices. Thus, I now take my Constitutional prerogative to ensure that Congress has the ability to enact, or not to enact, legislation as Congress sees fit to protect our Nation's flag from intentional desecration.

Mr. BLUMENAUER. Mr. Speaker, the United States flag is one of the two most enduring symbols of our freedom and liberty. I believe that those who desecrate the flag degrade themselves and I find it a reprehensible act. So too, it is reprehensible for people to express hateful language against our country and some of our citizens. One of the values our flag represents is the freedom of expression. The United States and our cherished freedom are strong enough to withstand assaults of the crude, the bigoted and the hateful. The strength to withstand assaults comes from the other enduring symbol of our liberty: the Constitution. We should not trivialize the importance of that document, especially the freedom of speech enshrined in the First Amendment, by rushing to change the Great Document when we are offended by acts.

Because Americans honor this cherished symbol, I understand the rage and disgust most of us feel towards those who made their points by trampling on our flag. It is important to note that flag burning today is not a major problem. Throughout my years in Congress,

only one constituent has voiced his concerns regarding flag burning, and none back home in Oregon.

The proposed constitutional amendment is the wrong way to protect the flag. Ironically, it would be the fastest way to make the very rare occurrences of flag burning more frequent. After all the publicity surrounding ratification by the states occurs, we will have made our flag the target for every publicity-seeking protester in America. Burning the flag will be the fastest way to go to court, perhaps to jail, but certainly the evening news. Because we cherish our flag and our Constitution, we should reject this amendment.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of our American flag and as a cosponsor of H.J. Res. 4, which would amend the Constitution to allow Congress to protect the United States flag from acts of physical desecration.

Our flag has become a symbol of freedom for Americans and people around the world, whether flying outside of a home, or raised out of the rubble of the World Trade towers after the September 11 attacks. As an international emblem of the world's greatest democracy, the American flag should be treated with respect and care. We should not consider the flag as mere "personal property," which can be treated any way we see fit, including physically desecrating it as a form of political protest.

The American flag is a source of inspiration wherever it is displayed, and a symbol of hope to all nations struggling to build democracies. As a proud member of the House Armed Services Committee, I deeply admire those who have fought and died to preserve our freedoms in Iraq, Afghanistan, and around the world throughout our history. These men and women have bravely defended our flag and the fundamental principles for which it stands. They deserve to know that their government treasures the flag and all it represents as much as they do.

Before being overturned by the Supreme Court in 1989, 48 states and the District of Columbia passed laws protecting the flag. Over the last few years, all 50 states have passed resolutions calling on Congress to pass a Constitutional amendment, which is the only way to restore the power of states and Congress to implement the will of the people.

For these reasons I, as well as a great number of Americans, believe that our flag should be treated with dignity and deserves protection under the law. With Flag Day on June 14, I can think of no better way to honor the enduring symbol of our democracy than adopting this resolution today. I urge my colleagues to join me in supporting H.J. Res. 4 to allow Congress to prohibit desecration of the American flag.

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

□ 1630

The SPEAKER pro tempore (Mr. THORNBERRY). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. Is the gentleman from North Carolina (Mr.

WATT) the designee of the gentleman from Michigan (Mr. CONYERS)?

Mr. WATT. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

“ARTICLE—

“Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.”.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the amendment and claim the time.

The SPEAKER pro tempore. Pursuant to House Resolution 255, the gentleman from North Carolina (Mr. WATT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

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

Mr. Speaker, I have not been involved in the debate up to this point on the proposed constitutional amendment, but I want to commend the chairman of the Committee on the Judiciary and my colleagues who have conducted this debate up to this point on the quality of the debate. This is always a debate which I think has the capacity to bring out the best of the Members of our body. It does not always do that because there are strongly held positions, and sometimes emotion overtakes the day and we see the debate deteriorate. There have been instances when that has happened today, but by and large, I think this has been a high-quality debate, and I want to compliment my colleagues for maintaining the high quality of that debate.

I was, at one point, the ranking member on the Subcommittee on the Constitution, occupying the position now held by the gentleman from New York (Mr. NADLER); and during my time in service as the ranking member of that subcommittee, I realized that the quality of the debate on this proposed constitutional amendment was not the kind of quality that I really wanted to be involved in.

What I saw was that Members who supported the proposed constitutional amendment would come to the floor and they would claim that Members who opposed the constitutional amendment were somehow unpatriotic; and Members who opposed the proposed constitutional amendment and were on

the opposite side from the proponents of the amendment would come to the floor, and they would accuse the other side of being somehow unpatriotic. And I would have to admit that when I first became a party to this debate, I was a part of that name-calling process.

I thought that anybody who really supported the first amendment to the Constitution had to respect, even if they did not admire or like, they had to respect the right of people who wanted to express themselves in opposition to various kinds of injustices that were taking place in our society by expressing themselves verbally, expressing themselves through political action, expressing themselves by even burning or desecrating the American flag.

I thought it was a fairly simple proposition because I was not listening very carefully to the people who were on the other side of that debate, and I was not honoring the strong positions and commitments that they held to the fact that the flag was somehow different and that burning or desecrating the flag was somehow different than other kinds of free speech that citizens could engage in.

And then I started to listen to what the other side was saying, and I started to study this issue with a little more intensity, and I concluded that it could not possibly be the case that you could have a five-person majority on a United States Supreme Court that had nine members, and the court was split five people on one side and four people on the other side, and this not be a very, very difficult issue.

Can Members imagine that Justice Scalia supports the position that I am advocating here that when one burns the flag, they are engaging in protected speech; yet Justice Rehnquist, somebody who I think most people think is pretty close philosophically to Justice Scalia, takes exactly the opposite position.

I tried to imagine during the course of that debate whether Justice Scalia ever looked at Justice Rehnquist and said, “You are unpatriotic”; or on the other hand, whether Justice Rehnquist looked at Justice Scalia and said, “You are unpatriotic.”

So I started to listen to my good friend, the gentleman from California (Mr. CUNNINGHAM), and the gentleman from Texas (Mr. SAM JOHNSON) and what he was saying, and I said, those Members believe as vigorously in the position they are asserting as the Members on our side believe in the position we are asserting, and we could have a high-quality debate about this flag burning amendment if we honored each other's positions and opinions and really came in and talked about the merits of this proposed constitutional amendment as opposed to calling each other unpatriotic.

So I decided I would offer an amendment which simply says, not inconsistent with the first article of amendment to this Constitution, the Con-

gress shall have power to prohibit the physical desecration of the flag of the United States.

I thought that if we framed the issue in that context, we could really have an honest debate not only about what the physical desecration of the flag might consist of, but we could have an honest debate about what is or is not protected by the first amendment.

Now, I should say straight off that my opinion is that adding to the underlying proposed constitutional amendment, which itself says the Congress shall have the power to prohibit the physical desecration of the flag of the United States, simply adding to that that whatever statutory act we take as a Congress must be consistent with the first amendment to the Constitution, I pretty much assumed was a given. And a number of my colleagues who have supported the underlying proposed constitutional amendment have said, we do not want to do harm to the first amendment, we are not trying to cut off speech. So it seems to me that at some point, even if we pass the underlying proposed constitutional amendment that we are debating here, the one that says that Congress shall have the power to prohibit the physical desecration of the flag of the United States, that at some point the Supreme Court is going to be called upon to make that constitutional amendment reconciled with the first amendment, which says that this Congress shall make no law that tramples on the right of free speech.

So it may be that the amendment that I am offering here is kind of a redundancy. I am just basically saying that whatever we do as a Congress to prohibit the physical desecration of the flag must be done consistently with the first amendment to the Constitution, not anything revolutionary here.

Well, what does the first amendment mean? I thought I knew what the first amendment meant. I had a good law school education from what they tell me is one of the best law schools in the country, Yale University. Some of my colleagues will differ about whether it is the best or the second best or in the top 10 or in the top 30, but most people agree that it is at least one of the good universities, one of the good law schools in the country; and I will tell Members, Mr. Robert Bork was my constitutional law professor. We had some free-wheeling discussions in that class about what the first amendment meant. I thought once I got out of law school, I understood fully what the first amendment was all about.

And then I went back to North Carolina, and I went into the practice of law, and one day my senior law partner, a gentleman by the name of Julius Chambers, came to me and said, I want you to go down to eastern North Carolina and represent some Native Americans who have been charged with parading and threatening with a tomahawk in a demonstration that has taken place out there. They have been

charged with resisting arrest and all of the things that people get charged with when the police do not like what they are out there parading about, and these Native Americans had been arrested, four or five of them had been arrested. And my senior law partner sent me to eastern North Carolina to defend them against the criminal charges.

I did not know much more about those criminal charges until I got down to eastern North Carolina, and I sat down with my clients, and as I started to talk to them about what they were demonstrating about, they looked at me and they said, well, we did not want to go to school with black people. So we were out there demonstrating against going to school with black people. So I kind of swallowed hard and finished that day of activity, and I went back to my law office in Charlotte and I confronted my senior law partner and said, Julius, why would you send me down to eastern North Carolina as a black man to defend people who were out there demonstrating against going to school with black people?

□ 1645

Julius Chambers looked me straight in the eye, and he told me that day what the first amendment was all about. He simply said to me, "Don't you believe in the first amendment?"

Those are words that I have never forgotten. That same law firm represented the Ku Klux Klan when they wanted the right to demonstrate and it was unpopular.

This is a difficult issue, and there are patriots on both sides of this issue. This is not about whether one side has a monopoly on patriotism or the other side has a monopoly on patriotism. This is a difficult issue because we love the flag and the one kind of common theme that I was able to gather from all of this discussion over all these years because we have been debating this constitutional amendment for 5 or 6 or 7 or 8 or 9 years. Ever since I have been here, it seems like, we have this constitutional amendment.

But the one thing that I think we all have agreed upon is that none of us like people who burn the flag. We are all patriots. There are 435 of us in this body. Every single one of us represents over 600,000 people. Can you imagine 600,000 people sending somebody to this Congress who was not patriotic? This, my friends, is not about whether you are a patriot or not. It is about your idea of what the first amendment truly means. It could not be that you could have Justice Brennan, Justice Marshall, Justice Blackmun, Justice Scalia and Justice Kennedy saying that this is protected speech when you burn the flag in certain contexts and them be not patriotic. These men are not unpatriotic. And it could not be that Justice Rehnquist and Justice Stevens and Justice White and Justice O'Connor are out to lunch on this issue, either. This is a difficult issue.

And I think the important thing here is that we should not minimize the difficulty of the issue and we should not minimize each other because some of us happen to be on one side of this issue and some of us happen to be on the other side.

I value the first amendment, not that the people on the other side do not value it, too. I am sure they do. But in the process of having the Congress draft and pass a law to prohibit the physical desecration of the flag, the last thing I want is for us to do it in such a way that violates the first amendment to the Constitution. That amendment has been there for years and years and years and it has served us well. Nobody has tested this new amendment that is being offered here today which says the Congress shall have power to prohibit the physical desecration of the flag. Who knows what the United States Supreme Court might read into that. But what I can tell you is that our first amendment has served this country well. And people have fought and died for the right of people to express themselves. Maybe they do not like them expressing themselves by burning the flag, but it is considered by some people protected speech. And it cannot be, even in current day, more recent times, that Colin Powell, the Secretary of State, who happens to believe that this proposed constitutional amendment is unnecessary and ill advised, surely we would not dare to call him unpatriotic.

Whatever we do, my colleagues, I simply implore us to do it consistent with the first amendment to the Constitution. And if we are able to do that, then I think we will have served our country well. What I suspect is that Congress wants to just, let's pass this amendment and leave the difficult part, which is crafting something that really prohibits the physical desecration of the flag without trampling on the first amendment, to a future time. Let us just finesse that issue. This proposed amendment in the nature of a substitute does not allow us to finesse it. What it says is that whatever we do when it comes time to start drafting our statute that prohibits the physical desecration of the flag must be done consistent with the first amendment to the Constitution.

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

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

Mr. Speaker, the gentleman from North Carolina (Mr. WATT) graduated from one of the finest law schools in the country. His speech just concluded and his amendment showed that he learned his constitutional law well from Professor Robert Bork, who is one of the outstanding constitutional scholars in the country. The only difference between the Watt substitute amendment and the constitutional amendment introduced by the gentleman from California (Mr.

CUNNINGHAM) is the words "not inconsistent with the first article of amendment to this Constitution."

What his amendment does is constitutionally codify the Johnson and Eichman decisions that said that flag desecration is protected free speech by the first amendment to the United States Constitution. So the gentleman from North Carolina's qualifying phrase is legislative sleight of hand that will prevent any future Supreme Court from deciding they made a mistake in the Johnson decision and in the Eichman decision. For that reason and for that reason alone, this amendment should be rejected, because it does the exact opposite to what the gentleman from California and his cosponsors are attempting to do in House Joint Resolution 4. It writes into the Constitution Supreme Court decisions that a vast majority of the American public believe were erroneously decided.

Never before has Congress tried to do this. I just thank the Lord that they have not. Because if someone tried to constitutionally codify the separate but equal decisions of the United States Supreme Court in the late 1890s, *Brown v. Board of Education* would never have been possible and would never have been constitutional. That is one of the things that has given minorities in this country the opportunity for education, to be able to graduate from high school and go to a good college and go to the top law schools in the country. So I think that we should hit this amendment head-on. We should vote for it or vote against it, patriots all; but we should not attempt to put into the Constitution the effect of the United States Supreme Court decisions, two of them, in fact, that have brought us to this point here.

Let me repeat. The Watt substitute amendment puts into the Constitution the Johnson and the Eichman decisions that state that physical desecration of the American flag is conduct that is protected by the first amendment to the United States Constitution.

Vote "no" on the Watt substitute amendment and pass the resolution.

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

Mr. WATT. Mr. Speaker, I am proud to yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. WATT). His amendment is an attempt to clarify how the underlying legislation will affect the first amendment as well as the rest of the Constitution. It changes the proposed constitutional amendment to read, "Not inconsistent with the first article of amendment to this Constitution, Congress shall have the power to prohibit the physical desecration of the flag of the United States."

So under the Watt amendment, a person could not be prosecuted just for the expression of opinion, or whether or not the sheriff is offended by that opinion; and, in other words, you should

not pass a law that provides for the criminal prosecution for someone who burns a worn-out flag while criticizing the administration at an anti-war rally if that same legislation allows someone to burn a worn-out flag if they say something nice about the administration while at a flag retirement ceremony sponsored by war supporters. The fact is that many consider peace rallies as vulgar and would like to throw the participants in jail. The fact is in many communities, the Bill of Rights is the only thing between those protesters and the jailhouse.

We should acknowledge that the ultimate purpose of the proposed amendment is to stifle political expression we find offensive. And while I agree that we should all respect the flag, I do not think it is appropriate to use the criminal code to enforce our views on those who disagree with us or to stifle political expression for those who happen to offend us.

The Watt amendment would make the proposed amendment consistent with the ideals of the Bill of Rights. It says that Congress could pass a law prohibiting the physical desecration of the flag so long as it is consistent with the first amendment. And so the underlying amendment is either consistent with the rest of the Constitution or it trumps the rest of the Constitution. Either the underlying amendment will override the first amendment or it will not. At least we ought to be honest and answer the question.

The Watt amendment says the underlying amendment will not override the first amendment and that any legislation passed under it has to be consistent with the first amendment. On the other hand, if the Watt amendment is defeated, then that action suggests that legislation passed under the constitutional amendment may not be consistent with the first amendment. And if it overrides the first amendment on speech, what else does it override? Does it override the first amendment in terms of religion? If you were to pass a statute establishing a national prayer for the protection of the flag, that would be inconsistent with the establishment clause. But does this constitutional amendment override the establishment clause? What about the equal protection clause? Can you pass a law that says some people can burn the flag but other people cannot, in violation of the equal protection clause? Will this legislation trump that? Or will the rest of the Constitution remain as it is?

My view is that this amendment is superfluous, that the rest of the Constitution is there. The chairman suggests that it codifies present law and, if so, if it does codify present law, this amendment as it is, you ought to say so. You ought to say whether or not it is consistent with the free speech provision of the first amendment, you can pass the law, or whether or not it is consistent with the rest of the Constitution, you can pass the law. It does not say so.

□ 1700

So I think we are stuck with the present law. The Watt amendment forces us to address the question.

Now, remember, as the gentleman from North Carolina (Mr. WATT) has pointed out, the underlying amendment does not prohibit anything, it just says that Congress may pass a law regarding the desecration of the flag. The real question is what standard are we going to use to judge what constitutes desecration and whether or not it has to be consistent with the speech provisions of the first amendment and the rest of the Constitution or not. This is what the Watt amendment is aimed at determining.

Mr. Speaker, I do not think we ought to repeal the Bill of Rights, and therefore, I urge my colleagues to support the Watt amendment.

Mr. WATT. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the amendment from my very able colleague from North Carolina. At the outset, Mr. Speaker, I want to talk about what it is that is really the strength of our system, and I would define it this way: The strength of our system is nothing less than its capacity to absorb the worst impulses in our character.

Now, my very able colleague from Wisconsin mentioned *Brown v. Board of Education*. The day the Supreme Court issued the ruling in *Brown v. Board of Education*, there were crosses burned in this country. There were crosses that were burned on the day that Martin Luther King was assassinated. There are bigots who paint swastikas on synagogues in our country. There were thugs who called our soldiers war criminals and who waived the Vietcong flag in their face when they came back from Vietnam.

There is no constitutional amendment to regulate the cross burners or the bigots who paint swastikas on synagogues. There is no constitutional amendment to regulate or prescribe the enemies of our democracy who would call our soldiers war criminals. The reason is because we have frankly concluded that we do not need one. We count on our values and we count on the best angels in our nature to overwhelm the worst of us. We do not count on amendments, we count on the best angels in our nature.

If we pass this amendment without the Watts substitute, let us make it clear what we are doing. We would be singling out one class of speech, one uniquely obnoxious viewpoint, and we would be saying that this idea is somehow so corrosive, so dangerous, that we cannot count on our values to trump it.

Mr. Speaker, I am frankly not prepared to give the idiocy and the stupidity of flag burning this kind of power. We do not need an amendment

to underscore our commitment to the flag and the values behind it any more than we need an amendment to suppress the other enemies of our political character. I trust the system that we have, and I think it is that, frankly, for which our veterans have fought.

We have heard a lot of talk today about whether our veterans have fought for a symbol or whether they fought for a flag. I would submit to you, as one Member's opinion, I think they fought for a system, and I trust that system. Whether it yields a 5-4 Supreme Court decision or a 9-0 Supreme Court decision, I trust that system to address that issue.

I will say in conclusion, Mr. Speaker, that this first amendment of ours has always been unique because it is this amendment that has somehow stood as a barrier to our temporary impulses, it has stood as a barrier to the temporary ways that we would react to things, and it has served us well. If we are going to change the way we look at flag burning, it ought to be done through our courts, our highest courts. If we are going to tinker with the edges of the first amendment, it ought to be done by our Court, our highest Court.

I ask my colleagues to vote for the Watts substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, there is a difference between the Court decisions on flag desecration and the Court decisions on burning crosses and painting swastikas on synagogues. On the one hand, the Court has said that flag desecration is protected by the first amendment as free speech or free political expression. The Supreme Court has never struck down an anticross-burning law or a hate crime law that makes it a crime to paint a swastika on a synagogue as political expression protected by the first amendment to the United States Constitution.

That is why we are here debating this constitutional amendment, because there are a lot of us that believe that the Supreme Court was wrong when they decided that desecrating the flag was political expression protected by the first amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues on the other side of this issue, if you do not have an outlet for civil unrest, burn a French flag; but do not try to do it in France, because you will end up in jail.

As my friend on the other side that offered this substitute said, we all have different opinions on this particular issue. We feel very, very strongly, as the gentleman does on that side. But I will tell my friend the reason I think he is wrong, and that is that for 200 years we had tradition in this country that States had penalties for those that desecrated the flag, and in one 5-4 decision, that was changed.

Now, 80 percent, up to 86 percent sometimes when they take polls, of the

American people disagree with the gentleman. All 50 States, not 40, not 30, but all 50 States have passed resolutions saying that they will ratify this position, which says that my friend's opinion is wrong.

I will say that 100 percent of the veterans organizations, those men and women that fought to keep this country free, support this. They are out in this city campaigning for this amendment, and they are going to score this vote, every single one of them, because they feel so strongly and say that my friend is wrong in his opinion.

Yes, he does have the right to that opinion. But I would say that when some people have said that it does no harm, listen to what it did to the gentleman from Texas (Mr. JOHNSON) when he was a POW and the Vietnamese told him they were burning the American flag. It was disheartening. That does affect us.

Mr. WATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank my colleague on the Committee on the Judiciary for his brilliant presentation on behalf of opposing this amendment.

Mr. Speaker, I came to the floor simply to say that despite the fact that the debate has been about the first amendment, we really do have another issue that has not been talked about a lot, and the issue is this: There are those who would use this particular amendment to try and send a message to the veterans that they care more about them than some of us, that they are more patriotic than some of us.

We are all patriotic. We all say the Pledge of Allegiance to the flag. We all sing "My Country 'tis of Thee." And some of us add to that our support for veterans by putting our money where our mouths are. We do not support the cuts that are being proposed by the opposite side of the aisle. We have stood up on this floor relative to this budget time and time again asking our Republican friends, please do not cut the veterans.

I am patriotic. I support the veterans. I may be against this amendment, but I will be there at appropriations fighting for them. The folks on the opposite side of the aisle will not.

Mr. Speaker, I rise in opposition to the proposed constitutional amendment and in support of the Watt substitute which is intended to harmonize the proposed amendment with the protections of the First Amendment.

It seems to me that the substitute that Congressman WATT is proposing is a common sense amendment that Members can and should support, whatever their position on the need for, or desirability of a flag desecration amendment.

Mr. Speaker, I believe that flag desecration is an act that deserves condemnation. Nonetheless, I strongly oppose the proposed constitutional amendment. The amendment is dangerous and should not be approved.

Yet, at a minimum, if we are going to adopt the proposed flag desecration amendment, I

believe that we should reaffirm that our intention is not to limit the protections of the First Amendment. We should not start down the road toward narrowing the scope of the First Amendment to our Constitution.

Yet, Mr. Speaker, unfortunately, I fear that the Watt substitute will not receive the support that it deserves because the process of considering this resolution is not about the law. It's about politics. In my view, the underlying flag desecration resolution is really political theater of the worst kind.

While the Resolution no doubt is calculated to win favor with veterans organizations, and may well satisfy some of them, decimating our Constitution is the wrong way to honor our veterans. Thus, the need for the Watt substitute.

The reality is that many of the Republicans who will speak so fervently this afternoon about the need for this Resolution are the same Members of Congress who voted for a House Republican Budget Resolution that would have cut appropriations for Veterans health care over ten years by a total of \$6.2 billion below the level needed to maintain purchasing power at the 2003 level.

Just so that the Republicans, who could not see fit to provide a child tax credit to millions of low income workers, nonetheless could provide more than \$1 trillion in tax cuts over ten years, principally to the wealthy, to those who need it least.

The original House Budget resolution would have cut veterans programs by \$28 billion over ten years. As all of us know, the Budget Resolution Conference Agreement that ultimately was adopted provides for an unspecified \$128 billion cut over ten years in discretionary spending with \$7.6 billion in additional unspecified cuts to take place in FY 2004 alone. So the risk to veterans programs is real, and the appropriations process will reflect it.

Mr. Speaker, our veterans need help, not just flag-waving. The best way that Congress can honor veterans is to ensure that programs designed to protect Veterans and provide them with desperately needed assistance are properly funded.

Mr. Speaker, the issue before us is not one of patriotism. It's one of priorities. We have veterans who now wait six months before they can see a doctor in the VA health system. Our veterans wait years before they can even get a decision on their VA disability claims. Is this how we honor our veterans? Is this how we honor their service and their sacrifice?

Mr. Speaker, we will know that this House is serious about honoring our veterans, when we focus our attention on Democratic proposals to reduce the waiting times for our veterans to see a doctor, and reduce the handling time for VA disability claims.

H.J. Res. 4 will merely serve to dishonor the Constitution and to betray the very ideals for which so many veterans fought, and for which so many members of our armed forces made the ultimate sacrifice.

Adopting this resolution will encourage further departures from the First Amendment and diminish respect for our Constitution. Once we start down the road to limiting speech on the basis of content, it is virtually certain that further restrictions of our First Amendment liberties would follow.

Mr. Speaker, freedom of expression is at the very heart of our democracy. It is our First

Amendment and the robust exchange of views that it promotes that distinguishes our country from countries that fear political dissent and imprison dissenters for expressing their views.

Mr. Speaker, the proposed cure of a Constitutional Amendment is far worse than the disease it is intended to address. Our Constitution is a great document that has protected us from oppression for over 200 years. We ought not to tinker with it when such tinkering clearly is not required. I urge my colleagues to support the Watt substitute and reject the dangerous, ill-considered underlying base bill.

Mr. WATT. Mr. Speaker, I yield 30 seconds to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me just remind the Members of this House that just 74 short days ago in this same room we stood in the People's House and stripped the veterans' budget by about \$30 billion. That is \$30 billion. We cut 20,000 VA nurses. Where was the patriotism when we lost 6.6 million outpatient visits? Where were you waving your flag as you voted to drop over 160,000 veterans from the VA health care?

Mr. Speaker, we can talk the talk; we need to walk the walk. Let us support the veterans, not with our discussion of the flag, but with service to our VA veterans.

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

Mr. Speaker, I think the gentleman from Alabama (Mr. DAVIS) hit the nail on the head that this is about our system. I have the utmost confidence in our system. This is not really about those two Supreme Court opinions, because a different composition of the Supreme Court may well say that flag burning is not prohibited, that it is protected speech or is not protected speech. The first amendment will continue to say what it says.

But I respect the system under which we operate that allows the Supreme Court to be the ultimate arbiter of whether we have violated the first amendment or not.

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

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

Mr. Speaker, this debate here and now is not on the appropriation for the Department of Veterans Affairs; it is on whether or not the Congress can pass the constitutional amendment reversing two Supreme Court decisions and prohibiting the physical desecration of the American flag.

The gentleman from California (Mr. CUNNINGHAM), who is a veteran, and I am not, stated the position of every veterans organization in the country: They are for this.

The vote at hand is going to be on the Watts substitute amendment. As I stated in my earlier argument, what this substitute amendment does is constitutionally codify the Johnson and the Eichman decisions, which state

that flag desecration is protected free speech under the first amendment of the United States Constitution.

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

Mr. SENSENBRENNER. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Speaker, I appreciate the chairman yielding, because the chairman has made that point several times. Does the chairman understand that future Supreme Courts may, in fact, have a completely different interpretation of that, and that my amendment does not say anything about those decisions? It just respects the system under which we are operating.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, what it does do is, in order to prevent flag desecration, it requires the Supreme Court of the United States to admit it made a mistake and expressly overrule both the Johnson and Eichman decisions. The Supreme Court of the United States does not overrule previous decisions very often. It did it in *Brown v. The Board of Education*. But not very often in other major areas, particularly in the interpretation of constitutional law, does the Supreme Court of the United States do it.

The way to hit this issue is head on. If you do not like this amendment, vote "no," but do not adopt the Watts substitute amendment, which merely tosses the ball back to the Supreme Court, which twice has told us that flag desecration is constitutionally protected.

The only way to reverse what the Supreme Court has done for sure is to defeat the Watts substitute amendment and pass the underlying bill introduced by the gentleman from California (Mr. CUNNINGHAM).

Mr. Speaker, I ask for a "no" vote on the substitute, a "yes" vote on passage of the constitutional amendment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the substitute to H.J. Res. 4, a resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the American flag, offered by my colleague The Honorable MELVIN WATT. I urge my colleagues to reject H.J. Res. 4 as it is presently written, and to support the substitute.

H.J. Res. 4, states, "The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purpose as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification: Article—'The Congress shall have power to prohibit the physical desecration of the flag of the United States.'" (emphasis added).

The amendment to the Constitution proposed in H.J. Res. 4 is a severe abridgment of the freedom of expression protected by the First Amendment of the United States Constitution. If ratified, H.J. Res. 4 would, for the first time in our Nation's history, modify the Bill of Rights to limit freedom of expression.

This Constitutional amendment is a response to a pair of Supreme Court decisions,

Texas v. Johnson, and *United States v. Eichman*, two cases in which the Court held that state and federal government efforts to prohibit physical "desecration" of the flag by statute were content-based political speech restrictions and imposed unconstitutional limitations on that speech.

In *Texas v. Johnson*, Gregory Johnson was arrested for burning the U.S. flag during a protest at the Republican National Convention in Dallas. His acts were deemed a violation of Texas's "Venerated Objects" statute that outlawed "intentionally or knowingly" desecrating a "national flag." The Supreme Court found that Johnson's conduct constituted symbolic expression and was, therefore, protected by the First Amendment. The Court determined that because Mr. Johnson's guilt depended on the content of his expressive conduct and was restricted because of that content, the Texas law was an unconstitutional violation of the First Amendment.

After the Johnson ruling Congress passed the Flag Protection Act. Under that Act, criminal charges were brought against protesters in Seattle and Washington, D.C. In both cases, the federal district courts relied on Johnson, striking down the Flag Protection Act as unconstitutional when applied to political protesters. The Supreme Court concluded that Congress' attempt to protect the flag was related to "the suppression of free expression" that gave rise to an infringement of First Amendment rights.

The substitute proposed by Mr. WATT is designed to protect American's right to express their opinions and views in a way that is consistent with the First Amendment, and also consistent with Supreme Court precedent.

Freedom of speech and freedom of expression are fundamental components of our democracy. Limiting the ability of American citizens to voice their opinions about their government, through flag desecrations or otherwise, is a violation of the principles of our democracy that are symbolized in the American flag. The ability of American citizens to speak their views, especially when those views are unpopular, against the status quo, or even considered outrageous, is an affirmative social good. It is those dissenting views that often bring about social changes, legal changes, and government changes that benefit all Americans. For example, I shudder to imagine that America would be today if the "unpopular" views of Dr. Martin Luther King, Jr. were silenced.

The substitute offered by my colleague Mr. WATT protects all First Amendment Free Speech including those expressions that are critical of our local, state, and Federal governments. I proposed an Amendment to H.J. Res. 4, to protect Americans' right to speak our against their governments, even if they express themselves by desecrating the flag. I support Mr. WATT's substitute because it protects American's rights to voice unpopular views.

I join many Americans in the belief that some desecrations of the flag are distasteful and offensive. However, my offense at some expressions of free speech is outweighed by my respect for the First Amendment. I may disagree with some how some Americans express their views by destroying the American flag. But I will not trample on the First Amendment to silence a voice with which I do not agree. H.J. Res. 4 places limits on the manner

in which some American may express their dissent with Government activity. This is an unacceptable limit on the content of the dissent itself.

Mr. WATT's substitute to H.J. Res. 4, ensures that every American can voice their opinions in a way that is consistent with the First Amendment to the United States Constitution, including speech that is critical of our local, State, and Federal governments.

Mr. Speaker, I reject H.J. Res. 4 as it is presently written. I support Mr. WATT's substitute to H.J. Res. 4, and urge my colleagues to support the substitute to protect the First Amendment freedoms of all Americans.

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

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 255, the previous question is ordered on the amendment in the nature of a substitute and on the joint resolution.

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

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

Mr. WATT. 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 vote was taken by electronic device, and there were—yeas 129, nays 296, not voting 8, as follows:

[Roll No. 233]

YEAS—129

Abercrombie	Hinchey	Nadler
Ackerman	Hoefel	Neal (MA)
Allen	Holt	Oberstar
Baldwin	Honda	Obey
Ballance	Hooley (OR)	Olver
Becerra	Inslee	Otter
Bell	Israel	Owens
Blumenauer	Jackson (IL)	Paul
Boucher	Jackson-Lee	Payne
Brady (PA)	(TX)	Pelosi
Brown (OH)	Jefferson	Price (NC)
Brown, Corrine	Johnson, E. B.	Rangel
Capps	Jones (OH)	Roybal-Allard
Capuano	Kaptur	Rush
Cardin	Kennedy (RI)	Ryan (OH)
Carson (IN)	Kilpatrick	Sabo
Case	Kind	Sanchez, Linda
Clay	Kleczka	T.
Clyburn	Kucinich	Sanchez, Loretta
Cummings	Lampson	Sanders
Davis (AL)	Larsen (WA)	Schakowsky
Davis (IL)	Leach	Schiff
DeFazio	Lee	Scott (VA)
DeLauro	Lofgren	Serrano
Dicks	Lowey	Slaughter
Dooley (CA)	Majette	Solis
Emanuel	Maloney	Spratt
Engel	Markey	Stark
Eshoo	Matheson	Tanner
Etheridge	Matsui	Tauscher
Evans	McCarthy (MO)	Thompson (CA)
Farr	McCollum	Thompson (MS)
Fattah	McDermott	Tierney
Filner	McGovern	Towns
Ford	McNulty	Udall (CO)
Frank (MA)	Meehan	Udall (NM)
Frost	Meeks (NY)	Van Hollen
Gilchrest	Millender	Velazquez
Gonzalez	McDonald	Visclosky
Greenwood	Miller (NC)	Waters
Grijalva	Miller, George	
Hastings (FL)	Moore	
Hill	Moran (VA)	

Watson Waxman Woolsey Wamp Whitfield Wolf Doolittle Knollenberg Ramstad
Watt Weiner Wu Weldon (FL) Wicker Wynn Doyle Kolbe Regula
Weldon (PA) Wilson (NM) Young (AK) Duncan Kucinich Rehberg
Weller Wilson (SC) Young (FL) Dunn LaHood Renzi
Edwards Lampson Reyes
Emerson Langevin Reynolds
English Etheridge Lantos Rodriguez
Etheridge Gerlach Latham Rogers (AL)
Everett Feeney LaTourette Rogers (KY)
Ferguson Fergusson Lewis (CA) Rogers (MI)
Fletcher Fletcher Lewis (KY) Rohrabacher
Linder Ros-Lehtinen
Foley Lipinski Ross
Forbes LoBiondo Rothman
Ford Lucas (KY) Royce
Fossella Lucas (OK) Ruppertsberger
Franks (AZ) Lynch Ryan (KS)
Frelinghuysen Manzullo Sanchez, Loretta
Frost Marshall Sandlin
Gallegly McCarthy (NY) Saxton
Garrett (NJ) McCotter Schrock
Gerlach McCrery Scott (GA)
Gibbons McGovern Sensenbrenner
Gillmor McHugh Sessions
Gingrey McClinnis Shaw
Goode McIntyre Sherman
Goodlatte McKeon Sherwood
Gordon Goss McNulty Shimkus
Granger Meek (FL) Shuster
Green (TX) Menendez Simmons
Green (WI) Mica Simpson
Gutierrez McDonald Skelton
Gutknecht Miller (FL) Smith (MI)
Hall Miller (MI) Smith (NJ)
Harman Miller, Gary Souder
Harris Mollohan Stearns
Hart Moran (KS) Stenholm
Hastings (WA) Murphy Strickland
Hayes Murtha Stupak
Hayworth Musgrave Sullivan
Hefley Myrick Sweeney
Hensarling Napolitano Tancredo
Hinojosa Neal (MA) Tauzin
Hobson Nethercutt Taylor (MS)
Holden Ney Taylor (NC)
Hostettler Northrup Terry
Houghton Norwood Thomas
Hoyer Nunes Thompson (MS)
Hulshof Nussle Thornberry
Hunter Renzi Tiahrt
Hyde Reyes Ruppertsberger Tiberti
Isakson Rodriguez Osborne Toomey
Issa Rodriguez Ose Towns
Istook Rogers (AL) Otter Turner (OH)
Janklow Rogers (KY) Oxley Turner (TX)
Jenkins Rogers (MI) Pascrell
John Rohrabacher Pearce Upton
Johnson (CT) Ros-Lehtinen Pence Vitter
Johnson (IL) Ross Peterson (MN)
Johnson, Sam Rothman Peterson (PA)
Jones (NC) Royce Weldon (FL)
Kanjorski Ruppertsberger Weldon (PA)
Keller Ryan (KS) Weller
Kelly Sandlin Whitfield
Kennedy (MN) Saxton Wicker
Kildee Schrock Wilson (NM)
Kildee Schrock Wilson (SC)
King (IA) Scott (GA) Wolf
King (NY) Sensenbrenner Quinn Wynn
Kingston Sessions Young (AK)
Kirk Shadegg Shaw Young (FL)
Kline Shaw
Klone Shays
Knollenberg Sherman
Kolbe Sherman
LaHood Sherwood
Langevin Shimkus
Lantos Shuster
Latham Simmons
LaTourette Simpson
Levin Skelton

LEYAS—296
Aderholt Foley Murphy
Akin Forbes Murtha
Alexander Fossella Musgrave
Andrews Franks (AZ) Myrick
Baca Frelinghuysen Napolitano
Bachus Gallegly Nethercutt
Baird Garrett (NJ) Ney
Baker Gerlach Northup
Ballenger Gibbons Norwood
Barrett (SC) Gillmor Nunes
Bartlett (MD) Gingrey Nussle
Barton (TX) Goode Ortiz
Bass Goodlatte Osborne
Beauprez Gordon Ose
Bereuter Goss Oxley
Berkeley Granger Pallone
Berman Graves Pascrell
Berry Green (TX) Pastor
Biggart Green (WI) Pearce
Billirakis Gutierrez Pence
Bishop (GA) Gutknecht Peterson (MN)
Bishop (NY) Hall Peterson (PA)
Bishop (UT) Harman Petri
Blackburn Harris Pickering
Blunt Hart Pitts
Boehlert Hastings (WA) Platts
Boehner Hayes Pombo
Bonilla Hayworth Pomeroy
Bonner Hefley Porter
Bono Hensarling Portman
Boozman Hinojosa Pryce (OH)
Boswell Hobson Putnam
Boyd Hoekstra Quinn
Bradley (NH) Holden Radanovich
Brady (TX) Hostettler Rahall
Brown (SC) Houghton Ramstad
Brown-Waite, Hoyer Regula
Ginny Hulshof Rehberg
Burgess Hunter Renzi
Burns Hyde Reyes
Burr Isakson Reynolds
Burton (IN) Issa Rodriguez
Buyer Istook Rogers (AL)
Calvert Janklow Rogers (KY)
Camp Jenkins Rogers (MI)
Cannon John Rohrabacher
Cantor Johnson (CT) Ros-Lehtinen
Capito Johnson (IL) Ross
Cardoza Johnson, Sam Rothman
Carter Jones (NC) Royce
Castle Kanjorski Ruppertsberger
Chabot Keller Ryan (KS)
Chocola Kelly Sandlin
Coble Kennedy (MN) Saxton
Cole Kildee Schrock
Collins King (IA) Scott (GA)
Cooper King (NY) Sensenbrenner
Costello Kingston Sessions
Cox Kirk Shadegg
Cramer Kline Shaw
Crane Knollenberg Shays
Crenshaw Kolbe Sherman
Crowley LaHood Sherwood
Cubin Langevin Shimkus
Culberson Lantos Shuster
Cunningham Latham Simmons
Davis (CA) LaTourette Simpson
Davis (FL) Levin Skelton
Davis (TN) Lewis (CA) Smith (MI)
Davis, Jo Ann Lewis (GA) Smith (NJ)
Davis, Tom Lewis (KY) Smith (TX)
Deal (GA) Linder Snyder
DeGette Lipinski Souder
Delahunt LoBiondo Stearns
DeLay Lucas (KY) Stenholm
DeMint Lucas (OK) Strickland
Deutsch Lynch Stupak
Diaz-Balart, L. Manzullo Sullivan
Diaz-Balart, M. Marshall Sweeney
Dingell McCarthy (NY) Tancredo
Doggett McCotter Tauzin
Doolittle McCrery Taylor (MS)
Doyle McHugh Taylor (NC)
Dreier McClinnis Terry
Duncan McIntyre Thomas
Dunn McKeon Thornberry
Edwards Meek (FL) Tiahrt
Ehlers Menendez Tiberti
Emerson Mica Toomey
English Michaud Turner (OH)
Everett Miller (FL) Turner (TX)
Feeney Miller (MI) Upton
Ferguson Miller, Gary Vitter
Flake Mollohan Walden (OR)
Fletcher Moran (KS) Walsh

Carson (OK) Herger Smith (WA)
Conyers Larson (CT) Wexler
Gephardt Ryan (WI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain for this vote.

NOT VOTING—8

□ 1737

Messrs. PASCRELL, DEUTSCH, FRANKS of Arizona, PETRI, LEWIS of Georgia, BISHOP of New York, SMITH of Michigan, FLAKE and SHADEGG changed their vote from "yea" to "nay."

Mr. OTTER changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. This vote will be followed by a 5-minute vote on the motion to suspend the rules and adopt House Resolution 231 on which the yeas and nays were postponed yesterday.

The vote was taken by electronic device, and there were—yeas 300, nays 125, not voting 8, as follows:

[Roll No. 234]
YEAS—300

Aderholt Bonilla Chabot
Akin Bonner Chocola
Alexander Bono Clyburn
Andrews Boozman Coble
Baca Boswell Cole
Bachus Boyd Collins
Baird Bradley (NH) Costello
Baker Brady (TX) Cox
Ballenger Brown (OH) Cramer
Barrett (SC) Brown (SC) Crane
Bartlett (MD) Brown, Corrine Crenshaw
Barton (TX) Brown-Waite, Crowley
Bass Ginny Cubin
Beauprez Burgess Culberson
Bell Burns Cunningham
Bereuter Burr Davis (FL)
Berkeley Burton (IN) Davis (TN)
Berry Buyer Davis, Jo Ann
Biggart Calvert Davis, Tom
Billirakis Camp Deal (GA)
Bishop (GA) Cannon Delahunt
Bishop (NY) Cantor DeLay
Bishop (UT) Capito DeMint
Blackburn Capps Deutsch
Blunt Cardoza Diaz-Balart, L.
Boehlert Carter Diaz-Balart, M.
Boehner Castle Dooley (CA)

Doolittle Knollenberg Ramstad
Doyle Kolbe Regula
Duncan Kucinich Rehberg
Dunn LaHood Renzi
Edwards Lampson Reyes
Emerson Langevin Reynolds
English Etheridge Lantos Rodriguez
Etheridge Gerlach Latham Rogers (AL)
Everett Feeney LaTourette Rogers (KY)
Ferguson Fergusson Lewis (CA) Rogers (MI)
Fletcher Fletcher Lewis (KY) Rohrabacher
Linder Ros-Lehtinen
Foley Lipinski Ross
Forbes LoBiondo Rothman
Ford Lucas (KY) Royce
Fossella Lucas (OK) Ruppertsberger
Franks (AZ) Lynch Ryan (KS)
Frelinghuysen Manzullo Sanchez, Loretta
Frost Marshall Sandlin
Gallegly McCarthy (NY) Saxton
Garrett (NJ) McCotter Schrock
Gerlach McCrery Scott (GA)
Gibbons McGovern Sensenbrenner
Gillmor McHugh Sessions
Gingrey McClinnis Shaw
Goode McIntyre Sherman
Goodlatte McKeon Sherwood
Gordon Goss McNulty Shimkus
Granger Meek (FL) Shuster
Green (TX) Menendez Simmons
Green (WI) Mica Simpson
Gutierrez McDonald Skelton
Gutknecht Miller (FL) Smith (MI)
Hall Miller (MI) Smith (NJ)
Harman Miller, Gary Souder
Harris Mollohan Stearns
Hart Moran (KS) Stenholm
Hastings (WA) Murphy Strickland
Hayes Murtha Stupak
Hayworth Musgrave Sullivan
Hefley Myrick Sweeney
Hensarling Napolitano Tancredo
Hinojosa Neal (MA) Tauzin
Hobson Nethercutt Taylor (MS)
Holden Ney Taylor (NC)
Hostettler Northrup Terry
Houghton Norwood Thomas
Hulshof Nunes Thompson (MS)
Hunter Nussle Thornberry
Hyde Ortiz Tiahrt
Isakson Osborne Tiberti
Issa Ose Toomey
Istook Otter Towns
Janklow Oxley Turner (OH)
Jefferson Pallone Turner (TX)
Jenkins Pascrell
John Pearce Upton
Johnson (CT) Pence Vitter
Johnson (IL) Peterson (MN)
Johnson, Sam Peterson (PA)
Jones (NC) Weldon (FL)
Kanjorski Kaptur Weldon (PA)
Keller Pombo Weller
Kelly Pomeroy Whitfield
Kennedy (MN) Porter Wicker
Kildee Portman Wilson (NM)
King (IA) Pryce (OH) Wilson (SC)
King (NY) Putnam Wolf
Kingston Quinn Wynn
Kirk Radanovich Young (AK)
Kline Rahall Young (FL)

NAYS—125

Abercrombie Dicks Holt
Ackerman Dingell Honda
Allen Doggett Hooley (OR)
Baldwin Dreier Hoyer
Ballance Ehlers Inslee
Becerra Emanuel Israel
Berman Engel Jackson (IL)
Blumenauer Eshoo Jackson-Lee
Boucher Evans (TX)
Brady (PA) Farr Johnson, E. B.
Capuano Fattah Jones (OH)
Cardin Filner Kennedy (RI)
Carson (IN) Flake Kilpatrick
Case Frank (MA) Kleczka
Clay Gilchrist Konzalez
Cooper Gonzalez Larsen (WA)
Cummings Greenwood Leach
Davis (AL) Grijalva Lee
Davis (CA) Hastings (FL) Levin
Davis (IL) Hill Lewis (GA)
DeFazio Hinchey Lofgren
DeGette Hoefel Lowey
DeLauro Hoekstra Majette

Maloney Payne Solis
 Markey Pelosi Stark
 Matheson Petri Tanner
 Matsui Price (NC) Tauscher
 McCarthy (MO) Rangel Thompson (CA)
 McCollum Roybal-Allard Tierney
 McDermott Rush Udall (CO)
 Meehan Ryan (OH) Udall (NM)
 Meeks (NY) Sabo Van Hollen
 Miller (NC) Sanchez, Linda Velazquez
 Miller, George T. Visclosky
 Moore Sanders Waters
 Moran (VA) Schakowsky Watson
 Nadler Schiff Watt
 Oberstar Scott (VA) Waxman
 Obey Serrano Shadegg Weiner
 Olver Shadegg Woolsey
 Owens Shays Wu
 Pastor Slaughter Snyder
 Paul

NOT VOTING—8

Carson (OK) Heger Smith (WA)
 Conyers Larson (CT) Wexler
 Gephardt Ryan (WI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members have 2 minutes remaining in this vote.

□ 1754

Ms. LORETTA SANCHEZ of California and Mrs. NAPOLITANO changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 231.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res. 231, 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 422, nays 0, not voting 11, as follows:

[Roll No. 235]

YEAS—422

Abercrombie Bell Boucher
 Ackerman Bereuter Boyd
 Aderholt Berkley Bradley (NH)
 Akin Berman Brady (PA)
 Alexander Berry Brady (TX)
 Allen Biggart Brown (OH)
 Andrews Bilirakis Brown (SC)
 Baca Bishop (GA) Brown, Corrine
 Bachus Bishop (NY) Brown-Waite,
 Baird Bishop (UT) Ginny
 Baker Blackburn Burgess
 Baldwin Blumenauer Burns
 Ballance Blunt Burr
 Ballenger Boehlert Burton (IN)
 Barrett (SC) Boehner Buyer
 Bartlett (MD) Bonilla Calvert
 Barton (TX) Bonner Camp
 Bass Bono Cannon
 Beauprez Boozman Cantor
 Becerra Boswell Capito

Capps Hastings (WA) Meeks (NY)
 Capuano Hayes Menendez
 Cardoza Hayworth Mica
 Carson (IN) Hefley Michaud
 Carter Hensarling Millender-
 Case Hill McDonald
 Castle Hinchey Miller (FL)
 Chabot Hinojosa Miller (MI)
 Chocola Hobson Miller (NC)
 Clay Hoeffel Miller, Gary
 Clyburn Hoekstra Miller, George
 Coble Holden Mollohan
 Cole Holt Moore
 Collins Honda Moran (KS)
 Cooper Hooley (OR) Moran (VA)
 Costello Hostettler Murphy
 Cox Houghton Murtha
 Cramer Hoyer Musgrave
 Crane Hulshof Myrick
 Crenshaw Hunter Nadler
 Crowley Hyde Napolitano
 Cubin Insee Neal (MA)
 Culberson Isakson Nethercutt
 Cummings Israel Ney
 Cunningham Issa Northup
 Davis (AL) Istook Norwood
 Davis (CA) Nunes
 Davis (FL) Jackson-Lee Nussle
 Davis (IL) (TX) Oberstar
 Davis (TN) Janklow Obey
 Davis, Jo Ann Jefferson Olver
 Davis, Tom Jenkins Ortiz
 Deal (GA) John Osborne
 DeFazio Johnson (CT) Ose
 DeGette Johnson (IL) Otter
 Delahunt Johnson, E. B. Owens
 DeLauro Johnson, Sam Oxley
 DeLay Jones (NC) Pallone
 DeMint Jones (OH) Pascarell
 Deutsch Kanjorski Pastor
 Diaz-Balart, L. Kaptur Paul
 Diaz-Balart, M. Keller Payne
 Dicks Kelly Pearce
 Dingell Kennedy (MN) Pelosi
 Doggett Kennedy (RI) Pence
 Dooley (CA) Kildee Peterson (MN)
 Doolittle Kilpatrick Peterson (PA)
 Doyle Kind Petri
 Dreier King (IA) Pickering
 Duncan King (NY) Pitts
 Dunn Kingston Platts
 Edwards Kirk Pombo
 Ehlers Kleczka Pomeroy
 Emanuel Kline Porter
 Emerson Knollenberg Portman
 Engel Kolbe Price (NC)
 English Kucinich Pryce (OH)
 Eshoo LaHood Putnam
 Etheridge Lampson Quinn
 Evans Langevin Radanovich
 Everrett Lantos Rahall
 Farr Larsen (WA) Ramstad
 Fattah Latham Rangel
 Feeney LaTourrette Regula
 Ferguson Leach Rehberg
 Filner Lee Renzi
 Flake Levin Reyes
 Fletcher Lewis (CA) Reynolds
 Foley Lewis (GA) Rodriguez
 Forbes Lewis (KY) Rogers (AL)
 Ford Linder Rogers (KY)
 Fossella Lipinski Rogers (MI)
 Frank (MA) LoBiondo Rohrabacher
 Franks (AZ) Lofgren Ros-Lehtinen
 Frelinghuysen Lowey Ross
 Frost Lucas (KY) Rothman
 Gallegly Lucas (OK) Roybal-Allard
 Garrett (NJ) Lynch Royce
 Gerlach Majette Ruppertsberger
 Gibbons Maloney Rush
 Gilchrest Maloney Manzilla
 Gillmor Markey Ryan (OH)
 Greigey Marshall Ryun (KS)
 Gonzalez Matheson Sabo
 Goode Matsui Sanchez, Linda
 Goodlatte McCarthy (MO) T.
 Goss McCarthy (NY) Sanchez, Loretta
 Granger McCollum Sanders
 Graves McCotter Sandlin
 Green (TX) McCreery Saxton
 Green (WI) McDermott Schakowsky
 Grijalva McGovern Schiff
 Gutierrez McGovern Schrock
 Gutknecht McHugh Scott (GA)
 Hall McInnis Scott (VA)
 Harman McIntyre Sensenbrenner
 Harris McKeon Serrano
 Hart McNulty Sessions
 Hastings (FL) Meehan Shadegg
 Meek (FL) Shaw

Shays Tancredo Visclosky
 Sherman Tanner Vitter
 Sherwood Tauscher Walden (OR)
 Shimkus Tauscher Walsh
 Shuster Taylor (MS) Wamp
 Simmons Taylor (NC) Waters
 Simpson Terry Watson
 Skelton Thomas Watt
 Slaughter Thompson (CA) Waxman
 Smith (MI) Thompson (MS) Weiner
 Smith (NJ) Thornberry Weldon (FL)
 Smith (TX) Tiahrt Weldon (PA)
 Snyder Tiberi Weller
 Solis Tierney Whitfield
 Souder Toomey Wicker
 Spratt Towns Wilson (NM)
 Stark Turner (OH) Wilson (SC)
 Stearns Turner (TX) Wolf
 Stenholm Udall (CO) Woolsey
 Strickland Udall (NM) Wu
 Stupak Upton Wynn
 Sullivan Van Hollen Young (AK)
 Sweeney Velazquez Young (FL)

NOT VOTING—11

Cardin Gordon Ryan (WI)
 Carson (OK) Greenwood Smith (WA)
 Conyers Heger Wexler
 Gephardt Larson (CT)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1803

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today, Tuesday, June 03, 2003, to vote on rollcall vote Nos. 230, 231, 232, 233, 234, and 235 due to a family medical emergency.

Had I been present, I would have voted: "No" on rollcall vote No. 230 on S. 222—Zuni Indian Tribe Water Rights Settlement Act of 2003;

"No" on rollcall vote No. 231 on S. 273—Grand Teton National Park Land Exchange Act;

"Yea" on rollcall vote No. 232 on S. 7563—To designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse";

"Yea" on rollcall vote No. 233 on the amendment in the nature of a substitute to H.J. Res. 4 offered by Congressman WATT;

"Yea" on rollcall vote No. 234 on final passage of H.J. Res. 4—Constitutional Amendment to Prohibit Desecration of the Flag; and "Yea" on rollcall vote No. 235 on H. Res. 231—Supporting the goals and ideals of Peace Officers Memorial Day.

JOBS AND GROWTH PLAN

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

Mrs. BLACKBURN. Mr. Speaker, I suppose I should not be surprised by the latest tactics Democrats are employing to convince Americans that the jobs and growth plan ignores working families, but today I think most of

us were a bit shocked at the frantic attempts to spin these tax cuts as harmful to low-income families.

Those across the aisle who oppose this tax relief should be nervous. They voted against the plan that exempts another 3 million-plus low-income workers from any Federal tax liability. They voted against a plan that expands the 10 percent income bracket so that more low-income working Americans get to keep a greater portion of their paychecks. And they voted "no" to giving small businesses the ability to expense investments, a provision that is a boon to mom-and-pop operations in virtually every single corner of this country.

In an article printed in the Wall Street Journal yesterday, it was pointed out that the Nation's bottom 50 percent of filers had very little income tax liability. And you know what? Republicans reduced the burden on these working families even further when we passed the jobs and growth act. So do not be fooled by the screeching coming from across the aisle. Democrats know that people are going to love this bill when they start reaping the benefits of lower taxes; when they take a long overdue vacation, buy a new car, and put a little bit more in retirement or college funds.

We were right to pass the tax relief bill. Today, the economy looks to be on the verge of a turnaround, and Chairman Greenspan has said that the jobs and growth plan will likely boost consumer spending and feed into the job market. This is great news for Americans and should be cause for reflection for those who voted against the tax and relief bill.

TAX RELIEF BILL

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

Mr. MORAN of Virginia. Mr. Speaker, I just want to say a word about what happened before we went into recess, the fact that we voted on a bill that provided hundreds of billions of dollars of tax relief, but not to the people who needed it the most.

In fact, we now see that about one-tenth of 1 percent of the very wealthiest Americans receive approximately as much tax benefit as the 90 percent of Americans with incomes of \$95,000 or less. But the most outrageous thing about this tax cut was something we did not know. It took the newspapers, and I saw it in *The New York Times* a week later, that revealed that we actually eliminated the child tax credit for families with incomes below \$26,000, the working poor, the families who needed tax cuts the most.

I mean, I cannot believe that this Congress did that to working-class families and did not even give us the opportunity to debate it. I hope that there is a groundswell of public opposition to what we do and we can reverse

this. The Democratic Party is determined to do so.

IN HONOR OF OUTGOING AMERICAN DIABETES ASSOCIATION CHAIRMAN MICHAEL WEISS

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

Mr. MURPHY. Mr. Speaker, I rise today to congratulate one of my constituents, Michael Weiss, for his work as national chairman of the Board of the American Diabetes Association. I am proud of his commitment to the local Pittsburgh community and his leadership at the national level. His efforts are helping to improve the lives of millions of Americans who are impacted by diabetes.

Michael Weiss is an attorney in Pittsburgh and has been an active volunteer for the American Diabetes Association at the local, State, and national level. He will be completing his term as the ADA's national Chair of the Board next week at the ADA's Annual Meeting and Scientific Sessions in New Orleans.

Michael's tireless efforts have earned him the distinguished Charles H. Best Medal of Service. Named for Dr. Best, the cofounder of insulin, this award recognizes meritorious service on behalf of the Association of Americans with Diabetes.

An active participant in many civic and community organizations, Michael Weiss lives in Mt. Lebanon, Pennsylvania, with his wife, Gerri. I am sure that Gerri and their two children, Melissa and Douglas, will join me in offering sincere congratulations to Michael for his great work as the national chairman of the ADA. He is a credit to our community, and we are proud of and thankful for all that he has done to improve the lives of those with diabetes.

CONCERNING THE STAGED RESCUE OF PRIVATE JESSICA LYNCH

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

Mr. KUCINICH. Mr. Speaker, was the dramatic rescue operation of Private Jessica Lynch staged for domestic propaganda purposes? The administration portrayed Private Lynch as receiving bullet and knife wounds, experiencing mistreatment by Iraqi officials, and being spirited away amid harsh enemy fire. But nothing the administration has said about Private Lynch and the circumstances of her rescue have been verified by independent news reports.

Specifically, Private Lynch sustained no bullet or knife injuries. U.S. forces knew in advance of the operation, that no Iraqi forces were guarding the hospital. Iraqi medical staff treated Private Lynch humanely, even donating

their own blood. Iraqi medical staff actually tried to deliver Private Lynch in an ambulance 2 days earlier, but they were fired upon by U.S. forces. U.S. forces participating in the rescue of Private Lynch were not fired upon by Iraqi forces.

Last week I sent a letter which requested that the administration order the public release of the unedited footage taken by the military cameraman, and a letter follows. It is time to find out the truth. Mr. Speaker, I include for the RECORD the letter I referred to.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 30, 2003.

Hon. DONALD H. RUMSFELD,
*Secretary, Department of Defense,
The Defense Pentagon, Washington, DC.*

DEAR SECRETARY RUMSFELD: I am writing to request your assistance in resolving the controversy surrounding the rescue of Private Jessica Lynch.

In the days following Private Lynch's rescue from an Iraqi hospital by U.S. Special Forces, numerous U.S. officials described to national media outlets the circumstances surrounding this event. They portrayed Private Lynch as receiving bullet and knife wounds, experiencing mistreatment by Iraqi officials, and being spirited away amid harsh enemy fire. Although U.S. officials requested anonymity, their stories were widely reported without correction or qualification by the Defense Department. Indeed, the Department appeared to confirm the veracity of these reports, releasing for reporters an edited section of videotape taken by a military cameraman using night vision equipment. Indeed, in introducing this clip, General Vincent Brooks, the U.S. spokesman in Doha, reportedly said: "Some brave souls put their lives on the line to make this happen."

More recently, however, contrary media accounts have emerged. At their core, these accounts argue that the rescue was essentially staged. Specifically, these accounts have reported that, in fact, Private Lynch sustained no bullet or knife injuries. They have also reported that U.S. forces knew in advance of the operation that no Iraqi forces were guarding the hospital. They have reported that Iraqi medical staff treated Private Lynch humanely, even donating their own blood. They have reported that Iraqi medical staff actually tried to deliver Private Lynch in an ambulance two days earlier, but they were fired upon by U.S. forces. And they have reported that U.S. forces participating in the rescue of Private Lynch were not fired upon by Iraqi forces. Perhaps the harshest account claimed that the Pentagon's staging of this event was "one of the most stunning pieces of news management yet conceived."

As you can see, there is a wide gap between the facts as reported initially and the manner in which they are being reported now. As I understand the Defense Department's position, these recent accounts are "outrageous, patently false and unsupported by the facts." At the same time, Defense Department officials now seem to be qualifying their earlier statements. For example, Bryan Whitman, a Department of Defense spokesman, reportedly said "the U.S. military never claimed that the troops came under fire when they burst into the hospital."

In this case, I believe the best course of action is not to rely solely on omissions and gaps in past statements by Department officials. Instead, I believe the better course is to provide as much information as possible.

Only by disclosing all the facts will the credibility of the Defense Department be maintained. For this reason, I have several questions I would like you to answer formally;

Did U.S. forces encounter any Iraqi forces in the hospital?

Were U.S. troops fired upon during the rescue operation? If so, please describe specifically the nature of the interchange.

Did U.S. have any information suggesting that Iraqi forces had abandoned the hospital?

Did Private Lynch sustain any gunshot or knife wounds?

Did U.S. officials have any information suggesting that Iraqi medical staff were trying to deliver Private Lynch to American forces?

Did U.S. forces at any time fire on any ambulances?

In addition to posing these questions, I would like to make two additional requests. First, there has been a great deal of commentary on the manner in which the Department edited and aired a videotape of the rescue operation. Several media representatives have requested that the full tape be released so the American people can make an independent assessment of these conflicting claims. I see no reason for the Department to reject this request. Therefore, I request that you order the public release of the unedited footage taken by the military cameraman. Of course, if you have security or other concerns, I would be happy to review the tape myself and discuss those issues with you personally.

Finally, I understand the Department has ordered an investigation into the facts surrounding Private Lynch's capture by Iraqi forces. I also understand, however, that investigators were not asked to examine the circumstances surrounding Private Lynch's rescue. In light of the controversy that has arisen regarding this case, I suggest that the Pentagon's ongoing investigation also include the facts surrounding Private Lynch's rescue, as well.

If you have any questions about this request, please call my Chief of Staff, Jaron Bourke, at (202) 225-5871. I look forward to receiving your response.

Sincerely,

DENNIS J. KUCINICH,

Ranking Minority Member, Subcommittee on National Security, Emerging Threats, and International Relations.

SPECIAL ORDERS

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

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

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

TAX FAIRNESS FOR EVERYONE, EXCEPT LOW-WAGE WORKING FAMILIES

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

Mr. BROWN of Ohio. Mr. Speaker, the Republicans passed a bill last week which will provide a \$90,000 tax cut to the Nation's millionaires, but let us look at what else it does.

The independent Urban-Brookings Tax Policy Center estimates that making the earned income tax credit marriage penalty relief effective this year would have offered an average tax cut of \$340 to 4 million working American families. But the President decided to make them wait until 2008 for the marriage penalty relief he offered their more affluent neighbors. House Republican leadership had several opportunities to correct the President's mistake and restore fairness to the tax bill, but they decided to cut working families loose. So that is \$90,000 for millionaires, not a cent for working lower-income families.

The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, said, "If you are not going to incentivize marriage, at the very least make sure you don't punish it." The gentleman from Texas (Mr. DELAY), the House majority leader, said, "A country founded on freedom should not maintain a tax code that arbitrarily places an extra burden on husbands and wives." Speaker of the House, the gentleman from Illinois (Mr. HASTERT), said, "We need a tax code that doesn't punish married couples. They don't need the Federal Government picking their pocket."

\$90,000 for a millionaire, but nothing for married, poor, or working families.

Any one of those powerful officials could have taken a stand, could have spoken up for low-wage working families, could have ensured that no legislation would pass this House that valued the marriages of families of wealthy Americans above those of their less affluent neighbors. But none of those Republican leaders said a thing. None of them raised a voice of concern or lifted a finger to stop the advance of a bill that says loud and clear to millions of Americans, your marriage is worth less than your neighbor's marriage or your boss's marriage.

\$90,000 of tax cuts for a millionaire, but not a cent for low-income working couples.

Given that track record, it was disappointing, but not surprising, to learn the White House and the congressional Republican majority used their last-minute back-room deal in the tax bill to take another cheap shot at low-wage working families. The final conference bill brokered by Vice President CHENEY included a last-minute change that freezes 12 million low-wage families out of the bill's child tax credit increase.

\$90,000 for millionaires, nothing for working families, lower-income working families.

At the signing ceremony for this bill, the President said, "We are helping workers who need more take-home pay." But 7 million American families who pay income tax will get no benefit at all from this bill.

\$90,000 for millionaires, nothing for low-income families.

Now that the word is out, some of our Republican colleagues are saying they did not know about these changes. They are looking for someone to blame for the decision to cut low-wage working families loose on the child tax credit. But the deal was cut by the Vice President and his party's leadership, so the "I did not know it" excuse just simply does not wash.

If the White House had wanted to correct the injustices in the tax bill, if Republican leadership had been serious about fairness for married couples and children, there were plenty of opportunities. They could have dropped the average tax cut for millionaires, like the President's friend, Enron's CEO Chair Ken Lay, from \$93,000 to \$88,000, and that would have left enough money to give that tax break to working families.

They could have dropped the dividend tax cut that the President and Vice President worked so hard for, just over 2 percent, and the capital gains provision cost just 2 percent; and that would have paid for those lower-income working families who do pay taxes.

So they could have offset the cost by including some responsible corporate tax loophole reforms. We all know corporate expatriates like Tyco and Stanley use loopholes in the law to abandon their U.S. headquarters and reincorporate overseas. So they give tax breaks to them, they give tax breaks to millionaires, but not a cent for so many low-income working families in this country.

The simple truth is this was not a mistake. Any Republican Member of the House who thinks it was should listen carefully to today's statement by their elected majority leader. Asked about the prospects for legislative proposals to restore just some fairness, just a bit of fairness to the child tax credit, the majority leader, DELAY, said, "There is a lot of other things that are more important than that."

□ 1815

Mr. Speaker, \$90 million for millionaires, not a cent for working, lower-income families. It is shameful.

PHARMACEUTICAL COMPANIES RUN ROUGHSHOD OVER AMERICAN CONSUMERS

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, it was Will Rogers who said, "All I know is what I read in the newspapers," and I was reading yesterday's Wall Street Journal, and I would invite my colleagues to read the Wall Street Journal of yesterday, as well, because there is a story there that is just shameful about American policies as it relates to prescription drugs.

Let me read from this article from the Wall Street Journal front page yesterday. Let me read a couple of paragraphs. In fact, the headline is, "Empty Shells: As U.S. Balks on Medicine Deal, African Patients Feel the Pain," and the subtitle is "Big drug makers protecting their patents seek limits to a global trade accord, searching for insulin in Chad." As one reads the article, it is shameful.

Let me just read a couple of paragraphs for the benefit of Members. "Wealthier countries where drugs are produced and patented promised 18 months ago at global trade talks in Qatar to loosen patent restrictions in order to ease shortages and reduce prices. It was just after September 11, and the U.S. led the rhetorical charge, eager to demonstrate its desire to battle suffering among the world's poor while mounting a war on terrorism. But last December when all of the other 143 countries in the World Trade Organization had lined up behind a new plan on the trade of medicines, the United States blocked the proposal.

"The Bush administration, under heavy lobbying from the pharmaceutical industry seeking to limit the scope of the deal, endorsed a list of some 20 infectious diseases, and that was it. That was all they were willing to address. These included HIV-AIDS, malaria, tuberculosis, typhus, hemorrhagic fever, and others categorized as epidemics in the developing countries, but that was it. Drug manufacturers feared that without the limitation, the deal could lead to a broader undermining of their lucrative patent rights. Poor nations were outraged."

Mr. Speaker, we should be outraged. As we speak, there are people suffering from diabetes in the country of Chad in sub-Saharan Africa that cannot get insulin. It is time for us to take control of this issue. For too long we have allowed the special interests and some of the misinformed people over at the FDA to sort of box us into a corner so Americans now pay the world's highest prices. We are the world's best customers, but yet we pay the highest prices for prescription drugs.

Do not just take my word for it. We were in Munich, Germany, about a month ago, and we bought and I have the receipt here for what we paid for these drugs. Let me take this drug, Cipro, which we all know about after the anthrax scare. In Germany, at the Munich airport, we paid 35.12 Euros for this product. That is about \$34. This same product in the United States sells for \$60. The average price in the United States, according to one study, is over \$80. We paid \$34.

Let me take Coumadin, and this is a drug that my father takes, made by DuPont. This drug in the United States, the average price is over \$64. In Munich, Germany, we bought this drug for 20.43 Euros. That works out to about \$19 in American currency; \$64 in the United States, \$20 in Europe.

Glucophage, a marvelous drug for diabetics, which we bought in Germany

for \$5. This drug can cost as much as \$100 here in the United States of America.

But here is the one that really got to me. This is a drug called Tamoxifen, probably the most effective drug we have ever seen on the market in treating and perhaps preventing breast cancer among women. It is a miracle drug, and we are thankful it exists. We bought this drug at the Munich Airport pharmacy for \$59.05 American. This same drug here in the United States sells for \$360 for the same box; \$60 in Germany, \$360 in the United States.

Mr. Speaker, it is not shame on the pharmaceutical industry, it is shame on us. We have created an environment where we permit these companies to literally run roughshod over American consumers.

Let me add one other thing about this drug, American taxpayers paid for almost all of the R&D costs to have it developed. In fact, the company originally said they would not patent it because it was the taxpayers who paid for the R&D. But I guess they have patented it.

I will yield back the balance of my time, but I will be back; and I have a bill that will begin to resolve this, and I hope all Members, Democrats and Republicans, will join me in cosponsoring that legislation.

TAX CUTS LEAVE OUT WORKING POOR

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

Ms. SOLIS. Mr. Speaker, there has been a lot of talk about what the recent tax cuts will do for our economy, and I would like to talk to Members about what they will not do and who they will not help.

The \$350 billion in tax cuts leaves out the working poor, and many, in the State of California, working families. Republicans rejected a Democratic attempt to try to get child tax credits to low-income families earning less than \$10,500. To add insult to injury, last-minute changes made by Republicans also will prevent families with incomes between \$10,500 and \$26,625, and that includes about 11.9 million children, and they will not receive any kind of a child tax credit or be eligible for one. One out of every four families in my district in California will get no child tax credit.

Families like this one pictured here, who live in my district in East Los Angeles, Ruben and Teresa, whose son is proudly serving us right now in Iraq, this family makes \$24,000 a year. They will get no tax break, no tax break. Yet somehow Republicans found \$90 billion to give to 200,000 millionaire families. That money will not make it to my district, no way, since 99 percent of the families there earn less than \$200,000.

Republicans left out all of these families to accommodate tax cuts on divi-

dends that go mostly to rich and wealthy people. The tax cuts leave out married tax filers who happen to be living in poverty. The Republicans postponed marriage penalty relief under the earned income tax credit which is claimed by many working families earning \$34,000 or less. This means that working-class married tax filers are treated as second-class citizen.

The tax cuts leave out the people of California, and although California suffers from the largest budget deficit in the country, it is ranked at 43rd in terms of per capita State aid allotted by the Republican tax bill.

Mr. Speaker, 31 percent of California families are not helped by the child tax credit. That is 2.4 million children in California alone, and I mean all children; and 47 percent of Californians will get a total tax cut of less than \$100. That is barely enough to take them to the movies, buy a pizza and maybe have some extra spending money to buy book supplies, if that.

Mr. Speaker, 28 percent get nothing at all. It is a sign of a grossly skewed priority by Republicans that would leave a lot of people out, yet they give \$100,000 tax breaks to the largest SUVs, which pollute our air, keep us dependent on foreign oil, and spew out greenhouse gases.

So while the typical millionaire gets over \$93,500 in tax cuts and another \$100,000 break for their huge SUVs, working-class people are left sitting in the smog with almost nothing in their pockets. If we had only given those millionaires \$88,000 instead of \$93,000, we could afford to give the child tax credit to all families. That means 140,000 hard-working families in my district would have gotten some kind of tax relief.

Democrats tried to offer an economic stimulus plan with an immediate increase in the child tax credit, marriage penalty relief for all, and the expansion of the 10 percent tax bracket, and Democrats tried to put money in the pockets of working-class people. These are the people who would stimulate our economy, pull it out of the tailspin it has been in ever since this President took office.

With more than 2.7 million jobs lost in the last 2 years, we in Congress should be declaring war against poverty. Instead, Republicans have declared a war against working families, families like this who send their children to serve in our wars. We need to change that, and we need to support and extend benefits for those hard-working Americans, especially families like this that right now are hoping that their son will come home, and even he would not be eligible for a tax credit because he makes less than the amount required under this bill that was passed by the Republicans.

COMMENDING THOSE FIGHTING
WAR ON TERROR

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

Mr. BEAUPREZ. Mr. Speaker, I rise today to urge my colleagues to support House Concurrent Resolution 177, recognizing and commending people of freedom for having played such a crucial role in the ongoing success in the war on terror.

Mr. Speaker, people of freedom come in all different shapes and sizes. They do not come from one nation, but from all nations. They do not go to the same house of worship, but they all have hearts filled with hope. They do not all carry a rifle, they do not all go into battle, but every single man or woman who believes in freedom also believes we can leave this world just a little better than we found it.

Mr. Speaker, the success of Operation Enduring Freedom and Operation Iraqi Freedom is not just a plan, it is not just training, it is not just willpower or determination; it is all of that and much, much more. It is about young men and women who displayed heroism in the face of grave danger. It is about leaders who redefine the very nature of conflicts, it is about a disciplined military equipped with cutting-edge technology capable of delivering surgical strikes with razor-sharp precision. It is about a fighting force filled with compassion, a force capable of delivering the fist of justice and the outstretched hand of comfort at the same time.

I have heard some disturbing things lately, Mr. Speaker. I have heard that the conflict in Iraq was unjustified. I have heard that uncovering mass graves is somehow not a good enough reason for freedom in Iraq. I have heard that mobile bioweapons labs do not count as real evidence of weapons of mass destruction. I have heard that life under one of the most brutal regimes in history really was not all that bad. That is nonsense, pure nonsense. Furthermore, it is an insult to the brave men and women now returning home.

Mr. Speaker, I join my colleagues to commend not only our troops but the entire military community, for without the people in the background, the encouragement of a family, the expertise of a scientist, the commitment of a President, the situation in Iraq today and in the free world's war against terror might be very, very different.

May God bless the men and women of our Armed Forces, and may he also bless those who give them aid and comfort.

Mr. Speaker, I call on all people of freedom to join us in celebrating our brave troops returning home. I ask them to join us in celebrating the liberation of the Iraqi people. While there is much work to be done, and while we will continue to bring justice to those who perpetrate terror, it is wholly appropriate to take this opportunity to congratulate our soldiers whose sweat

and blood has made freedom a reality for oppressed people around the world, as well as the communities who support them.

□ 1830

And so, Mr. Speaker, I urge my colleagues to join me in sending a clear message of thanks by voting in favor of House Concurrent Resolution 177.

REPUBLICAN TAX CUT LEAVES
POOR FAMILIES BEHIND

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, this afternoon I received the following e-mail from one of my constituents. It says:

"Dear Janice Schakowsky, our government should stand for basic fairness and justice. That's why I do not understand why families earning between \$10,000 and \$26,000 per year would be excluded from receiving the \$400 per child tax refund that wealthier families will receive this summer just so millionaires can get bigger tax cuts. As a constituent, I ask you to please amend President Bush's unfair tax cut plan to include these poor families and their 12 million kids. To leave the tax cut as it is brings too much shame upon this great Nation. Sincerely."

My constituent is correct. This is a shameful moment in our great Nation, and we should not rest until we undo the tremendous wrong committed by the Republican leadership and the Bush administration. This is no time for business as usual. This is a time to reverse the damage done by the disgusting choices made by our colleagues on the other side of the aisle. There are those who may tell us that the decision to leave 12 million children in low-income working families on the cutting room floor was just a mistake, but that would be a lie. As The Washington Post editorialized yesterday, "Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight \$350 billion ceiling." In fact, this was a deliberate, mean-spirited action committed in the name of protecting special interests instead of our Nation's children. In fact, a House Republican Ways and Means Committee spokesperson confessed that, "Well, adjustments had to be made."

Let us be clear about what happened. Behind closed doors, Republican leaders got together with the administration and decided who was going to be thrown overboard and who would be brought to shore. There were no Democratic Members in that room. There were certainly no children or working families in the room. And the decision was made to throw children and working families, including military families, overboard and to save the dividend

tax cuts for millionaires while restoring the ability of corporations to unpatriotically stash their profits in Bermuda. Compassion for millionaires and corporate traders, contempt for low-income children and their parents.

As Warren Buffett has said, "If this is class warfare, then my class is winning." There are other winners besides Warren Buffett. Not surprisingly, the Bush Cabinet members who worked so hard to sell this tax cut, job-killing bill are also winners. According to a report just completed by the Committee on Government Reform minority staff, Vice President DICK CHENEY, the President's key tax negotiator, will reap \$116,002 a year from the dividend/capital gains provisions in this bill. John Snow, Secretary of the Treasury, will get over \$332,000 a year. Donald Rumsfeld, who gave Vice President CHENEY's former company, Halliburton, a multi-million-dollar sweetheart contract, wins big, too, as much as \$604,000 a year. No wonder they all worked so hard to sell such a defective product.

We know who the winners are; and now we know at least some of the losers, 12 million children and working families. In my State of Illinois, nearly one in four children, 674,000 children in 378,000 families, were tossed aside so that Cabinet secretaries, billionaires, and corporations like Enron could be protected. We were not given time to read the Republican tax cut, job-killing bill before the vote; and I do not blame my colleagues for trying to push their bill through before we and the American public could learn what it included. I would be ashamed, too, if I decided to give Cabinet members, wealthy Members of Congress, and rich campaign contributors life jackets rather than women and children. And no wonder the Members on my side of the aisle were not given an opportunity to offer even one single amendment. What if we had learned the truth and tried to correct it?

Now we have learned the truth, and it is time to right an incredible wrong. Bob Herbert labeled this as a "quintessential example of what the Bush administration and its legislative cronies are about. The fat cats will get their tax cuts. But in the new American plutocracy, there won't even be crumbs left over for the working folks at the bottom of the pyramid to scramble after."

Now the actions of the Bush administration and Republican tax decision-makers are out in the open. And now it is our responsibility to act by passing the Rangel-DeLauro bill. Children and working families should be our first priority, not tossed out, given crumbs or thrown overboard. We must make the commitment to act this month.

IRAQ: WHAT NOW?

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

Mr. DUNCAN. Mr. Speaker, a front-page story today in the Washington Post says, "Iraqi political leaders lashed out today at a plan by the top U.S. civilian administrator here to appoint an interim advisory council." The headline says, "Iraqis Assail U.S. Plans."

The front page of the Washington Times has a story today saying, "Unemployed Iraqi soldiers swarmed U.S. occupation headquarters yesterday demanding back pay and emergency payments of \$50 each and avowing vengeance if they didn't get their way."

We are in a real mess in Iraq. Since when did it become the obligation of U.S. taxpayers to pay the salaries of the Iraqi military? When in history has a victorious army had to start paying the salaries of the defeated army? We have already given the retired people on pensions in Iraq emergency payments, handing out two crisp \$20 bills to each, and probably more by now. Since when did it become the obligation of U.S. taxpayers to pay the pensions of Iraqi retirees? Those who support foreign aid found out many years ago that it was very unpopular so they just started putting our foreign aid and overseas spending into every Federal department and agency. The supporters of foreign aid very misleadingly say foreign aid is only about 1 percent of the Federal budget. What they do not say is that we are spending several hundreds of billions of dollars through every Federal department and agency.

I am very pro-military and pro-national defense. However, in many ways today we are turning the Defense Department into the biggest foreign aid agency there is. We were told a few weeks ago that the military is going to build or rebuild 6,000 schools in Iraq and set up a free basic health care plan for all Iraqi citizens. I heard one Member jokingly say that he was going to suggest changing the name of a small town in Wisconsin to the name Iraq so that town could qualify for the huge money that is about to be spent. We are told that the U.S. will spend \$200 to \$300 billion rebuilding Iraq over the next 10 years. This means \$20 to \$30 billion each year in a country where the gross domestic product last year was less than \$60 billion.

Our military did a great job in Iraq, as we all knew they would. But we spent over \$100 billion to defeat a country whose total military budget was only \$1.4 billion, about two-tenths of 1 percent of ours. Saddam Hussein was a very evil man, but Iraq was never any real threat to us, as this 3-week war proved. Now we are in a real mess.

Fortune Magazine, in its November 25 issue a few months before the war started, had an article entitled "Iraq, We Win, What Then?" That article said, "A military victory could turn into a strategic defeat. A prolonged, expensive American-led occupation could turn U.S. troops into sitting ducks for Islamic terrorists. All of that could have immediate and negative

consequences for the global economy." That is exactly what is happening today.

I heard one American general say on the news recently that the American military was not designed to be a police force. Yet that is exactly what we are doing in Iraq today. James Webb, a hero in Vietnam and President Reagan's Secretary of the Navy, wrote before the war: "The issue before us is not whether the U.S. should end the regime of Saddam Hussein but whether we as a Nation are prepared to occupy a territory in the Middle East for the next 30 to 50 years." He was one of many, many conservatives against this war.

Charley Reese, the very popular conservative columnist, wrote a column March 24 entitled "Congratulations" for becoming "the proud mamas and papas of 22 million Iraqis" since we will be providing them with so much. He then wrote:

"I have long been against taxing Americans to solve problems in foreign countries. It seems to me to be a simple proposition. Until an American politician can honestly say that all Americans are healthy and prosperous, that all children attend a clean, well-equipped school, that our entire infrastructure is up to speed, that all of our public health and environmental problems have been solved, then American tax dollars ought to be spent in the United States. I've read the Constitution I don't know how many times, but I never found anywhere in it that Congress can tax Americans and give the money to foreigners, but Congress does it, anyway."

Are true conservatives now for massive foreign aid? I do not think so. Are true conservatives for huge deficit spending? I do not think so. Are true conservatives for world government and the U.S. becoming the world's policeman? I do not think so. Yet we will spend all these many billions in Iraq because a few big multinational companies will make sure we do and because some government officials feel more important if they are placed in charge of other countries.

Charley Reese also wrote in that same column:

"We, of course, will get stuck with the bill and it will cost hundreds of billions of dollars. Some of the politicians' corporate cronies are already being promised lucrative contracts. There's always a profit to be made from war. You and I won't make it; the soldiers, sailors and airmen won't make it. No, as consumers we pay the price in treasure and blood and grief; the big corporations reap the profit."

In yesterday's Washington Post, a story said that some of the same Iraqis who are smiling at U.S. soldiers are harshly criticizing U.S. rule when the soldiers are not around. The Iraqi people hated Hussein, but the only ones who want us around are the ones we are paying.

We should get out of Iraq, Mr. Speaker, the sooner the better and not put

more American lives at risk. We should let Iraqis use their homogenous oil wealth to rebuild their own country.

REPUBLICAN TAX CUT IS UNFAIR

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

Mr. DEFAZIO. Mr. Speaker, after the passage of the largest tax cut in history 2 years ago, the President began to talk about a little glitch in that, and a glitch that no one could have anticipated, not the Republican White House which wrote it, the Republican Senate which passed it, and the Republican House which passed it who deliberately wrote the glitch in, which was, gee, the estate tax would only expire for 1 year and then if you did not die during that 1 year, you would be subject to the full estate tax again. And a number of other taxes were phased back in.

Well, it was not a glitch. They knew about it. They had to do it so they would not bust the bank and that was when they were predicting a surplus. But guess what now? Whoops, here we go again. There is a little glitch in the second largest tax cut in American history passed at the time of the largest deficit in American history 2 weeks ago in the dark of the night, personally written and negotiated by Vice President CHENEY and the Republican leadership of the House and the Senate.

How could they have known that they left out half of the American people? I mean, after all, it was Ari Fleischer who said, "And, of course, for people in the 10 percent bracket, they benefit the most and that's the lowest income workers in America." He went on to say that it certainly does deliver tax relief to the people who pay income taxes. The President surrounds himself with waitresses. But unfortunately it is all a lie because those people are not going to get tax cuts under this bill. In fact, 51 percent of income-tax-paying Oregonians will get no cut under this bill and about 49 percent of income-tax-paying Americans will not get any cut under this bill. 7.6 million people who are in this 10 percent tax bracket that Mr. Fleischer referred to who were supposed to get a lot of benefits are going to get zero, zilch, nada under this bill. But every millionaire is guaranteed \$93,500 or more under this bill.

To even heap more irony on top of the injustice, the \$93,500 for each millionaire will come from FICA taxes, payroll taxes paid by wage-earning Americans. Wage-earning Americans pay about 7 percent of the first dollar they earn and every dollar they earn up to about \$88,000 on FICA tax. In fact, more than half of American workers pay more in FICA taxes to the Federal Government than they do income taxes. No relief for them. And, hey, guess what? We have really suckered you, because we are going to borrow every penny of the FICA taxes you

have paid that you thought was going into a trust fund, in fact, a lockbox, passed seven times while the Republicans have been in charge of this House. Seven times we passed a lockbox for Social Security. Well, we cannot afford a lockbox anymore. It is busted open and robbed. Empty. That money is going to be used to finance the tax cut and replaced with IOUs. So the millionaire who gets a \$93,500 benefit under this bill, they pay a FICA tax at the rate of .7 percent, one-tenth of the rate at which a wage-earning teacher or sales clerk pays that same tax, because they do not pay it on any income over \$88,000 a year.

□ 1845

So \$912,000 of their income is exempt from FICA tax, and the poor person who works for minimum wage or for a decent wage is paying FICA tax of 7 percent on every penny earned.

Finally, they made much hay on the fact that they were going to do so much with the child credit. Of course, it was temporary and going to expire in 2 years, but that is probably a glitch and they would have discovered that later.

But there was another little glitch. Most Americans, in fact, all Americans who earn between \$10,500 and \$26,625 will not get the child care credit. That is an awful lot of people who have an awful lot of need. That includes 11.9 million children.

So, all in all, what we have here is one of the biggest scams in history. Never before has this country in a time of huge deficit borrowing, and that is how this is being paid for, borrowed so much money from so many wage-earning Americans to give to so very few at the top under the premise that somehow those really rich people might invest or spend that money in a way to give those working people jobs so they can pay more FICA taxes that can be transferred to them in next year's tax cuts, which the President has already targeted toward those who earn over \$1 million a year, to help them have more to contribute at election time in what is expected to be a record expensive Presidential election.

The system is incredibly corrupt.

JOBS AND GROWTH, TAX CREDITS AND SMALL BUSINESS

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

Mr. HENSARLING. Mr. Speaker, last Wednesday President Bush signed the Jobs and Growth Act of 2003, a bill I was proud to cosponsor.

After liberating the people of Iraq from despotism, it was time to liberate the American family from economic uncertainty. The best way to do that is to create jobs and economic growth, and although this bill has been substantially compromised, the bill was designed to do just that. Yet there are

some in this body who still complain. They say the bill is not fair. They say that there is not tax relief for the poor.

Mr. Speaker, they are wrong. First, for all practical purposes, poor people do not pay income taxes. In fact, in this bill, we take 3.7 million Americans off the tax rolls. That is right, almost 4 million people who paid income taxes last year will pay no income taxes this year. None. How much more tax relief can you receive than having your tax bill canceled, torn up, thrown away? These Americans join millions of other low-income Americans who have already been taken off the tax rolls in recent history.

By lowering marginal rates, Mr. Speaker, other lower-income Americans benefit as well. Many who were in the 15 percent bracket last year are now in the 10 percent bracket. The net result is, the bottom 50 percent of wage earners in America now pay 3.9 percent of the income taxes. In contrast, the top 10 percent of wage earners in America pay over 50 percent of the income taxes.

What the critics of this bill fail to appreciate is that tax relief is for taxpayers. If you do not pay taxes, you should not expect tax relief.

Mr. Speaker, it is clear that some in this body are confusing tax relief with welfare. Welfare is about direct government assistance to those who are at or near the poverty line. Fortunately, under a Republican Congress we have continued to move millions of Americans from welfare to work, and we have increased Federal child care funding by 166 percent. We have increased funding for housing by 75 percent. Just this past year we committed \$17 billion to the TANF program.

Tax relief is different from welfare. Tax relief is about allowing taxpayers to keep more of what they have earned, earned through their hard work, keeping more of their own wages for their families.

Mr. Speaker, let us not forget, it is not the government's money, it is the American family's money. If critics of the Jobs and Growth Act truly care about low-income people, they should help move them off of welfare, off of welfare checks, onto paychecks. In other words, they should join us in creating jobs.

But, Mr. Speaker, jobs are not to be found hanging in the trees, nor do they fall from the sky, and they sure are not brought to us by the Federal Government. Jobs are created by hard-working, risk-taking, visionary men and women who, with access to capital, roll up their sleeves, and they work hard to create that next generation of software, a new automobile repair shop, an innovative sign painting company, or any other enterprise.

Small business is the job engine of America. It creates two out of three jobs in our country. But, Mr. Speaker, the number one impediment to launching a new job-creating enterprise is access to capital. That is why we cut cap-

ital gains and dividend taxes in this bill. You cannot have capitalism without capital, and by lowering these tax rates, we will spur capital formation, the lifeblood of small business.

Additionally, we have lowered marginal tax rates. This is important, because 80 percent of the tax relief from reducing the top marginal rate goes to small business owners and entrepreneurs.

Mr. Speaker, I have had a number of jobs in my life. I used to clean out chicken houses. I used to bus tables. I have loaded windows on a loading dock. I have been an officer in two companies and started my own small business. In all of those jobs, not one low-income person has ever hired me. It was a taxpayer, a taxpayer who had vision, who had access to capital and went out and took a risk. If we want jobs, these are the people who need tax relief.

If we really care about low-income families in America, and if we truly want to be fair, let us quit trying to turn the Tax Code into a welfare system. Let us give tax relief to taxpayers, to small businessmen, to entrepreneurs, and go out and create jobs, jobs, jobs and more jobs.

TRIBUTE TO JOSEPH ROSEN

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a longtime friend, mentor, fellow activist and one of the most committed and dedicated educators that I have ever known, Mr. Joe Rosen.

Joe died a few days ago at the ripe age of 91, after having devoted much of his adult life to teaching, being a principal, a district superintendent and overall advocate for improving teaching techniques and for finding additional ways to more effectively educate racial minorities and disadvantaged children.

One of Joe's unique characteristics is that he never gave up on the neighborhood where he grew up and sharpened his skills. Mr. Rosen was born and grew up on the west side of Chicago in a community that was predominantly Jewish. He graduated from Marshall High School and put himself through college, working as a taxi driver, at the post office, and as a laundry worker.

His undergraduate studies were at the Chicago Teachers College and he earned a master's degree at DePaul University. Mr. Rosen studied to become a biology teacher, but could not find an opening during the Great Depression. Therefore, he took a job teaching physical education and did that for several years. He loved to tell the story of how he beat out the legendary Chicago Sun Times columnist Irv Kupcinet for a handball instructor's position because he was willing to work for less money.

Joe eventually got a job teaching biology at Wells High School, and in 1947

was appointed principal of the Howland Elementary School, and this set the stage for the rest of his life's work, dealing with the needs of underprivileged children.

Joe's daughter Arlene stated that "All of our lives, all of our family, friends and relatives, if they had clothing to pass on, would take them to my dad and he would take them to school. He would take clothes for adults too. He had kids get eye exams and had an arrangement with those doing the testing to provide glasses for a very low fee."

Mr. Rosen established an after-hours social center at Howland for elementary and high school pupils to keep them off the streets. As the neighborhood was changing, he instituted intergroup understanding as part of the curriculum.

When he became Superintendent of District 10, he established the Farragut Outpost, an alternative school for Farragut students who were not progressing well with the regular straight academic curriculum. The Outpost kept young people in school and attracted many dropouts back.

Joe was indeed an innovative educator who was able to do a great deal with teaching approaches and techniques. He was an avid supporter of early childhood education and established several Head Start and daycare center programs in his district.

Joe would be pleased to know that we are here tonight talking about the earned income tax credit program that is designed to help those at the very bottom. Joe promoted back-to-school activity. He promoted breakfast and lunch programs for children, understanding that they could not learn well if they were hungry.

However, many people knew him best through his partnership with Mrs. Ida Mae Fletcher, Ma Fletcher, a pioneer leader and education activist. Through their efforts, community involvement and parental participation became buzz words associated with public education in the Chicago area.

Joe was forced to retire at the age of 65 because of an age requirement. However, he continued to work both formally and informally for many years. He met his first wife, Ms. May Berg at a dance and they were married in 1939. After her death, he met Ms. Carol Bauer and they were married in 1984.

Joe leaves to mourn his passing his sons Laurence and Robert; stepson Harlen Bauer and stepdaughters Betsy Bauer and Susan Bauer; Yetta Rothstein, his sister; brother Walter Rosen; and four grandchildren.

Joe continued to be active and serve on various boards and committees right up to the end of his life. He was a member of our Seventh Congressional District Education Task Force and the Westside Association for Community Action.

Joe never gave up on his inner-city community, and the community never gave up on him. He leaves a tremen-

dous legacy of commitment, dedication and commitment, to serving those who needed help. That is why Joe would be pleased to see my colleagues here extolling the virtues of tax relief or tax cuts for those who really need it, and not for those who do not, those who can benefit if we are real about what is needed.

HONORING JOHN MEHRMANN OF MANCHESTER, NEW HAMPSHIRE

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor Manchester's John Mehrmann, New Hampshire's winner of the VFW Voice of Democracy Scholarship Contest. This contest is held each year to give high school students the opportunity to voice their opinion on their responsibility to our country.

The following is Mr. Mehrmann's essay, which I found both compelling and profound, and which is why I want to read it on the floor of the United States Congress.

"We were just kids. All our lives, everything was perfect; everything worked. Everything was planned. We went to school. We came home. We slept. And somewhere along the road of our lives, we would graduate from school. After graduating from school, we would go to a new school, we would come home, and we would sleep. There was nothing to fear; there would always be food in the fridge and gas in the car. Every time we flicked the light switch, there would be light.

"Then something happened. Suddenly something, somehow, someway, somewhere shattered. As the dust settled and the magnitude of what we had lost became clear, it wasn't the death of an age for us, and it wasn't the death of jokes. But as we walked across the street or through the halls or drove our cars, something was different. The world was smaller that day. And all the faces, you with your expensive car, or you who always had something important to say, they all looked so much alike. They didn't all have the same hair color or the number of freckles. Some had straight teeth and some had big chins.

□ 1900

But they were all sad, all thinking. Innocence died that day, the innocence that let us worry about the grades or the pimples on our noses, the freedom to do what we wanted, when we wanted, was lost somewhere in 100 stories of broken steel and dust. We didn't grow up when we got our driver's licenses, and we didn't grow up when we got our first jobs, or even when we turned 18. We all grew up when we had to.

We heard a lot of talk after our abrupt maturation about freedom and responsibility. There were a lot of speeches, and everyone seemed very se-

rious. But mostly, we knew. We knew we could never be kids again. We finally realized what it meant to be responsible. Being responsible was doing our best, even when no one was watching. The responsibility thrust on some of us unexpectedly one late summer morning opened our eyes. We learned to think with our minds and feel with our hearts. Now the people we heard speaking French or Swahili when we came to school each day weren't foreign, they were victims of reality, like the rest of us.

We never knew how or when we would grow up. We didn't know why we had to. We saw the photos and the film clips of men and women leaping from flames only to careen hundreds of feet to their deaths. Again and again, we saw the missiles which we had all thought so harmless piloted to murder what could have been our entire school in an instant.

Freedom wasn't a badge. Freedom isn't a badge. It isn't a prize trophy to be flaunted and waved in the faces of the enslaved. Freedom is a burden, but a burden worth its price. Responsibility is the price of freedom. Freedom does not unequivocally allow for self-indulgence. Self-indulgence and selfishness are not responsible, and it is irresponsible to self-perpetuate at anyone's expense.

We think identities to be so important, and we imagine our lives to be so worthy of greatness that we forget the community of mankind of which we are so preciously minuscule a part.

Obsequiousness and submission are not the stigmas they were before adolescence was made extinct. Freedom is not a right to individuality but a right to community. It is a right of individuals to determine their sociality within the bounds of a world not limited to oceans or lines drawn on a map, but one which spans the entirety of a globe, encompassing a myriad of peoples with innumerable concerns. It is the responsibility of the world's free people to determine which concerns take precedence. The free peoples of the world must recognize the greater good for which to strive. Absolute singularity is no longer an option.

These are the words of John Mehrmann of New Hampshire.

THE UNKINDEST CUT OF ALL

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, on April 26, President Bush stated in his weekly radio address, "My jobs and growth plan would reduce the tax rates of everyone who pays income tax," "everyone who pays income tax."

On May 29, after the GOP tax bill, which included the provision of the President's plan, in full or in part, had been passed by Congress, now, one ought to understand that it was delivered at 8:45 p.m., a very large tax bill,

all sorts of provisions that had never been seen in full by any Member of this House reported out at 8:45. We were called back at approximately 10:30. It was passed at 1:55 a.m. in the morning, in the dark of night because in my opinion the majority wanted to hide this bill. They wanted to take credit for the tax cut, but they wanted to hide the specifics of the bill.

It was signed by the President. The White House Press Secretary, Ari Fleischer, stated, "This certainly does deliver tax relief to people who pay income taxes."

Now, my friend, the gentleman from Texas, not the gentleman who just came on the floor but who previously spoke, a new Member of the House, reiterated that mantra, that everyone who paid taxes was going to get a reduction.

Let there be no mistake, these statements are blatantly and unabashedly wrong. As the Tax Policy Center has reported, more than 8 million lower- and middle-income taxpayers who pay billions of dollars in taxes a year will receive absolutely no tax reduction under the GOP tax bill. That figure, Mr. Speaker, includes 1.8 million taxpayers who pay more than \$1,000 in income tax. They will receive no relief.

In the unkindest cut of all, 6.5 million minimum-wage families with nearly 12 million children will not receive the \$400 per child increase in the child tax credit in the GOP bill. Why did that happen? It happened because they said that they were going to leave their bill at a \$350 billion cut. Why? Because they needed to get some Republican members of the Senate to vote for it, and they could not get them to vote for any number larger than that.

So who do they look to to cut out? Did they look at Warren Buffett? Frankly, did they look at the gentleman from Maryland (STENY HOYER)? I could have afforded it. No, they did not look at us. They did not look at the wealthy; they looked at the poorest Americans and cut them out of this bill.

As a matter of fact, most of us probably did not know that, and the President has now said he is going to fix it. But frankly, he did not offer it in his tax bill. The Republicans did not offer it in their tax bill that passed the House. It was a Democratic amendment offered by Senator LINCOLN, adopted, and was in the conference. We all thought it was going to stay in the conference, but it was dropped in the dead of night without any Democrats in the room and unbeknownst to most Members.

Mr. Speaker, we could have extended the child tax credit to all families, as we sought, simply by limiting the reduction in the highest marginal income tax rate to 35.3 percent rather than 35 percent. We needed to pay for it, and we could have done it.

Now, that same gentleman from Texas observed that we needed to reduce the taxes because we needed to

get the economy moving. We had a plan. It was fast-acting, fair to all Americans, and fiscally responsible. It did not harm us in the long term.

That plan was not allowed to be offered. The plan that was offered, however, was not fair, was not fast-acting, and is not fiscally responsible. In fact, we have gone from \$5.6 trillion purported surpluses that the President told us we had to a, now, almost \$3 trillion deficit, and we are going to be facing what they say is a \$44 trillion deficit in the future. That will be a substantial tax increase for many children in America and many children unborn who will have to pay the interest on that incredible debt that we are incurring.

But lo and behold, in the clearest possible demonstration of the majority's values and priorities, the GOP has shown once again that when push comes to shove, it will fight for the Bush class over the working class every single time. The GOP's mantra really ought to be, leave no millionaire behind.

Mr. Speaker, on April 26th, President Bush stated in his weekly radio address: "My jobs and growth plan would reduce the tax rates of everyone who pays income tax."

And on May 29th, after the GOP tax bill—which included the provisions of the President's plan in full or in part—had been passed by Congress and signed by the President, White House Press Secretary Ari Fleischer stated: "This certainly does deliver tax relief to people who pay income taxes."

Mr. Speaker, let there be no mistake: These statements are brazenly, blatantly and unabashedly false. As the Tax Policy Center has reported, more than 8 million lower and middle-income taxpayers who pay billions of dollars a year in income taxes will receive absolutely no tax reduction under this GOP tax bill.

That figure includes 1.8 million taxpayers who pay more than \$1,000 in income tax. What do they receive? No tax relief whatsoever. Nothing. Not a thing.

And the unkindest cut of all, 6.5 million minimum-wage families, with nearly 12 million children, will not receive the \$400-per-child increase in the child tax credit in the GOP bill.

Mr. Speaker, let's be clear: We could have extended the child tax credit to all families—as Democrats sought—simply by limiting the reduction in the highest marginal income tax rate to 35.3 percent rather than 35 percent.

But lo and behold, in the clearest possible demonstration of Republican values and priorities, the GOP has shown once again that when push comes to shove it will fight for the "Bush class" over the working class every single time. The GOP's mantra really ought to be—Leave no millionaire behind!

While minimum wage workers and their children get left out in the cold under the Republicans' tax bill, the Grand Old Party ensured that 184,000 taxpayers with incomes of more than \$1 million would receive an average tax cut of \$93,500.

Ladies and gentlemen, in the Republican vision for America, apparently that's what passes for compassion. And if you don't agree, well the GOP vilify you, charging that you're practicing class warfare.

Mr. Speaker, let's be honest.

Class warfare is precisely what the Republican Party has been practicing on working men and women in this country on issue after issue after issue.

The failure to provide the Child Tax Credit to minimum wage workers while fattening the bank accounts of millionaires is only the tip of the iceberg.

In this report session of the 108th Congress, the Republican majority passed a budget resolution that betrays our values and fails to meet our needs. It would take hot lunches out of the mouths of poor children; force the elderly out of nursing homes as the result of Medicaid cuts; and slash veterans' health care.

This Republican majority had to be dragged kicking and screaming not once but twice to extend unemployment insurance benefits—even as we face the highest unemployment rate in nine years and the loss of nearly 3 million private-sector jobs since George W. Bush took office.

This majority passed a Welfare Reform bill that would force mothers with children under the age of 6 to double the number of hours they must work every week. It passed a medical malpractice bill that would compound the pain of patients with the worst injuries while failing to reduce physicians' insurance premiums.

And it loaded up legislation such as the Defense Authorization bill—legislation that traditionally is overwhelmingly bipartisan—with extraneous, partisan measures that would harm the environment and strip Federal workers of their rights.

And of course, this majority has refused to close tax loopholes for offshore corporate tax havens.

It has refused to consider Democratic legislation to raise the minimum wage, which has not been increased since 1997.

And it even has refused to give the Members of this House the opportunity to vote on a Democratic amendment to increase funding for Homeland Security by \$2.5 billion—a pittance compared to the costs of the GOP's unaffordable and unfair tax bill.

Meanwhile, this Republican majority refuses to address the most pressing unmet needs in America today:

The 41 million Americans who have no health insurance;

The millions of children who are eligible for Head Start but have no seat at the table; and

The millions of seniors who need and deserve a prescription drug benefit under Medicare.

On issue after issue after issue, this Republican majority has sided with powerful special interests over the interests of working Americans.

Mr. Speaker, that is certainly not the Democratic Party's vision for America. And we will never stop fighting for a positive agenda that meets the needs of all our citizens.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-138) on the resolution (H. Res. 256) providing for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute

checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 760, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-139) on the resolution (H. Res. 257) providing for consideration of the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion, which was referred to the House Calendar and ordered to be printed.

DEMOCRAT TAX CUT INCLUDES WORKING AMERICAN FAMILIES

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

Mr. EMANUEL. Mr. Speaker, when we were here in the House the other day to vote on the third tax cut of the President, the majority leader stated that we were going to be back and they were going to be back with another tax cut.

Well, we have a tax cut. It is on behalf of working families and their children, so I would like to take the majority leader up on his offer to have another tax cut immediately following the first three tax cuts that they have passed, and bring up this tax cut that he said we were going to have, one right after we got back from session. We were going to have another tax cut. Not even was the ink dry, but we were beginning to work on another tax cut.

I found it a little ironic that night when I heard the majority leader say that, because I thought this was going to be the jobs and growth tax cut. Why do we need another tax cut if this was going to be so effective? Maybe it will produce the same results the first tax cut did, which has resulted in 2.75 million Americans losing their jobs, 5 million Americans losing their health care, \$1 trillion worth of foreclosed corporate assets, and 2 million Americans walking out of the middle class into poverty.

But they want to do another tax cut; so, as we say in Chicago, I've got you one. That is, I have a tax cut for middle-class, working-class families and their children, the Rangel-DeLauro-Davis bill. It focuses our priorities on working families and children. It makes good economic sense, and it makes good moral sense. It reflects, most importantly, our values.

Now, the President during the State of the Union said that we would not leave our burdens to our children, that we would solve our problems today. I

cannot think of anything that more reflects those types of statements, and those values embedded in that statement than that we would focus our tax cuts on our children, the children of working parents who get up every day and struggle to do right. They do not choose welfare, they choose a paycheck.

As my colleague, the gentleman from Texas, mentioned, we have to reward work. These are the children of working families.

Now, in 1997, we had a balanced budget, a budget that was balanced with our priorities as well as our values. It expanded the earned income tax credit, it offered a \$500 per child tax credit, and it provided 10 million uninsured children of working parents health care. It also cut the capital gains tax.

We also created a tax credit for higher education, and we did it while balancing our budget. We met our obligations. We invested in the long-term growth of this country's economy. We got the economy moving by balancing the budget. We did not hurt the long-term opportunities, but we invested in education, health care, and the environment.

Now this administration has chosen to have three tax cuts. What have they resulted in? \$3 trillion have been added to the Nation's debt, and nearly 3 million Americans are without jobs. What a deal. What an opportunity.

Now, the first excuse for having left 12 million children of working parents out of this tax cut was, we forgot. We did not know. That is interesting. When it came to closing the tax loophole for corporations that use the ZIP code of Bermuda, we did not forget them. We took that right out. We said, that does not belong in this tax cut.

That is \$30 billion of lost revenue that American working families have to make up. We did not forget them. We did not leave them behind. We remembered what ZIP code they were in. We remembered their area code. We got them right back where they belonged. Those are our pioneers. Those are our rangers, as they are known in some parts of this country.

Now, the other excuse given was, these people do not pay taxes. That is funny, because when they get their paycheck their FICA is withdrawn, their State income tax is withdrawn, their property taxes they have to pay. They pay taxes.

What is interesting, the very crowd they are criticizing was the crowd Ronald Reagan praised when he created in 1986 the earned income tax credit. Ronald Reagan was the one who signed this into law. President Clinton was the one who doubled it in 1993 and expanded it in 1997. We worked across party lines to help every child. These are America's children. We did not discriminate. We surely do not discriminate against the children of millionaires.

Where are our common values? How do we choose to give such a high priority on the depreciation of machinery,

yet we cannot appreciate our children? How do we make that choice?

I know the men and women on the other side. They are good people with good values. These are not the values their parents raised them with, to choose the depreciation of machinery over the appreciation of our children.

I believe that we have a tax cut. Democrats offer one in good faith, the type of tax cut Republicans have voted for both in the other body as well as in the past. As our majority leader of the House said before the last tax bill was voted on, we are going to come back and we are going to do another tax cut. The Senate leader said that we are going to do another tax cut.

We have a tax cut. We stand ready to work with them and fulfill their obligations to get another tax cut passed, one that works and benefits our economy, the children of working families, enshrines the value of work, and holds that up; not just rewards passive income, but rewards active work.

VETERANS, CHILDREN, AND GREEDY, UNPATRIOTIC CORPORATIONS

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

Mr. STRICKLAND. Mr. Speaker, I rise this evening to talk about veterans, to talk about children, and to talk about greedy, unpatriotic corporations.

First of all, I would like to say a word about our veterans. We passed a budget in this Congress which, over the 10-year budget cycle, will underfund veterans' programs by \$6.2 billion.

□ 1915

And included in that budget are certain assumptions which will greatly increase the financial burdens that will be placed upon the backs of our veterans. First of all, a decision has been made that if you are a priority-eight veteran, considered high-income, and, quite frankly, in my district that could be someone who makes as little as \$22,000 a year, you are considered high-income, and so you would no longer be able to enroll in the VA health care system.

Now that is fairly shameful. In the Committee on Veterans Affairs earlier today, one of my colleagues said that he was a priority-eight veteran and he really did not object to being excluded. Well, the fact is that I and all of the rest of us who serve in this body make about \$150,000 a year. It is probably a little easier for us to pay for our health care than it would be for a veteran who makes as little as \$22,000 a year.

Well, there are other things that this budget does. It assumes that we will charge priority-seven and -eight veterans an annual \$250 enrollment fee, something that we have never done in the past. So these veterans are now going to be asked to pay an additional \$250 annual enrollment fee.

But it gets worse: the budget assumption that the cost of a prescription drug for these veterans will go from \$7 a prescription all the way up to \$15 a prescription. Now, we just increased this co-payment from \$2 to \$7 about a year and a half ago, and now we want to take it up to \$15 a prescription. If you are on a fixed income and you make \$22,000 a year and you get eight or 10 prescriptions a month, that is a big chunk of your disposable income.

Well, it gets worse. The budget also assumes that we will increase the cost of a clinic visit for a veteran. I think the American people are getting the picture. We applaud our servicemen and women. We thank them for their service. But when they really need help from our government, we nickel and dime our veterans.

What about our children? In this tax cut we passed a week before last, we left 12 million children out; 12 million children whose parents make somewhere between something like 11,000 to 25 or \$26,000 a year will end up getting nothing, while a child whose parents make 40,000 or \$60,000 a year will get an additional \$400 tax credit. It is just simply unfair.

There is something else that ought to make every one of us who serves in this Chamber stay up at night and worry about our actions: many children of young men and women who at this very moment are serving this country in Iraq will have their children excluded in this tax package. Think of that. Moms and dads being sent to Iraq to defend the freedoms of this country and their children are going to be excluded from the benefits of this increased child tax credit.

But I want to tell you, we can solve some of these problems if we are willing to do one thing. If we are willing to close the loophole, the tax loophole that allows large profitable corporations to go to Bermuda and get a post office box while keeping all of their operations in this country and doing that simply so they will not have to pay their fair share of taxes. Think of that. And many of these corporations who have chosen to engage in this tactic, which I consider highly unpatriotic, are benefiting by getting multimillion dollar contracts under the Department of Homeland Security.

So here is what we have: corporations that do not want to pay their taxes going to Bermuda and yet getting multiple millions of dollars from this government under the Department of Homeland Security. We take care of the wealthy in this Chamber, but the veterans and the children are too often left behind.

TAX PLAN HELPS RICH AND ABANDONS CHILDREN AND VETERANS

THE SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, during the debate on the tax bill, the Republicans continually stated how the Nation's economic policy should alleviate taxes on the rich as they are the ones doing the so-called creating of wealth, as opposed to the middle-class people actually doing the labor in our Nation's plants, ports, factories, warehouses, and offices.

When Democrats pointed out that they were, in fact, providing a tax cut to the richest and wealthiest 1 percent of Americans, something that my Republican colleagues never denied, the Republicans accused Democrats of playing class warfare. But class warfare is pitting people against each other, and that is what the Republican tax bill has done.

Nothing highlights class warfare of the Republicans against middle-class people more than the midnight actions of the Republicans and President Bush when they stripped out many of the child care tax credit provisions for hard-working poor families. Numbers crunching is, I think, what they call it. I believe the cutting of the child tax credit for the poorest in this country is unconscionable.

Now, I understand that after leaving the economic policies of the past 3 years, which have led to the loss of over 2.7 million private sector jobs, that the Republicans would be unfamiliar with the term "working people" as they have eliminated so many of them to date; but they do, in fact, exist. In fact, in addition to the 2.7 million jobs that have disappeared under the Bush economic plan, millions more Americans have slipped out of the middle class and into the category of working poor. They include the over 3 million new Americans without any health insurance. They are the families who work two jobs to pay the rent and put food on the table, the same people who actually are seeing their taxes rise under the Bush plan, the ones who are losing education and health benefits under the Bush plan. They are the 8 million children stripped of benefits by the Republicans in this House. All the while the Republican bill will ensure millions of new rich Americans will pay no taxes.

They are the people referred to by the conservative Wall Street Journal as the "lucky duckies."

Class warfare is putting interests of the richest 1 percent of the people, including those millionaires who shelter their income in overseas accounts and pay no taxes, over those of hard-working poor people in this country. I had always been taught that it was women and children first. But in this sinking ship of the U.S. economy, the Republican ship captains are letting women and children go down with the ship while saving the strongest first.

In fact, Republicans refuse to eliminate a corporate tax loophole that allows corporations to escape U.S. taxes by filing shell corporations overseas. Democrats wanted to change this by

ensuring that 8 million children receive fair benefits while eliminating tax loopholes that hurt the U.S. While these children will not get the average \$93,000-plus tax exemptions that millionaires will get, they do deserve some help. Democrats have a plan while Republicans have a scapegoat.

But let me hand it to the Republicans and President Bush. They have been adept at telling working men and women that their economic ideas will elevate them, when in reality it will give them the shaft. Not only are we literally taking money out of the hands of poor children; we are doing it to provide a tax credit to the richest 1 percent of Americans while blowing a hole in a deficit and not creating jobs.

In fact, even the conservative Wall Street Journal again states the Republican tax package will not create jobs. They argue that the President's plan is a "no go on job creation" and that the elimination on taxes on dividends will diminish the abilities of businesses to take tax incentives on capital investments and R&D, things that actually create jobs.

Even the President's own outside team of economic consultants stated that the surging deficits caused by his bill will actually "do more harm than good" as "surging budget deficits would raise interest rates and lower savings rates and actually discourage job creation."

So while Republicans like to keep stressing this is another \$350 billion windfall, they ignore other important numbers such as \$450 billion and rising, our annual budget deficit; \$1 trillion, what this will add to our national debt because of the high interest payments we will pay on borrowing this money for a tax cut for the rich; 563, the number of jobs lost every working hour of every working day since President Bush has become President.

This tax bill was bad for the American people when we passed it, when it was signed into law, and it will be bad for the history of the United States.

2.7 million—the number of private sector jobs that have been lost since Bush took over
8 million—the number of children who will lose benefits from the tax bill because of Republican chicanery

150,000—the newly unemployed in NYS since Mr. Bush assumed the presidency

120,000—the newly unemployed in NYC since Mr. Bush assumed the presidency

30,000—the newly unemployed in Queens, NY since Mr. Bush assumed the presidency

16,000—the newly unemployed in the Bronx since Mr. Bush assumed the presidency

Democrats opposed the first Bush tax cut claiming it would do nothing for job creation and blow a hole in our national budget, we were right then, and unfortunately, we will be right again

It gives Democrats no joy to watch as the Republicans squander our nation's resources, bankrupt our nation and overtax the middle class, but it is what Republicans from President Bush on down are doing.

The American public must demand a more accountable government, one that puts the interest of workers over millionaires.

Republicans refuse to listen.

So if America wants a real economic recovery with real job and wage growth, then we must add President Bush and the Republican Congress to the growing list of the 2.7 million people who have lost their jobs because of the misguided policies of the Republican party.

Fairness is not stealing from poor children.

Fairness is not overtaxing the middle and working classes.

Fairness is not encouraging millionaires to pay no taxes while we lose 563 American jobs an hour.

Fairness is not what the Republican economic package is about.

It is a shame and Congress, if it had any honor, would work to resolve the stolen benefits of those 8 million children as well as create jobs for those 2.7 million American unemployed adults.

MILLIONAIRE TAX BREAK LEAVES CHILDREN BEHIND

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

Mr. McDERMOTT. Mr. Speaker, in this business you can tend to talk in big numbers, and you can talk about big issues and a lot of other things; but very often some of the most poignant and powerful things come to you in the mail or in e-mail.

All the Members of the House walk around with these Blackberrys on their waist, and I got an e-mail today from a woman in my district. I really do not know how she got my e-mail. I am sort of surprised by that, but she is pretty creative. But she says: "Our government should stand for basic fairness and justice. That is why I do not understand why families earning between \$10,000 and \$26,000 per year would be excluded from receiving the \$400 per child tax refund that the wealthier families will receive this summer just so millionaires can have bigger tax cuts."

She gets it. She understands that we have taken money away from the people at the bottom and said we are going to give it to the people at the top. The American people understand.

She went on to say: "As a constituent I ask you to please amend President Bush's unfair tax cut plan to include these poor families and their 12 million kids."

She even has the numbers right.

To leave the tax cut as it is brings too much shame upon this great Nation. Then she adds: "I know this firsthand. I have a son trying to support a wife and two children on \$11 an hour."

I sat down and figured out what that amounts to. That is \$22,000 a year in Seattle, which is a very high-cost area to live in, and they are trying to live on less than \$2,000 a month. They pay taxes. They pay the FICA taxes. They pay for their Social Security, and they pay for their Medicare. They pay 7 percent of that \$22,000. So that means every year they pay \$1,400 in taxes. I do not know how much they pay because I

could not get to them. I called them. I could not find out if they paid any income tax or not, but they are paying taxes.

And the President and the group who put this bill together, I cannot understand how you could look at somebody in the eye who is working full time, has a wife and two children, the wife is staying home taking care of the kids, how you could look at them and say, We are not going to give you one thin dime. I mean, that takes a real heart of steel or rock. But we are going to give you who have a million dollars, we are going to give you \$93,000.

Now, think about the unfairness of that. People want to talk that this is class warfare; that that is warfare on working people who are trying hard to get there. Now, the President says we are not going to leave any child behind. He stood right in here and I was moved by that. I thought, as a child psychiatrist, I thought how wonderful to have a President who is not going to leave any child behind. And then I saw his budget. He puts the bill out here, and he told us how much it was going to cost to do this education program, Leave No Child Behind; but they gave \$9 billion less than was necessary.

Now, I do not know how he figures that we could have a program where we are not going to leave anybody behind, but we do not put out the money that we say we need.

□ 1930

That is this family, this family. These kids need an education.

Tell me, how are their parents going to put any money aside so that they can go to college? They are making \$22,800. What is the likelihood that they are putting money away for those kids to go to college? One does not have to be a rocket scientist to know that they are spending every dime on rent and food, or maybe they are buying their house.

I hope they have got a house, although it is pretty hard to get a loan when a person only has that kind of income. But let us hope they are buying their house and they have got food for their kids and clothes and some gasoline for the automobile, maybe the car payment, and what is left after a person has \$22,800?

People came in here and rammed this bill through. It did not have a hearing in the Committee on Ways and Means. They were not going to let us do that. We had 2 hours of debate and out she goes, and then they send us home and the President signs it and hopes nobody figures out what is in the bill.

This lady figured it out. She is not stupid. Her kids are not stupid, but the Republicans think they are, and they are not going to get away with that. The American people are not going to stand up for this.

TAX CUT WILL NOT BOOST ECONOMY

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART). Under a previous

order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, today we stood here and we debated the amendment that would outlaw burning the flag and everybody stood on the floor or everybody, those on the Republican side of the aisle, stood on the floor and talked about liberty and justice for all as we pledged allegiance to the flag. Clearly, that liberty and justice for all applies sometimes and not at tax time.

I have been fortunate to serve as a new member of the Committee on Ways and Means, and I sat through hearing after hearing after hearing about the tax cut; and in the hearings it was said that the tax cut would boost the economy. Several times we reminded the speakers that were speaking that the 2001 tax cut did not boost the economy, so what makes them think that another tax cut, again in 2003, will boost the economy?

The real unfairness of the situation in some of those debates was the issue about dividend tax cuts as it impacted low-income housing tax credits, and we pushed them on this and we pushed them on this. Oh, I am not sure it is going to have an impact, but all of us understand that right now people are investing in urban communities because of the tax credit they will get, not because that they are such dogooders.

That brings us home to where we are right now, where we have families who make between \$10,500 and \$26,625, and they will not benefit from this tax cut. It is a shame. It is not justice for all, and we need to bring them out. We need to pull the sheet off this mess that we have here. We need to open the doors to daylight. We need to let the American people understand that the working folk that make between \$10,500 and \$26,000, that pay the same \$2 for gasoline, that pay the same \$2 for a loaf of bread, that pay the same \$7 for a pound of meat, that pay all the same things that the millionaires pay, well, maybe the millionaires pay more because they can afford to get more exclusive-type things, but those people are not going to benefit from this tax cut. They are not going to be able to get that \$400 and run out the door and buy their kids some new shoes or clothes, or buy more stuff or put some more food on the table.

This tax cut, as it is presented, will not boost the economy, and surely it is not going to boost the lives of low-income American families, and they will pay.

REALITIES OF THE TAX CUT

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting, as I follow

my colleague, I believe that the comments made by so many are so accurate on the question of what we are doing in this House and the importance of taking care of the people that we have come to be responsible for.

It is really a question of what are the challenges of this body and who do we owe our allegiances and responsibilities to in terms of the American people. Frankly, I believe that all of the American people look to this body to be fair and equitable, and it is interesting that we take the time to allegedly address concerns that we believe that they are interested in, but leave a lot on the table while much goes long-ing for our attention.

I would ask this body to look at the conditions that we are in in 2003 and compare them to conditions over the last almost 15 years or so, from 1989 to 2002. Under President Bush, Sr., we see unemployment skyrocketing above 8 percent. Under President William Jefferson Clinton, in an 8-year term, we can see that the unemployment of this Nation, impacting everyone, went down to a bare minimum of under 4 percent. It means that the economic policies that were generated the last 8 years created jobs.

I am reminded of a very strategic vote in 1993 when we were peaking in unemployment, and lo and behold, there was a very vital, strategic decision by the Democratic Caucus and President Clinton to make a decided vote on behalf of the American people, a budget vote that saw the economy skyrocket to success and unemployment go down. Now we find ourselves in a predicament, skyrocketing deficit, a budget that does not seem to be able to be complied with and unemployment shooting through the roof.

With that backdrop, Mr. Speaker, what did we do before the Memorial Day holiday? No, we did not invest in human resources, hospitals and clinics, health insurance for all Americans. We did not invest in infrastructure, building highways, freeways, roads, enabling our railroads, enabling our various modes of transportation, providing greater access for the working community of America. We did not create jobs by investing in homeland security, even in the backdrop of a Red Alert.

What we did was compress a \$550 billion tax cut, which by the way, Mr. Speaker, I believe will ultimately result in a \$1.6 trillion tax cut which makes the deficit soar deeper and deeper downward. No. We decided to pass a \$350 billion tax cut. That was in name only because, as I said, I believe it is really \$550 billion and ultimately \$1.6 trillion, in light of skyrocketing unemployment.

We have argued, of course, that this will generate into some mode of opportunities for all Americans, but let me share with my colleagues the word of Warren Buffett on that tax cut, as he pointed out that the tax cut by the administration, the Bush administration, suggesting that it would create jobs,

remember I mentioned to my colleagues that we have got a skyrocketing unemployment rate, Mr. Buffett, who is the richest or second richest in the Nation, he says that the administration's tax plan was like a manager saying we are going to grow our earnings 20 percent a year. They do not have the faintest idea, in my view, of how many jobs this is going to create. How could they? Economics is not precise.

So when Democrats had a tax plan that directly invested in infrastructure, health care and homeland security, we knew what kind of jobs we would create. We have got a pie-in-the-sky plan. So what do we do, Mr. Speaker? We come together. Democrats stand on the floor of the House into the wee hours of the morning on Friday preceding the Memorial Day holiday, begging for reality, begging for sense to be made and saying that the least of those have been left out.

Of course, we were demagogued, castigated and suggested that this was not the time. Well, Mr. Speaker, let me tell my colleagues who we have left out, as I mention to my colleagues these numbers very quickly: 11.9 million children, 6.5 million working couples who qualify for the earned income tax and 8.1 million taxpayers.

Mr. Speaker, we should pass the Rangel-DeLauro-Davis bill that provides a minimal child tax credit for these left out souls, and we should take away this tax bill that does nothing for a great number of Americans who work every day for us.

INJUSTICES OF THE TAX BILL

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

Mr. ALLEN. Mr. Speaker, I rise today to speak again about the injustice of President Bush's latest tax cut bill. It is really amazing what he has done to families with children earning between \$10,000 and \$26,625. They are not treated like American families who earn larger sums than that.

I want to quote from the editorial today in the Bangor Daily News in my State of Maine. The editorial reads, "On the day President Bush signed his latest tax cut bill, astute observers noticed that the increase from \$600 to \$1,000 in the package's child tax credit would not apply to children of the working poor. Families with incomes under \$26,625 will remain at \$600. By leaving those children at the lower level, did the tax cut crafters really mean to imply they were worth only three-fifths of richer kids? Did someone have an awful sense of symbolism or are they trying to tell the public something?"

Three-fifths. If families earned between \$10,000 and \$26,600 a year, they get three-fifths of the tax cut, the child tax credit earned by people earning over \$26,000 a year.

Now, just coincidentally perhaps, that is the way slaves were counted in the Constitution. When the Constitution was written, slaves were to be counted as three-fifths of a person, and today, under the Bush tax cut, children and families earning between \$10,000 and \$26,000 a year count for three-fifths of what children and families earning over \$26,000 a year.

It is an embarrassment. It is shameful. It is yet one more example, if any were needed, that this administration is on a relentless quest to treat the very wealthy in this country differently, in fact, to transfer as much money as they can from middle-income America to the richest people in the country.

It would have been easy to correct this problem, very, very easy. Let me give my colleagues one example.

The cost of the deleted low-income child tax provision is \$3.5 billion. It is 1 percent of the official cost of \$350 billion for the final bill, and it could have been easily made up by reducing the top income rate by 0.1 percent for 3 years, because for each 0.1 percentage rate that the top rate is reduced, the cost is \$1.3 billion. That is all it would take, 0.1 percent less to the top rate. This is all it would have taken, and people with incomes over \$1 million a year on average would get, instead of a tax cut of \$93,500 a year, they would get an average tax cut of \$88,000.

In other words, for a reduction in their tax cut of \$5,500, we could have reached 12 million children. We could have reached all of those children in families between \$10,000 and \$26,000 and given them just the same tax cut that go to families earning more.

□ 1945

It is unbelievable, it is appalling that once again the administration has taken this approach.

I would just say that it is obvious from this example and others that this is not a tax cut designed to increase economic growth. Its primary purpose, given the huge deficits, given the fact that every dollar of the tax cut is borrowed, borrowed from our children and grandchildren, it is obvious once again the whole motive here is to drain the Federal Government of revenues so that we will not have the funds to fund education the way we have in the past, so that we will cut veterans benefits, as reflected in the President's budget, and so there will not be sufficient funds to maintain Social Security and Medicare in the way in which they have been funded in the past.

This administration and the Republicans in Congress are engaged in a determined effort to reduce the size of the Federal Government at the same time that they are increasing the wealth of the wealthiest people in this country. It is embarrassing, it is shameful, it should stop.

TAX CUT

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under

a previous order of the House, the gentleman from Washington (Mr. INSLIEE) is recognized for 5 minutes.

Mr. INSLIEE. Mr. Speaker, I believe it was Mark Twain who said that humans were the only species that had the capability of feeling embarrassment or needed to, and I think that we are going to see many of my friends across the aisle in the Republican Caucus who have sincere and legitimate embarrassment about what they did at about 1 a.m. awhile back when they passed the tax cut that is so grievously unfair to 12 million children and 8 million families in this country.

You have heard, Mr. Speaker, previous Members here address the fact that this child care tax credit was left out for these families earning \$10,000 to \$26,000 a year. I think in doing so, the Republican Caucus has given a new meaning, a new definition to the term women and children first. The "women and children first" principle used to mean that you take care of those who are least capable of caring for themselves first. But the Republican Caucus has given a new definition of that term. It means that you cut out and you give tax cuts to everyone else first and children last.

Because what happened here is pretty obvious. It is pretty clear that the Republicans had a choice to make. They decided that they were only going to do a tax cut with a total cost to the Treasury of \$350 billion, and they had to make a decision at the last instant who to deprive of the tax cut. They had a clear choice to make. They could cut .1 percent, or 1/1000th of the amount of the tax cuts given to millionaires, or they could decide to deprive it and not give children the benefit and those families earning \$10,000 to \$26,000 a year. They decided to deprive the children of that benefit rather than the millionaires who were paying these taxes.

They now are rightfully, sincerely, and I think greatly, embarrassed by this disclosure that has now come out from this middle-of-the-night tax cut that was passed. And why did that happen? Why did that happen? It is not because the Republicans are not good folks. It happened because this tax cut and its bottom line, its basic theory, was not an economic principle or an economic plan; but rather it was a knee-jerk fixation, an ideological predisposition to starve the government and to do a disproportionate tax cut that is not in keeping with the needs of working families.

What I mean by that is if you were going to do a tax cut that had an economic theory behind it, you would give tax benefits to these working families that are going to turn that money around and get it right back into the U.S. economy. These are the first families that ought to get a tax cut, not the last. The reason they are the first families is that these are the folks that are going to get the money right back into circulation.

But in the Republican plan it is the last group that gets tax relief. The reason is because this plan was based on an ideological fixation that they want to starve government rather than the economic theory of getting money back into the U.S. economy. That is why it is doomed to failure. That is why their last tax cut produced nothing. That is why we have had 2½ million new lost jobs after their last tax cut, and that is why this one is not going to be any better for the U.S. economy.

Mr. Speaker, we need an economic plan to grow jobs, not an ideological fixation; and we need to help children first, not last.

UNFAIR TAX CUT

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

Mr. GEORGE MILLER of California. Mr. Speaker, the billion dollar tax cut that President Bush signed into law last week was supposed to give everyone who pays taxes a tax cut. In fact, President Bush said, "My jobs and growth plan would reduce taxes for everyone who pays income taxes." The President declared that several weeks ago.

Well, now as it turns out, that is not exactly the truth; and the devil is in the details. Because what the President did not tell the American public and what he did not tell America's families waiting for their tax cut was that a back-room deal he struck with the leadership in the House and the Senate, a bill that was sent for his signature, excluded 2.5 million taxpayers and 12 million children from the benefits of this bill. These are mostly single-parent households, with a child 16 years or older, that earn between \$10,000 and \$26,000 a year.

It was not a mistake. It was not an oversight. The Republican tax writers who crafted the final compromise all by themselves, with no Democrats in the room, under the supervision of Vice President CHENEY, made a conscious decision to roll back the benefits of the child tax credit for 12 million children to save \$3.5 billion. And they did not take that savings and put it into the Treasury against the massive deficit they created. They took that \$3.5 billion, and they gave it to corporations who run overseas to avoid taxes; they refused to close the Enron loopholes that destroyed corporations and many people's retirement. They took that money from those 12 million children, and they gave it away so that they would not have to close corporate tax loopholes.

Now, what does this mean, and why are we here late into the evening to discuss this matter? Why have so many Democrats lined up to speak on this matter? Because this is an issue of basic fundamental values about our families in this country, about equity,

and about fairness. And the Republican tax bill violated all of those values. They made a conscious choice to take families, a husband and a wife earning \$15,000 to \$20,000, a little bit more, raising a couple of kids, a single parent raising a couple of kids, who are struggling to get by in a tough economy, and they decided that they were simply going to exclude them from the benefits of this tax bill. They were not going to give them the child credit.

Now, Congress had made a decision over the past many years, from Ronald Reagan on, that we should have a child credit; that we should try to help offset the cost of raising children for middle-income families and lower-income families and that has been the policy in this country on a bipartisan basis. But this extreme Republican leadership in the House, along with Vice President CHENEY and now the Republican leadership in the Senate, decided that these children had less value than other children in the Nation.

What kind of person makes that decision about these children that they do not even know, about these parents struggling to raise their children and to pay their health care, to educate them, to provide them the necessities and maybe a little extra on salaries that do not exceed \$26,000 a year? What kind of mind, what kind of person was in that room that night when they made a decision to deny these children, to deny these parents this increase of \$400 in a tax cut to come this summer, that these children and these families would not get to participate in? It is a corruption and a corrosion of any sense of the public interest. It is a corruption of the process of this Congress that they would do this in the middle of the night in a secret deal and tell no one.

It was only after the President signed the bill did they have to admit that this was what was done. First they tried to say it was not true. First they tried to say that this did not affect these families. They were playing a little fast and loose with the truth down at the White House that day through the President's spokespersons. Well, the truth came out. Twelve million children denied the benefits of the child tax credit.

This is extremism at its far point. This is a denial of the value of America's families at the extreme. This act must be overturned. It must be overturned soon so that these families too can get that \$400 check that they are entitled to under the laws of this land and a decent system of fairness and equity.

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

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

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

(Ms. DEGETTE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TAX CUT UNFAIR TO HISPANIC POPULATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, last week, the President signed into law one of the largest tax breaks ever for the wealthiest Americans. He did so at a time when unemployment is on the rise. Since President Bush took office, approximately 2 million jobs have been lost, and the Hispanic community has been hit the hardest with a rising unemployment rate of 7.5 percent compared to 6 percent for the general population.

People want to work, but the jobs are simply not there. Instead of pursuing policies to stimulate the economy and create jobs, the administration and the congressional majority have pushed through a plan that includes a tax cut that does nothing to address any of these financial problems and worries that are facing millions in this country.

While making false promises to create jobs and stimulate our economy, these tax cuts are targeted primarily at large corporations and the wealthiest of Americans. Those that are earning \$1 million a year will see a tax cut of over \$100,000. Half of all Latinos in this country report having an annual household income of under \$30,000. Under the Bush tax plan, some of these wealthy individuals will see a tax break that equals three times what these families make a year.

We understand that people who pay taxes deserve a break, but we have gone from record surpluses to skyrocketing deficits. We cannot meet our obligations to support critical health and education programs. And a tax cut this size does not make any sense whatsoever. We have chosen also not to pay for the war. We have chosen to put it on the backs of not only those that are our young people out there defending our country but on the backs of their children.

We now also find that in addition to favoring the wealthiest of this country, the administration's tax plan excludes those who need the assistance the

most, low- and moderate-income families. Families making between \$10,500 and \$26,625 a year are now, under law, excluded from collecting the \$400 child tax credit. Those who could benefit the most from the tax credit will in fact get nothing.

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Mr. Speaker, I have difficulty comprehending the philosophy that brought this about, trying to exclude the ones at the bottom of the totem pole. While others enjoy a tax cut, these individuals who make under \$26,625 will not. The median income in my district is \$22,000 so more than half of my constituency will not see a cent. For Hispanic families, this means that roughly 1.6 million, or 30 percent, of all Latino families who otherwise would have been eligible for the tax break are now no longer going to qualify. The child tax credit has long been crucial for Hispanic families, working families, who are deeply affected by the tax burden.

While 85 percent of Latino males are in the workforce, the largest percentage for any ethnic group in the country, many Hispanics work in seasonal, low-wage jobs, and the majority of Hispanics do not participate in the employer-sponsored retirement plans, nor do they own stock. How can the administration argue that this plan helps working men and women when working families are the ones that are left out?

The Latino community may not be one of great wealth, but we are the future of the economy and the workforce, and the Latino community deserves the respect of our leaders and deserves a fair share of any proposed tax relief plan, not just the crumbs left over from the Nation's wealthiest few. What we can do is, we will fight to fix the wrongs of this tax bill not only for Hispanic families, but for all Americans.

I am pleased to be here tonight on behalf of the Hispanic Congressional Caucus, and I am pleased to have members of the Congressional Black Caucus with me.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS) and I thank the gentleman and the Congressional Black Caucus for also participating tonight and discussing some issues that confront our community.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman not only for being here tonight, but also for the tremendous leadership you provide as chairman of the Hispanic Congressional Caucus. I have been pleased and delighted to note many evenings when I have seen you talking about not only health care, but talking about education, talking about the needs of people across the board; and I have been gratified that all evening we have seen an array of individual Democrats take to the floor, and talk about this tremendous tax break that we saw just before we left to go on vacation, go to our districts over the Memorial Day holiday.

It is amazing to me that we have heard about Leave No Child Behind when we have left millions of children, just with this one act, this one tax break for the wealthiest 1 percent, the wealthiest 5 percent, we have left millions of children behind, all at one time.

It is amazing also to hear people who do not want to pay taxes. I do not know how in the world we expect to have the kind of country, to have the kind of democracy to provide the kind of services without individuals paying taxes. Oliver Wendell Holmes supposedly said one time that taxation is the price that we pay for a civilized society. And then to hear people talk about those who do not pay much do not need breaks, or to hear colleagues suggest that because individuals are not in a position to pay much in the way of taxes, or as much as some others, that they do not deserve.

We hear talk about stimulating the economy. Whoever heard of stimulating an economy by giving back to the wealthiest individuals, who could not possibly have a need to spend any more money.

When I was a kid growing up, my mother used to make soup, and if she wanted to stimulate that soup, she would take her spoon and go down to the bottom of it and stir things up. When she would stir things up, the flavor would ignite and the aroma would penetrate the whole house.

So it would seem to me if we really want to shake up the economy, we would go down to the bottom, provide something for those people, raise the minimum wage, put some money in the pockets of individuals who are trying to make it. If we do that, then it is clear to me that those individuals are going to take the additional money that they have and go to the supermarket and buy milk for their children, or you are going to find people purchasing Pampers for the babies, or they are going to run to the barber shop and get a haircut or go to the beauty shop and get their hair fixed. Those individuals are going to put money back into the economy. If we have money in the economy, it means that money is going to go from one place to the next place to the next place.

I have always been told that money in neighborhoods is pretty much like blood to the body. If all the blood runs out of the body, you are going to die. Or if too much of it is in one part of the body, you are going to get sick because it is not circulating properly. So if too much of the money goes to one segment of the population, then of course the economy is going to get sick. If we have a sick economy, as we do right now, somebody is going to suffer. It really means that all of us will suffer because we have an imbalance.

But if we have things moving around, if those at the bottom are running out to the store to make their purchases, then the guy at the supermarket gets

the money and can go and pay down on a house or can get a mortgage. Now we have got things percolating. We have got things moving. I think that is really what we need to be doing and not talking about this trickle-down, failed economic theory that we know does not work.

I mean, once again, coming from the top down and saying that we are going to get some investments, after we have had three tax cuts. We have had three breaks, three cuts, and rather than stimulating job development, we have actually lost 2.7 million private sector jobs since President Bush took office. That is 2.7 million private sector jobs.

So what is there that is going to cause one to believe that another tax break is going to stimulate the economy in such a way that we can create jobs? And so I agree with the gentleman that what we really need are policies that work, policies that will stimulate movement.

I represent a congressional district that has lost more than 120,000 good-paying jobs, manufacturing jobs, over the last 20-30 years. Many of those jobs went by way of NAFTA. They went by way of Fast Track, went to other places, and now people are unemployed wondering what it is that they can do. I just do not have faith in the trickle-down theory. It has not worked, and will not work. I do not think there is any way it is going to work, and we have to have a new order.

Mr. RODRIGUEZ. Mr. Speaker, the gentleman has done a beautiful job of explaining our situation that we find ourselves in, and I want to share with Members that one of the things that we also understand in this country is that our infrastructure is hurting. One of the good ways of stimulating the economy, and we know from the last time we passed the transportation bill that there are \$300 billion to \$600 billion that are still needed for the dams that are almost 60 years old. Our bridges are in jeopardy, our infrastructure in this country where we could not only create jobs, but we could also invest in the next generation of kids instead of handing to them the debt that we are creating, but also handing them the infrastructure that is decaying.

We had a bill that would have allowed us to invest in schools. Our schools are 40-50 years old, built prior to the microwave, and we know that schools need more outlets for computers. There is a need to do that, and yet we have chosen not to do that. There is a real need for us to look at how we could have turned the economy around by creating jobs.

I had today a lot of contractors that were lobbying up here about the difficulties that they are having with construction jobs. Here was a great opportunity to invest. Not to mention in homeland security, there is a need where our Federal buildings, our State buildings, there is a need to look at them from a national defense perspective, to build the things that are need-

ed to make sure that they are more secure. They need the resources, and we have not allocated the resources in homeland security which could create jobs. We need to ensure that our bases throughout the country have adequate construction which allows them to be secure.

The gentleman also mentioned the importance of leaving no child behind. As the gentleman well knows, we have already left children behind. The bill that the President promised, he promised this country that his priority is education, is \$9 billion behind his funding. There is a real need to concentrate on those programs which would have allowed that money to be turned around.

As we cut taxes on the Federal level, I know back home in Texas they are cutting taxes, too. Yet the local communities, the local school boards, the local counties are having to look at how are they going to be paying for securing our cities, what are they going to be doing to secure our Nation.

I wanted to thank the gentleman for making those comments. We have misprioritized the tax cut, and I know this administration, their whole first year was spent on the priority of a tax cut based on the false premise of a supposed surplus that was going to continue for the next unforeseeable future. We had it under Clinton, but under this administration right after they came, we started downhill, and it has continued.

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It has continued. Now they come back and now they have another tax cut, and now we are hearing that they might even come back next year for another tax cut.

Mr. DAVIS of Illinois. I have no doubt that they are going to come back. That is because there seems to be a feeling, or they have some notion, that somehow or another you can get something out of a turnip other than turnip juice. If you do not make the right kind of investments, put people to work and balance things in such a way that everybody can benefit rather than these policies where the rich just simply get richer, the poor get poorer and everybody else gets squeezed; and that seems to be the approach.

I am not an expert on economics, but it is crazy to me. I mean, we look at all of the places where we need to make investments. Our infrastructure. If you do that, people are working. And if they are working, then things are being shaken up and can be moved about. If you are just waiting for something to happen from on high and say that there are these theoretical investments that we expect people to make and they may or may not make them, but you know that if people have needs and are able to take care of those, you do not have to wonder about that. You know that the guy with six children who needs milk is going to the supermarket if he has got money. That is

not a theory. That is an automatic. Or you know that children who need books to go to school, if they have got the money, that the families are going to invest in the education of their children. And so to me it is just a wrong-headed approach. It is an elitist approach. It is an approach that somehow or another does not deal with the realities of life, that is mythical, that is kind of a now you see me, now you don't. It is sort of a shell game. It is a sham. It is not good for the American economy, it is not good for the American people, and I think there is no alternative except to change it.

Of course, we know that in order to change it, we are going to have to change some of the individuals who are leading it. That is, we have got to put some different people in place so that those individuals will make different decisions. Yet we get accused of starting class warfare. I hear people talk about class warfare. I was studying something about political philosophy, and I read something that a fellow, Voltaire, supposedly said. He said that the purpose of politics as he understood it was for one group of people to take as much money as they possibly could from another group and handle it differently. That is called the Voltairian philosophy. And when you take from the poor who need the most and give to the rich, I do not know what you call that. I guess greed would be about the best way to characterize it, and I think that is a real problem. And the only way that we stop it is to change the way we not only see things but also to change the way that we do things. I think we can do that because the American people will see the difference. There is an old saying that says, Fool me once, shame on you. Fool me twice, shame on me. I do not think the American people are going to be fooled to the extent that they will allow the same policies and practices to continue because then it will be shame on us.

I think the kind of leadership, though, that you provide is going to continue to help us to move away from that and certainly the kind of leadership that the gentlewoman from California (Ms. PELOSI) provides is going to help us move away from that. And so when I see people like you and I see people like her in leadership displaying the kind of energy, the kind of tenacity that you display, then yes, there is hope not only for this House but there is also hope for America. It has been my pleasure to join with you this evening.

Mr. RODRIGUEZ. I want to thank the gentleman from Illinois (Mr. DAVIS) for joining me here tonight. We have also been joined by our leader. I know she has been working all day and just has come from a major meeting that she was attending tonight. I do want to thank her for joining us tonight. We have been talking a little bit about our concerns with the tax cuts.

Mr. Speaker, I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I commend the gentleman from Texas (Mr. RODRIGUEZ) as chair of the Congressional Hispanic Caucus for calling this Special Order tonight. I am pleased to join him and our colleague, the gentleman from Illinois (Mr. DAVIS), and commend both of them for speaking out for America's children, for speaking out for all of America's children.

A couple of weeks ago, we experienced a very sad evening here in the House of Representatives. The Republican majority insisted on foisting irresponsible and reckless tax cuts on the country that were fiscally irresponsible, which instead of investing in our children indebted them for years to come. It was not bad enough that they were fiscally irresponsible, meaning that we would never be able to pay off the trillions of dollars of indebtedness that was incurred; but lo and behold 1 week later it was revealed, after the signing of the bill, that children of minimum-wage-earning parents did not get the additional child tax credit. How could it be that we would say to the children of working families in our country that their parents do not make enough money for them, the children, to deserve a tax credit? The very people in this body who oppose raising the minimum wage say to minimum wage earners, You don't earn enough for your children to get the tax credit. Think of the irony of that, the Catch-22 of that. Not only do those children not get the tax credit but also the children of our men and women in uniform, many of whom will not qualify for this additional tax credit for their children.

Earlier this year before the hostilities began in March, I had the occasion and privilege to visit our men and women in uniform in Kuwait, in Qatar and in Turkey. I saw firsthand their courage, their patriotism, and the sacrifice they were willing to make for our country. How do we tell them, many of whom have left their jobs but do not make enough money to qualify, that their children are not worthy of a tax cut, when they are risking their lives for our country? The Democrats have a better idea. Democrats under the leadership of the gentlewoman from Connecticut (Ms. DELAURO) are offering a package to help hardworking American families and a package that will create jobs. It will begin to repair the damage, which is a long road from the reckless and irresponsible tax package put forward by the Republicans. Overall, the Rangel-Davis-DeLauro bill will provide greater tax relief to the families of 19 million children in America, families making the minimum wage who are struggling to make ends meet.

In addition to restoring the child tax credit provision that Republicans dropped in the dark of night, the Rangel bill would make the child tax credit available to 1.7 million more families by providing that those earning \$7,500 or more could get the credit.

And now to our men and women in uniform. Under the Democratic pack-

age, the men and women in uniform, our package would make sure that our men and women in the military are not denied tax relief just because they are fighting in Iraq. Specifically, the bill would count combat pay for purposes of the child tax credit. Specifically, I repeat, the Democratic package would count combat pay for the purpose of figuring the child tax credit. Republicans enacted a \$350 billion tax bill, and growing; and yet they could not find room to make sure that our men and women in combat are able to take full advantage of the child tax credit. That is downright unpatriotic. I go a long way before I would say that about any action. The Democratic provision will create jobs and build a strong economy. It is the direction we should have gone, and I wish that this House had accepted the gentleman from New York's proposal to have unanimous consent to bring it up on this floor today and to have the debate.

Let us get back to those men and women in uniform again, though, and their children. Some of them that I visited had left their children behind. Other Members have traveled there since the war has ended; and they have told me of meeting some in the military, women, who have children 2 and 4 years old whom they had left at home because they were called to duty. They answered the call and now we are saying to them, Sorry, your combat pay does not enable you to get the tax credit for your children. I think it is our patriotic duty to them, for this Congress to be responsible and accountable for paying our debts. It is an act of patriotism to be fiscally sound and to pay our debts.

So my criticism of this bill is, in the larger sense, that it is fiscally irresponsible. We are on a binge of irresponsibility and recklessness when it comes to the tax cuts. The sad part of it is, it is a missed opportunity, Mr. Speaker, because if the Republicans wanted to have a tax cut that would create jobs, that would be fiscally responsible and would be fair, they could have. All they needed to do was look to the Democratic package, which is just that, fair, fiscally sound and fast acting in terms of creating a minimum of 1 million jobs this year. They chose to miss that opportunity and in doing so, I am choosing my words carefully, to insult the service of our men and women in uniform by saying, It's just not enough for you to get the tax credit that other children whose parents make more money than you do are entitled to.

Mr. Speaker, I again commend the gentleman from Texas for his leadership. He has been a champion for America's working families; and for our children, he has been a champion for the future.

Mr. RODRIGUEZ. Mr. Speaker, I want to personally thank the gentlewoman from California for her leadership, and I want to personally share with all Americans throughout this

country that she has been a breath of fresh air to all of us. I want to personally thank her because she indicated we wanted to make sure that if we were critical about anything, we wanted to make sure we had an alternative and we have had an alternative every time. I want to thank her personally for the hard work that she has done.

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Ms. PELOSI. If the gentleman will yield further, and our alternative is paid for?

Mr. RODRIGUEZ. That is right. Not only good alternatives, but alternatives that work and that are responsible. So I thank the gentlewoman for her leadership and coming out here tonight to join us.

I want to just share with all Americans that our leader, the gentlewoman from California (Ms. PELOSI), has been right there for us. I want to appeal to everyone to listen to the debate that is going on on the tax bill, because the debate on the tax is a serious situation. Whatever occurs on the tax bill determines what occurs on everything else. The tax bill is about the budget. The budget determines our priorities. So when this administration first came here in their first year, one of their first priorities and their main priority was the tax cut.

So, as we talk about education, as we talk about health care, as we talk about the veterans, the reality is that the number one priority was the tax cut. Everything else is secondary. So when we had, that first year, that \$1.3 trillion tax cut based on anticipated surpluses, then that started the downturn. That did not create any jobs; in fact, it was just the opposite.

This year, the same. They came at it with another tax cut. It seemed to be the only approach to any problem that exists out there is a tax cut.

As we well know, this particular tax cut is also an irresponsible tax cut because it is coming at a time when we are still at war, we still have not been able to reach out and seek out bin Laden, we still have a serious situation in Afghanistan, we have a critical situation in Iraq with our soldiers out there, and we still have a situation also that is serious in North Korea, as well as other areas.

So, as we begin to dialogue, instead of solving problems, and I feel very strongly that I get elected to come up here to solve problems, not create problems, and it seems like there was a sincere effort at not dealing with the problems that confront us, but looking at the situation and shifting away from those situations.

For example, I still feel very strongly the number one and two issues in this country are education and health care. Now, because of this administration, it is the economy. But those two issues have not been resolved. We still have a problem with education.

Although the administration went around campaigning for the presidency

on education, he is going to have to come back and campaign again. I am wondering what he is going to be saying, since the same bill that he signed is \$9 billion behind what he indicated he was willing to shake hands on and assure that no child would be left behind. Well, it is \$9 billion behind and it has left a lot of kids behind. Yet their priority seems to be the tax cut, and after that we find ourselves in debt and in some serious problems.

Let me share with you as I talk about the debt that I have also received correspondence from Raul Yzaguirre, Executive Director and CEO for the National Council of La Raza. In his report I want to read a couple of items on there, if I can. It is in small print, so I am going to have to put my glasses on.

But in his letter, one of the things that Raul Yzaguirre of the National Council of La Raza mentions is that regarding the President's signature on H.R. 2, the Jobs and Growth Tax Relief Reconciliation Act of 2003, a \$350 billion tax cut package, while the administration was touting this measure as an economic stimulus that would create jobs and benefit a majority of working families, House and Senate tax writers were making room for large cuts for wealthy investors.

The reality is that it is for the most wealthy of this country, instead of earmarking it for small business. Because even if you are a strong conservative and believe that the business community needs the tax cut, then you would zero in on small businesses. You would zero in on those small businesses that really create and help in the creation of jobs. Yet the reality is that the majority of those tax cuts did not go for the small businesses either.

Especially let me indicate that he also goes on to say that at the 11th hour, congressional negotiators excluded families earning between \$10,500 and \$26,625 for claiming the child tax credit increases. So we continue to have these difficulties.

I am glad that I am joined here tonight by a fellow colleague who works closely together on health care and has been a leader on health care, but I know that he also has some concerns on our tax cut.

I thank the gentleman for joining me, and I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas. I know how hard he works on so many issues, including health care, as well as all the issues affecting the Hispanic Caucus. I wanted to say again that I really appreciate the fact that the Hispanic Caucus has been here on a regular basis leading these special orders under your stewardship, because it is really important, I think, that we talk about not only how these Republican policies impact the general public, but also how they impact the Hispanic population.

I have to say that one of the things that amazes me about the Republican

tax bill is how they kept telling us, both the Republican leadership, the President, as well as different Republican colleagues, that this tax bill was going to be something that was going to help the average American, that it was going to stimulate the economy, that it was going to put money in the pockets of people so that they could go out and spend money and stimulate the economy, create jobs, all these wonderful things.

The first thing we read when we go home and you start picking up the papers during the Memorial Day recess after we had voted against this bill, because most of the Democrats, including the two of us, voted against it because we really thought it was not going to help the economy at all or do anything significant to create a stimulus, we read about how so many people, working people, people paying taxes, not people not paying taxes, people working, were not benefiting in any way, were not getting a dime back as a result of this so-called tax cut bill that the Republican Party put forward and that passed almost exclusively along partisan lines.

Now what I am getting from some of the Republicans is, oh, the fact that something like 12 million children or families with those 12 million children would not benefit from this child tax credit was somehow an oversight, that this was something they did not realize at the time, and all of a sudden they realize it. I guess in the other body now we have the chairman of the Finance Committee saying he is going to introduce a bill.

Of course, we on the Democratic side have introduced a bill, but we had no doubt from the very beginning that this was the case, because we knew that the way the bill was put together it was primarily focused on the well-to-do, on millionaires, on people who were making a lot of money. Now, all of a sudden, we see all these low-income people that are not benefiting in any way.

I saw this survey that was in Sunday's New York Times, and it really pointed to two groups. I know this has been mentioned many times this evening, but I want to mention it again. There were two groups that basically were not benefiting in any way from this Republican tax bill.

It said that not only were there the 12 million children who were left behind because their parents were not making enough, I guess they were making something between \$10,000 and \$20,000 a year, but there were also 8 million other—taxpayers who would not receive any benefit from the tax cut.

I just wanted to read from this article in the Sunday New York Times, if I could. These are three groups that did an analysis of it, the Citizens for Tax Justice, along with the Urban-Brookings Tax Policy Center, affiliated with the Urban Institute, and the Center on Budget and Policy Priorities. They

found that 6.5 million minimum-wage families with nearly 12 million children would not receive the \$400 per child increase in the child tax credit contained in the new law. Then it went on to say that there are 50 million households, 60 percent of all households in the Nation, who will receive no benefit from the tax law.

You understand, these are people that are working, these are people who are paying taxes, and they are getting nothing.

I will yield back, but I just want to say it is not only the fact that it is unfair in terms of the fact that lower-income, working people are not getting any money, but it is also the fact that the gentleman and I know that if those people got the money, because of their financial situation being the way it is, they are going to have to immediately spend it on food, clothing, whatever it happens to be, because they do not have any extra money.

What better way to stimulate the economy? If you are not even looking at it from the point of view of trying to help out people who are lower income, but just from the point of stimulating the economy, would that not be the best group to give money back to, because they would undoubtedly go out and probably use the money to buy something that would stimulate the economy.

Mr. RODRIGUEZ. That is what I find very difficult to comprehend, is if you really want to stimulate the economy, then you would put it in the hands of those individuals that would, as soon as they get it, spend it. There is no doubt that these are the type of individuals that would go out there and buy a pair of shoes that they need, buy additional groceries they might need, that would be getting additional items for the house.

These are not people that are going to receive \$400 and, like the wealthiest and others who are going to receive a lot more, that will just decide to keep it there and not spend it.

So we question this, and I think all the economists do, and I was even looking, prior to this, even Greenspan talked about the fact that he did not think it was a good idea to do this. Yet the administration chose to go and do that anyway.

So I think our economy is in deep trouble, and I do not foresee it getting any better. In fact, I was trying to figure out why would they be doing that. The only thing I can figure out, at a time when we are at war, that they are really basically wanting to put us on a real spot in terms of some of the programs, and it does put us in trouble funding the educational programs that are needed, the health care needs of our constituencies and our seniors, the needs in terms of our Medicare and Social Security recipients. Because I know that there is a real push there to try to privatize Social Security, and I know there are investment bankers that are looking to get their hands into that.

So that really concerns me, that there might be other motives involved in the process.

Mr. PALLONE. If I could ask the gentleman to yield further, there are so many levels on which you can point out this Republican tax bill really does not make any sense.

First of all, it is the idea, as the gentleman said, where the gentleman suggested this is all deficit spending. None of this money is there in the Treasury. This is all deficit spending, and it is borrowed from Social Security and Medicare trust funds primarily. So it jeopardizes our retirement and health funds for our seniors in the future.

In addition to that, by putting the Federal Government further into debt, you put an even greater drain than the economy. So there is nothing at that level that would help the economy.

Then, as the gentleman points out, if you are primarily giving this money back to high-income wage earners or people, it is not even wage earners, because a lot is going for the stock dividends, people that in many cases are investing in the stock market. We have nothing in the bill and certainly the Republicans were not going to suggest we were going to put anything in the bill that would say those people have to reinvest the money in the economy. They could easily go and invest it abroad, for all we know. We have no reason to believe those kinds of investments by high-income individuals are necessarily going to lead to any kind of job creation.

But then you get to the unfairness in terms of leaving these people out. To me it is just amazing.

I just wanted to say one thing, and that is that in yesterday's Washington Post they had the editorial many of us have read tonight that says "Children Left Behind." But the one thing it really does is totally belie the idea that somehow the Republicans in either House or the President overlooked this with this child tax credit, because the Washington Post editorial says:

Stiffing these children was not a last-minute oversight or the unfortunate result of an unreasonably tight ceiling. Adjustments had to be made, a spokeswoman for the House Committee on Ways and Means said, as if those on her side would have preferred otherwise.

In fact, the administration didn't include the provision in its original proposal, the House didn't include it in its version and the Senate Finance Committee didn't include it in its original package.

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The only reason there was something in here to provide this tax credit for these people between \$10,000 and \$20,000 was because BLANCHE LAMBERT LINCOLN, a Democratic Senator, a former Member, former colleague here in the House, insisted that it be put in on the Senate side; but then of course the Republicans took it out. So for anybody to say that they did not know what they were doing, it is purposeless.

Mr. RODRIGUEZ. They knew full well, because they had initially sub-

mitted the over-\$700 billion tax cut, and then they settled on that other.

But what concerns me is that in the process of having this so-called oversight, I am wondering how many other oversights we might have that we are still not aware of.

I know that there were a lot of special interests out here walking the halls and looking at loopholes they were looking for in terms of their own special interests, so I am just concerned about what other oversights we might have for some of those special interests that were roaming the halls during that time that were looking at that tax cut.

It really bothers me, and also in a way it kind of irritates me to think that someone would stoop to that low a level not to consider these individuals that are hardworking Americans that are out there making \$26,000 or less, but still hardworking. So would their kids not qualify for that child credit while someone else's would? It is incomprehensible.

Mr. PALLONE. Mr. Speaker, I think that Senator LINCOLN said that half the people in her State fell into that category. In New Jersey the average income is higher than that, obviously, but there are still going to be people in my district that are not going to get the credit, there is no question.

Mr. RODRIGUEZ. In my district, it is even more than half. My median income is about \$22,000, so more than half of my constituency is not going to benefit from that. Yet we see the data in terms of those that are making \$1 million, how much of the hundreds of thousands they are going to be benefiting from, not to mention in terms of their investments.

So this is no way in terms of stimulating the economy, and this is no way in terms of being responsible. At a time when we are at war, we ought to be paying for the war at the present time. We are not. Not only are we asking our young people to go fight the war and go defend this country, and they are ready to do that, but we are asking them to pay for it and getting their kids to pay for the debt in the future. That is not right, and that is not American.

So we need to continue to talk about these issues. I know that the gentleman works real hard on health care, and I know the gentleman wants to find a solution to health care. The gentleman is the type of elected official and public servant that comes out here to seek solutions to the problems that confront us.

Mr. PALLONE. If the gentleman will yield, the problem we are going to have now is with the second wave of Republican tax cuts. They are talking about even more. So much is being borrowed from the Medicare trust fund, and it is going to put it in such jeopardy for the future that it is just going to be that much more difficult to provide any expansion for Medicare, like a prescription drug benefit, for example.

I am really fearful that what we are going to see in the next few weeks that

the Republican leadership is going to come here and say, now that we do not have any money in the Medicare trust fund, we are going to have to start coming up with innovative ways of saving dollars.

That is when they start talking about vouchers and telling seniors that they have to take a voucher and go out and buy their own health insurance and privatizing Medicare, with the excuse that there is not the money left in the future. The reason the money is being drained is because of these tax cuts.

Mr. RODRIGUEZ. Exactly. And I think that as we look at especially next year, which is an election year, I can already see the administration going out there. I would like to see what he is going to be saying, responding to the fact that he promised our seniors a prescription drug coverage, and we still have not seen one that is a responsive approach.

I would like to hear what he is going to be saying when he talks about the quality of care in this country, when we have one of the best care systems in the world; and yet it is not affordable, and it is not accessible. I can already see them blaming the debt on the economy, when in reality they have created the economy and they have created it with irresponsible tax cuts.

Mr. PALLONE. They are already talking about a prescription drug plan that forces seniors, if they want any kind of prescription drug plan, to go into an HMO or some kind of private organization. It is a measly benefit even if you opt to do that. The reason is because they do not have the money because of all these tax cuts.

Mr. RODRIGUEZ. The reality was that their first priority was the tax cut their first year, and this year, and possibly next year. Their priority is the tax cut. After the tax cut and after the budget is gone, there is no need to talk about anything else, because that is the priority. It was not about solving the problems on education, solving the problems of our seniors in Medicare and the problems we were encountering there, solving the difficulties of prescription drug coverage; but it was all about tax cuts, which tells me that their priorities are not in terms of solving problems out there, but to basically look in terms of how they can benefit those that provided for their campaigns, the wealthiest of this country.

Mr. PALLONE. I want to thank the gentleman for all that he did tonight. I notice that the leader joined him at one point, and we had a number of Members who did the 5-minute Special Orders on this issue of the child tax credit.

Again, it is not because we want to beat up on our colleagues on the other side. This bill has already passed. But I think we have to point out the shortcomings of this legislation, because it is, as the gentleman says, the foundation for the whole Republican agenda here in this Congress.

It is going to wreak havoc, I think, not only with the economy, but with any kind of effort to provide for health care or shore up Social Security or any of the other things that I think are so important domestically for this country. I just want to thank the gentleman.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for coming out here tonight. I want to thank the gentleman from New Jersey (Mr. PALLONE) for being here with me tonight. I want to also thank the leader for being here tonight.

Let me share a couple of statistics that I have. One of the things that I would like to share with Members is just some data out there. The total job loss since President Bush took office has risen to a staggering 2.5 million private jobs, while cutting taxes for the rich and not extending the unemployment insurance.

The median Hispanic household, I will share that, being chairman of the Congressional Hispanic Caucus, will receive about \$30 as a result of the Bush tax cut, \$30, in comparison to the others.

So we have some real startling statistics that basically reflect that the reality is that this tax cut is a real irresponsible tax cut when there is no money there, when we are not paying down our debt. It just does not make any sense for us to be doing that.

I also wanted to share that at the same time that we are deciding to make the tax cut we are not being responsible in meeting the needs of our veterans, meeting the needs of our seniors in prescription drug coverage, or meeting the needs of Medicare. I am just going to wait and see what this President says when he is coming up for reelection next year.

Today, and I want to share with the Members, because we had an opportunity to hear some testimony in our Committee on Veterans Affairs from Dr. Wilensky, who did a report. She assured, or indicated, that the reality was that the present situation "is not acceptable," referring to our veterans programs.

One of the realities with our veterans programs is that depending on where they live throughout this country, they might not have access to the quality care that is available in other areas of the country, so we have what we call disproportionate forms of care in the VA. There is a real need for us to provide additional resources.

This particular report talked about the fact that the VA had not prioritized and was not meeting the needs of our veterans, because at this particular time our veterans, those World War II veterans and Korean War veterans and our Vietnam veterans, are reaching that age where they need us. The demographics show that there is a need for us to come up to the plate and be able to provide those resources. Instead of doing that, we are just doing the opposite, not coming up to the

plate, cutting taxes instead of putting those resources with our veterans where they need it the most.

I also want to share that we are also beginning to cut our nursing home care for veterans and put caps on that. We continue to have problems with homeless veterans, which is an atrocious situation that we ought to be working to solve. Instead of the tax cuts, we ought to be considering that. In fact, instead of providing the \$2 billion for health care for the Iraqi people, we ought to be looking at those \$2 billion for our veterans services.

When veterans are out there fighting and defending our country, a lot of them will suffer from post-traumatic stress disorders. Even New Yorkers and the people in the Pentagon and throughout this country after the terrorist attack, we really need to look at resources in the area of health to help these people cope with post-traumatic stress disorders.

I would attest that especially for the people at the Pentagon and the people in New York, there is a real need for us to reach out to them. I know that a lot of them might be going through nightmares and those characteristics of what later on might be defined as post-traumatic stress disorder. So we cannot take that lightly.

Events such as this, and our soldiers as they encounter and get engaged in Iraq and Afghanistan and elsewhere throughout this world, they will suffer from those engagements in a lot of different ways. We have to be there for them, and we have not done that.

When it comes to homeland defense, we could easily have put some resources there that would have created and helped stimulate the economy, because our States are hurting. We need money in homeland defense. Our first defense is going to be those local firemen out there throughout this country, those local policemen throughout this country, those local health care providers throughout this country. I think it is important that we provide them with the access resources they need.

Homeland defense also has needs, especially the Coast Guard. We have been negligent in not being responsive with our Coast Guard. They need additional resources. The INS and the Customs people also.

One of the things terrorists would want to do is not only instill fear in us, but also create a problem in our economy. We have to create a balance between security and trade. I represent the Mexican border, and we have to make sure that we continue to have trade. That becomes important.

ECONOMIC STIMULUS AND SENSIBLE FOREST MANAGEMENT AND LAND USE

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr.

MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I have been waiting now for about an hour, an hour and a half, reading back there and waiting for my turn, and have been witness to this constant pounding by the Democratic side of the aisle, taking cheap shot after cheap shot about the tax cut that, by the way, some of the Democrats supported; but even their leader came over here to take some cheap shots on this tax bill.

I am telling the Members, we have an economy that needs some stimulation. We have got to go out to the people that earn that money. The government does not earn this money. Contrary to what the Democratic leadership would like us to believe, we are not automatically entitled to the workers' monies in this country. This is not a Communist-type of country; this is not a socialistic-type of country, where we take money from people and make sure that no matter who works the hardest, it is of no consequence.

It is distribution of the money that is of consequence in a socialistic country. In other words, everybody is treated absolutely equal. There is no incentive for people to go out and work hard.

It is amazing to me that Democrat after Democrat has been up here at this microphone, and of course there is no time allowed for rebuttal until I now have the microphone. But for the last hour and a half, Democrat after Democrat has stood up here and said, gee, this tax cut did not go far enough. We need to include this group of people, even though they did not pay taxes. We do not want to exactly call it a welfare program, which is what it is. That may be appropriate under certain circumstances.

But all they want to do, they are saying, well, we need to expand it to this particular group of people. And then, mark my word, we may see even yet this evening or tomorrow, we will see them out here talking on the floor being exactly contradictory to that, speaking in a hypothetical-type of approach saying, gosh, look at what the Republicans have done to the deficit. Look at what the Republicans have done to the deficit.

□ 2100

The fact is the Democratic Party in general has never seen a tax cut that they support. The Democratic Party here as witnessed in the last hour, and I am not attempting here to get up here and engage in a partisan debate, but somebody has to stand up and speak for the other side. Somebody has got to stand up and speak for the moderates and the conservatives for the middle-income families in this country for the people out there that are working.

Remember when you distribute money, when this government takes money and especially when this government takes money and gives that money to people who are not working,

that money is simply a transfer. The government does not create wealth. Governments do not create wealth. All they are is an agent of transfer. So when the government gives money, under the Democratic plan gives money to people who are not working, they are taking that money from people who are working.

Now, I know most working people, in fact, almost every working person I have every talked to, they said they think at certain levels it is appropriate to take money from people who are working and give it to people who are not working, for example, I think, for somebody who is physically and mentally disabled to the extent that they cannot be in the workforce. Nobody disagrees that those people should not receive help from society. That is what society is about. That is what team work is about. But that is not what the leadership of the Democratic Party is about.

They constantly want to expand the welfare programs. They constantly want to expand the government programs. And their response to the needs of our society is let the government handle it. When it comes to health care, it is the Democratic leadership that calls about socialized medicine. When it comes to the situation on the international basis, it is the Democratic leadership that talks about a world order. It is the Democratic leadership that talks about giving up our sovereignty to the United Nations. Let the United Nations determine what is best for the United States.

There is clearly a distinction between the Democratic and the Republican parties. A lot of young people that come to me and they ask because they are at that point in their lives because they want to decide, gosh, should I be a Republican or should I be a Democrat. I say, let me explain because there are some clear differences. And the last hour and a half of listening to the Democrats bash these tax reductions as if the people who pay the taxes are not entitled to keep their money, that money is not government money. You can talk to the Democratic leadership until you are blue in the face, and they never get the message. That money did not originate on this House floor. That money originated with an iron worker or a taxi cab worker or a banker or a teacher or somebody in the military. Those are the people that made that money. We did not make that money here. We got the easiest jobs in the world in government. All we do is reach in that pocket and make that decision to transfer the money here. Someone else works for the money. That iron worker out there, for example, makes \$25 an hour maybe on a very risky job; and the government reaches into his pocket and takes money out of that pocket and redistributes a portion of that money that that man or woman makes as an iron worker.

Now, we have all agreed in this country that there are certain needs that as

a group, as a team, as a United States there are certain needs we should pool our money for and we should redistribute to help some of these, highways, for example, a justice department, a strong military, good schools, a welfare system for those people who really cannot work. Unemployment, not unemployment that last forever, but unemployment as a temporary, temporary assistance for people between jobs to help them get back on their feet.

The easiest way to describe to these young people the difference between the Democratic Party and the Republican Party is an example somebody told me once, and they said, with the Democrats when somebody is hungry what they do is the Democrats provide them, and I am focusing on the Democratic leadership, their idea is to give the hungry person fish. And whenever the hungry person is hungry, you give them more fish and give them more fish. Our philosophy on the Republican side is give them some fish at first so they are not hungry, but at the same time give them a fishing pole and say, look, you have got to help catch the fish. You cannot just depend on us showing up and constantly giving you fish and giving you fish.

Now, in the last hour and a half we have heard the Democrats one after another take cheap shots about that tax bill. Let me tell you that tax bill was as a result of a lot of compromise between a lot of moderate people. What you have heard from in the last hour and a half is not what I would say is the mainstream of the Democratic Party. What you have heard from in the last hour and a half is the extreme left. That is what we hear from on the environmental issues. That is what we hear from on the antimilitary issues. That is what we hear from on the pro-United Nations, pro-world order issues. That is what we hear from on the anti-tax cut issues.

We are worried about this economy. We need to stimulate this economy. I say to people, it is like a battery in a car. We got a car we have to climb a hill and the engine went off. We have discovered we have a dead battery. We need to use jumper cables. The Democrats, if you listen to them, they would put, the leadership especially, they would put the jumper cables on the bumper. They would put them on the door handles. And what I say with all due respect to my Democratic colleagues is it does not do us any good to get us moving to put jumper cables on the door handle. It does not do us any good to put jumper cables on the bumper. We need to put these jumper cables on the battery terminals.

I know that the battery is only a small part of the car. This tax cut is a very focused tax cut. What we want to do, and the reason we are saying to the Democrats put the jumper cables on the battery terminals, we are promising the Democrats that if you do that, just go along with us, which, of

course, they will not do because they have a Presidential election coming up here in 2 years. That is what the last hour and a half has all been about. It has been about politics. We have asked them put the politics aside and help us. Let us put the jumper cables on the battery terminals. You know what happens if we charge the battery? The whole car will receive the benefit of that charged battery because when the battery is going, the car moves as a unit. The whole car will move up the hill.

We have an economy that is holding its own and I think is going to improve. I am optimistic about it. But it seems to me listening in the last hour and a half that the Democratic leadership will do whatever they can do to make sure that car or that economy does not get moving because they want this economy to be sour for one reason. They want to win the Presidential election in a year and a half from now. That is their whole purpose in this last hour and a half is Presidential politics. It will be their whole purpose for the rest of this session and, unfortunately, for next year's session. Do whatever you can even if it costs the American worker their jobs, even if it costs the American society their economy. Do whatever you can to obstruct George W. Bush. Do whatever you can to blame whatever is going wrong on George W. Bush, because it is all about politics.

I go back every week to my district in Colorado and I make it a point, I do not go down to my district offices. I go out on the road and I go out and talk to people, those people who, frankly, whose money we are taking to finance this government. You know what they want? They are sick of some of this last hour and a half of political cheap shots. They want for you to help us move this economy. Whether you like it or not, the President of the United States happens to be a Republican. But the fact that George W. Bush is a Republican should not stop you, based on that alone, from at least trying to work with us, from trying to help us as a team move this economy forward. There are a lot of people out there whose jobs are dependent on a good economy.

There are a lot of people who you consider rich people. And by the way, time after time after time in the last hour and a half you hear the Democrats talking about the rich people. You know what the leadership of the Democratic Party considers the so-called rich people? That would be even a couple that earns 35, 40, \$50,000 a year. There are a lot of couples that work out there, and all the more power to them. That is our society. If you can go out and improve your life, go out and do it. Yet you criticize success and you call rich somebody making 50 or \$60,000 a year. That is not rich. Making 50 or \$60,000 and a year you go out and buy a car, \$25,000, that is a half a year's salary.

What we are trying to do is get an economy that will allow these people to continue to make that kind of money, that will allow these people to reinvest this money. Do you know if you take a look at capital gains, take a look at the economic history which the Democratic leadership is completely ignoring, intentionally, and completely ignoring the economic history of capital gains because they know every time in history without exception, every time in history the government has reduced the capital gains taxation, the economy has received a boost, the economy has seen an uptick.

The last thing the Democratic leadership wants is an uptick in the economy because they want to beat George W. Bush a year from now.

The last thing, and I say this very honestly, the last thing that a lot of Democratic leadership wanted to do was to support President Bush's policies in Iraq and in Afghanistan because they are afraid that he is going to look too good; that, in fact, he is the leader who he is and they want to beat him in a Presidential election a year and a half from now.

It is amazing to me. Every night, night after night after night we do not have some of my colleagues talking about how we can help the economy, how we can work as a team to work with the economy. All we see is night after night after night trying to attack George W. Bush and blame him for everything they can possibly blame him for in hopes of defeating him a year and a half from now.

You know what you ought to do? We all win if the minority leader would come across the aisle and work with us. We all win when the Democratic leadership and the Republican leadership work as a team. Where we do not win is where we have gotten a tax cut we put through. It is already in place. It is law. So get over that and try and help us get this economy moving on the Republican side. And, frankly, to the Democratic leadership, I hate to tell you this, but a lot of your Democratic Members happen to agree with the Republicans and that is we want this economy to grow. We are tired of the class warfare argument. We are tired of the political argument that you have continued to throw out, which you have for the last hour and a half.

To the minority leader, there are members of your party who want this economy to improve. There are members of your party, to the minority leader, who want George W. Bush to succeed in his foreign policy. There are people of your party, minority leader, who want George W. Bush to succeed in his economic policies. Why? Because if you jump the battery on the car and you get the battery started, the whole car benefits, the whole car moves forward.

Sure, you may feel better by putting your jumper cables, minority leader, on the bumper of the car and saying we

want to distribute electricity. We want to jump the whole car, make the whole car feel good, distribute it across the whole car. The fact is we are trying to target because we want everybody in that car to benefit. We want it to move forward.

So I plead with the Democratic leadership, get over this, help us come to a better solution, help us move forward. If we have a better economy, we get better schools. If we have a better economy, we get better jobs. If we have a better economy, we get a better lifestyle. If we have a better economy, we get more people covered with health insurance. I mean, the pluses of a better economy are tremendous. So quit trying to obstruct us every step of the way, simply for the fact that you want to defeat George W. Bush, you want to pull his numbers down in the polls in hopes of defeating him in a Presidential election in a year from now. That is all this last hour and a half has been about, and we deserve better; the American people deserve better.

There is an excellent article today, and I want to talk about this in regards to this economic question that has arisen in the last hour and a half. It is an editorial out of the Wall Street Journal. The new tax bill exempts another 3 million-plus low-income workers from any Federal tax liability whatsoever. Exempt. The new tax bill exempts another 3 million people.

So in the last week when we voted for this tax bill, we exempted an additional 3 million people, the very people that some of my colleagues were talking about, what they say are the working poor or the nonworking people that are not earning money. This exempts 3 million in addition to what we have already exempted from income tax, 3 million low-income workers from any Federal tax liability whatsoever.

□ 2115

So you would think that the class warfare, the class lawyers would now be pleased, but instead we are all now being treated to their outrage because the law does not go further and cut income taxes for those people that do not pay income taxes.

This is the essence of the uproar over the shape of the child care tax credit. The tax bill the President signed last week increases the per child Federal income tax to \$1,000, up from the partially refundable \$600 credit passed in the 2001 tax bill.

Let me say to the Democrats, most of the Democrats did not support increasing the child tax care credit for those people who do pay taxes. Instead, today, the leadership appears here on this House floor and supports increasing the child tax credit for the people that do not pay taxes, but they voted against the very bill a week and a half ago that increased it for the people that do pay the taxes. So they are saying, okay, thank you to the working Americans out there, regardless of your income, thank you for working

but we are going to vote against an increase so that you can have increased child credit, but by the way, if you did not pay any Federal income tax you may choose not to work, you do not make enough, you do not pay any tax, we are going to let you increase your child credit, and by the way, how would you increase the credit? They do not pay any tax. They do not need the credit. The Democrats include the word "refundable" so you actually send tax money to people that did not pay any taxes. They make it refundable, and of course, the only place you can get that money is to take it from the people that do pay the taxes.

Let me skip from here and jump through some of this, but among tax cut opponents it is a political spinning opportunity, and that is exactly what we have seen. It is spin in its purest form in the last 2 hours. Let me go on here and just say, more broadly, that critics, there are lots of things it talks about in the bill, good things like the \$10 billion earmarked for Medicaid, the State/Federal health insurance program for the poor.

Look at the money we put in that bill for the States to help the States try and get out of a hole that they have dug themselves into. That bill was a good bill, and yet in a very hypocritical fashion, we have people here talking about, look, the people that ought to benefit from a tax cut bill are the people that are not paying taxes. That is the spin that is going on around here.

More broadly, the critics want everyone to forget how steeply progressive the Tax Code already is. These are very important numbers. These are facts. These are not the kind of facts that the minority leader wants you to hear, but these are facts. These are not made up by the Republican Conference. They are not put together by the Democratic Conference. These are statistical facts.

The IRS data released last year, so they are recent, this is recent data, the top 1 percent of the earners in this country paid 37.4 percent of all Federal income taxes in 2000. The more important number here is, the top 5 percent paid 56 percent. So the top 5 percent of income earners in this country pay 56 percent of the taxes.

I do not have a problem with the progressive tax system. I think this is fine, but let us give credit where credit is due.

The most important thing that I can say right here, and listen to this statistic, the top half of all earners, of all the people, all the earners in America, the top half, the top 50 percent pay 96.1 percent of the tax. We are talking about Federal income taxes, not payroll tax, not State. We are talking about Federal income taxes. The top 50 percent of earners paid 96 percent of the bill. The lower 50 percent, the lower half, it is obviously half, but 50 percent of the income earners in this country paid 3.9 percent of the tax.

I am not going out there and saying, guys, we ought to shift more burden to

that lower 50 percent. That is not what I am saying, but what I am saying is, the Democratic leadership that continues time after time to talk about class warfare, it is a socialistic type of approach. It is not important what your capabilities are, that is what they say in socialism. It does not matter how much money you earn because what we do is redistribute it so that everybody is equal. So if the iron worker gets out there and has to walk on a beam this wide and takes substantial risk high on a building, high in the sky, and gets \$25 an hour, it does not matter what that person's talent is or that person's skill is or the risk or the danger of their job because under the Democratic leadership approach, this money should be shared equally. It is a transfer. It is called class warfare.

That is exactly what the spin is about, not because they can justify it under a democratic system. Under our democratic capitalistic system, you cannot justify that, but the reason you can justify it and the reason they have hit so hard this evening is because they are looking ahead to next year's Presidential election. That is what all of this spin is about, and if there is any obstruction or roadblocks in the pathway, it is being put there for one reason, in my opinion, not because there is a legitimate dispute as to whether or not the policy will work, but there is a concern, a deep concern that it will work and that the beneficiary will be George W. Bush; and the number one goal of the minority leader is to beat George W. Bush. The number one goal is not to improve the economy. The number one goal is not to improve the number of jobs and cut down the unemployment. The number one goal is to spin it in a way that you can beat George W. Bush.

In my discussion this evening, I wanted to focus not on this part. I really did not come over here this evening to talk about the tax bill and talk about the need for a strong economy and the jobs out there and the opportunity to let people in this country succeed. If you can invent a better mousetrap, why should you be penalized? That was not my approach until I heard the spin put on by the Democratic leadership and going un rebutted for over an hour and a half. Nobody stood up to them. They went un rebutted time after time doing this class warfare spin.

So I had to rebut that. That is what the purpose of that is, but I do want to spend the remaining part of my time talking about our Nation's forests, and I think it is very important. This, of course, goes across both party lines.

I can tell you that in the last 2 weeks, about a week and a half ago my bill, the healthy forest bill, and I have got to give a lot of credit to the gentleman from Oregon (Mr. WALDEN) for his great work on this. Also to the chairman, the gentleman from California (Mr. POMBO), and the gentleman from Virginia (Mr. GOODLATTE), who

did a tremendous job, and all the others, as well as the Committee on the Judiciary.

We had a lot of help on that bill, but that was my bill, the McInnis and Walden bill, and that bill recognizes the fact that we have got to take care of our forests, but I think it is kind of a preparedness. I want to do just some brief remarks on what got us to this point, why our forests today have become managed, believe it or not, managed by the United States Congress instead of being managed by what we call the "green hats," those people, those forest rangers, those people that dreamed about being a forest ranger, those people that dreamed about working for the U.S. Forest Service, many of whom grew up in the forests.

Almost all of them are educated in forest management. They all work in the forest day-to-day-to-day. They know the forest like we know the back of our hand, and yet over the last 20 years or 30 years there has been a shift, taking management away from the U.S. Forest Service and like agencies and putting it right here on this House floor, to the extent that we actually have debates on this House floor. We have in the committee that I chair, which oversees the Nation's forests, we actually have Members of that that want the U.S. Congress to determine what the diameter of a tree should be out in, for example, the White River National Forest, what size it should be, dictated out of Washington, D.C., off this House floor, the size of tree that our forest rangers and managers out there should be doing.

I will explain a little history, but the first concept we have to think about is public lands. There is a little history to public lands in this country. What are public lands? Public lands are, as described, lands owned by the government, and in the East really, relatively speaking, you do not have a lot of public lands owned by the Federal Government. You have got the Shenandoah and Everglades down in Florida and you have a little here and there, but where the real public lands are, as far as real meeting, the vast holdings of public lands are in the West; and my poster here to the left kinds of gives you an idea.

The colored spots on the map of the United States indicate public lands, and you can see where the big public lands are. They are not out here in the East. In fact, a lot of States have very, very little public lands, but in the West, we have huge amounts of Federal lands, huge, hundreds of millions of acres of Federal public land or government-held land.

Here is the State of Alaska, if you can see, right down here to the left. Look at the State of Alaska. That is how much land in Alaska is owned by the government. So the land policies, just by the sake of ownership, are different than the land policies you find out in the East where you have private property.

The reason we got into this circumstance was when the country was settled by our forefathers they needed to figure out a way to get the people out of the comfort of their homes on the East Coast and give them incentive to go West. The West, frankly, was even deep into Virginia, and it was a challenge.

It was a lot of risk to leave the comfort of your homes and go to the West, disease, accidents, death by childbirth because a lot of women died in childbirth. Men typically died in their 20s of accidents. They would fall off a cliff or get bitten by an animal or infection by a rusted nail. It was high-risk.

So the government decided, how do we give people incentive to go to the West, and they decided to use the same tool they used in the war against the British. They tried to bribe the soldiers to defect, to leave the army of the Queen and come over to the United States, and we would give them an award of private property land they could own, and here we knew that from our settlers that one of the fundamental foundations of this country was to have your own little castle, to have your own little piece of property, private property. It is a very sacred part of our government, a very sacred part of this country.

So the government decided, well, let us call it the Homestead Act and let us offer people, say, 160 acres or 320 acres if they go out, settle on the land and work the land for a certain period of time. Then they can keep the land and it is theirs. They own it. And that worked very well. You get out into the fertile fields of Missouri or Kansas or even eastern Colorado or Nebraska, and a family that had 160 acres could survive. It made sense. It was the right number of acres to give to support that family and be enough encouragement for that family to stay there, hopefully generation after generation after generation.

Then what happened is it worked pretty well until they hit the Rocky Mountains. When they hit the mountains, they found that in many places you could not feed one sheep on an acre. You had to feed a sheep with four acres out here. In a lot of places you could put lots of sheep on an acre, not mountains. You go up much higher in elevation, in fact, the mean elevation of my district is the highest place in the North American continent on an average. I mean, there are a lot of different things when you get into the high mountain country, and you cannot raise a family on 160 acres from a farm.

So what they decided to do was they came back and said, look, the people are not settling in the West, and back then the only way you really were able to claim the land, and our forefathers wanted to expand the United States, we made things like the Louisiana Purchase. How do we get out there, how do we claim the land as ours?

Today, when you purchase land, you get a title. You do not have to be on

the land. You do not have to live on the land. You do not have to be there 24 hours a day. You have title. In fact, you can live in New York City and own land in San Francisco. All you need is a title.

In the early days of this country, that did not work. In the early days of the country, in fact, the paper did not mean a lot. What meant a lot is if you were in possession, that is where the saying "Possession is nine-tenths of the law," that is where that originated from; and what you needed back then is a six-shooter strapped on your side, and you needed to be plotted down right on that piece of ground.

What happened is, people were not settling in the West because the conditions were severe. So they went back to Washington and they said, okay, now what do we do about this? How do we encourage them to stay? Somebody said, let us give them a proportion of amount of acres. If it takes 160 acres in Kansas, it takes 3,000 acres in the Colorado Rockies or Wyoming plains, maybe that is what it takes, and they decided, because they had just come under a lot of political pressure because they gave too much land to the railroad barons to build the railroads, that maybe they could not give that kind of land away.

□ 2130

So what they decided to do was to go ahead and keep this land in the government's name, but allow people to use it. And that is called the concept of multiple use. Lands of many uses. People my age grew up under the concept. When you went into a national forest, there was always a sign at the entrance to the national forest that said, for example, "Welcome to the White River National Forest, a land of many uses."

Now today, we have seen some fairly radical environmental organizations, Earth First, Greenpeace, the national Sierra Club, some of these other groups; and their number one target is to eliminate the concept of multiple use. They, in essence, want people off public lands. They want agriculture off public lands.

Out here in the West we have to use public lands. My family, my wife's family are fifth-generation family ranchers on the same ranch, but they have to use public lands. They have their own holdings, but they need public lands. These organizations want them off public lands, and they take some very radical approaches to push us in the West off those lands.

So keep in mind that in some of these States, for example in Kansas, when you have a disagreement with regard to a land use policy, you go down to the local courthouse and you talk with the county commissioners and you talk with your planning and zoning commission. Here, on government lands, because it is under public ownership, you end up having to come to Washington, D.C. Our planning and zoning office is located in Washington,

D.C. So that is one element we need to think about when we talk about forest management.

What else do we need to talk about with regard to forest management? We need to talk about where the water is situated in the country. Here in Washington I think we have had 28 straight days of rain. In the East, a lot of times your big problem is getting rid of water. Seventy-three percent of the water or moisture in this country falls in the East. So your problem is getting rid of it. In the West, we have exactly the opposite problem; we are very arid.

Take a look at this entire section, which includes the Rocky Mountains, the State of California, Arizona, Nevada, New Mexico, Utah, and Oklahoma. Take a look at this big chunk in red. That entire chunk, which is almost twice the size of what I would call the East, let us just call this the East, where the 73 number is, this gets 14 percent of the water. That means that the forests out here in the West have a different moisture content than the forests in the East. Fire is a much bigger hazard out here in the West because of the simple fact we do not get near the moisture that the country receives in the East.

Now, because of the moisture in the East, on a lot of occasions the bigger problem here is insect infestation. So we wanted to put a bill together that addressed not just the problems of the West. And by the way, very bipartisan. We had Democratic leadership against us but we had a lot of Democrats, Main Street Democrats that live out here in the rural areas. The majority of the rural Democrats supported us strongly on this bill. So we wanted to put a bill that addressed the infestation by bugs in the East, and of course we have a lot of that in the West as well but probably not to the extent that you do in the East, and we wanted to address the fire issues that we see in the West.

Remember, we have two elements: one, public lands; and, two, the water content. In the West, we have a lot of water problems because we do not have that moisture.

Now let me talk about the third element, and that is management of these public lands. We created Federal agencies to run these lands. One of the agencies that we created was the U.S. Forest Service. And we said to the U.S. Forest Service, we want you people in those green uniforms and green hats to become experts on the management of the forests. Now, the jobs in the U.S. Forest Service do not pay a lot of money. Those people that work for our U.S. Forest Service or any of these land agencies, they do it because they love it. They love the land. They are so, so dedicated to their jobs. The same with the Bureau of Land Management, and the same with U.S. Fish and Wildlife. But tonight I am talking about the Forest Service. These men and women out there in the Forest Service are proud to wear that green hat and that green uniform.

What has happened is that these people grow up loving the forest, they go to school and get educated on the forest, they work in the forest every working day, and, in fact, a lot of them go into the forest when they are not working. A lot of them live in the forest. They know that forest. They know what is good for that forest. They love that forest. They care about that forest. But you know what has happened? In the 1970s, some of the groups, like Earth First, the Sierra Club, the Greenpeace-type of people, they decided they wanted to end this concept of multiple use.

Now, remember what I talked about, the tool of multiple use. They wanted to end this concept of multiple use. But they knew that every time they got in an argument or a debate or a discussion of the issues with forest rangers, they lost. Every time. Why? Because the Forest Service, based on their experience, based on their education, based on the science would beat them. Greenpeace and Earth First could never succeed in their arguments because the Forest Service was not managing these forests based on emotion; they managed based on science. So that would defeat the purpose of the Sierra Club and Earth First and Greenpeace from getting rid of multiple use.

So somehow, somehow they had to shift the management of forests from science to get management determined by emotion. Well, they knew that the Forest Service was not going to manage these forests based on emotion. But what is the greatest body in the country that manages its business, in large part, by emotion? It is the United States Congress. So in the 1970s, they were very successful, and in the 1980s, Greenpeace and Earth First and those other groups, at moving management away from the Forest Service and putting management into the hands of the United States Congress. They were very successful over this period of time of moving the argument to emotion.

Now, I can tell you that when you talk about forest management, you can win the emotional argument on a 15-second ad. All you need to do is park a bulldozer in front of a grove of Aspen trees and put a fawn or a deer out there and say that we are destroying our forests, and you have won the argument. Because people love our forests. People love our wildlife. I love the wildlife. I grew up in the forest. This is my kind of life. Washington is a workstation for me. My home is in the Colorado mountains. So they could win on that.

So what happened is, gradually over this period of time we found the United States Congress managing these forests. And I would venture to say to my colleagues that not one of us on this floor, I would guess not one of us on this floor probably has a degree in forest management. We have degrees in political science. I am a lawyer. I have a degree in business. My background is really more business than anything

else. I am not a forest ranger. Even though I chair the Subcommittee on Forests and Forest Health, I am not a forest expert.

So what am I doing with the day-to-day management of our forests when we have very qualified men and women out there in the field that have been educated in the area, that love their jobs, that do know how to manage those forests? And what has the result been? The result has been that last year we suffered huge bug infestations. If you care about the old growth trees, if you care about the wildlife, if you care about the endangered species, if you care much about the forests, then I will tell you something, you probably sat up in your chair last year when you saw those horrible fires and what they did.

This is the result of fire. This is all stuff that burned, fell to the ground and washed down. Do you know what this sits in right here? There is a boat, and right here is all this waste, this forest refuge. There used to be trees; there used to be wildlife. It was very fertile wildlife territory. It was absolutely beautiful scenery. It was, to an extent, a forest that had some health to it. The biggest killer of endangered species in this Nation are wild fires. Now, we had the fire because that forest was not allowed to be properly managed. That is now sitting in the water supply. That is sitting in the water supply. Colorado's Hayman Fire dumped loads of mud and soot into Denver's largest supply of drinking water.

That is what one of Denver's water supplies looks like right now. This water behind it looks like a chocolate malt, and it will cost the citizens of Denver tens of millions of dollars to clean up their water supply. So it destroys wildlife, fire does, as does bug infestation. It destroys watersheds. It destroys the timber. I mean there is nothing good about wildfires.

Now, controlled fires are an element of helping manage a forest. So there are situations where fire, properly managed, is good. But these kinds of fires, they were not managed. They are horrible. We lost 20-some firefighters last year fighting these very kinds of fires. Good forest management does not mean we will avoid those fires, but it means we will mitigate them. Good forest management cannot stop lightning. We will have lightning, and we will have careless campfires.

By the way, most of these fires were not started by humans, but by lightning. But the fact is we can control those fires through good forest management. And the bill I drafted, as I said earlier, with the assistance of the gentleman from Oregon (Mr. WALDEN), who I thank, the bill we drafted was called the Forest Health Bill; and that bill was a long time coming. We negotiated on both sides of the aisle. We had lots of help from some Democrats. We had lots of help from some of the Republicans. We put together, with the

chairmen of the subcommittees, we put together an outstanding bill.

This bill allows the management of our forests to go back to the Forest Service; and it allows the Forest Service, for example, to start thinning. Right now we have killed our forests with love. We have babied them. We have spoiled these forests. We have eliminated, in the State of Colorado, for example, because of the emotional argument, we have virtually eliminated all timber companies out of Colorado. We have a couple mom and pop shops. We have a matchstick company down in Cortez which, I think, employs 40 or 50 people; but we really do not have much timber in Colorado.

So what happens to that wood? It grows and it grows, like rabbits, and lots and lots of rabbit, and more and more rabbits. We have acres of public land that historically we supported and would have on a typical acre 60 trees. They now have 600 trees on those acres. But because the U.S. Congress and because our society has allowed our forest management to be taken away from the Forest Service and to be given to politicians like myself, to the U.S. Congress, these forests now are in more danger than they have ever been in the history of this country.

The great sequoias, those sequoias are at a higher risk than they have ever been in recorded history. Our wildlife risk is higher than it has ever been because of wildfire and bug infestation. Our wildlife habitat is in the greatest amount of danger in our history because of the fact that we are not allowing our Forest Service to go in and manage these lands.

My bill allows them to an extent, in a demonstration project of 20-some million acres, it allows the Forest Service to begin to do what they wanted to do all along, and that is manage the forest with a balanced perspective that is good for all of us; to manage those forests in such a way that our wildlife actually is better off, not just that there is a mitigation but an improvement, an addition to the wildlife habitat out there.

You know, people are not an excluded species out there. In the West, we have a right to live out there, and people need to be thought of. In properly managed forests, we do not see watersheds that look like chocolate malts; we do not see the devastation of flooding because the forest burnt down. Our forest management can be improved. I am very optimistic about the future, but only, only if we allow my bill to go forward, which allows the Forest Service to get their hands back on the product they know best.

Now, let me show you what happens when we allow the Forest Service to go in. And let me step back a second and show you what Greenpeace and Earth First and the Sierra Club and national parties did, these national organizations, or world organizations, did when they took the management from the Forest Service. The Forest Service

would try and thin out an area. For example, they would go into an area that has like 600 trees to an acre and cut those trees down, different sizes, because different sizes are healthy for the forest, different ages, different sizes, et cetera. What they tried to do was to put some of that out there. And time after time after time they were met with paralysis. Paralysis from litigation and the courts and, frankly, paralysis by analysis with the U.S. Congress trying to manage these forests.

□ 2145

Mr. Speaker, so what my bill does is it protects, it enhances and protects public input on the management of these forests. But it says you are not going to be able to use the courts in an abusive fashion to continue to delay these projects year after year until the beetles come and start an infestation. By the way, after they eat the dead trees, they move to the live trees.

My bill also says you are not going to accomplish your goal, Greenpeace, of kicking people off public lands by forcing paralysis by analysis by letting the U.S. Congress manage these forests by emotion.

That is why my bill passed with strong bipartisan support. Republicans and Democrats voted for the bill.

Let me show Members an example of what happens when we allow the Forest Service to do their job. This burned-out area, the Forest Service was not allowed to go in there and treat it for one reason or another, an environmental injunction, lawsuit, paralysis by the court, or because Congress has tied the forest rangers up. Here they were allowed to treat the area.

Do Members know where that fire stopped? It stopped on a line no wider than a yard, exactly where it stopped is where the forest was treated and the treated forest met the untreated forest. And the fire came up and, boom, that is where it stopped. That is pretty good science.

Let me give another example. This is down in the Four Corners, Mesa Verde National Park, the "green table" they call it down in Four Corners. Right here, this area, they were allowed to treat that area, the park management, U.S. Park Service, and they are doing a tremendous job with our parks. They were allowed to treat this area. The area they were not allowed to treat is all of the burned-out area.

Last year at the Mesa Verde National Park we had a horrific fire. Guess what happened. The treated area was saved; the untreated area burned, and it burned so hot that it did not fertilize the ground, it sterilized the ground. So the possibility of new growth will not be seen for generations. There will be grass and things, but juniper trees and piñon trees and those types of things, we are not going to see that in my lifetime. My grandchildren will not see it in their lifetime, probably, and yet 2 years ago, we had it. We had it to pass

on to other generations. This area was there; it would not take 200 years to replace it. Those 300-year-old trees were there, but we were not allowed to go in and treat them. What happened, we lost it all. We lost all of the untreated area.

So, in conclusion, let me add one other thing about my bill. This is an urban area. Take a look at this poster. This does not just apply to those who live out in the country, out in the sticks, some might say. It does not apply to just us, this applies to those in communities. This is bugs that killed these trees. Go down I-70 in Colorado by Vail, there is beetle kill all along the highway. Once a beetle lands on a tree, it is like malignant cancer. It is gone. It is over.

Do you think the Sierra Club or Greenpeace or Earth First would cooperate one iota for us to go out there and get ahold of this and manage these forests? It does not happen. My bill talks about urban interface and watersheds and bug infestation. My bill talks about wildlife habitat.

My bill protects public input, and says, let us manage our forests. They are a diamond, a wonderful asset of the people of this country. Those public lands should be protected, but we do not protect them by ignoring them, any more than you protect your child by not managing your child. Some people might say, give your child whatever they want, spoil them, do not discipline them, do not manage them, do not reach any kind of balance, what time they have to come in at night. What product do you get? Usually a pretty rotten person as a result of that kind of management.

We are saying we can reach a balance. Let the Forest Service, let the parks, let the BLM do what they are best at doing. Congress does not need to manage day to day these public lands. Of course, we have oversight on public policy, but we should not be having the courts run those forests, and we should not let the United States Congress run the forests. We should let the forest rangers, the BLM agents, the range riders, let them manage those assets for us.

We are so narrow-minded on some of these things, and we have been persuaded through emotion, not through science, but through emotion to change these management techniques, and have we ever paid the price. This was a very expensive lesson last year with all of those fires, and those many fire fighters' lives we lost.

It is a very expensive lesson not to cut down a tree with beetles in it and stop the infestation. We talk about it, and in the first paragraph of a Greenpeace press release or an Earth First or Sierra Club, they always talk about clear-cutting and timber companies. They figure out every negative word they can to stop us from managing it.

This is not about timber, this is about preserving wildlife and water-

sheds, protecting urban interface. This is about letting the Forest Service manage forest property. All of us, all of us win. Do you know how big winners all of us would have been if we would have allowed the Park Service to go ahead and treat this area?

Tell me one loser by not protecting this area. Had we protected this area, I do not care if you are a member of Greenpeace or the other radical organizations, Earth First and so on, you would have benefited had we been able to preserve these 300-500-year-old pinion trees for many generations. They will not be replaced for 300 years, and it is because of the fact that we took management away from the people who know what to do with it; and we have consolidated it in the radical environmental organizations and, frankly, in the halls of the United States Congress.

I hope that the Senate sees what we saw in that bill, that is, the Senate, as we did, on a bipartisan basis passes the Healthy Forest Initiative. That is my bill. I know about it. I had lots of Democratic support. I had Democratic cosponsors. This is not a Republican bill being shoved down somebody's throat or a Democratic bill being shoved down somebody's throat. This is a team effort to manage those forests, and I hope the Senate sees as we did and passes that legislation before the fire season and the bug season gets too much further down the road.

IMMIGRATION POLICY AND IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I want to address the House tonight on an issue that I try often to bring to the attention of my colleagues and the Nation, and that is immigration and immigration reform, and I want tonight to induct another member into the famous "hall of homeland heroes." This is an exercise that I have gone through several times, and we have identified quite a number of people who have experienced things that should come to the attention of this body and the Nation, because these folks and what has happened to them really and truly are extraordinary events and they are extraordinary activities with which they have been involved in trying essentially to keep their own land, raise their family, and do what every American has a right to do, but they do so under very severe circumstances.

They do so in an area of the country that is very harsh, very challenging, and very unforgiving. The geography of the land, the climate of the land is in every way, shape and form severe. It is the southern deserts of the United States. It is the area in and around Cochise County, Arizona, and it is the area adjacent to our border with Mex-

ico. All of these things make living in the area very, very difficult.

Of course the land has always been unforgiving. The environment has always been harsh, but only in the recent 5 or 10 years has the proximity to Mexico become also very problematic in terms of trying to run a business, trying to actually just live your life.

Because they have had so many problems in this regard, and because so few people have paid attention to these problems, I have decided that one way to bring their plight to the attention of the Nation is to create this thing we call the "homeland heroes" and every once in awhile to come up here with another person that we are trying to induct into that "hall of heroes."

Tonight it is Ruth Evelyn Cowan. Ruth Cowan is a fourth generation rancher who has been forced to move off of her land because of the dangers posed by hundreds of thousands of illegal aliens who cross her land every month and every year. Ruth Cowan and her husband own 16,000 acres of ranchland located 45 miles from the Arizona-Mexico border north of Douglas, Arizona. They have about 400 head of cattle.

Like many ranchers in the area, Ruth Cowan and her husband must work two jobs to make ends meet because the cost of operating a ranch often exceeds the income. Her husband works 130 miles away in Phoenix during the week. It is not safe for Ruth to live on her own ranch in her own home. She is very isolated. She has to live in Tombstone and drive to the ranch daily to supervise the operations.

Each day she drives to the ranch, she must carry not only her cell phone, a two-way radio, a camera, marking tape and a flashlight, she always carries a pistol for self-protection.

To some liberal church groups in the Tucson area, this makes her a vigilante. It also would make her a vigilante to some of the more liberal publications that emanate out of the East Coast, publications that employ writers to talk about this issue, writers who have never set foot in the desert, do not have the slightest idea what it is like to live in this area and yet take great pleasure in characterizing people like Ms. Cowan and others who do have to face the trauma of life in this area, and characterize them as vigilantes.

She carries a gun for self-protection on her own land. This does not make her a vigilante, it makes her a victim of failed immigration policy and open borders. Three years ago she had to take a leave of absence from her job as a flight attendant because the ranch requires her round-the-clock attention. This additional demand on her time is due almost entirely to the costs and other problems imposed by the flow of illegal aliens across the land.

□ 2200

Among the additional costs thereby imposed on her family has been the purchase of COBRA insurance at over

\$400 a month. Her ranch business has been hurt financially by the flow of illegal aliens across the land, a flow of people and illegal drugs that have increased dramatically since she and her husband first purchased the family business in 1996. Her ranch has three different south-to-north routes used by illegal aliens. Her trucks have been stolen and vandalized leading to both direct losses and increased insurance costs. She has lost many animals to the illegal aliens, including a \$2,400 registered bull that died from eating a plastic bag. Another bull was hit by a hit-and-run driver and had his leg broken and had to be destroyed.

You say, eating a plastic bag? The fact is that the area around there has been so inundated by illegal aliens carrying their supplies and then depositing their trash throughout the land that in many areas it looks similar to a huge trash dump. It looks like a municipal trash dump. This is the middle of, as I say, a very pristine area; but you will come across these areas, 50, 100 acres at a time. They are called pickup sites where these folks will meet, they walk into the country illegally, they meet at these sites, pre-arranged where they are going to be picked up by trucks that bring them into the interior of the United States, trucks similar to those that were identified recently in Victorville, Texas, in which several illegal aliens died tragically. But from these pickup sites, then, trash is distributed throughout the area. The wind, of course, takes it; and we have a definite problem with the kind of pollution that that causes, and then not only that, of course, cattle eat the plastic, the trash bags and whatever, and they eventually die because it will not digest and it will kill them. This happens time and time again. This was certainly not unique.

But again, explain this kind of thing to someone living in Washington, D.C., writing for *The Washington Post* or some of these other e-mail magazines, online magazines. They have not the foggiest idea of what we are talking about and what these people have to deal with all of the time.

Because of the broken fences, cows wander onto highways and cause accidents. A nurse hit a cow recently and threatened to sue the Cowan family for negligence. Unfortunately, the illegal trespassers who cut the fence were not available to answer the court summons or to pay damages. Cut and downed fences make it very difficult to maintain a special breeding program for the cattle. Herds mix and become mongrelized and are more susceptible to diseases from neighboring herds. This means that the market value of their cattle diminishes. Thus the Cowan family suffers real economic loss as a result of these cut fences. Repair costs for gates and fences and broken waterlines have skyrocketed. The real estate market for ranches south of Interstate 10 has plummeted because no one wants to purchase a place im-

periled by all of these problems. Ruth Cowan has been forced off the local roads many times by overloaded trucks running at high speeds. Unfortunately, when these speeders cause real accidents and hurt innocent people, they do not have insurance and flee into Mexico before they can be prosecuted. We are going to talk a lot more about that kind of a phenomenon later on this evening.

It is often alleged that critics of the open border policy are simply bigots, that they do not want Mexican workers in the country or as new citizens. This is hogwash, and the experience of the Cowan family shows why it is hogwash. Ruth Cowan has two employees who are Mexican nationals and work on the ranch with legal work papers. They live in Agua Prieta, Sonora and drive to her ranch about 50 miles every single day. Ruth Cowan has been trying for 5 years to get immigration approval for the wife of one of the employees to come and join her husband. The employee could then live on the ranch and not have to commute 50 miles in each direction daily. These legal Mexican workers are equally indignant about the problems affecting the Cowan ranch because they see the problems firsthand and know that it affects their own lives as well. One of the employees had his own truck stolen by illegal trespassers.

This is something else that really deserves the attention of the body and, again, the attention of the people back here who either write or opine about the problems that we face in the United States and in the western United States with illegal immigration. What they do not understand is that it is not Anglo-Americans that are imperiled by this. It is not a race issue whatsoever. Every time I do this, that I come to the floor and I talk about this issue, I will go back and there will be a lot of e-mails, a lot of calls on our line. Most of them are quite supportive, and many of them, a high percentage of them are from people who suffer these kinds of problems, people of Hispanic descent who say to me, what you are doing is right, what you are saying is right, we have come here legally, we are trying to work through the process, we are trying to live a life in the United States, build a life here. We live by the rules and by the laws. And they resent it that other people get to sort of jump in front of the line, in front of them, that other people take advantage of our lax immigration law, lax immigration enforcement, in fact nonimmigration law enforcement. They resent it. And they have every right to resent it. And they are Hispanic Americans and they are black Americans and they are white Americans and they are brown Americans and pink and blue and every color Americans, but they are just as angry about this as anyone else; and they have every right to be angry about it.

Another thing we will talk about this evening later on is the impact of mas-

sive immigration on low-wage, low-skilled workers, how many of them are negatively impacted by the flow of illegal aliens into this country. But we will save that for a later time this evening.

Ruth Evelyn Cowan is a law-abiding citizen and a fourth-generation rancher who only wants to live on her own land, manage a business for the benefit of American consumers, and enjoy life with her husband in a safe community. She would like to be able to spend a weekend with her husband and not have to stand watch over the trails used by illegal trespassers. She would like to have the first activity of each new day not be the repair of broken or trampled fences and other damage caused by uninvited intruders.

She would like to sleep through the night without someone calling on the phone to tell her to come and get her cattle off of the highway. She would like to be able to invite friends to her ranch without worrying about the piles of trash visible all across the rangeland. She would like to be able to ride her horse on her own land without a bodyguard. She would like to be able to host groups of students who want to learn about the ranching business without having to apologize for the dangers and the rash of diseases and crimes afflicting the region. In short, Ruth Evelyn Cowan wants to be able to live the kind of life that she would be able to live if we had a secure border and adequate enforcement of our immigration laws.

I speak of Ruth Cowan's problems and fears not only out of sympathy for her and her family and not only as an example of what is happening to thousands of ranchers across the Southwest. I speak of these problems because they are problems that are growing all across our Nation and problems we cope with very inadequately and unsuccessfully with the impact of massive illegal immigration. If we do not address these issues now, these problems will continue to grow and multiply not only in the States on our southern border. The problems will multiply in Omaha; Portland; Fort Collins, Colorado; Chicago; and Spartanburg.

I commend to you this life, this individual, Ruth Cowan and her family; and I suggest that we owe them a great deal. We owe them at least the protection that every citizen in this Nation has the right to expect from their government. The Constitution of this United States gives the Federal Government relatively few true responsibilities. We usurp many. We take many responsibilities here that have absolutely nothing to do with the Federal role in our constitutional government. We can have debates over whether or not we should have a U.S. Department of Education even though the word "education" does not even appear in the Constitution anywhere. We can argue about whether the role of the Department of Health and Human Services is relevant and important and a Federal issue.

We can argue all of these things, and I think there is logic to the argument that we have usurped many of these responsibilities from the States. But one thing about which there is no argument is the fact that the Federal Government owes the people of this country the right to think, anyway, and believe that it will try its best to protect and defend their lives and their property. That is a Federal role. That is something the States cannot handle. They cannot raise armies and they cannot develop immigration policies. At least they should not. That is another issue again for perhaps a little bit later time.

There are, of course, States and localities throughout the United States that are succumbing to the siren song being played to them by the Mexican consul in their area. The Mexican consul and consulates throughout the United States, all 47 of them, have been charged with the responsibility by the government of Mexico to go out and lobby State and local governments to get them to accept anyone who is here, to accept the matricula consular. This is a Mexican ID card given to Mexican nationals living in the United States and, of course, given to Mexican nationals living here illegally. In fact, the only purpose these cards serve is to provide some sort of identification to someone who is living here illegally or to a felon who is trying to change his identification.

So for in the last several months, 1.5 million of these cards have been distributed in the United States and the Mexican consulates are handing them out every day. They send out vans, as a matter of fact, to pass out these cards. Then they go to the cities and States and get them to accept the cards that are given out to these illegal aliens. And many States, many localities are doing it. California is in the midst of a discussion in the State legislature that would actually have the State accept the matricula consular from illegal aliens for the provision of services.

That is running a different immigration system. How many immigration systems are we supposed to have in the United States? The one the Federal Government runs and the one that the State of California or the city of Denver and the city of Tucson run along with the Mexican consul? These are all different immigration policies. But it is a uniquely Federal role. To a certain extent, the Federal Government has abdicated that role, so States and localities, in a way, they are saying, okay, if you don't want to handle it, I guess we will. But they are not protecting the Cowans. They are protecting illegal aliens. All these cities and States that are anticipating this acceptance of the matricula consular, this Mexican ID card and ID cards that are now being handed out by at least five other governments, foreign governments to their illegal nationals living in the United States, people who

are doing that, these cities and States and police departments that are doing that are aiding and abetting criminal activity in the United States.

Yes, I said aiding and abetting criminal activity. That is what even police departments are doing when they accept these cards. If a police officer is shown a card, a matricula consular, they should immediately arrest that individual, because that is prima facie evidence that that person is here illegally. Because you do not need the card if you are here legally. If you come into this country legally, you have something called a green card, or a visa, or a stamp on your passport, or something the United States Government has given you. You do not rely on another country's identification card, especially in a time like this, especially when we recognize that porous borders mean a danger to the actual existence of the United States. But here we are allowing cities to do this, allowing States to do this, and even having the Federal Government actually anticipate doing this, with the Department of Treasury issuing regulations not too long ago saying that banks could do this, could accept a card from people so they could open bank accounts.

I understand the motivation of the bank. I know what they are wanting to do this for. It is called money. It is called the dollar sign. It is called the bottom line, right? They are a business and you can excuse it, you can rationalize their behavior. They are simply being greedy and doing exactly what they should be doing, I guess, as greedy huge corporations trying to improve their bottom line. They see this group of what they call the unbanked, 13 million people living here illegally and not being able to get fees from them, that makes these bankers, the Wells Fargo board of directors salivate thinking, my goodness, think of all those people from whom we could collect fees and how we could get all that money they make, what little it is does not matter. Multiplied by 13 million, that could be a lot of money. The unbanked, that is what they call them.

There is another word, it is illegal aliens; and you are aiding and abetting a criminal activity. It is against the law to aid and abet someone who is here illegally. That is against the law. It is against Federal law. Yet all of the things I am describing are things that government agencies are doing. That is how bizarre this whole immigration policy has become.

□ 2215

So the Cowans and others look to the Federal Government for help. They get none. They look to their State for help. They get none.

Recently, because of the pressure that has been applied as a result of these weekly stories that we bring to the attention of the body, it is suggested that because of the pressure that has developed as a result of this

noise that we are making about this, little things seem to be changing.

I want to say how happy I am about the fact that some different people are in place in the Border Patrol in that area, in the administration of the Border Patrol. I understand that some new folks are on hand down there and may be looking at this whole issue differently and be willing perhaps to help the Cowans and all the other ranchers in Cochise County begin to control this problem. I hope that is true.

I understand that the sheriff in Cochise County has become a little more amenable to the concerns of the people down there. I am very happy to hear that. I am encouraged by the fact that little things may be happening for the people in Cochise County because we have made a lot of noise about it.

But it is not enough. It is not enough, because the plight of the people in Cochise County, Arizona, is the plight of literally millions of Americans, and will be the plight of the entire Nation if this phenomenon of massive immigration into the country, unchecked, unrecognized immigration, illegal immigration into this country, goes without our attention.

During the break, during the last week when we were off, the Memorial Day break, I got a call from someone who was telling me about a situation that had occurred in a little town in Colorado, so I can bring this a lot closer to home. I am, of course, a Representative from the Sixth Congressional District of Colorado, which is the southern suburbs of Denver really.

There is a town in northeastern Colorado called Yuma. I got a call from someone who was saying, Do you know what is happening in this little tiny town of Yuma, Colorado, a town I know well and have been through many times. They said in the last, really just year-and-a-half, 2 years, the whole town is suffering through a really significant and traumatic time.

They went on to explain that because of something that occurred, again, just not more than a couple or 2 or 3 years ago, when a couple of families of illegal immigrants moved into the area, moved into the town from a particular village in Chihuahua, Mexico, and found employment there. They then called their family and relatives in this small town where the unemployment rate was like 80 percent and said, Look, we found a job in Yuma, Colorado, and we can get you on here. There is a big dairy farm, there are several various cattle feeding operations there, several pig farms, and there was work. They could get paid under the table. Everybody was pretty accommodating. They could get paid. It was probably less than would be the going rate otherwise, but after all, they were here illegally, so they were willing to accept a lower wage and more difficult conditions.

So, other people came from this village in Chihuahua, Mexico, to Yuma, Colorado. Over time, more came, 20, 30,

40, 50, 100, and now this group of illegal aliens makes up a significant chunk of the town. About one-third of the school district, the population of the school district, are children of illegal aliens living in Yuma, Colorado.

Well, what does that mean? For them it may be a better life. It may be better than that small village in Chihuahua. Nobody can argue that. But what does it mean for the people in Yuma?

Well, let us see. It means higher costs for infrastructure activities, highways and police activities and schools. There is a bond issue that is being considered for Yuma, Colorado, and they are concerned about whether this bond issue will pass, because they recognize that a lot of people in Yuma think that the reason why the bond issue is being put forward is because they are going to have to pay for the additional costs incurred by the school district because of all of these children of illegal aliens in the schools, over 280 children.

I went up there. I drove up to Yuma to see this myself and to talk with the school superintendent, who agreed to meet with me, a very interesting and pleasant fellow who had been around the business for a long time. He was telling me, among other things, that the highest single budget item that they have is English as a second language now, \$280,000, which is higher, he said, than what they spend for English language education, history, science, any other program in the school district. This is, again, this little tiny school district.

He said, sure there are problems. You go into the cafeteria at any given time, you are going to see the Hispanic kids sitting over here and the Anglo kids sitting over here. Because of the language problems, he said, we have had a significant decline in our test scores. They have plummeted. Naturally, they are going to suffer in that way.

The rest of the community and the town are calling up and saying, What is happening here? Our town, our kids and this school district have always done so well, our scores have been so good. How come our district is not doing as well anymore? And a lot of kids are moving to a little school district called Lone Star, Colorado.

Fights, they are having all these problems in the school and having problems in the town. And yet, as I talked to him, I said, you know, does anybody not talk about this? Does anybody not bring this to light?

He said, No one wants to talk about this problem. He said, Everyone in this town knows it is a problem, but nobody wants to talk about it. He said, You might go over to the coffee shop and sit down, and you can really get to know somebody, and they might begin to discuss it. But generally speaking, they do not want to talk about it. They are fearful of talking about it. But everybody knows it is happening, and it is a huge problem for this little tiny town.

Now, here is the other part of the story. It is not unique. This situation

in Yuma, Colorado, is not unique. In fact, Yuma is a microcosm of this phenomenon. It is happening in small towns all over the United States of America. But do you know what? Nobody wants to talk about it. You did not hear this.

I have certainly not seen any reference to this in the local media. Our two major dailies did big stories, or one at least did a big series of stories supposedly about the problems of illegal immigration or immigration into Colorado. I do not remember any discussion of Yuma, Colorado, or the problems that exist in that small town, or any of the other small towns in Colorado where this is happening.

The picture that is portrayed by most of the media of illegal immigration, certainly the media out here and the media in my area, that picture is one of this idealistic sort of situation where you have got a family come in, they are hard-working, the kids are in school, kids are going to school in the United States. They are saying what they want, they simply want to go to college for in-State tuition, and how bad we are, how selfish we are, that maybe a State does not want to provide subsidized education, the taxpayers of a State, higher education for people who are here illegally. How incredible. That is the portrait that is painted by the media of the typical family.

Well, that is a true picture of many people who are here illegally, but it is not the only picture. And what about the lives that are affected negatively by that family? What about the costs to the society, financial, and in terms of tearing communities apart; what about those costs? When are they calculated? How are they calculated?

I have seldom seen anybody want to publish a study. The many studies that have been done, Professor Huddle, there have been many, many studies that have been done that identify the negative aspects of massive immigration of low-skilled, low-wage people.

A professor by the name of Virginia Abernathy comes to mind at Vanderbilt University. Her portrayal of this can be characterized in a way that is illustrative of the problem. She says massive immigration of low-skilled, low-wage people into the United States does create profits for some, it is true, profits for the employers of those people, but it creates costs for the many. It creates costs for schools, for highways, for housing, for social services and for health care; costs that are far higher than any of the tax revenues that are gleaned from the people who are working here.

First of all, they are working for very low wages. Many of them are working, like many of the folks out in the Yuma area, they are working and being paid under the table, in cash, no taxes being collected. Even when taxes are collected, when illegal aliens obtain Social Security numbers, file income tax statements, because their

wages are so low they usually are able to claim the Earned Income Tax Credit.

I will never forget, we came through one of these pick-up sites I was telling you about earlier in the desert in Arizona, and there on the ground there was a tax form. Among all this trash strewn all over the desert floor, there was a tax form, a claim for the Earned Income Tax Credit for a gentleman who had been in this area, dropped it or had thrown away this form, and claimed he had made about \$8,000 or \$9,000. He had paid, I think it was less than \$100 in taxes, because he had several children, and claimed \$3,700 in Earned Income Tax Credit.

So even when people "pay taxes," people who are here illegally, the fact is they can and do oftentimes get money back. In 1994, right before we passed the 1996 act, in 1994 a Democratic Treasury Secretary, Lloyd Bentsen, was talking about this, and he said he believed there were hundreds of thousands of illegal aliens taking advantage of the Earned Income Tax Credit.

I do not know what the numbers are today, but I believe they are still very, very high. These are costs to our society.

There is another cost that no one wants to talk about. It is the cost to other low-skilled, low-wage workers in the United States who are here legally, who are citizens of the country, or who are here as legal aliens, have legal alien status. Their wages are significantly depressed by the numbers of people coming in here, into the United States, and taking these other jobs, these low-skilled, low-wage jobs.

To employers, this is great. There are employers at Tysons Food, some of the executives at Tysons Food, a huge corporation, of course, a huge food corporation in Arkansas, some of these guys may be going to jail soon. Charges have been brought against them by the Federal Government, RICO charges have been brought against them, because not only did they hire illegal aliens in their food factories, but they imported them. According to the charges that have been brought, they are actually helping the importation of people into the plant, importation of people to come in here illegally. Again, not just aiding and abetting, but in this case actually participating in the act of bringing in illegal immigrants into the United States.

□ 2230

So there are many people in this country who are harmed by the presence of so many illegal immigrants in this country. Their plight is hardly ever discussed by the media. We hardly ever see that. We would never have heard of Ms. Cowan had I not brought her to your attention tonight.

There are millions of people in this country who have been harmed because of our lax border policies. I am going to host, I and a number of other organizations will be hosting the week of September 11, that week we will be hosting

an event here in Washington. It is called the Day of Remembrance for Victims of Open Borders and Illegal Immigration.

We are encouraging, Mr. Speaker, everyone who has had a problem, everyone who has been in fact victimized because of our open border policies and by illegal immigrants to come here and tell their story, identify themselves to their congressional representatives, to their House Members and to the Senate Members that represent their State.

Tell them what has happened to them; tell them about their loved ones who have been killed, killed by people who came into this country illegally and were later able to escape back into Mexico and therefore, because they refuse to extradite people to the United States who may face the death penalty, they are still in Mexico living life down there.

There are literally thousands, actually hundreds of thousands of people who fall into this category. It is not just people who have been harmed physically or have had members of their family harmed physically, of which there are many; and we can go through some of them a little bit later. But it is also, you know, when one has been displaced, when one has been displaced by a foreign worker who comes into this country, takes the job that you had because someone is going to pay them a little less money for it, pay the illegal worker less money, and you are displaced. That is a distinct disadvantage at which you are placed. It is a harm to you and to your family that has been done because of our policies.

There can be a legal process in which people can come into this country and work if we truly need workers. I hear this all the time, that the reason why we have people come into this country and do this work illegally is because there are all these jobs American workers will not do.

If there are these jobs, and there may very well be, and there are certain industries where I recognize there is a need, then a legal process has to be developed in order to bring people in to get work and so that their rights can be protected, so they can be protected against the abuses of unscrupulous employers, so people coming in here do not have to sell their souls to the coyotes, do not have to be locked into the back of tractor-trailers.

They can actually come into the United States in a legal process, but they must return home. That is a guest worker, a person who works here a while, returns to the country of origin, cannot bring family into this country, cannot establish residence, permanent residence, and cannot eventually become a citizen through that process, because that is called immigration; and that is over here.

We still have the most liberal immigration policies in the world. If we cut it in half or if we cut it to one-third of what we are presently doing in immi-

gration, legal immigration, we would still have the most liberal immigration policy of almost any country in the world.

So they can come into this country one of two ways legally, if we have a guest worker program or through immigration; but they cannot be the same thing. People cannot come in here and expect to become a citizen through this guest worker program.

Also, we cannot possibly have a guest worker program, which is being proposed by other Members of this body, we cannot have a guest worker program unless we have secure borders. Because no matter what we say or no matter how we define a guest worker, someone will choose not to come that way and come through the porous borders, so we have accomplished absolutely nothing. So the borders have to be secure before any guest worker program can be initiated, secure borders.

Yes, we can have it. Yes, it can happen. It is the only way to have a guest worker program. We can have one if all of these jobs that, as I say, Americans will not take are really out there.

That is the other thing, you have to prove that you have tried to give that job to an American citizen and that you cannot find anybody, and you cannot pay somebody less because they are coming in here through a guest worker program. So their rights can be protected and American citizens' rights can be protected, but only if the border is secure. That is the only way a program like that will work.

When we suggest this to many of my colleagues, Mr. Speaker, who are in fact pushing these ideas, they do not want to talk about secure borders, or they want to use it as a platitude. They say, yes, we have it. We will increase the number of Border Patrol. Of course, that is not securing the border. We have to militarize the border on both the northern and southern borders, as my friend and colleague who has joined me here tonight has told this body on more than one occasion. We need to be able to use the military to augment the Border Patrol, the Customs Service, Forest Service personnel, until we can actually gain control of our own borders.

For that discussion or whatever point he would like to make, I will yield to my friend, the gentleman from Virginia (Mr. GOODE), and ask him to join us and give us his comments.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. TANCREDO) for his persistence on the illegal immigration issue. He has brought his message to this body and to outside this body. Without his leadership, I do not think as many in this country would be aware of the huge cost that illegal immigration places on the taxpayers of the United States.

I have heard people in this body and in this Chamber and in the halls of the committee rooms talk about the deficit. Well, one way we can deal with the deficit is clamp down on illegal im-

migration. If we put a halt to that, there would be less hospital charges to Medicaid that our States and that the Federal Government would have to match; there would be fewer demands on our social service system; fewer demands on our food stamp system; fewer demands on an array of other services.

Also, we would not have to deal with the situations that occurred a few weeks ago with the tragedy of 18 or 19 persons dying in an overheated, piled-up trailer. We could save money in this country and have less of a deficit if we could halt illegal immigration.

But my reason for being here tonight, and I want to thank the gentleman from Colorado for yielding to me, I wanted to relate an example of how our policies with the United States Treasury Department, coupled with the views of the Mexican Government, cost us the United States taxpayers' funds.

There was a gentleman from Mexico named Mr. Gamez. He came to my office four times trying to find out where the Mexican identification cards were for his sister, for his mother, and for his father. He had a green card and he was legally in the country, a very nice person.

I had the opportunity to talk with him about why he so critically needed these Mexican identification cards right away. This was in April, at the time that taxes were due. He was filling out his income tax returns. He needed these cards so that he could send them to the United States Treasury in an application process for an individual taxpayer identification number. They have a little form you fill out, a blank for the type of identification. This says country/State of the issuing ID, the ID number, the expiration date.

He wanted the Mexican ID cards to get him a U.S. taxpayer identification number. He lived in the United States; but his father lived in Mexico, his mother lived in Mexico, and his sister lived in Mexico.

He said, I do not have any children, but I am helping my mother, I am helping my father, and I am helping my sister. He wanted to get the taxpayer, the U.S. taxpayer identification number using the Mexican ID number so he could claim them as dependents.

I said, well the way I look at that is what you are doing, you are taking money out of the United States at the expense of the taxpayers, because I have heard a number of workers in my area complain that those with green cards have a much bigger check than those who are natives of the United States of America and have dependents that live in their homes, if they have them, and we can readily ascertain how many dependents they have.

I noticed on the forms with the sister's name on it, with the mother's name on it, with the father's name on it, they were listed as a Rocky Mount, Virginia, address. I said, are they living here in Rocky Mount with you? Oh,

no, they are living in Mexico. But I can apply for these numbers and then I can count them as a dependent, and then there will not be any taxes withheld out of my check, and I will not have to pay any income taxes.

I said, How did you learn about all of this? He said, well, the Mexican officials were schooling me on it. He did not use the word "schooling." "Schooling" is a parochial term used in Franklin County. It is how one gets an education on how to get yourself more money.

That is what he was doing. He wanted to get those Mexican IDs to get his U.S. taxpayer identification number so he could put their names on his 1040 form and get back a refund. I do not know how much he was making, certainly it would depend on those factors, but he would be able to claim three additional dependents in addition to himself.

He said the Mexican officials were helping him. They told him to come and see me. Maybe they just said that blanket, not me personally, but go see your Member of Congress if you need to get your ID cards. So he came to the office four times before I had the opportunity to personally meet with him.

But I questioned whether this was valid under the United States Tax Code, so I had a meeting in my office with the persons from the IRS. As I understood what they said, what he was doing is valid under the U.S. Tax Code and valid under our IRS rules and regulations. This is an example of how our money is being shifted to another country. I really wonder whether we should be encouraging situations like this. I think not.

I have heard tonight before the gentleman from Colorado (Mr. TANCREDO) and the other gentleman from Colorado had their chance to speak how bad the tax cut bill was that passed.

I got to thinking, you know, what if there were not an adult sister, an adult mother, and an adult father, but it was three children. If the bill like the complaints were made had passed, even though this gentleman would have owed no U.S. income tax, did not owe any, did not pay any, we would be sending him a check in the mail if their position prevailed; a further drain on the United States Treasury, a further drain on the United States economy.

I think we need to take a close look before we buy into this argument of let us make the child tax credit refundable, because George Bush and those of us who voted for the previous tax cuts did such a good job with the current child tax credit that many of those earning between \$10,000 and \$26,000 are not paying any Federal income taxes. They do not owe any; they do not pay any. Therefore, they do not get a check back. It is for those who have paid Federal income taxes. If someone is making \$10,000 a year and paid some Federal income tax, they can get it back under the plan we passed.

But I am just wondering how much schooling the Mexican officials are giv-

ing that talked with Mr. Gamez, and are going around the country educating, and I use that word in quotes, those with green cards to suck more money out of the United States.

□ 2245

I think we need to be wary of that. And that causes me much concern when the advocates say how the tax bill was not fair to those that are not getting a refund, which means a check in the mail. You did not pay any income tax, you did not owe any income tax, but we are going to send you a check anyway.

Mr. Speaker, I thank the gentleman for allowing me to tell you about this specific situation in the town of Rocky Mount, Virginia.

Mr. TANCREDO. Mr. Speaker, I very much appreciate the gentleman coming down and discussing that tonight.

He brings up an interesting point that is the kind of activity that is going on throughout the country, some of it being sponsored by the Federal Government and other by Federal agencies in order to encourage people to come here illegally, in order to get benefits of every kind, variety and shape.

In Colorado I just got a flier from an organization. It is actually a group of people that are sponsoring this group of organizations; and they have gone to a couple of counties in Colorado. One is Jefferson County, which I live in; one is Adams County just north of me. And the flier talks about this and they have the county treasurers to join them in this effort, and what is the effort? It says, building communities one taxpayer at a time. You think, what are they talking about here? And the big title of their conference that they are going to have on July 12 in Colorado is to teach people how to get taxpayer identification numbers.

It says, who needs one of these? Anyone who cannot get a Social Security number needs a taxpayer identification number.

Now, you have to ask yourself a question, How many people in this country have to have a taxpayer identification number as opposed to a Social Security number? Because when you call the IRS, they tell you it is one in the same. If you have a Social Security number, that is the same as your tax ID number. If you do not have a Social Security number, you fill out this form and you get one. Who would do that? People who are here legally like the gentleman referenced so he could pay his taxes. How about people who are here illegally? We do not know. We are not going to try to stop them.

If somebody comes in and applies, they are going to get it. What do they need it for? What does somebody who is here illegally need a taxpayer identification number for? I will tell you one thing they need it for: I will tell you every time we start talking about amnesty for everybody who is living here illegally, one of the things that comes up

is someone is going to prove that they have been here and working for some time and they will turn to this taxpayer identification number so they can prove that and they get amnesty. It comes through this particular body.

It is to do just exactly what the gentleman has suggested. It is to obtain benefits from the Federal Government in terms of tax credits for your children, tax exemptions, tax deductions and all of it, so if you are working here, even if you are working here illegally, people do get fake Social Security numbers, it happens, strange as that may seem, I know it is hard to believe, but it occurs. And this identity fraud is becoming even another huge problem. But here we are teaching people the classes, my friend from Virginia uses the word "schooling" for them, and that is exactly what they are doing. They advertise. This is not clandestine. It is not like, oh, my goodness, do not tell anybody. Come over here on the 12th of July; we will explain how to actually scam the system.

They make a big picture, a big brochure about it and send it out. They send it to the county treasurers. They say, look, this is one of things they said to the county treasurer, if we get all these people in to claim these deductions and claim these tax credits, do you know how much that means to come to the county? Dollars coming to the county, people who are living here illegally but they will be able to get these tax deductions for their kids so that means money to the county. That is how they get the county commissioner and county treasurer sucked into it. It is as if this money is coming from Venus. It is a scam.

It is another example of the attempts that are so much a part of everything I see around here, and that is to eventually come to the position where there is absolutely nothing that distinguishes you as being here illegally from someone who is here legally. Everything that that person who is here legally can do, all of the benefits they can achieve as a result of citizenship in this country, legal status in this country, every single benefit would be accorded and afforded to you, someone who is here illegally. Therefore, the distinction is gone. And the whole concept of citizenship is gone.

It is an attack on citizenship. It is an attack on the concept of citizenship. It is an attack on the sovereignty of the country. It will be the place where a lot of people reside. There are cities not too far from where we stand tonight that allow people to vote just based on their residence. All you have to do is bring in a copy of your utility bill. You can vote. They do not ask you whether or not you are here legally. They call themselves refugee cities. They are in Maryland. They are all over the place along the east coast here. The Mayor of this city, Washington, D.C., proposed that not too long ago to the city of Washington, I mean the District of Columbia, that it,

in fact, should allow people to vote simply because they are residents, nothing else. Residents of the country. Not citizens. The concept is under attack.

Whether these cities and counties that are accepting the matricula understand this or not, I do not know. Whether all of these city officials and county officials who are aiding and abetting illegal immigrants in this country, aiding and abetting people in the violation of our laws, whether they recognize it, and people do not think it is more than a little transgression, that it is like jay walking, no, this has major implications. It is meaningful stuff. It is a transition our country is going through here that I do not know if everybody understands that we are simply moving and we are directly moving to a system that will not have, as I say, a way of distinguishing a citizen from a noncitizen. It is just a place where they are residents.

Borders will be erased de facto. Borders will be erased. Maybe that is okay. Maybe that is exactly where everybody in this place wants us to go. I would like to put it to a vote. I would like to see somebody actually have to vote on whether or not we have to erase the borders because that is where we are heading. We are doing it a little bit at a time. It is the old frog in the hot water syndrome where the heat is turned up one notch at a time and you look back and say, what happened here? What happened?

Is there a time when citizenship meant something? We are going to debate, and I think the gentleman from Virginia (Mr. GOODE) is on the committee that is debating the bill to give citizenship status to the families of people who have fought in the service, were in the armed services for a year; and we will now give status to them if they were here legally. I think it is coming to the floor soon, tomorrow or the next day. And the bill is lengthy, about exactly what you have to do in order to get this thing called citizenship and what you have to go through.

We pretend like we prize it. If you get a dishonorable discharge, you cannot have it. We pretend like it is this wonderful thing. Well, it is a wonderful thing. I think it is a wonderful thing. I think citizenship in this country is a marvelous thing. But it is a strange phenomenon that on one hand here we are coming with a bill that pretends that citizenship is meaningful and that everything else we are doing here aids in the destruction of the concept of citizenship and the fact that the Federal Government, through its Department of the Treasury, promulgates regulations that allows banks to accept the foreign government ID card from a person who wants to open an account. This is an example.

It is one step in this process and it is a pretty good step. Actually, it is not a little thing, the unbanked, the millions and millions of people who are here illegally, that the banks want to get a

hold of their money. That is a big step in this direction that I am pointing to, a step to a place where there is no such thing as citizenship and whether or not we can have the debate whether or not someone is here legally or not, it does not matter if you are here legally or not.

Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) for joining me this evening and for letting me bring this to the attention of the body.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARSON of Oklahoma (at the request of Ms. PELOSI) for today after 2:30 p.m. and the balance of the week on account of a family emergency.

Mr. REYES (at the request of Ms. PELOSI) for today before 2:00 p.m. on account of official business.

Mr. ORTIZ (at the request of Ms. PELOSI) for today before 3:00 p.m. on account of official business.

Mr. RYAN of Wisconsin (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

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

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

Mr. RANGEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. DEGETTE, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

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

Mr. BEAUPREZ, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 10.

Mr. CULBERSON, for 5 minutes, June 4.

Mr. DUNCAN, for 5 minutes, today.

Mr. LEWIS of California, for 5 minutes, June 5.

Mr. HENSARLING, for 5 minutes, today.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

ADJOURNMENT

Mr. GOODE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 4, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2489. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Morocco pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 22 U.S.C. 2776(c); to the Committee on Financial Services.

2490. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Taiwan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2491. A letter from the Associate Commissioner for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Education Statistics entitled, "The Condition of Education 2003," pursuant to 20 U.S.C. 9005; to the Committee on Education and the Workforce.

2492. A letter from the General Counsel, Department of Commerce, transmitting a draft bill to amend the Communications Act of 1934 to provide the Federal Communications Commission with permanent authority to auction spectrum licenses and with new authority to charge fees for unauctioned spectrum licenses and construction permits; to the Committee on Energy and Commerce.

2493. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Douglas and Tombstone, Arizona, and Santa Clara, New Mexico) [MB Docket No. 02-374, RM-10598] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2494. A letter from the Senior Legal Advisor, International Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; Mitigation of Orbital Debris [IB Docket No. 02-54] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2495. A letter from the Attorney Advisor, Wireline Competition Bureau, Federal Communication Commission, transmitting the Commission's final rule — Tecommunication

Relay Services and the Americans with Disabilities Act of 1990 [CC Docket No. 90-57] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2496. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commissions final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2497. A communication from the President of the United States, transmitting a combined six month periodic report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) declared in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—77); to the Committee on International Relations and ordered to be printed.

2498. A communication from the President of the United States, transmitting a 6-month report on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—79); to the Committee on International Relations and ordered to be printed.

2499. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DDTC 040-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2500. A communication from the President of the United States, transmitting notification to terminate the national emergencies declared in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, with respect to the former Socialist Federal Republic of Yugoslavia; (H. Doc. No. 108—78); to the Committee on International Relations and ordered to be printed.

2501. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2502. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2503. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2504. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2505. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2506. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2003 and the Management Response for

the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2507. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2003 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2508. A communication from the President of the United States, transmitting notification of his determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108—80); to the Committee on Ways and Means and ordered to be printed.

2509. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 108—81); to the Committee on Ways and Means and ordered to be printed.

2510. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Annual Payment Rate Updates and Policy Changes [CMS-1472-F] (RIN: 0938-AL92) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 2143. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept. 108-133, Pt. 2).

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1320. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; with an amendment (Rept. 108-137). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 256. Resolution providing for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes. (Rept. 108-138). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 257. Resolution providing for consideration of the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion. (Rept. 108-139). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

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

H.R. 1836. A bill to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management; referred to the Committee on Ways and Means for a period ending not later than July 25, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 2301. A bill to direct the Secretary of Homeland Security to provide for the installation of chemical and biological detection devices in the enclosed passenger boarding stations of each heavy rail transit system in the United States; to the Committee on Transportation and Infrastructure.

By Ms. BALDWIN:

H.R. 2302. A bill to extend for an additional six months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. HAYWORTH:

H.R. 2303. A bill to limit the United States share of assessments for the United Nations regular budget; to the Committee on International Relations.

By Mr. BLUNT:

H.R. 2304. A bill to resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 2305. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 2306. A bill to delay the effective date of certain provisions relating to the labeling of ginseng; to the Committee on Energy and Commerce.

By Mr. HOBSON (for himself, Mr. ORTIZ, Ms. PRYCE of Ohio, Mr. TIBERI, Mr. GILLMOR, Mr. RODRIGUEZ, Mr. REGULA, Mr. REYES, and Mr. OXLEY):

H.R. 2307. A bill to provide for the establishment of new Department of Veterans Affairs medical facilities for veterans in the area of Columbus, Ohio, and in south Texas; to the Committee on Veterans' Affairs.

By Mr. LEVIN (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. McNULTY, Mr. BECERRA, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. ACKERMAN, and Mr. HONDA):

H.R. 2308. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 2309. A bill to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal Hill, California, as the "J. Stephen Horn Post Office Building"; to the Committee on Government Reform.

By Mr. RAHALL (for himself, Ms. BORDALLO, Mr. ACEVEDO-VILA, Mr. GEORGE MILLER of California, Ms. LEE, Mr. CASE, Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. MARKEY, Mr. FALEOMAVAEGA, Mr. UDALL of Colorado, Ms. SLAUGHTER, Mr. PALLONE, Mr. INSLEE, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. NADLER, and Mr. KIND):

H.R. 2310. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats on Federal lands and non-Federal lands through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Resources.

By Mr. SESSIONS (for himself, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. STEARNS, Mr. PAUL, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. LATOURETTE, Mr. SULLIVAN, Mr. HAYES, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. HEFLEY, Mr. VITTER, Mr. GREEN of Wisconsin, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, Mr. FROST, and Mr. TOOMEY):

H.R. 2311. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained age 62; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Mr. MARKEY, Mr. TAUZIN, Mr. DINGELL, and Mr. UPTON):

H.R. 2312. A bill to amend the Communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H.R. 2313. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of tax-exempt bonds issued for the purchase or maintenance of electric generation, transmission, or distribution assets; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself and Mr. SHIMKUS):

H.R. 2314. A bill to support business incubation in academic settings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WEINER:

H.R. 2315. A bill to amend title 18, United States Code, with respect to certain prohibitions relating to police badges, and for other purposes; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 2316. A bill to enhance the terms of the retirement annuities of administrative law judges; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. FARR, Mr. WELDON of Pennsylvania, and Mr. ALLEN):

H. Con. Res. 202. Concurrent resolution expressing the sense of Congress in support of a National Oceans Week; to the Committee on Resources.

By Mr. LATOURETTE (for himself, Mr. LARSON of Connecticut, Mr. NEY, Mrs. JOHNSON of Connecticut, Mr. STARK, Mr. CUNNINGHAM, Ms. CARSON of Indiana, Mr. KILDEE, Mr. WAXMAN, Mr. KANJORSKI, Mr. MCNULTY, and Mr. GUTIERREZ):

H. Con. Res. 203. Concurrent resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Con. Res. 204. Concurrent resolution supporting the Million Mom March against

gun violence and accepting the challenge to reduce by 5,000 the number of lives lost to gun violence by the year 2005, by instituting and supporting policies that will further that goal; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H. Con. Res. 205. Concurrent resolution expressing appreciation to the Government of Kuwait for its medical assistance to Ali Ismael Abbas and other children of Iraq and for its additional humanitarian aid, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

By Mr. THOMPSON of California introduced a bill (H.R. 2317) for the relief of Patricia and Michael Duane, Gregory Hansen, Mary Pimental, Randy Ruiz, Elaine Schlinger, and Gerald Whitaker; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. FRANKS of Arizona, Mr. MCCOTTER, and Mr. MURPHY.

H.R. 18: Mr. KINGSTON.

H.R. 31: Mr. CARSON of Oklahoma.

H.R. 52: Mr. DOOLITTLE.

H.R. 57: Mr. HULSHOF and Mr. BURGESS.

H.R. 97: Mr. ADERHOLT, Mr. ENGEL, Mr. KILDEE, Mr. QUINN, and Ms. LINDA T. SANCHEZ of California.

H.R. 106: Mr. WICKER.

H.R. 107: Mr. OWENS.

H.R. 122: Mr. LANTOS.

H.R. 208: Mr. OWENS.

H.R. 236: Ms. BALDWIN, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Ms. ESHOO, Mr. FARR, and Mr. SANDERS.

H.R. 284: Mr. FATTAH, Mr. MCCOTTER, Ms. SLAUGHTER, Mr. FLETCHER, Mr. MARSHALL, and Mr. LEACH.

H.R. 288: Mrs. NAPOLITANO.

H.R. 290: Mr. QUINN, Mr. MARKEY, Mr. PALLONE, Mr. LARSON of Connecticut, Mr. NADLER, Mr. CARSON of Oklahoma, and Ms. LINDA T. SANCHEZ of California.

H.R. 296: Mr. NEAL of Massachusetts, Ms. KILPATRICK, and Mr. HOLT.

H.R. 300: Mrs. BLACKBURN.

H.R. 313: Mr. STRICKLAND and Mr. BACHUS.

H.R. 371: Mr. LANTOS and Mr. GUTIERREZ.

H.R. 401: Mr. FERGUSON.

H.R. 501: Mr. BURGESS.

H.R. 515: Mr. GUTIERREZ.

H.R. 528: Mr. HAYWORTH and Mr. DREIER.

H.R. 571: Mrs. BLACKBURN, Mr. GILCHREST, Mr. NORWOOD, Mr. TURNER of Ohio, Mr. HOUGHTON, and Mr. FLETCHER.

H.R. 580: Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. LANGEVIN, Mr. SCHIFF, and Mr. ENGEL.

H.R. 589: Mr. BOUCHER.

H.R. 594: Mr. LEWIS of Kentucky, Mr. NADLER, Mr. NUNES, Mr. JONES of North Carolina, Mr. SHUSTER, and Mr. BRADY of Pennsylvania.

H.R. 660: Ms. ROS-LEHTINEN, Mrs. BONO, Mr. HOBSON, and Mr. HYDE.

H.R. 684: Mr. TERRY.

H.R. 709: Mr. OTTER.

H.R. 715: Mr. HINCHEY.

H.R. 717: Mr. EVANS, Mr. OWENS, and Ms. LINDA T. SANCHEZ of California.

H.R. 728: Mr. BARTON of Texas.

H.R. 754: Mr. ISAKSON.

H.R. 792: Mr. WYNN and Mr. MICHAUD.

H.R. 795: Mr. HASTINGS of Florida.

H.R. 814: Ms. BALDWIN, Mr. WYNN, Mr. STRICKLAND, Mr. RYAN of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. INSLEE, Ms. MCCARTHY of Missouri, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, and Mr. WALSH.

H.R. 844: Mr. SIMMONS.

H.R. 857: Mr. FROST.

H.R. 871: Mr. ROSS, Mr. RADANOVICH, and Mr. NUNES.

H.R. 873: Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. LEE, Mr. OLVER, Ms. LINDA T. SANCHEZ of California, and Ms. DELAURIO.

H.R. 887: Mr. PETRI and Mr. BLUNT.

H.R. 896: Ms. LEE.

H.R. 898: Mr. CHABOT, Ms. DEGETTE, Ms. CORRINE BROWN of Florida, and Mr. MOLLOHAN.

H.R. 919: Mr. BURGESS, Mr. BURR, Mr. GERLACH, and Mr. CUNNINGHAM.

H.R. 941: Mr. KENNEDY of Minnesota.

H.R. 972: Mr. TIERNEY.

H.R. 977: Mr. GRIJALVA and Mr. PALLONE.

H.R. 980: Mr. SNYDER, Mr. MATSUI, and Mr. WICKER.

H.R. 997: Mr. HAYWORTH, Mr. DOOLITTLE, Mr. PUTNAM, Mr. GARY G. MILLER of California, and Mr. KINGSTON.

H.R. 1006: Mr. MENENDEZ, Mr. BERMAN, Mr. BLUMENAUER, Mrs. LOWEY, Mr. WU, Mr. BROWN of Ohio, Mr. CALVERT, Ms. KILPATRICK, and Mr. MCDERMOTT.

H.R. 1046: Mr. PASTOR, Mr. CARDIN, and Mr. GONZALEZ.

H.R. 1057: Mr. REHBERG and Mr. ABERCROMBIE.

H.R. 1066: Mrs. LOWEY, Mr. MOORE, and Mr. MEEHAN.

H.R. 1075: Ms. LOFGREN.

H.R. 1076: Mr. MOORE and Mr. BEAUPREZ.

H.R. 1117: Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, and Mr. TERRY.

H.R. 1130: Ms. KAPTUR.

H.R. 1133: Mr. HOLT.

H.R. 1137: Mr. HULSHOF and Mr. BOUCHER.

H.R. 1157: Ms. LOFGREN.

H.R. 1177: Mr. BARRETT of South Carolina, Mr. GUTKNECHT, Mr. KLINE, Mr. ROYCE, Mr. SULLIVAN, Mr. WICKER, and Mr. DAVIS of Illinois.

H.R. 1179: Mr. JONES of North Carolina and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1196: Mrs. KELLY, Ms. SOLIS, Mr. RYAN of Ohio, Mr. MCGOVERN, Mrs. NAPOLITANO, and Mr. HONDA.

H.R. 1231: Mr. EDWARDS, Mr. RYUN of Kansas, Mr. FERGUSON, Mr. BLUNT, Mr. DAVIS of Florida, Mr. BEAUPREZ, Mr. COSTELLO, Mr. DEAL of Georgia, Mr. BURGESS, Mrs. BLACKBURN, Mrs. CAPITO, Mr. ETHERIDGE, Ms. LINDA T. SANCHEZ of California, Ms. VELAZQUEZ, Mr. KINGSTON, Mr. CANTOR, Mr. DEFAZIO, Mr. BACA, and Mr. PEARCE.

H.R. 1241: Ms. LEE.

H.R. 1242: Mr. GUTIERREZ.

H.R. 1243: Mr. MCGOVERN.

H.R. 1258: Ms. WATERS and Mr. KIND.

H.R. 1268: Mr. LYNCH and Ms. JACKSON-LEE of Texas.

H.R. 1311: Mrs. MUSGRAVE, Mr. BROWN of Ohio, Mr. SMITH of Michigan, Mr. MICHAUD, Ms. MCCOLLUM, Mr. JANKLOW, Mr. SNYDER, Mr. LATHAM, and Mr. ROGERS of Alabama.

H.R. 1349: Mr. FRANK of Massachusetts.

H.R. 1372: Mr. CROWLEY.

H.R. 1381: Mr. FARR, Ms. ESHOO, and Mr. NADLER.

H.R. 1388: Ms. LEE.

H.R. 1414: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. BLUMENAUER, and Ms. WOOLSEY.

- H.R. 1418: Ms. CORRINE BROWN of Florida.
 H.R. 1422: Mr. GUTIERREZ and Mr. HALL.
 H.R. 1428: Mr. SNYDER.
 H.R. 1430: Mr. BELL and Mr. DELAHUNT.
 H.R. 1444: Mr. OWENS, Ms. JACKSON-LEE of Texas, and Ms. CORRINE BROWN of Florida.
 H.R. 1448: Ms. CORRINE BROWN of Florida.
 H.R. 1460: Mr. MCGOVERN.
 H.R. 1470: Mr. HOLT, Mr. ORTIZ, and Mr. WYNN.
 H.R. 1482: Mr. ABERCROMBIE.
 H.R. 1489: Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. SHIMKUS, and Mr. LEWIS of Kentucky.
 H.R. 1491: Mr. PASTOR.
 H.R. 1534: Mrs. JONES of Ohio and Mr. HINCHEY.
 H.R. 1552: Mr. SIMMONS, Mr. WILSON of South Carolina, Mr. ETHERIDGE, Mr. MEEK of Florida, Mr. CARDOZA, Ms. GINNY BROWN-WAITE of Florida, Mr. McNULTY, Mr. CASE, Mr. TURNER of Texas, and Mr. DAVIS of Florida.
 H.R. 1563: Mr. MORAN of Virginia and Mr. FRANK of Massachusetts.
 H.R. 1568: Mr. LANGEVIN.
 H.R. 1605: Ms. ESHOO.
 H.R. 1606: Mr. BILIRAKIS and Mr. ROGERS of Kentucky.
 H.R. 1617: Mr. HONDA, Mr. ISRAEL, Mr. PALLONE, and Ms. KAPTUR.
 H.R. 1662: Mr. BLUNT.
 H.R. 1676: Mr. VAN HOLLEN, Mr. WOLF, Mr. UPTON, Mr. DOOLITTLE, and Mr. LATOURETTE.
 H.R. 1689: Ms. ESHOO, Mr. HONDA, and Mr. HOEFFEL.
 H.R. 1700: Ms. ROS-LEHTINEN and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 1710: Mrs. LOWEY, Mr. INSLEE, Mr. PALLONE, Mr. LARSON of Connecticut, Ms. VELAZQUEZ, Mr. NADLER, and Mr. SWEENEY.
 H.R. 1733: Mr. GRIJALVA.
 H.R. 1746: Mr. ALLEN and Ms. ROYBAL-ALLARD.
 H.R. 1769: Mr. HYDE, Mrs. MUSGRAVE, Mr. CARDIN, and Mr. LEWIS of Georgia.
 H.R. 1793: Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. BURGESS, and Mr. TANCREDO.
 H.R. 1818: Mr. CALVERT.
 H.R. 1823: Mr. CARSON of Oklahoma.
 H.R. 1856: Mr. ENGLISH, Ms. KAPTUR, Mr. BONNER, Mr. UPTON, Mr. GREENWOOD, Mr. MCHUGH, Mr. BROWN of Ohio, Mr. HOLT, and Ms. LEE.
 H.R. 1886: Ms. LINDA T. SANCHEZ of California and Mr. MOORE.
 H.R. 1889: Mr. McDERMOTT, Mr. LANGEVIN, Ms. BORDALLO, Mr. NADLER, Mr. GEPHARDT, Mr. STENHOLM, Mr. OWENS, Mr. INSLEE, and Mr. TIERNEY.
 H.R. 1902: Ms. LINDA T. SANCHEZ of California, Mr. BAKER, Mr. PALLONE, Mr. LARSON of Connecticut, and Ms. VELAZQUEZ.
 H.R. 1905: Mr. OWENS.
 H.R. 1913: Mr. CONYERS, Mr. SANDERS, and Mr. SWEENEY.
 H.R. 1914: Mr. JONES of North Carolina and Mr. OTTER.
 H.R. 1916: Mr. GRIJALVA, Ms. VELAZQUEZ, Mr. WOLF, Mr. SANDERS, Mr. MILLER of North Carolina, Ms. LINDA T. SANCHEZ of California, and Mr. OWENS.
 H.R. 1933: Mr. ROTHMAN, Mr. LARSEN of Washington, and Mr. STARK.
 H.R. 1935: Mr. NADLER and Mr. HOLT.
 H.R. 1951: Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. GILLMOR, Mrs. JONES of Ohio, and Mr. OWENS.
 H.R. 1963: Mr. HALL.
 H.R. 1964: Mr. TOWNS.
 H.R. 1981: Mr. GRIJALVA.
 H.R. 1997: Mr. PETRI, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. COLLINS, Mr. EHLERS, Mr. MCINTYRE, and Mr. SCHROCK.
 H.R. 1998: Mr. FRANK of Massachusetts, Mr. DEAL of Georgia, Mr. KILDEE, Mr. WEXLER, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. McDERMOTT, Mr. GORDON, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, Ms. LEE, Mr. DINGELL, and Mr. FROST.
 H.R. 1999: Mr. OWENS and Mr. PASCRELL.
 H.R. 2008: Mr. GRIJALVA and Mr. OWENS.
 H.R. 2009: Mr. BLUMENAUER, Mr. FORD, Mr. KIRK, and Mr. DEFAZIO.
 H.R. 2018: Ms. ROYBAL-ALLARD.
 H.R. 2038: Mr. McDERMOTT, Mr. CARDIN, and Mr. LARSON of Connecticut.
 H.R. 2042: Mr. HINCHEY, Mr. FORD, Ms. ESHOO, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. CAPUANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Ms. SOLIS, Ms. DELAURO, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. MATSUI, Mr. McNULTY, Mr. OWENS, Mr. McDERMOTT, Mr. LARSON of Connecticut, and Mr. BLUMENAUER.
 H.R. 2047: Mr. OWENS.
 H.R. 2090: Mr. BISHOP of Georgia, Ms. NOR-TON, and Ms. MCCOLLUM.
 H.R. 2092: Mr. BISHOP of Utah, Mr. VIS-CLOSKY, and Mr. BOEHLERT.
 H.R. 2120: Mr. BOUCHER.
 H.R. 2125: Mr. OWENS, Mr. MCGOVERN, Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. CONYERS, Mrs. JONES of Ohio, and Mr. SERRANO.
 H.R. 2135: Mr. NORWOOD and Mr. LINCOLN DIAZ-BALART of Florida.
 H.R. 2154: Mr. GREEN of Texas and Mr. SAM JOHNSON of Texas.
 H.R. 2161: Mr. ALLEN.
 H.R. 2164: Mr. TERRY, Mr. SIMMONS, and Mr. FROST.
 H.R. 2169: Mr. TIERNEY.
 H.R. 2176: Mr. GRIJALVA, Mr. OXLEY, and Mr. PASTOR.
 H.R. 2188: Mr. WHITFIELD.
 H.R. 2193: Mr. CASE.
 H.R. 2205: Mr. WICKER, Mr. ROGERS of Alabama, Mr. SNYDER, Mr. LARSON of Connecticut, Mr. PICKERING, Mr. FROST, Mr. SCOTT of Georgia, and Mr. MCGOVERN.
 H.R. 2236: Mr. COOPER, Mr. BACA, Mr. WELDON of Florida, and Mr. GONZALEZ.
 H.R. 2242: Ms. MCCOLLUM, Mr. TOWNS, Mr. COLE, and Mr. JEFFERSON.
 H.R. 2246: Mr. TANNER, Mr. HOLT, Mr. REYES, Mr. OWENS, and Mr. PASCRELL.
 H.R. 2262: Mr. CONYERS, Mr. MOLLOHAN, Mr. GRIJALVA, Mr. PLATTS, Mr. CRAMER, and Mr. OWENS.
 H.R. 2274: Mr. PEARCE.
 H.R. 2286: Mr. LEVIN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. SANDLIN, Mr. EMANUEL, Ms. SLAUGHTER, Mr. UDALL of New Mexico, Mr. MENENDEZ, Mr. RYAN of Ohio, Mr. ALEXANDER, Ms. WATERS, Mr. CROWLEY, Mr. KENNEDY of Rhode Island, Mr. MARKEY, Mr. STARK, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. BROWN of Ohio, and Ms. LEE.
 H.R. 2291: Mr. TOWNS, Mr. ROSS, Mr. FROST, and Mrs. KELLY.
 H.J. Res. 36: Mr. PASTOR, Mr. MCINTYRE, Mr. ANDREWS, Ms. LINDA T. SANCHEZ of California, Mr. LAMPSON, and Mr. BAIRD.
 H.J. Res. 50: Mr. WILSON of South Carolina, Mr. WELDON of Florida, and Mr. GOODLATTE.
 H. Con. Res. 116: Mr. WILSON of South Carolina and Mr. FEENEY.
 H. Con. Res. 148: Mr. DAVIS of Alabama, Mr. STRICKLAND, and Mr. VAN HOLLEN.
 H. Con. Res. 154: Mr. CAPUANO, Ms. MCCOLLUM, Mrs. CHRISTENSEN, Mr. RUSH, Mr. WYNN, Mr. TOWNS, Mr. FALOMAVAEGA, Mr. BELL, and Mr. BROWN of Ohio.
 H. Con. Res. 155: Mr. BECERRA.
 H. Con. Res. 164: Mr. OSBORNE.
 H. Con. Res. 177: Mr. BEAUPREZ and Mr. ROYCE.
 H. Res. 38: Mr. OWENS.
 H. Res. 56: Mr. GREENWOOD and Mr. HAYWORTH.
 H. Res. 58: Mr. QUINN.
 H. Res. 86: Mr. PORTER.
 H. Res. 103: Mr. BURTON of Indiana.
 H. Res. 199: Mr. SMITH of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. BERMAN, Mr. BURTON of Indiana, Mr. FALOMAVAEGA, Mr. BELL, Mr. LATOURETTE, Mr. MEEHAN, Mr. ROYCE, and Mr. HOEFFEL.
 H. Res. 201: Mrs. MILLER of Michigan.
 H. Res. 234: Mr. HOLT, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. GONZALEZ, Ms. WOOLSEY, Mr. STARK, Mr. TIERNEY, and Mr. SNYDER.
 H. Res. 237: Mr. ENGEL and Mr. BELL.
 H. Res. 242: Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. BALLENGER.